



City of Appleton

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

Meeting Agenda - Final Common Council

Wednesday, August 21, 2019

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
[19-1232](#) Common Council Meeting Minutes of August 7, 2019

Attachments: [CC Minutes 8-7-19.pdf](#)
- G. BUSINESS PRESENTED BY THE MAYOR
- H. PUBLIC PARTICIPATION
- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS
[19-1228](#) Initial Resolution for S. Locust Street Vacation

Attachments: [Locust Street - Initial Resolution.pdf](#)
- K. ESTABLISH ORDER OF THE DAY
- L. COMMITTEE REPORTS
- 1. **MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**

[19-1160](#) Request from EnviroForensics, LLC for a permanent street occupancy permit for the parking lane along the west side of N. Meade Street between Hancock Street and Winnebago Street from August 19, 2019 through November 30, 2019.

Attachments: [EnviroForensics, LLC-Permanent Street Occupany Permit.pdf](#)

Legislative History

8/12/19	Municipal Services Committee	recommended for approval
---------	---------------------------------	--------------------------

[19-1161](#) Approve S. Locust Street Vacation between the alley and the CN R/R tracks.

Attachments: [S. Locust Street Vacation.pdf](#)

Legislative History

8/12/19	Municipal Services Committee	recommended for approval
---------	---------------------------------	--------------------------

[19-1162](#) Approve Authorizing Resolution for Urban Forestry Grant and Urban Forestry Catastrophic Storm Grant Programs.

Attachments: [Urban Forestry Grant-Urban Forestry Catastrophic Storm Grant.pdf](#)

Legislative History

8/12/19	Municipal Services Committee	recommended for approval
---------	---------------------------------	--------------------------

[19-1163](#) Request from Apple Tree, LLC for a permanent street occupancy permit for eleven (11) cluster box mail units (CBU) in location approved by the Department of Public Works (including 2-foot clearance from the street).

Attachments: [Apple Tree LLC-Cluster box mail untis.pdf](#)

Legislative History

8/12/19	Municipal Services Committee	recommended for approval
---------	---------------------------------	--------------------------

[19-1164](#) Request from Endeavor Environmental Services for a permanent street occupancy permit to install a monitoring well in the sidewalk area at 1331 N. Bennett Street.

Attachments: [Endeavor Environmental Services-Permanent Street Occupancy permit.pdf](#)

Legislative History

8/12/19	Municipal Services Committee	recommended for approval
---------	---------------------------------	--------------------------

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[19-0412](#)

Resolution #3-R-19 directing that Section 10-42 of the Municipal Code regarding truancy, be repealed

Attachments: [#3-R-19 Repealing Truancy Ord..pdf](#)

[Truancy Resolution Talking Points- Chief Thomas-4-1-19.pdf](#)

[SRO and Truancy Resolution.pdf](#)

[SL Memo re Dispositions 08-02-2019.pdf](#)

Legislative History

3/27/19 Safety and Licensing Committee recommended for denial

The following individuals spoke on this item:

Ronna Swift, 230 W Seymour St

Edward Perkins, 4486 N Whitehawk Dr

John Krueger, 2410 W Cortland Dr

Alvin Terrance Dupree Jr., 921 E Foxmoor Ln

A vote to recommend approval of this item failed 2/3.

4/3/19 Common Council referred to the Safety and Licensing Committee

5/8/19 Safety and Licensing Committee held

The following individuals spoke on this item:

Helen Nagler, 932 E Commercial St

Ronna Swift, 230 W Seymour St

Ruth Elner, 427 Hidden Ridges Way, Combined Locks

Karen Pfefferle, 400 N Richmond St

Jeanne Roberts, 1110 E Florida Ave (President, LWV)

Amber McGinley, 617 N Clark St

John Krueger, 2410 W Cortland Dr, Grand Chute

Bill Siebers, Alderperson District 1

8/14/19 Safety and Licensing Committee recommended for denial

The following spoke on this item:

Bill Siebers, Alderperson District 1

Deb Truman, 840 Cambridge Ct

John Wiley

Helen Nagler, 932 E Commercial St

John Krueger, 2410 W Cortland Drive, Grand Chute

Ronna Swift, 230 W Seymour St

Amber McGinley, 617 N Clark St

Jeanne Roberts, President LWV

Alvin Dupree, 921 E Foxmoor Ln

8/14/19 Safety and Licensing Committee recommended for approval

The vote to recommend denial failed. A second vote was taken to recommend approval of the item.

[19-1038](#) Resolution #7-R-19 regarding Alternate Mode of Transportation**Attachments:** [#7-R-19 Alternate Mode of Transportation w. attach..pdf](#)[SL - Resolution #7-R-19-Croatt 07-25-2019 \(002\).pdf](#)**Legislative History**7/17/19 Safety and Licensing held
Committee8/14/19 Safety and Licensing recommended for denial
Committee*Steve Uslabar, 1623 N Durkee St spoke regarding this resolution*[19-1179](#) Resolution #9-R-19 Regulating E-Cigarette/Nicotine delivery device use in young adults**Attachments:** [#9-R-19.pdf](#)**Legislative History**8/14/19 Safety and Licensing recommended for approval
Committee[19-1201](#) Operator's License application for Jesse C. Howell**Attachments:** [Jesse Howell Application.pdf](#)[SL Memo - Howell License Denial 08-13-2019.pdf](#)**Legislative History**8/14/19 Safety and Licensing recommended for denial
Committee*Mr. Howell was in attendance and addressed the Committee.*[19-1060](#) "Class A" Liquor and Class "A" Beer License Change of Agent application, Joshua M. Buck, for Walgreens, located at 3330 E. Calumet St, contingent upon approval from the Police Department.**Attachments:** [Joshua M. Buck S&L 8-14-19.pdf](#)**Legislative History**8/14/19 Safety and Licensing recommended for approval
Committee[19-1061](#) "Class A" Liquor and Class "A" Beer License Change of Agent application, Richard Varick, for Walgreens, located at 2803 N. Meade St, contingent upon approval from the Police Department.**Attachments:** [Richard Varick S&L 8-14-19 .pdf](#)**Legislative History**8/14/19 Safety and Licensing recommended for approval
Committee

- [19-1118](#) Class "B" Beer License application for Lao Thai, Susan Xiong, Owner, located at 1804 S Lawe St Ste 203, contingent upon approval from all departments.
Attachments: [Liquor License-Lao Thai.pdf](#)
Legislative History
 8/14/19 Safety and Licensing Committee recommended for approval
- [19-1139](#) Class "B" Beer License application for May's Kitchen, May Vang, Agent, located at 1804 S. Lawe St #204, contingent upon approval from all departments.
Attachments: [Liquor License-Mays Kitchen.pdf](#)
Legislative History
 8/14/19 Safety and Licensing Committee recommended for approval
- [19-1140](#) Appleton Police Department application for the Edward Byrne Memorial Justice Assistance Grant (JAG) #2019-H3708-WI-DJ.
Legislative History
 8/14/19 Safety and Licensing Committee recommended for approval
- [19-1169](#) Class "B" Beer and "Class B" Liquor License Temporary Premise Amendment for Fat Sammy's, Angela Gaines, Agent, located at 2500 S. Oneida St, September 8, 2019, contingent upon approval from all departments.
Attachments: [Fat Sammys.pdf](#)
Legislative History
 8/14/19 Safety and Licensing Committee recommended for approval
- [19-1205](#) Operator's Licenses
Attachments: [Operator's Licenses for 8-14 .pdf](#)
Legislative History
 8/14/19 Safety and Licensing Committee recommended for approval

3. MINUTES OF THE CITY PLAN COMMISSION

[19-1152](#) Request to approve Special Use Permit #8-19 to allow alcohol sales and service in conjunction with a pool hall located at 339 West Wisconsin Avenue, Lower Level Unit (Tax Id #31-6-0100-00), 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_KKYPoolHall_SUP_For08-13-19.pdf](#)

Legislative History

8/13/19 City Plan Commission recommended for approval

[19-1156](#) Request to approve the street discontinuance to vacate a portion of South Locust Street public right-of-way generally located north of the Wisconsin Central Railroad and approximately 136 feet south of West College Avenue and adopt the Initial Resolution and exhibit map

Attachments: [StaffReport_LocustSt_StreetVacation_For08-13-19.pdf](#)

Legislative History

8/13/19 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[19-1172](#) Approve request for the Finance Director to sell \$18,660,000 of General Obligation Notes

Legislative History

8/12/19 Finance Committee recommended for approval

[19-1173](#) Request to award the City of Appleton Yellow Ramp Light Fixture Replacement purchase order to Crescent Electric Supply Co in the amount of \$165,161

Attachments: [2019 Yellow Ramp Light Fixtures.pdf](#)

Legislative History

8/12/19 Finance Committee recommended for approval

[19-1174](#) RIVERSIDE CEMETERY ASSOCIATION submitting a request for payment for maintenance of Veteran's graves.

Attachments: [Riverside Cemetery - Veteran Grave Care Reimbursement 2018-2019.pdf](#)

Legislative History

8/12/19 Finance Committee recommended for approval

[19-1186](#) Request to award Unit Z-19 Sewer & Water Construction - Sommers Drive, Spartan Drive and Haymeadow Avenue to Kruczek Construction, Inc in the amount of \$933,333 with a 4.8% contingency of \$45,000 for a project total not to exceed \$978,333

Attachments: [Award of Contract Unit Z-19.pdf](#)

Legislative History

8/12/19 Finance Committee recommended for approval

[19-1195](#) Request to award the City of Appleton Yellow Ramp Light Fixture Installation project contract to Michels Power in the amount of \$60,900 with a contingency of \$10,000 for a project total not to exceed \$70,900

Attachments: [2019 Yellow Ramp Light Fixture Installation.pdf](#)

Legislative History

8/12/19 Finance Committee recommended for approval

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

7. **MINUTES OF THE UTILITIES COMMITTEE**

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

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

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

M. **CONSOLIDATED ACTION ITEMS**

[19-1233](#) **Consolidated Action Items: Locust Street Vacation - between alley & railroad tracks**

Item 19-1228 Initial Resolution

Item 19-1161 Municipal Services Committee

Item 19-1156 City Plan Commission

N. **ITEMS HELD**

O. **ORDINANCES**

[19-1227](#) Ordinances 83-19 to 85-19

Attachments: [Ordinances going to Council 8-21-19.pdf](#)

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

Kami Lynch, City Clerk

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



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, August 7, 2019

7:00 PM

Council Chambers

A. CALL TO ORDER

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

B. INVOCATION

The Invocation was offered by Alderperson Spears.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Mayor Timothy Hanna

Excused: 1 - Alderperson Alex Schultz

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

City Attorney Walsh, Deputy City Attorney Behrens, City Clerk Lynch, Community & Economic Development Director Harkness, Director of Finance Saucerman, Fire Chief Hansen, Health Officer Eggebrecht, Police Chief Thomas, Director of Public Works Vandehey

The following were excused:

*Human Resources
Parks, Recreation & Facilities
Information Technology
Utilities
Valley Transit
Library*

F. BUSINESS PRESENTED BY THE MAYOR

G. PUBLIC PARTICIPATION

Peter Thillman, 125 N Superior St, spoke on Item 19-1021 TIF Funding Request for the FCRP

H. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[19-1149](#)

Common Council Meeting Minutes of July 24, 2019

Attachments: [CC Minutes 7-24-19.pdf](#)

Alderson Martin moved, seconded by Alderson Reed, that the Minutes be approved. Roll Call. Motion carried by the following vote:

Aye: 11 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Katie Van Zeeland, Alderson Maiyoua Thao, Alderson Matt Reed, Alderson Christine Williams, Alderson Patti Coenen, Alderson Kyle Lobner and Alderson Chris Croatt

Excused: 1 - Alderson Alex Schultz

Abstained: 2 - Alderson Cathy Spears and Mayor Timothy Hanna

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[19-1085](#)

Request from Bethany Hietpas, 1304 S. Jackson Street, for a variance to Municipal code 19-91(f)(5) to widen the driveway 14'2" for a total driveway width of 23'.

Attachments: [Driveway variance 1304 S. Jackson St.pdf](#)

Alderson Croatt moved, seconded by Alderson Martin, that the variance request be approved. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Katie Van Zeeland, Alderson Maiyoua Thao, Alderson Matt Reed, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears, Alderson Kyle Lobner and Alderson Chris Croatt

Excused: 1 - Alderson Alex Schultz

Abstained: 1 - Mayor Timothy Hanna

[19-1021](#)

Request to approve \$30,000 payment to the Fox Cities Regional Partnership and approve the related 2019 Budget adjustment:

TIF Capital Project Funds

Other Contracts/Obligations - TIF 7	+ \$5,256
Other Contracts/Obligations - TIF 8	+ \$5,971
Other Contracts/Obligations - TIF 9	+ \$2,629
Other Contracts/Obligations - TIF 10	+ \$2,848
Other Contracts/Obligations - TIF 11	+\$10,625
Other Contracts/Obligations - TIF 12	+ \$2,671
Fund Balance (Each Individual TIF Fund)	- \$30,000

to provide funding for payment to the Fox Cities Regional Partnership (2/3 vote of Common Council required)

Attachments: [Finance Committee Fox Cities Regional Partnership.pdf](#)

Alderson Croatt moved, seconded by Alderson Firkus that the payment request be approved. Roll Call. Motion failed by the following vote:

Aye: 2 - Alderson William Siebers and Alderson Chris Croatt

Nay: 10 - Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Katie Van Zeeland, Alderson Maiyoua Thao, Alderson Matt Reed, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears and Alderson Kyle Lobner

Excused: 1 - Alderson Alex Schultz

Abstained: 1 - Mayor Timothy Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderson Martin moved, Alderson Coenen seconded, to approve the balance of the agenda. The motion carried by the following vote:

Aye: 12 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Katie Van Zeeland, Alderson Maiyoua Thao, Alderson Matt Reed, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears, Alderson Kyle Lobner and Alderson Chris Croatt

Excused: 1 - Alderson Alex Schultz

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[19-0988](#)

R/B-Approve proposed "Yellow Meter Loading Zone" for the first three parking stalls on the southside of College Avenue east of Appleton Street similar to the zone of Oneida Street near City Center.

Attachments: [Yellow Meter Loading Zone.pdf](#)

This Report Action Item was approved.

[19-1084](#)

Approve permanent street occupancy permit for the southwest corner of the new US Venture Public Parking Ramp within Rocky Bleier Run right-of-way.

Attachments: [Permanent Street Occupancy US Venture Public Parking Ramp.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[19-1115](#)

Class "B" Beer and Reserve "Class B" Liquor Temporary Premise Amendment application for the Fox Cities Performing Arts Center, located at 400 W College Ave, August 20, 2019, contingent upon approval from all departments.

Attachments: [Fox Cities PAC.pdf](#)

This Report Action Item was approved.

[19-1135](#)

Operator's Licenses

Attachments: [Operator's Licenses for 8-7 S & L.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[19-1045](#)

Request to approve the Perez Annexation consisting of 1.3 acres m/l located at 219 West Edgewood Drive (which includes adjacent Edgewood Drive right-of-way), currently in the Town of Grand Chute, as shown on the attached maps, subject to the stipulation in the attached staff report

Attachments: [StaffReport Perez Annexation For07-23-19.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[19-1097](#)

Action Item: Request Approval of #4-R-19 Bee City USA Resolution

Attachments: [Bee City USA Appleton RESOLUTION.pdf](#)

This Report Action Item was approved.

[19-1099](#)

Action Item: Request Approval of the recommendation by the Appleton Public Art Committee to install the Metamorphosis Sculpture on S. Lawe Street

Attachments: [Action Item - Metamorphosis Sculpture.pdf](#)

This Report Action Item was approved.

5. MINUTES OF THE FINANCE COMMITTEE

[19-1110](#)

Request to approve Contract Amendment/Change Order No. 1 to Contract No. 35-19 for Miscellaneous Concrete & Street Excavation Repair for concrete sidewalk and street panel repairs on Washington and Oneida Streets following the demolition of the Blue Parking Ramp in the amount of \$50,000 with no change to the contingency. Overall contract increases from \$701,300 to \$751,300

Attachments: [Unit E-19 Change Order No.1.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

[19-1091](#)

Fourth Amendment to the 2018 Stormwater Management Plan Review contract with raSmith by an increase of \$15,000 for a total contract amount not to exceed \$132,500.

Attachments: [2018A SWM Plan Review Fourth Amendment Memo Util Cmte.pdf](#)

This Report Action Item was approved.

[19-1092](#)

Approve clarification language to Sanitary Lateral Repair Policy.

Attachments: [Proposed clarification to Sanitary Lateral Repair Policy.pdf](#)

This Report Action Item was approved.

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

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

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

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[19-1120](#)

Ordinances 76-19 Perez Annexation, 77-19 to 82-19

Attachments: [Ordinances going to Council 8-7-19.pdf](#)

This Report Action Item was approved.

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

*Resolution #10-R-19
Changing Beekeeping Permit Process*

*Submitted By: Alderperson Meltzer District 2 & Alderperson Schultz District 9
Date: August 7, 2019*

Referred to: Board of Health

WHEREAS the health of bees and the health of our community is interdependent, and beekeeping is a necessary part of restoring collapsing bee populations that we rely on; and

WHEREAS Appleton has recently attained Bee City USA status; and

WHEREAS Appleton residents have provided feedback over the years since residential beekeeping was approved indicating that our regulations are extreme compared to surrounding communities, there are obstacles to accessing beekeeping in Appleton, and there are no incentives to remain in Appleton rather than move to our surrounding communities if one wants to keep bees at their residence;

THEREFORE be it resolved, that the City of Appleton make the following changes to our beekeeping permit requirements:

- 1. Change the permit cycle to November - November to align with timeline of purchasing bees and setting up hives*
- 2. Remove notification and neighbor veto*
- 3. Bring permit fees into alignment with other Wisconsin communities*
- 4. Replace the calculation for hives per acre with a set number of hives per lot*
- 5. Remove excessive detail from flyaway barrier requirements*
- 6. Allow keeping Top Bar hives in addition to Removable Frame hives and recommend hives face SE direction if possible*

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Alderperson Croatt moved, seconded by Alderperson Coenen, that the meeting be adjourned at 7:22 p.m. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Mayor Timothy Hanna

Excused: 1 - Alderperson Alex Schultz

Kami Lynch, City Clerk

INITIAL RESOLUTION

WHEREAS, the public interest requires that a portion of South Locust Street, from south side of alley to north line of railroad, that has not previously been vacated, be vacated and discontinued,

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

LEGAL DESCRIPTION

A strip of land 62 feet in width and 157 feet m/l in length along its centerline, containing 9,717 square feet of land m/l and being further described by:
Commencing at the Northeast corner of Lot 1 of Certified Survey Map No. 6031, said point also being coincident with the South line of a 16 foot wide Alley at the West line of Locust Street and being the point of beginning;
Thence S.86°05'40"E. 62.15 feet to a point on the West line of Lot 4 of Certified Survey Map No. 583, said point being 10 feet South of the Northwest corner thereof, said point also being coincident with the South line of a 20 foot wide vacated Alley at the East line of Locust Street;
Thence S.00°05'54"E. 134.57 feet m/l coincident with the West line of said Lot 4 and also being coincident with the East line of Locust Street to a point 20.00 feet Northwesterly of the center of the main track of the Wisconsin Central Railroad, as measured at a right angle to said track;
Thence S.56°54'36"W. 73.92 feet parallel to the center of the main track of the Wisconsin Central Railroad to the Southerly extension of the West line of Locust Street;
Thence N.00°05'54"W. 178.87 feet m/l coincident with the Southerly extension of the West line of Locust Street and then the West line thereof to the point of beginning.

See also attached Exhibit "A" for illustration.

EXISTING LOT LINE PROJECTIONS

The properties abutting the right of way line of said Locust Street shall acquire a land title interest to the centerline of this vacated street right of way.

EASEMENTS

The City of Appleton their heirs, successors and or assigns (Grantee) hereby retain an easement for any and all existing utilities and also any future utilities

deemed necessary or desirable by Grantee within the vacated right of way, including but not limited to, storm sewer, drainage, sanitary sewer, watermain, gas, electric, cable and fiber optic within the entire length and width of the above described right of way.

It is further agreed that this easement shall be a permanent easement.

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

COMMON DESCRIPTION:

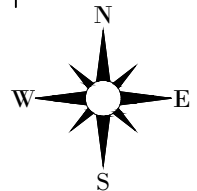
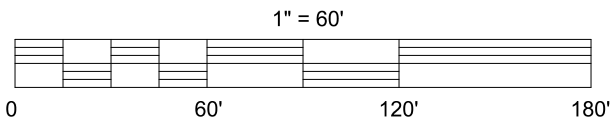
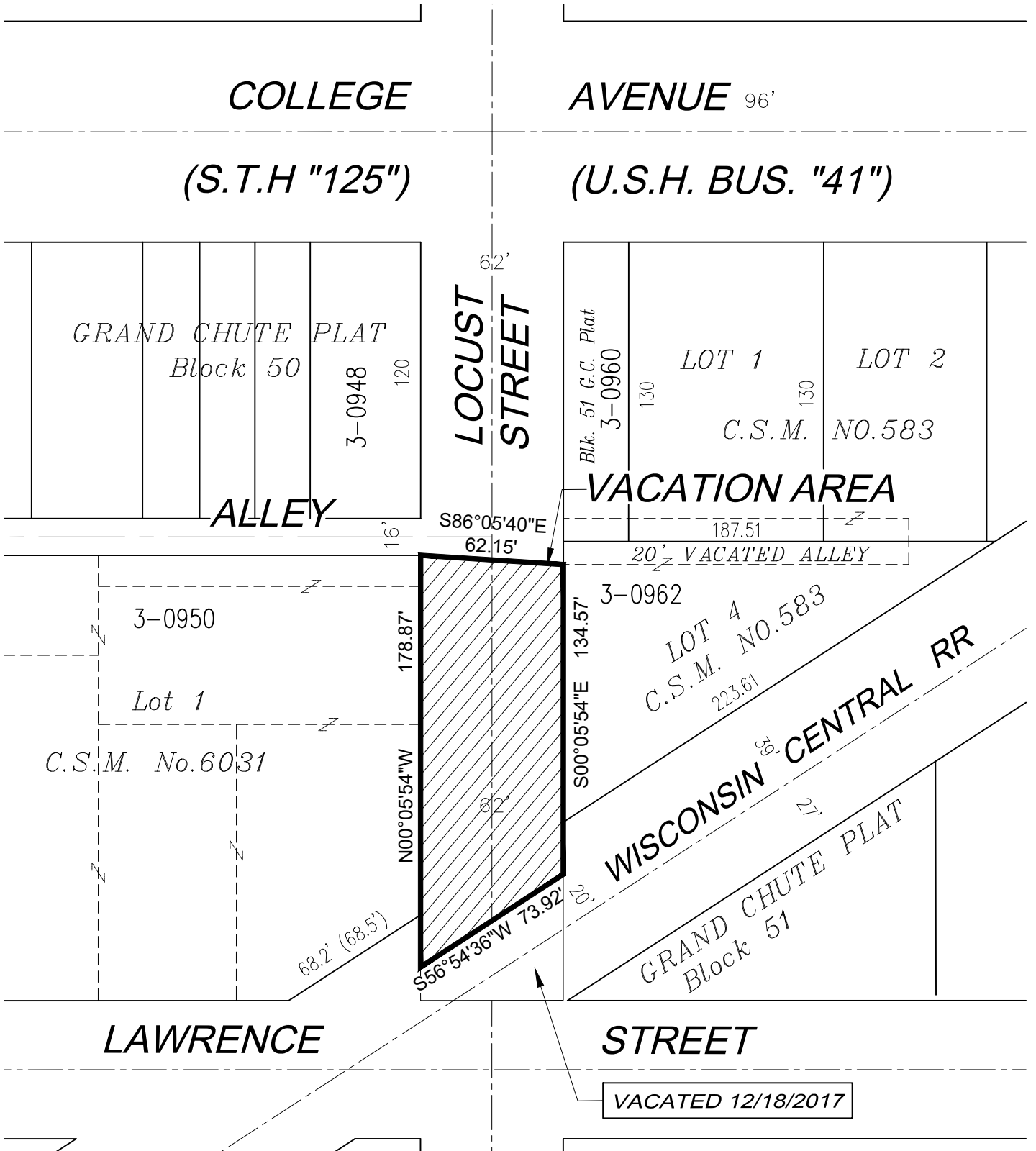
A portion of South Locust Street, from south side of alley to north line of railroad

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

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

EXHIBIT "A"

LOCUST STREET VACATION



CITY OF APPLETON
 DEPT. OF PUBLIC WORKS
 APPLETON, WI 54911
 DRAFTED BY: T. KROMM

H:\Autocad dwgs\Vacation and Dedication\2019\Locust St 0628_2019



July 30, 2019

Ms. Paula Vandehey, Director of Public Works
City of Appleton
100 North Appleton Street
Appleton, WI 54911

**Re: Request for Permanent Street Occupancy Permit
Appleton Wire (Former)
908 N. Lawe Street
Appleton, Wisconsin
BRRTS# 02-45-000015**

Dear Ms. Vandehey:

EnviroForensics, LLC (EnviroForensics) is requesting a Permanent Street Occupancy Permit (Permit) for the parking lane along west side of North Meade Street between East Hancock Street and East Winnebago Street. The area is outlined on **Figure 1**. We are requesting the Permit as part of remedial activities taking place at the former Appleton Wire facility located at 908 N. Lawe Street in Appleton, Wisconsin (Site). Due to limited space at the Site, we are anticipating that contractors will need to utilize the available street parking outlined above to stage vehicles, trailers, equipment, etc. overnight. We anticipate the work starting on August 19, 2019 and continuing through November 2019. All vehicles and equipment would be moved to allow snow plowing, if needed.

If you have any questions or concerns and would like to discuss these activities further, please feel free to call me at (262) 745-5054. We greatly appreciate your cooperation.

Sincerely,
EnviroForensics, LLC

A handwritten signature in blue ink, appearing to read "Brian Kappen".

Brian Kappen, PG
Project Manager

enclosures

EnviroForensics, LLC
N16 W23390 Stone Ridge Drive, Suite G
Waukesha, WI 53188
Phone: 262-290-4001 • Fax 317-972-7875



Legend

--- Property boundary

Proposed permitted parking area

PROPOSED PERMANENT PARKING AREA
 Former Appleton Wire Division of Albany International Corporation
 908 North Lave Street
 Appleton, Wisconsin

Date:	1/1/17
Designed:	ED
Drawn:	EB
Checked:	WF
DWG #:	6486-0045

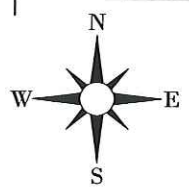
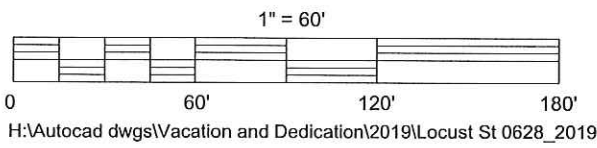
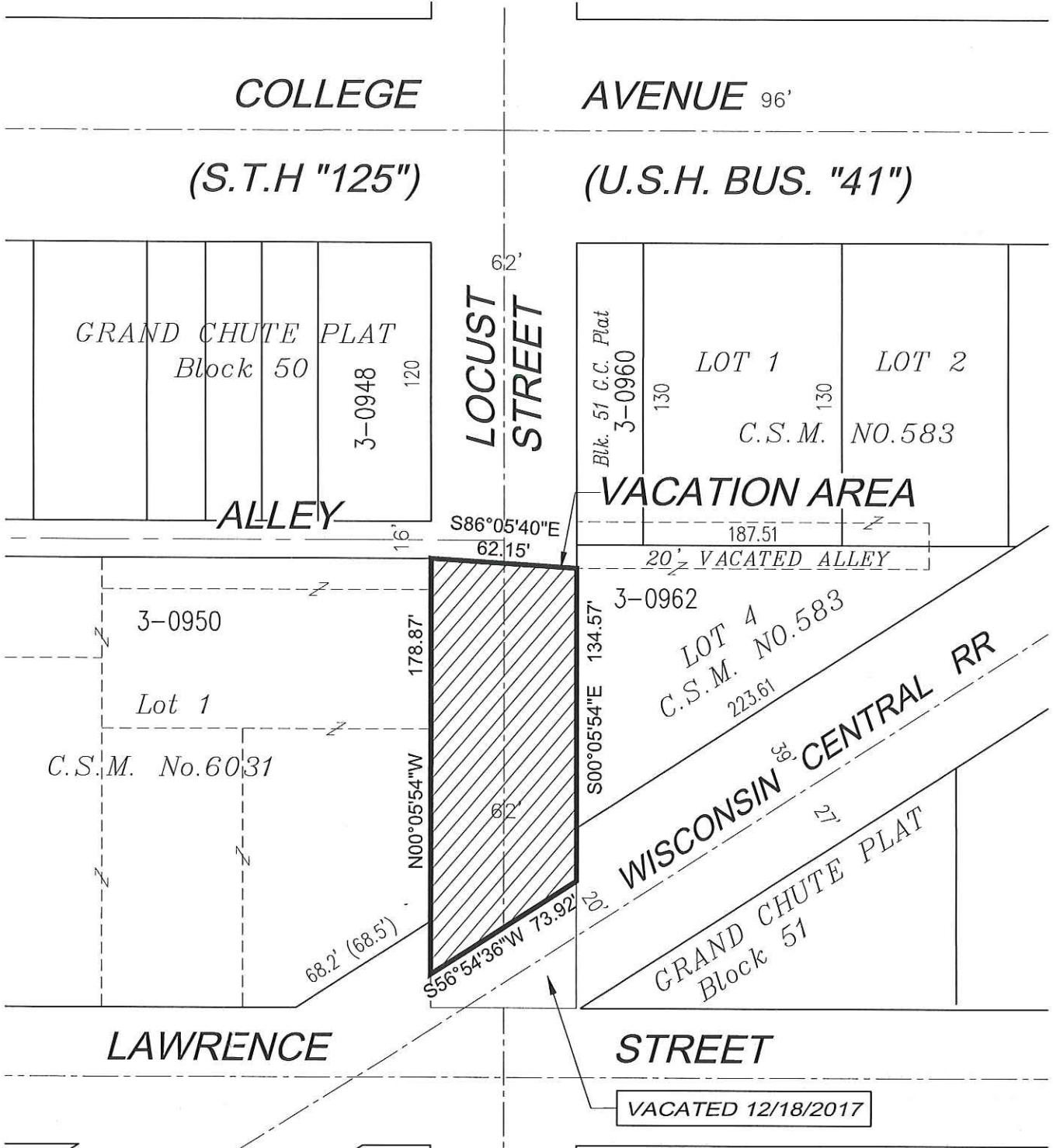
ENVIROforensics

825 North Capitol Avenue • Indianapolis, IN 46204
 EnviroForensics.com

Figure	1
Project	6486

EXHIBIT "A"

LOCUST STREET VACATION



CITY OF APPLETON
 DEPT. OF PUBLIC WORKS
 APPLETON, WI 54911
 DRAFTED BY: T. KROMM



APPLETON PLAYGROUND

1. Proposed Parking (8' X 160') | 2. Basketball Court | 3. Playground | 4. Teen Fitness | 5. Boys & Girls Club Of The Fox Valley

- 8" Water Main
- 48" Storm Main
- 12" Storm Main
- - - - - 10" Sanitary Main

**AUTHORIZING RESOLUTION FOR
URBAN FORESTRY GRANT AND
URBAN FORESTRY CATASTROPHIC STORM GRANT PROGRAMS**

WHEREAS, the applicant, City of Appleton, is interested in obtaining a cost-share grant from Wisconsin Department of Natural Resources for the purpose of funding urban and community forestry projects or urban forestry catastrophic storm projects specified in s. 23.097(1g) and (1r), Wis. Stats.;

WHEREAS, the applicant attests to the validity and veracity of the statements and representations contained in the grant application; and

WHEREAS, the applicant requests a grant agreement to carry out the project;

NOW, THEREFORE, BE IT RESOLVED, the applicant, City of Appleton, will comply with all local, state, and federal rules, regulations and ordinances relating to this project and the cost-share agreement;

BE IT FURTHER RESOLVED, the applicant will budget a sum sufficient to fully and satisfactorily complete the project and hereby authorizes and empowers Director of Public Works, its official or employee, to act on its behalf to:

1. Sign and submit the grant application
2. Sign a grant agreement between applicant and the DNR
3. Submit interim and/or final reports to the DNR to satisfy the grant agreement
4. Submit grant reimbursement request to the DNR
5. Sign and submit other required documentation

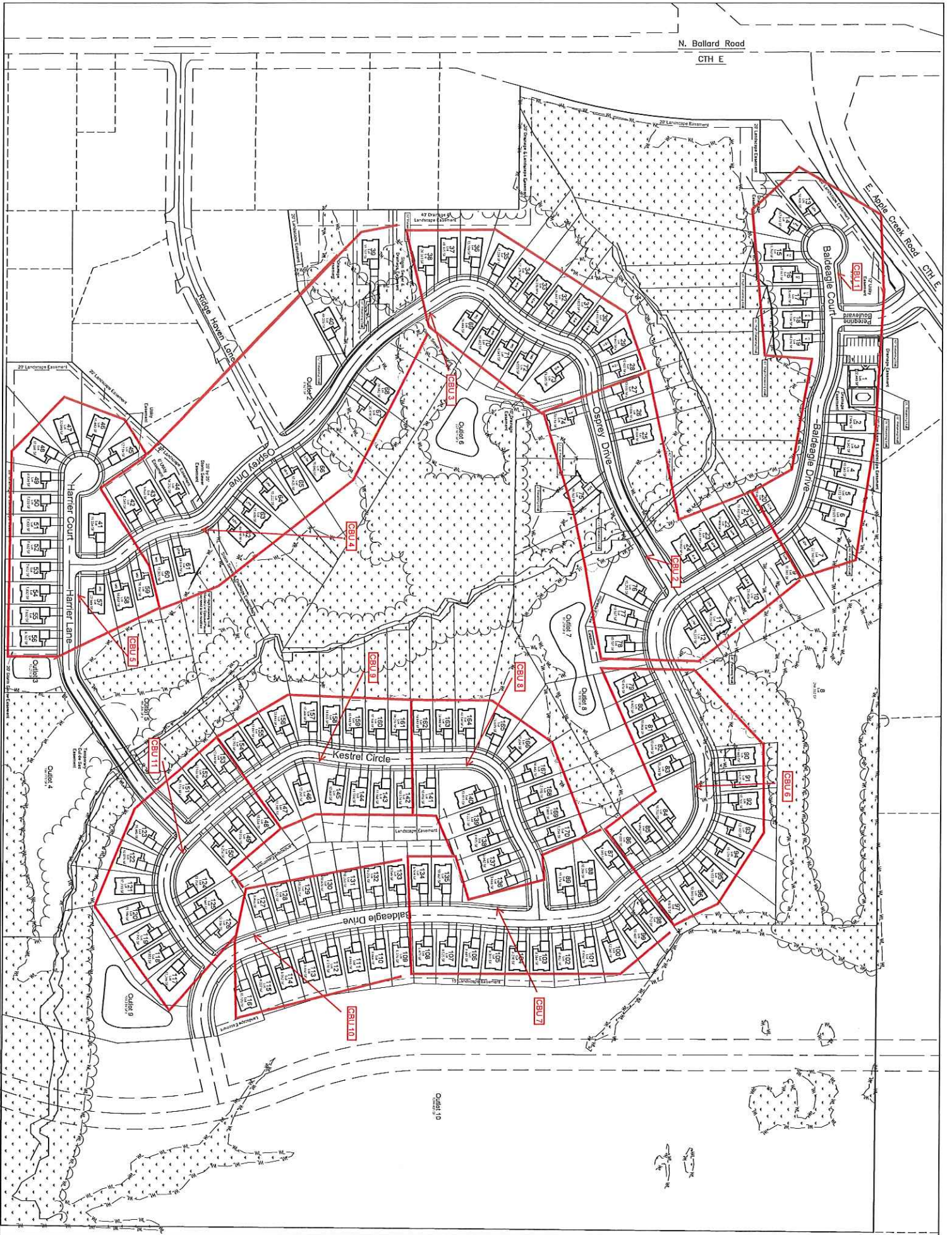
Adopted this _____ day of _____, 20__.

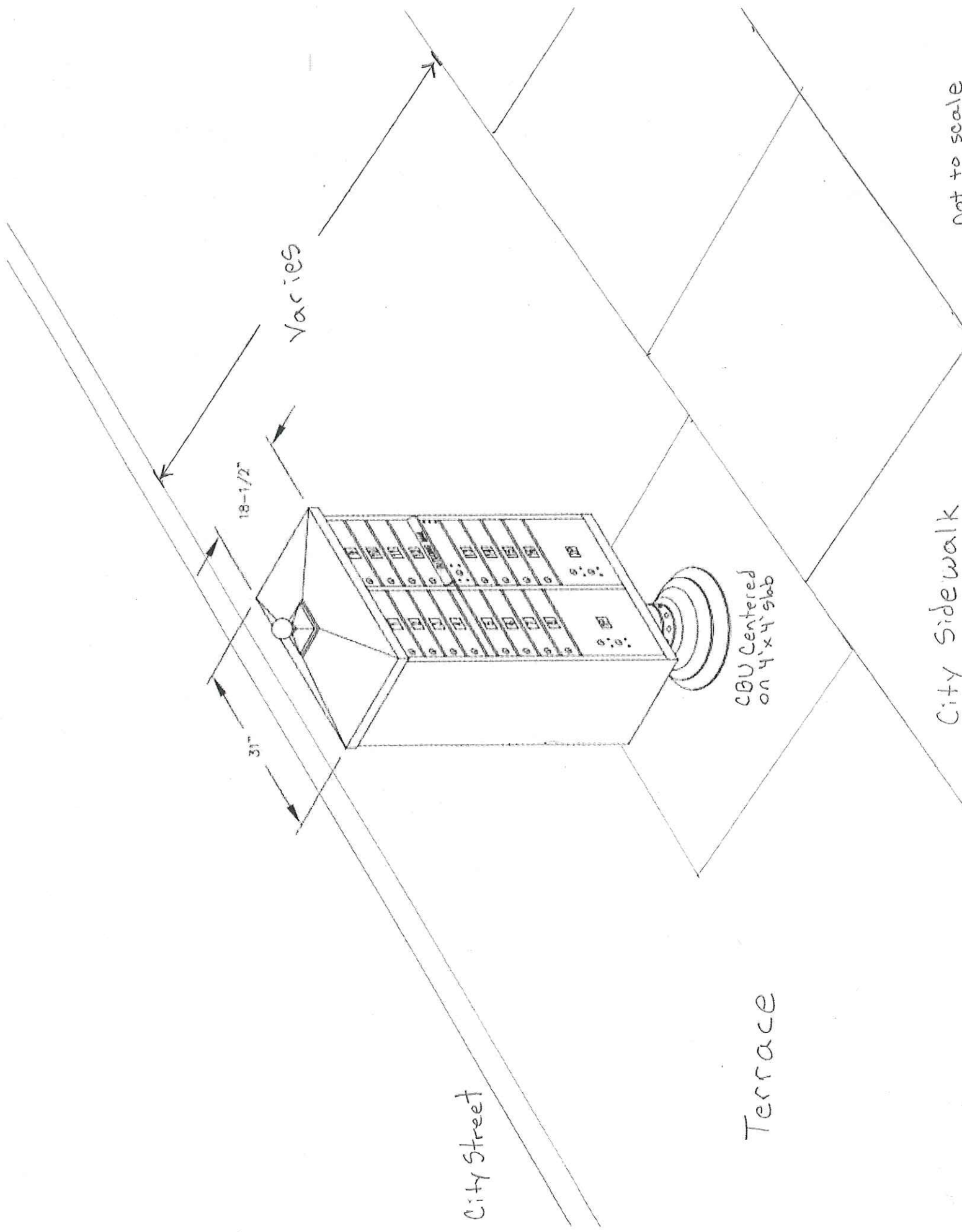
I hereby certify that the foregoing resolution was duly adopted by the Common Council at a legal meeting on the ____ day of _____, 20__.

Authorized Signature	Title	Date Certified

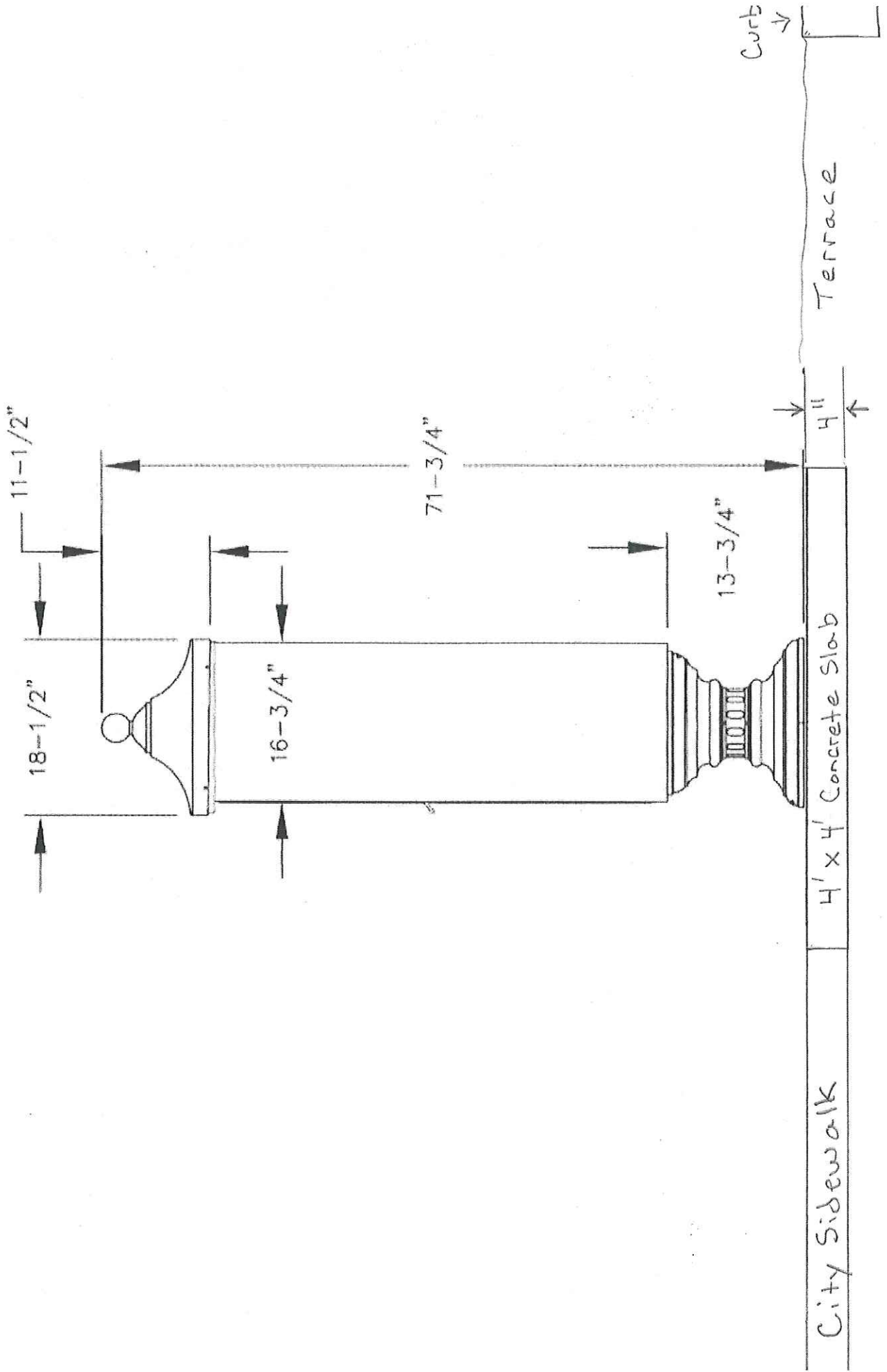
N. Ballard Road

CTH E





SIDE VIEW



Not to scale

Paula Vandehey

To: Ross Buetow
Subject: RE: Proposed Monitoring Well - N. Bennett Street ROW

From: Joe Ramcheck [mailto:jramcheck@endeavorenv.com]
Sent: Monday, July 29, 2019 9:37 AM
To: Ross Buetow <Ross.Buetow@Appleton.org>
Subject: Proposed Monitoring Well - N. Bennett Street ROW

Good Morning Ross:

Thank you for your time in discussing the application requirements for installation of a 2-inch, flush-mount monitoring well within the right-of-way (sidewalk) of N. Bennett Street.

As requested the following and attached information is being provided.

Endeavor Environmental Services Inc (Endeavor) is currently completing an investigation of a petroleum release at Chemco Products Co. (Chemco) located at 1331 N. Bennett Street. Endeavor submitted a Site Investigation Work Plan (SIWP) to the WDNR dated 1/4/2019. The WDNR is requiring a monitoring well on the east side of N. Bennett Street to further define the dissolved petroleum contaminant plume.

The proposed location is within the sidewalk on the east side of N. Bennett Street. The well will be installed using hollow-stem auger drilling methods. The well is proposed for approximately a depth of 15 feet (final depth based upon observations of soil conditions during installation). The well will be topped with a flush-mounted well box to allow for unobstructed use and maintenance of the sidewalk. The well will be scheduled for installation upon approval of the street permit and will remain in place to allow for quarterly groundwater monitoring of the referenced contaminant plume.

As discussed, Endeavor will also scan the proposed well location using Ground Penetrating Radar (GPR) prior to commencement of drilling activities in addition to the required Diggers Hotline locate of utilities..

Upon site closure the well will be abandoned per WDNR requirements.

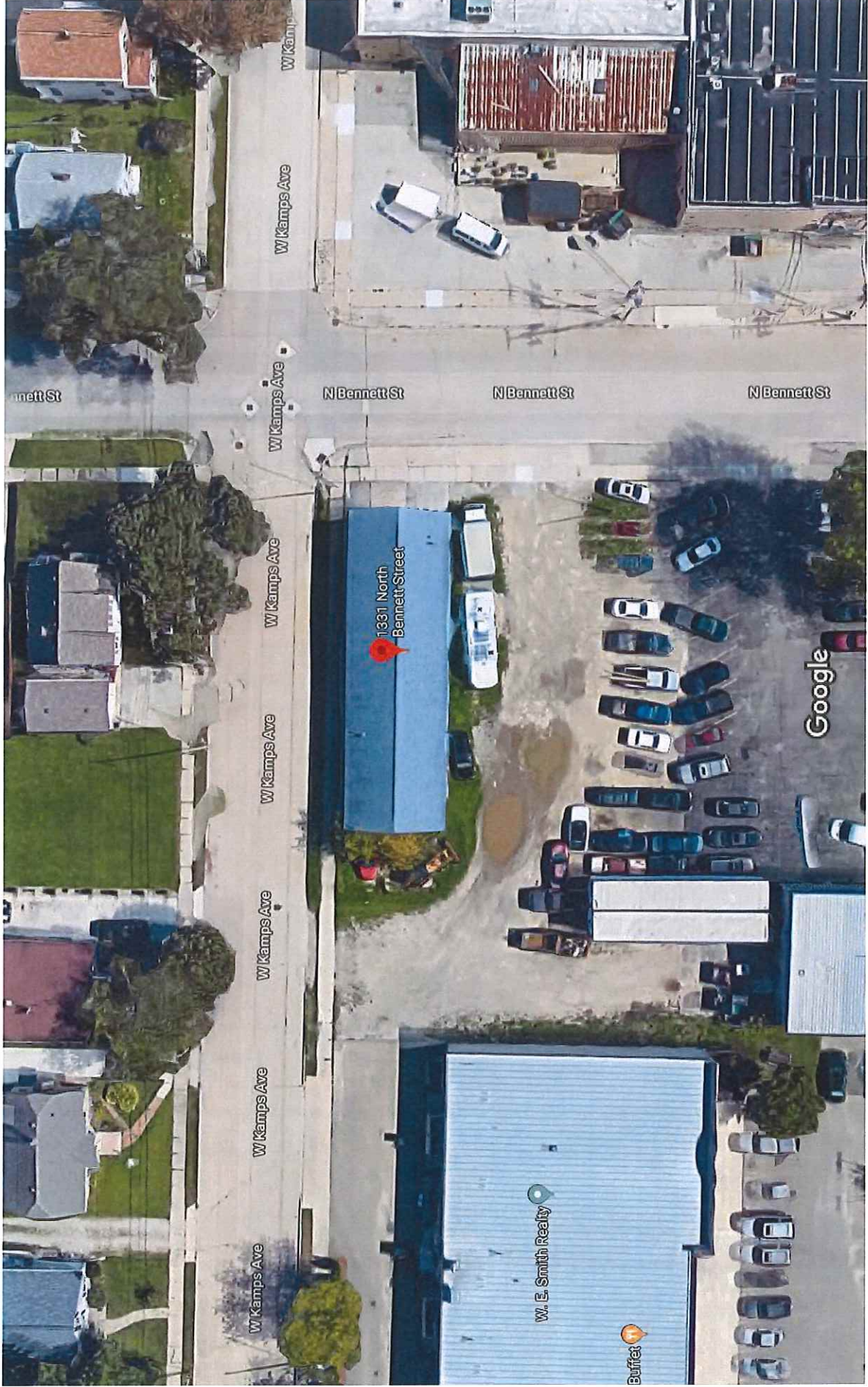
Please let me know if there is anything else required to complete this approval.

Thank you for your assistance.

Regards,
Joe

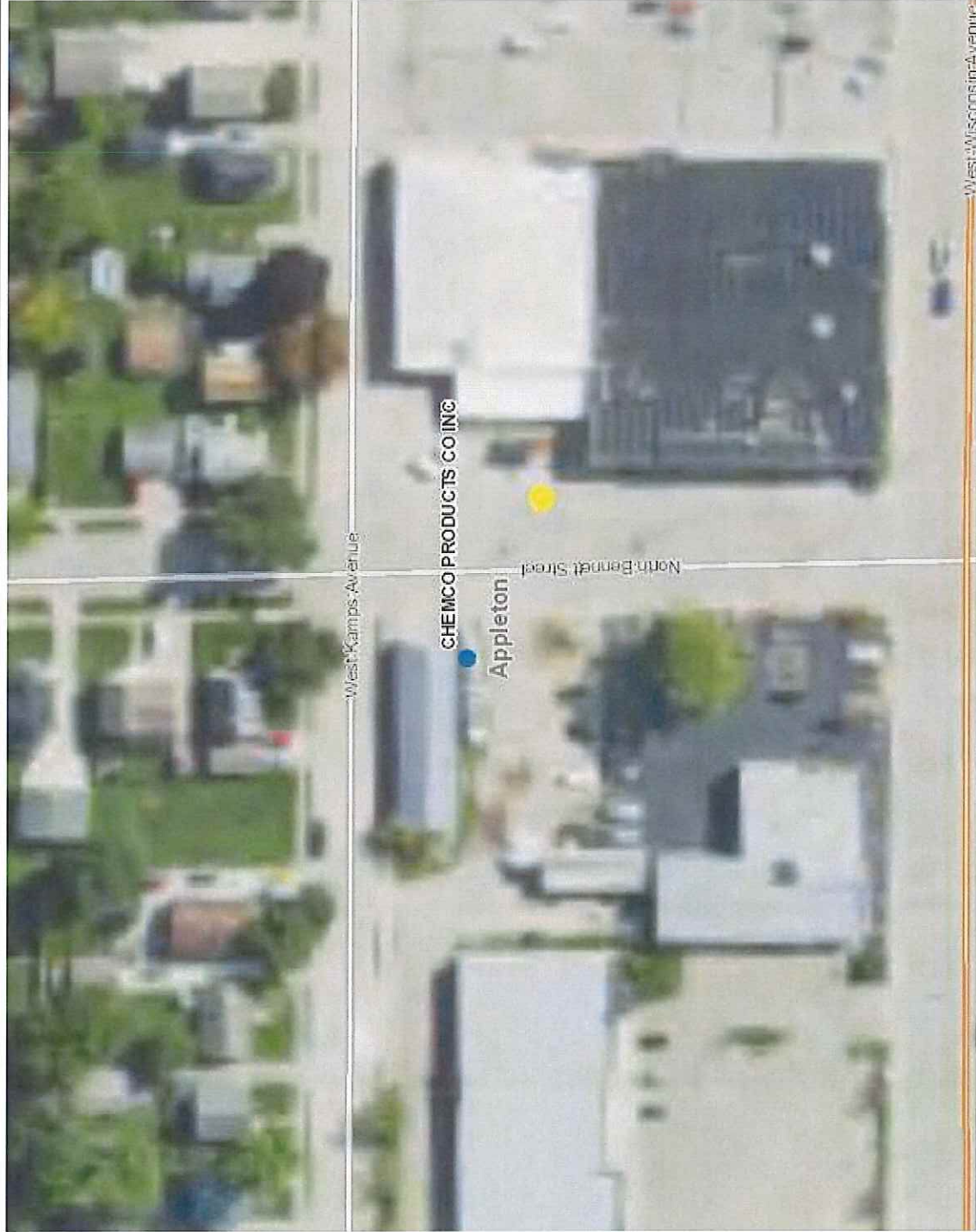
Joseph M. Ramcheck, P.H.
President/Senior Hydrologist
Endeavor Environmental Services, Inc.
2280-B Salscheider Court
Green Bay, WI 54313

Google Maps
1331 N Bennett St
Chemco Products Co.





Proposed Monitoring Well Location



Legend

- Open Site
- Facility-wide Site

Notes
 Yellow dot denotes the approximate monitoring well location within the right-of-way (sidewalk) of N. Bennett Street

DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: <http://dnr.wi.gov/org/legal/>

Note: Not all sites are mapped.

0.0 Miles

0 0.02

0

0.0



NAD_1983_HARN_Wisconsin_TM

1: 990



#3-R-19
Repealing the Truancy Ordinance

March 20, 2019

Submitted By: Alderperson William J. Siebers, District 1

Referred To: Safety & Licensing Committee

Whereas, the City of Appleton has through the City Attorney's office and the Appleton Police Department, been a partner with the school district in addressing truancy issues and,

Whereas, the City's authority to deal with truancy issues is outlined in Section 10-42 of the City Code and is referenced by Wisconsin State Statute chapter 118, and at times is done by punitive means,

Whereas, the Honorable James Morrison – Chief Judge of the 8th Judicial District – in his letter dated January 3, 2019 to the Appleton Area School District administration, announcing that judges in the 8th Judicial District would no longer be a part of the truancy court, stated that preventing truancy is fundamentally the responsibility of educational officers and best handled by the school district and,

Whereas, the Appleton Area School District would retain the ability to issue truancy citations under state law where city ordinance Section 10-42 is repealed and,

Whereas, truants in a national student truancy survey cited boredom, loss of interest in school, irrelevant courses, suspensions, bad relationships with teachers, struggles academically, not having friends who are attending school regularly, seeing no reason for attending school, and feeling socially isolated in school for not attending classes and most educators believing that family problems cause chronic truancy and,

Whereas, the fact that the School District and Human Social Services can deal with these issues without punitive measures, which are asked to be carried out by the Police Department and City Attorney's office,

Therefore Be It Resolved, that City Ordinance Section 10-42, dealing with truancy be repealed.

Kami L. Lynch

From: Todd L. Thomas
Sent: Monday, April 1, 2019 1:32 PM
To: Bob Baker; Cathy Spears; Christine Williams; Christopher Croatt; Curt Konetzke; Ed Baranowski; Joe Martin; Kathleen Plank; Keir Dvorachek; Kyle Lobner; Matthew Reed; Patti Coenen; Rachel Raasch; Vered Meltzer; William Siebers
Cc: Kami L. Lynch; Tim Hanna; Darrin M. Glad; Mike Frisch
Subject: Council Packet Amendment - Truancy Resolution
Attachments: Truancy Resolution.pdf

Council Members;

Attached is a late addition to your council packets, this was speaking points from the Safety and Licensing Committee meeting regarding the Truancy Ordinance Resolution.

This is only being provided to give you the department's opinion on what the impact will be of approving or denying this resolution.

One point to clarify, when I speak of "criminalizing", it is in the context of juvenile law; a juvenile can't be charged with a "crime" for truancy, but a juvenile referral is done under state statute, and not a city ordinance, and is generally considered more severe.

Feel free to contact me with any questions or if you need any more information,

Thanks

Todd

Todd L. Thomas
Chief of Police

Appleton Police Department
222 South Walnut Street
Appleton, WI 54911
920-832-5512
Todd.thomas@appleton.org

The contents of this e-mail message and any attachments are confidential and are intended solely for addressee. The information may also be legally privileged. This transmission is sent in trust, for the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately notify the sender by reply e-mail or phone and delete this message and its attachments, if any.

This is a very complicated and important issue so I put together a document of our thoughts and will share it with the rest of the council and make sure it is in their packets for next week.

We all know the impact of truancy on a child and the community. Short term effects are increased delinquency and criminal behavior, and a lack of mental health or other services being provided to them because most of them don't have any other services outside of the school. And long term effects like poor physical and mental health, poverty, and a higher risk of addiction and incarceration.

I know we all want the same thing: We all have the same goal: that is to help struggling kids to be successful and engaged in school, their families engaged in their lives, breaking family cycles of educational failures, and keeping them out of the criminal justice system as much as possible.

But this resolution will actually do more harm than good, and will do the opposite of what I think is intended, our strong recommendation is to not approve this resolution.

There is currently a task force put together by the SD that is reviewing their processes and programs, and will be making advisory recommendations on truancy abatement. That group includes parents, students, and a police department representative. They should be allowed to develop a plan based on unbiased data and best practices, before any decisions are made.

One of our questions is, what problem are we trying to solve with this change?

If it is to “decriminalize” truancy and contributing to truancy – in an effort to keep kids out of the criminal justice system, it doesn't do that. It is the law in WI, that doesn't change. In fact, if this resolution passes it will eliminate one of the lowest levels of sanctions we have available, a ticket, that we use to try and engage parents and kids, and replaces it with a criminal referral to circuit court or a juvenile intake referral.

This is destructive in two ways:

#1 it accelerates them into the CJ system: and #2 It would then take weeks and even months for a student's attendance issue to be addressed. The referrals will sit in a stack in an already overworked intake worker or assistant district attorneys desk, and the student will continue to be truant.

One of my more experienced SRO's told me that before we had truancy citation options the referrals went in front of a court commissioner. In her words, "this was unhelpful because the goal was to get their children in school now, not four months down the road." The data has shown that the longer a child is out of school, the harder it is to get them back connected again.

One of the other comments that have been made is that this is a SD issue: I would hope that we have learned that collaboration and multi-disciplinary approaches are the best way to solve complex social and criminal problems. Truancy is not a school district issue, that philosophy is outdated and has failed: truancy is a community issue that needs a multi-disciplinary approach to it.

That is what we have done in Appleton, through partnerships with the SD, Boys and Girls Club, social workers and mental health providers, non-profits and faith based organizations, and the courts.

Truancy is frequently a result of other problems, and the cause of many additional problems including involvement in the criminal justice system. And like other issues involving children there are a lot of contributing factors to truancy: school factors, home and community factors, and personal factors. And there is not only one group responsible to solve it, we all need to be involved.

Another argument I have heard from a community member who is advocating for this change is that if a child doesn't want to go to school we shouldn't make them; they are just disrupting it for the rest of the students. We have heard those comments before, our answer to that is we don't have any throw away kids in this community, we need them all to succeed.

Why do we need this tool in our tool belt? It comes down to Rewards and timely Consequences

What we know, based on data and reputable studies, is that we need a wide range of options to address truancy and keep our kids engaged in school, which includes sanctions and consequences. (National Center for School Engagement, NEA, Office of Juvenile Justice Delinquency Prevention).

And rewards alone do not always work, much like the rest of our society, there is always a small group that needs consequences to conform. Almost all the studies I have seen going back almost 15 years that I've been involved in this specific area of truancy abatement, talk about the importance of rewards and consequences – some call it the carrot and the stick. The focus has been and should always be on

positive reinforcement and connecting with kids, but there are always some students, and frequently parents, who are not motivated until they know they know there may be a court consequence.

Since Truancy Court was halted we stopped issuing citations while we are in this review period, to allow the SD Task Force to develop their new process. We have already noticed an increase in truancy.

An SRO in a high school told me this just this week, “ we are already seeing what the consequences of not having Truancy enforced are. Just in the last week the Dean of Students and Associate Principal...were commenting on how the number of pages of students with Truancy issues has multiplied a couple times over.” “If this ordinance is eliminated we will continue to see a rapid decline in school attendance.”

An elementary school SRO shared with me the following, “Since we have stopped enforcing the truancy/contributing to truancy ordinances and statues, I have seen an uptick in the lack of compliance with the law. I have also heard, on many occasions, parents state that they are not making their kids go to school anymore because there are no consequences for them being truant.”

A school administrator told me today, they have high school students who are brazenly telling staff members that they aren’t going to class because they know they are not enforcing truancy anymore.

That’s the reality and the consequence of eliminating what we had in place with nothing in place to fill the void. That is the path we are on now, and it only took a couple months.

So how had we been doing? How do we compare to others and is the perception of the problem bigger than the problem?

The most recent data from WI Dept. of Public Instruction website and performance report is from 2015-16 school year. Looking at the top ten school districts in the state (not including Milwaukee) Appleton, Eau Claire, GB, Sheboygan, Janesville, etc.. The average Truancy Rate is 10.2% - Appleton’s is less than half that, 4.8% ...the lowest in the top 10 and significantly lower than the rest. The majority are 10-14%, and ours has gone down since we have had the systems in place that we had and is the only one under 5%. That should be recognized, we are doing things that are making our rates significantly better than our peers.

What we do, and how the citation is used, is very misunderstood. There are many steps that are followed before a citation is issued.

The SD, SRO, and school social workers are all involved at various times with the student and family when a student is identified as being truant. Frequently that means home visits and repeated calls or meetings with the student and their parent.

Before citations are issued a Truancy conference is held with the student, parent, guidance counselor, and any special education case managers. They follow an agenda and checklist that asks about possible schedule changes, any IEP's, is there a social worker, is there a mental health plan, do they have medical or aoda concerns, are they involved in the Boys and Girls Club TRAC program, do they have concerns with peers, do they have transportation concerns, housing concerns, child care concerns, or grade concerns.

So a perception that citations are issued frequently and randomly, and that we are not focusing on the root causes and trying to understand the issues, is absolutely false and is unfair to all those social workers, SRO's, mental health providers, and teachers who are working compassionately to help these children succeed.

We only issue around 100 citations a year for truancy violations, this for an enrollment of over 15,000 kids. And I am sure many of those are issued to multiple siblings in the same family. So the actual number of families is much less.

In 2015-16 there were 730 students who were habitually truant, we also know there were thousands of other days students were truant. What that means is it is very rare to issue a citation, even to those kids who are habitually truant. Only 100 citations, but over 700 kids who were habitally truant.

And when they are issued they are very frequently used as a tool and held over the head of the child or the parent. They reach an informal agreement with the SRO that they will vacate the ticket if the child can attend for so many days...so it is frequently used as positive re-enforcement for good behavior.

When it comes to the Accuracy of Information

There is a lot of in accurate information out there now about truancy. What I would remind everyone of is that when we hear stories about truancy, you are only hearing one side because the other side isn't allowed to disclose what may or may not be true. There has been a lot of incomplete information, but we have no

recourse to address it or correct the narrative. It is unfortunate that opinions are being formed on inaccurate information.

I appreciate those that have been very vocal on the topic locally, but we must keep in mind that our paradigms and perspectives are shaped by our own experiences. If you only work in a certain area, whether that's social work or the law enforcement side, that is your perspective, we all need to keep that in mind.

That is why we should look to best practices - and all the best practices will tell you that you need some court consequences for that small number of students and their families. Not having that will guarantee more students dropping out and perpetuating that cycle in many of their families. It is a form of a safety net; to try and keep those kids that nothing else works for, back to school. To eliminate this option will guarantee a higher truancy rate and we know that leads to a higher propensity to become involved in the CJ system.

Data takes the emotions out of decision making, and with all the discussion locally on this topic I haven't seen a lot of data. I shared with you the data on truancy rates, lowest in the state for comparable school districts, and data on the number of citations we actually issue; a miniscule amount considering the number of students actually truant, and the actual checklist and process that is followed to identify all those other contributing factors affecting a child before a citation is issued.

Some other important DATA - When I became Chief in 2015 we rolled out a 5 pillar initiative to engage our strategic plan. One of the pillars was Youth Intervention and Mentoring: working on opportunity gaps, and clarifying the roles of the SRO in the schools to not criminalize behavior and promote a philosophy of delaying contact with the criminal justice system as long as possible, and only if needed. Since then our number of yearly juvenile arrests has gone from 984 to 549...in 2017 dropped 14.8%, 2018 dropped 8.2%...since 2015 dropped a total of 44%...that isn't an accident that is an intentional philosophy.

Summer of Service – around 70% of those students are there because they had truancy and habitual truancy citations and community service they were working off. We all know how successful that program has been, they would not have been in that program if they had not be facing consequences and sanctions.

This is an important tool used to address truancy and decisions on how to address it that shouldn't be rushed. It needs to be a process that is done deliberately, with

educational professionals, social workers, mental health providers, law enforcement, and families involved. That is being done now with the task force formed by the SD. We need to allow them to finish their work



POLICE DEPARTMENT

222 South Walnut Street • Appleton, WI 54911-5899
(920) 832-5500

Date: May 6, 2019

To: Safety and Licensing Committee

Re: Truancy Resolution – School Resource Officer’s Feedback

Safety and Licensing Committee Members:

As you all know, I like getting suggestions from the people who are working directly with an issue or problem; the boots on the ground.

I asked our School Resource Officers for their thoughts on the resolution to eliminate the option of a municipal ordinance violation for truancy violations. I’ve attached their comments, without editing, for your information.

Chief Todd Thomas

[Feedback from Current SRO’s on the proposed resolution](#)

“I appreciate the alderpersons thoughts on truancy, but I don’t think eliminating truancy would help a student’s overall success. I think we truly have to take a step back and look at what is best for Appleton’s youth. It is a pretty rare circumstance for a student to be issued a citation for truancy. The majority of students are written citations for habitual truancy; however, there are circumstances that dictate a truancy citation. As a SRO at AWHs, I have written citations for a multitude of truancy related issues. These citations are not written for punitive punishment. They are written to try and curb behavior and give a student a better chance to graduate. These citations are written as a last resort. Once they are written I have seen students change their behavior on multiple occasions. We have also seen these same changes in the behavior of parents. Without the ability to address truancy it will hinder the success of children in our community.”

“It’s a little difficult for me to concisely put into writing my thoughts and feelings on the truancy issue, so I apologize for the ramblings. Being at Central and working everyday with highly at-risk kids, I have seen first-hand the benefits of having truancy enforcement as a tool. Since losing truancy court, I have seen the drop in attendance and grades of some of our students who were on-track when held accountable by the truancy system. This has honestly lead to somewhat of an overall “vibe” that there is little teeth to school rules, and it shows in the kids attitudes.

I currently have 3 ordinance summons sitting open in Tracs for kids I have put on “desk probation” (2 for truancy), essentially adopting the same ideas that were prevalent in truancy court with the end-goal being to get kids to be in school, not necessarily punish. Like any charge in the juvenile system, it needs to be thought out and used as the means to accomplish the greater goal, no different than veterans court, or drug court, or working with the DA’s office on charges to address mental health; it is a way to force a re-direction onto a road or path of change and improvement.”

Core Values of the Appleton Police Department: “Compassion, Integrity, Courage”



“Excellence in Police Service”

POLICE DEPARTMENT

222 South Walnut Street • Appleton, WI 54911-5899
(920) 832-5500

“Thank you for reaching out to ask for input in this matter. I heard that this was a possibility, but wasn’t sure if it was fodder or legitimate. In reading your email I realize this is legitimate.

In my opinion dissolving this ordinance would be a huge mistake on the part of the city. This ordinance is not something we rely on heavily, even with the loss of Truancy Court, but it is tool we have. Eliminating this option would further hamper AASD and the city in working with the students enrolled in our schools. We have come to this place because of what I feel are a litany of bad decisions, and feel this would be another bad decision that would compound the issues with in the schools.

Lt. Frisch and the SRO cadre have worked hard to continue the great relationships that the SRO’s before us built within the district. With that we need to have all options available to help us be effective at our jobs. I feel that the statement by the Chief Judge was meant to make an example of how generous Judge McGinnis and the Outagamie County Circuit court Judges have been towards the district, not as a hard and fast statement on the standing of Truancy. If this were the case Truancy wouldn’t be a law in Wisconsin.

At the High School level we are already seeing what the consequences of not having Truancy enforced are. Just in the last week the Dean of Students, and Associated Principal at East were commenting on how the number of pages of students with Truancy issues has multiplied a couple of times over. This is due in part because we as a unit are holding off on issuing Ordinance summons in Truancy matters, while we wait for the school district to work out their plan. Without any enforcement I truly believe that this issue would become worse than it was before Truancy court was started.

Until AASD devises their plan we are basically in a holding pattern. If this ordinance is eliminated we will continue to see a rapid decline in school attendance, and ultimately, a decline in the quality of life in the City of Appleton. I lived this life having grown up in Racine.”

“I agree with Adam. In addition to the points he made, we also have to look at the issue of contribute to truancy which is most prevalent at the elementary school level. Although I have only been in the SRO unit for a year, I have personally seen many instances where the mention of the possibility of a contribute to truancy citation being issued was enough to get parents back on track. Typically this was brought up during the truancy conference to further impress upon the parents the importance of getting their children to school every day. Since we have stopped enforcing the truancy/contribute to truancy ordinances and statutes, I have seen an uptick in the lack of compliance with the law. I have also heard, on many occasions, parents state that they are not making their kids go to school anymore because there are no consequences for them being truant.

I am hopeful that we can continue to educate the community on the necessity of enforcing these laws.”

Core Values of the Appleton Police Department: “Compassion, Integrity, Courage”



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

LEGAL SERVICES DIVISION

Office of the City Attorney

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

TO: Members of the Safety and Licensing Committee
FROM: Darrin M. Glad, Assistant City Attorney
DATE: August 2, 2019
RE: Resolution #3-R-19/Siebers – Repealing the Truancy Ordinance
Our File No. A18-0887

As requested by this Committee, I was able to review multiple municipalities' codes online and review the dispositions for habitual truancy violations that are available by the respective municipality. I have created the comparative chart below in order to easily view the differences.

Wis. Stat. §118.163(2) allows for a municipality to enact an ordinance prohibiting a child from being habitually truant and allows for the court to order any of the following summarized dispositions:

- (a) Suspension of the person's operating privilege for not less than 30 days nor more than one year.
- (b) An order for the person to participate in counseling or a supervised work program or other community service work.
- (c) An order for the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his or her home if the person is accompanied by a parent or guardian.
- (d) An order for the person to attend an educational program as described in s. 938.34 (7d).
- (e) An order for the department of workforce development to revoke, under s. 103.72, a permit under s. 103.70 authorizing the employment of the person.
- (f) An order for the person to be placed in a teen court program.
- (g) An order for the person to attend school.
- (h) A forfeiture of not more than \$500 plus costs, subject to s. 938.37. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
- (i) Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.
- (j) An order placing the person under formal or informal supervision, as described in s. 938.34 (2), for up to one year.
- (k) An order for the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.
- (L) An order for the person to report to a youth report center after school, in the evening, on weekends, on other nonschool days, or at any other time that the person is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center as described in s. 938.342 (1g) (k).

James P. Walsh
City Attorney

Christopher R. Behrens
Deputy City Attorney

Amanda K. Abshire
Assistant City Attorney

Darrin M. Glad
Assistant City Attorney

In the following chart, an “X” was placed if that disposition is allowed and the box was greyed-out if that disposition was not allowed by ordinance.

Municipality	Dispositions under Wis. Stat. §118.163 allowed:											
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(L)
Appleton	X	X	X	X	X	X	X	X	X	X	X	X
Waukesha								X				
Grand Chute	X						X	X	X			
Little Chute	X	X	X	X								
Kimberly	X	X	X	X			X	X	X	X	X	
Fox Crossing	X						X	X				
Menasha	X	X				X	X	X				
Neenah	X	X	X	X	X	X	X	X	X	X	X	
Oshkosh	X					X	X	X				

Please feel free to reach out to me if you have any questions.

#7-R-19

Alternate Mode of Transportation Resolution

Submitted by: Alderperson Croatt, District 14

Date: July 10, 2019

Referred To: Safety & Licensing Committee

Whereas, Appleton has many great community and neighborhood parks, holds numerous special events and community functions within the city that its residents participate in and enjoy as part of enhancing the quality of life.

And Whereas, for residents living within the city, travel to and from these locations and events comes in many forms including but not limited to cars/trucks/SUVs, buses, bicycles, scooters, hoverboards, power chairs, roller blades, skateboards, walking, rideshare, etc.

And Whereas, modes of transportation that help reduce overall emissions and ultimately lead to cleaner air and are more eco-friendly and "greener" alternatives to traditional passenger vehicles are encouraged.

And Whereas, other communities have embraced alternate methods of intracity and/or defined neighborhood transportation by clearly defining all requirements, restrictions, expectations, and penalties.

And Whereas, some citizens of Appleton and a resident of District 14 are interested in an alternate means of transportation and have asked me to evaluate it and propose a resolution to have the dialogue around changing an ordinance that currently restricts a desired means of transportation within the city.

Now, Therefore, be it Resolved, the appropriate City of Appleton staff and the committee of jurisdiction begin the discussion and possibly take action by revising ordinance language to allow for the use of regulated (through clear and specific ordinance language) and permitted (through an application and fee process) intracity travel using golf carts as a mode of transportation within the city limits with the possible restriction of use limited to defined neighborhoods and/or established subdivisions. Additionally, very careful consideration to be given to a golf cart definition that includes a motor vehicle commonly referred to as a golf cart that is battery or gasoline powered and must have 4 wheels and has an attainable top speed not greater than 25 miles per hour on a paved level surface and is manufactured for the primary purpose of transporting persons on a golf course at low speeds. Further consideration for banning use of vehicles defined as ATV's, off-road vehicles, four-wheelers, Mules, Gators, and any design-altered golf carts that can travel faster than 25 miles per hour or any gasoline-

powered golf carts that have any modifications to the exhaust system that would increase noise above the level produced by a factory issued version.

Be it Further Resolved, review, discussion, and possible action to include a detailed review of ordinance language from other municipalities including but not limited to Kyle, Texas and Noblesville, Indiana. Included in the review is the FAQ document from the City of Noblesville, Indiana that addresses safety concerns, permitted use, restrictions, equipment requirements, traffic laws and penalties for non-compliance.



Golf Cart Ordinance Frequently Asked Questions May 16, 2018

Who can drive a golf cart? The driver must possess a valid driver's license. If an unlicensed juvenile is caught operating a golf cart, the Noblesville Police Department may issue any notice/citations to the parent(s).

Do I have to obey all traffic laws? Yes, drivers must abide by all traffic regulations applicable to vehicular traffic when using the authorized streets and parking areas of the city.

Where can I drive my golf cart in Noblesville?

- Driving golf carts is only permitted within established subdivisions and neighborhoods that have complied with section 76.06 of Ordinance No. 60-12-17.
- Golf carts shall not be operated on any City street having a posted speed limit in excess of 25 mph.
- Golf carts may cross a street that has a posted speed limit in excess of 25 mph, but no greater than 45 mph, when crossed at intersections in a path perpendicular to the streets or highways.
- Golf cart operators shall stay in the far right of the travelled portion of the road and yield the right-of-way to overtaking vehicles as soon as possible to do so safely.

Why is the city allowing golf cart use? The intent of the ordinance is to allow golf cart use on local streets where the neighborhood residents want use permitted. This ordinance does not allow for general transportation throughout the city.

Is this ordinance just for golf carts or similar vehicles? Golf carts are described as a vehicle with four wheels substantially similar to vehicles originally designed for operation on a golf course and powered by a battery or internal combustion engine. This does not include ATVs, off road vehicles or four-wheelers.

Can I drive on multi-use paths or through City parks? No, Ordinance No. 49-10-17 prohibits motorized vehicles from using trails and sidewalks and limits the use such areas to pedestrians, bicyclists and recreational users. Violations may be fined a minimum of \$100.

What equipment is required? All equipment shall meet Indiana and Federal motor vehicle safety standards:

- Operational headlamps: (2 required or one long bar across the front)
- Operational tail lamps: (2 required, brake lamps not required)
- Operational turn signals for left and right turning.
- Rearview mirror: (capable of a clear unobstructed view – mounted either in center of golf cart or on each side)
- Slow moving vehicle emblem:
 - This is a triangular emblem that conforms to standards and specifications adopted by the director under Indiana Code § 9-21-9-2 and displayed to meet the specifications established by rules adopted by the Indiana criminal justice institute.

○ The emblem must be clearly visible and mounted to the rear with the base no lower than 3 feet nor the top higher than 5 feet from the ground.

○ The emblem must not be obstructed by any passengers.

• *The City of Noblesville and Police Department strongly recommend golf carts have side reflectors (2 front amber in color and 2 red in color), brake lights and an operational parking brake.*

Can I drive my children to school in a golf cart? Yes, children must be properly seated while the cart is in motion and may not be transported in a reckless or negligent manner. The City of Noblesville recommends that any child younger than 6 years of age should be restrained by a safety belt restraint.

Can I drive on the sidewalk, hike or bike trail? Generally, no. Golf carts shall not be operated on any sidewalk, pedestrian walkway, multi-use path, jogging path, greenway or trail except to cross at intersections in a path perpendicular to the path or walkway.

Can I or my passengers drink alcoholic beverages while operating my golf cart? No. Your golf cart is considered a “motor vehicle” and must be operated in compliance with all applicable local and state traffic laws and the operator may be ticketed in the same manner as motor vehicle operators. All alcohol laws pertaining to motor vehicles apply to golf carts such as open container and driving while intoxicated.

Are there any parking restrictions? Yes. Golf carts may only be parked in the same manner and in the same places designated for the parking of motor vehicles. The stopping, standing or parking of golf carts in areas where parking is not allowed or in any place that may impede the flow of traffic, pedestrian walkways or a passageway is prohibited. Golf carts shall not park within any space designated for disabled persons unless a current disabled parking placard is displayed and the person to whom the placard was issued is operating or being transported by the cart.

Are there any weather restrictions? Yes. Golf carts shall not be operated on City streets during inclement weather or when visibility is impaired by weather, smoke, fog or other condition or at any time when there is insufficient light to clearly see persons or vehicles on the roadway at a distance of five hundred (500) feet.

How does my neighborhood allow golf cart use?

• Only subdivisions or neighborhoods with a governing body, home-owners association or decision-making board authorized to speak on behalf of the welfare of the neighborhood are allowed to participate. If your neighborhood does not have one of the three listed above, golf carts are not permitted.

• The governing body must submit written certification to the Noblesville Police Department stating the board approves the use of golf carts by its residents and within its community.

• The governing body also must notify the Noblesville Street Department. The Street Department will create and install signage at each entrance to the subdivision that complies with City ordinances warning motorists and pedestrians of the possibility of golf carts being operated on the streets within the neighborhood. The governing body will pay \$75 per sign that needs to be installed by the street department. Golf carts are not permitted to be used until the proper signage is placed in the subdivision.

• A neighborhood may rescind its approval by submitting a letter to the Noblesville Police Department.

Do the neighborhoods have to have a specific number of residents in agreement to have this allowed? The governing board must submit written certification to the Noblesville Police Department stating the board approves the use of golf carts by its residents. Whether an individual HOA would have to have its residents to vote on approval depends on the neighborhood and the HOA bylaws.

What are the penalties for violating the Golf Cart Ordinance? Any violation of this ordinance or failure to comply with any of its requirements is a \$50 fine for the first offense; \$150 for a second offense; and \$300 for each additional offense (within a rolling 12-month period). Additionally, penalties listed do not include court costs and fees that may be imposed by Noblesville City Court in addition to the penalty. A Noblesville Police Officer has the discretion to issue any citations of an unlicensed juvenile to their guardians. Also, golf carts not in drivable condition or having a licensed driver may be towed at the police officer's discretion.

If I receive a notice of violation/citation, how can I contest it? All violations of Ordinance No. 60-12-17 shall be docketed with the Noblesville City Court.



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

LEGAL SERVICES DIVISION

Office of the City Attorney

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

TO: Members of the Safety and Licensing Committee

FROM: Darrin M. Glad, Assistant City Attorney

DATE: July 25, 2019

RE: Resolution #7-R-19/Croatt – Alternate Mode of Transportation
Our File No. A19-0313

This memo is intended to provide the Safety and Licensing Committee background information relating to Resolution #7-R-19 regarding Alternate Mode of Transportation, including applicable Wisconsin Statutes.

Section 19-1 of our Municipal Code adopts the Wisconsin State Traffic Laws, including the definitions in Wis. Stat. §340.01. A golf cart is not defined in Wis. Stat. §340.01, however, under those definitions, what an ordinary person would understand a golf cart to mean would fit the definitions of “motor vehicle” and “vehicle” and be subject to the applicable laws, including registration, operator’s licensing requirements, and the prohibition of vehicles on sidewalks. However, under Wis. Stat. §341.05, a golf cart does not need to be registered if it is being operated in accordance with Wis. Stat. §349.18. Wis. Stat. §349.18 allows cities to adopt ordinances that allow golf carts to operate in the following ways:

1. Establish a golf cart crossing point upon a highway within its limits. An ordinance enacted under this paragraph shall require that a golf cart stop and yield the right-of-way to all vehicles approaching on the highway before crossing the highway. The ordinance may require that a golf cart be equipped with reflective devices as specified in the ordinance. The city shall place a sign of a type approved by the Wisconsin Department of Transportation to mark the crossing point on both sides of the highway.
2. Regulate the operation of a golf cart to and from a golf course for a distance not to exceed one mile upon a highway under its exclusive jurisdiction. The city shall place a sign of a type approved by the Wisconsin Department of Transportation to mark any golf cart travel route designated by the ordinance.
3. Except as provided below, a city may allow the operation of golf carts on any highway that has a speed limit of 25 miles per hour or less and that is located within the territorial boundaries of the city, regardless of whether the city has jurisdiction, for maintenance purposes, over the highway.

James P. Walsh
City Attorney

Christopher R. Behrens
Deputy City Attorney

Amanda K. Abshire
Assistant City Attorney

Darrin M. Glad
Assistant City Attorney

- a. An ordinance may not allow the operation of golf carts on or, except as provided below, across any state trunk highway or connecting highway.
- b. A city may allow the operation of golf carts across a state trunk or connecting highway if the state trunk or connecting highway:
 - i. has a speed limit of 35 miles per hour or less,
 - ii. the highway crossing will connect highways designated for golf cart operation as described above, and
 - iii. the city provides sufficient funds to the Wisconsin Department of Transportation to cover the costs of erecting and maintaining highway crossing signs.

Additionally, an ordinance created under Wis. Stat. §349.18 may include a definition of the term “golf cart.”

Please feel free to reach out to me directly if you have any other questions, as this was intended to just give a broad overview of some of the statutory constraints related to the proposed resolution.

Resolution #9-R-19
E-Cigarette/Nicotine Device Use in Young Adults

Date: July 24, 2019

Submitted by: Cathy Spears, Alderperson District 12

Referred to: Safety & Licensing Committee

Whereas, the CDC and Surgeon General have released advisories alerting the public to the negative health effects of the use of e-cigarettes and especially the negative impact of nicotine on the adolescence population.

Whereas, the brain continues to develop until the age of 25

Whereas, the use of nicotine negatively impacts teens and young adults by actually changing adolescents' brain cell activity in the parts of the brain responsible for attention, learning, and memory

Whereas, it is difficult to distinguish the difference between e-cigarettes that contain nicotine and those that do not.

Therefore be it resolved;

That the Appleton Health Department and Appleton Police Department work together with the Attorney's office to craft the language prohibiting the use and possession of any e-cigarette and or nicotine containing device by anyone under the age that the State Statute age allows for possession and use of nicotine.

The final language is to include recommendations for enforcement and fines.



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

FEES ARE NON-REFUNDABLE		Date Recv'd <u>6/20/19</u>
<input type="checkbox"/> Operator License	\$60.00	Acct Code CLCOPS
<input checked="" type="checkbox"/> Operator License	\$75.00	Acct Code CLCOPP
	plus a provisional	
<input checked="" type="checkbox"/> Investigation fee	\$ 7.00	Acct Code CLCPIF
Total fee paid \$ <u>82</u>		Receipt #: <u>10931</u>
<input checked="" type="checkbox"/> Original Application <input type="checkbox"/> Renewal - License # _____		

LICENSE APPLICATION for
OPERATOR'S (BARTENDER'S) LICENSE

Return application to: City Clerk, 100 N. Appleton Street, Appleton, WI 54911-4799

SECTION 1 - APPLICANT INFORMATION			
Applicant Name (Last, First, MI) - FULL NAME - NOT NICK NAME OR SHORTENED VERSION OF NAME <u>Howell JESSE C</u>			Maiden or Previous
Street Address [REDACTED]		City <u>Appleton</u>	State <u>WI</u> Zip <u>549</u>
Driver's License Number/State Identification Number [REDACTED]		State License Issued In: [REDACTED]	
Date of Birth [REDACTED]	Sex <u>M</u>	Home Phone Number [REDACTED]	Cell phone Number
Name and Address of Establishment you will be selling alcohol			
SECTION 2 - CONVICTION RECORD - NEW APPLICANT: You are required to list each and every violation and/or offense for which you have been convicted in or out of state. Failure to provide complete answers may result in a denial of your application.			
Have you EVER had an Operator's (Bartender's) License?		<u>YES</u>	NO
If Yes; where? <u>HERE</u>			
Have you EVER been convicted of a felony?		<u>YES</u>	NO
If Yes; when, where and what type of violation? (Please be specific) <u>(AZ) Class 2 manslaughter - And Others</u>			
Have you EVER been convicted of a misdemeanor or ordinance violation?		<u>YES</u>	NO
If Yes; when, where and what type of violation? (Example: speeding, OWI) <u>yes, a few?</u>			
SECTION 2 - CONVICTION RECORD - RENEWAL APPLICANT: 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 3 - PENALTY NOTICE			
Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge and belief.			
Signature: <u>[Signature]</u>			
FOR OFFICE USE ONLY			
Department <u>POLICE</u>	Approve	Deny	By <u>Miller</u>
Date sent to APD <u>6/21/19</u>	Scheduled FVTC Class	Class Completion Date	Current other license: Muni _____ # _____
Safety and Licensing	Common Council	Date Issued	Expiration Date License Number



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

TO: Safety and Licensing Committee
Common Council

FROM: Lt. Jeff Miller

DATE: 08/13/2019

RE: Police Department's Recommendation for Denial of Jesse Howell's bartender License Application

Committee Members:

The police department is requesting that the Safety and Licensing Committee recommend to the Common Council to deny Jesse Howell's bartender License Application.

Pursuant to Wis. Stat. §111.335, it is not employment discrimination for a licensing agency to deny an applicant based on conviction record where the circumstances of the conviction substantially relate to the circumstances of the particular licensed activity. If the denial is based on a delinquency adjudication, then the adjudication must be for an exempt offense.

Pursuant to Wis. Stat. §125.04, 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, 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*. The applicant may produce the following 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

Because Mr. Howell was convicted of Manslaughter 2 in the State of Arizona, that offense equates to Assist Suicide §940.12. Arizona (Maricopa County) case # CR2004-132990-001. This conviction is an exempt offenses under Wis. Stat. §111.335(1m)(b), there is no requirement for the licensing agency to state its reasons for denial in writing or to allow the individual an opportunity to show rehabilitation and fitness to engage in the licensed activity. However, for the sake of consistency we are providing this information in writing.

As part of any denial of licensing, the police department must determine if crimes are substantially related to bartending. Most recently, in Wisconsin, Mr. Howell was convicted of:

Operating after Revocation 2017CT000787, Battery and Disorderly Conduct 2015 CF000778, and OWI 2016TR009280.

The conviction(s) listed are substantially related to bartending for the following reasons.

From the facts alleged in the criminal complaint in Arizona case # CR2004-132990-001, to which Mr. Howell was eventually found guilty of, show that his criminal mentality is not suited for the responsibility of bartending. The criminal complaint is attached and incorporated to this memo. The horrific facts of the assisted suicide case show that his disregard for life is potentially dangerous for individuals who may be drinking. The relationship between depression and alcohol abuse has been definitively proven in study after study. As a person who wants to be responsible to serve alcohol, Mr. Howell has not shown the ability to make good decisions at any time of his life.

The convictions for OWI and Operating after Revocation are substantially related in that both stem from operating a motor vehicle while under the influence of alcohol, other drugs, or both. There is a direct connection between an OWI and the responsible sale of alcohol. The penalty structure for OWI convictions in Wisconsin includes that a person's operating privileges are revoked until certain other guarantees of safety are completed, which include AODA assessment and follow-up treatment and safety planning. The conviction for Operating after Revocation shows that Mr. Howell disregarded the penalty structure used in Wisconsin for OWI offenses and demonstrates a significant inability to exercise the good judgment required for responsible alcohol service.

The criminal case that lead to convictions for Battery and Disorderly Conduct involved

additional felonies that were dismissed and read-in for sentencing purposes including Intimidation of Victim with Use or Attempted Use of Force, False Imprisonment, Strangulation and Suffocation. A copy of that criminal complaint is also attached and incorporated to this memo. The facts in the complaint show that Mr. Howell was drinking alcohol at a bar just prior to committing his offenses, again demonstrating his inability to exercise good judgment around the use of alcohol.

Mr. Howell refers in his materials to “other” felonies committed in Arizona. Due to restrictions on criminal history checks out of state for bartenders I can only locate limited information. But, as far as I can tell, other than a period of incarceration, Howell has committed some kind of crime almost every year.

The police department is not sure he has spent the amount of time necessary to rehabilitate himself and make the necessary life changes to take on the responsibility for alcohol service. The service of alcohol includes coming into contact with individuals in a very vulnerable state and the Police Department feels that through Mr. Howell’s prior convictions he has not demonstrated the necessary maturity and decision making capacity to be allowed a bartender’s license in the City of Appleton.

OTHER CONSIDERATIONS RELATED TO REHABILITATION AND FITNESS

- The conviction for “manslaughter 2” is for an exempt offense(s) and Wis. Stat. §111.335 does not require the licensing agency to allow the applicant an opportunity to show rehabilitation and fitness to engage in the licensed activity.
- The applicant provided misleading information on the application. He treated this application with a level of disdain that I’ve not seen in 5 years of processing applications. I’m particularly concerned where he wrote: “and others” under the question of “have you ever been convicted of a felony?”

It is the opinion of the Appleton Police Department that Jesse Howell be denied his bartender license.

Very Respectfully:

Lt. Jeff Miller
Appleton Police Department

11/22

RICHARD M. ROMLEY
MARICOPA COUNTY ATTORNEY

MICHAEL K. JEANES, CLERK
BY *Bernadette Maraziti*
DEP
FILED

Robert J. Shutts
Deputy County Attorney
Bar Id #: 003469
301 West Jefferson, 4th Floor
Phoenix, AZ 85003
Telephone: (602) 506-5780
MCAO Firm #: 00032000
Attorney for Plaintiff

2004 NOV 16 PM 3:29

DR 200442150212 - Phoenix Police Dept.
NORTHWEST PHOENIX JUSTICE COURT
VACATE
CA2004040342

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
COUNTY OF MARICOPA, RCC - GLENDALE

THE STATE OF ARIZONA,)	
)	
Plaintiff,)	
)	
vs.)	
)	
JESSE COLLIER HOWELL (001),)	CR2004-132990-001 DT ____
)	
Defendant.)	DIRECT COMPLAINT
)	
)	MANSLAUGHTER, A CLASS 2
)	DANGEROUS FELONY
)	
)	IN CUSTODY
)	

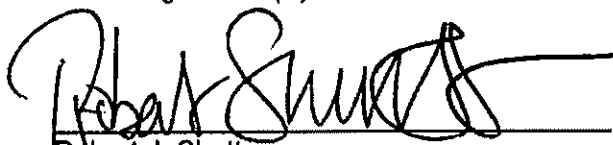
The complainant herein personally appears and, being duly sworn, complains on information and belief against JESSE COLLIER HOWELL, charging that in Maricopa County, Arizona:

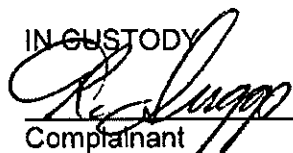
JESSE COLLIER HOWELL, on or about the 11th day of November, 2004, intentionally aided KARA WILLIAMS to commit suicide or recklessly caused the death of KARA WILLIAMS, in violation of A.R.S. §§ 13-1101, 13-1103, 13-701, 13-702, 13-702.01, and 13-801.

The State of Arizona further alleges that the offense charged in this count is a dangerous felony because the offense involved the discharge, use, or threatening exhibition of a HANDGUN, a

DCO

deadly weapon or dangerous instrument, and/or the intentional or knowing infliction of serious physical injury upon KARA WILLIAMS, in violation of A.R.S. § 13-604(P).


Robert J. Shutts
Deputy County Attorney

IN CUSTODY
 7328
Complainant

Agency: Phoenix Police Dept.

Subscribed and sworn upon information and belief this 16 day of November, 2004.

BS/sd/OK

COURT INFORMATION SHEET (CIS)

County Attorney Case Number: CA2004040342

Filing ID Number: CA2004040342-1-1

STATE v. JESSE COLLIER HOWELL
Defendant Sequence: 1

Defendant's **IN CUSTODY**
Address: 1814 West Wahalla Lane
Phoenix, AZ 85027

Defendant's **UNKNOWN**
Employer:

Defendant's **Public Defender**
Attorney:

DEFENDANT'S DESCRIPTION:

Race: W Sex: M Hair: BRO Eyes: BRO Hgt: 510
Wgt: 170 DOB: 5/24/1981 Soc Sec #: 535901522

SID #: 14420592 FBI #: 260930MB0 Old LEJIS #: 0740664
JMS Booking #: P024811 JMS LEJIS #: Unknown

FILING STATUS:

Direct Complaint CR #: CR2004132990001 ^{OT} Date Filed: _____
Court Designation: RCC - GLENDALE
Justice Court Precinct: NORTHWEST PHOENIX JUSTICE VACATE

ATTORNEY: ROBERT J. SHUTTS Bar ID: 003469 Location: DOWNTOWN

PRELIMINARY HEARING/GRAND JURY CHARGES

COUNT 1: MANSLAUGHTER, A CLASS 2 DANGEROUS FELONY

<u>Count</u>	<u>ARS</u>	<u>Date of Crime</u>
1	13-1103A3	11/11/2004

DEPARTMENTAL REPORTS:

DR 200442150212 - Phoenix Police Dept.

EXTRADITE: OK

DWL

IN THE NORTHWEST PHOENIX JUSTICE COURT
STATE OF ARIZONA, COUNTY OF MARICOPA
RELEASE QUESTIONNAIRE

Information to be supplied by a prosecutor or law enforcement officer.

STATE OF ARIZONA vs. HOWELL, JESSE C.

DOB 052481 CASE/BK. NO.

A. GENERAL INFORMATION

1. Charge and Class 1-MANSLAUGHTER-C2F

2. Offense Location: 1814 W. WAHALA ST

Date: 111104 Time: 1440

3. Arrest Location: 1814 W. WAHALA ST

Date: 11-11-04 Time: 1750

B. CIRCUMSTANCES OF THE OFFENSE

1. Was a firearm or other weapon used?

YES NO

Type of weapon: SEMI AUTOMATIC HANDGUN

Was anyone injured by the defendant?

YES NO

Was medical attention necessary:

YES NO

Nature of injuries: GUNSHOT WOUND TO CHIN THROUGH HEAD

2. Was anyone threatened by the defendant?

YES NO

Nature and extent of threats:

3. If property offense, value of property taken or damaged:

Was the property recovered?

YES NO

C. CIRCUMSTANCES OF THE ARREST

1. Did the defendant attempt to:

Avoid arrest? YES NO

Resist arrest? YES NO

Explain:

2. Was the defendant armed when arrested?

YES NO

Type of weapon:

3. Was evidence of the offense found in the defendant's possession?

YES NO

Explain:

4. Was the defendant under the influence of alcohol or drugs at the time of the offense?

YES NO UNK

D. CRIMES OF VIOLENCE

1. Relationship of defendant to victim:

BOYFRIEND-GIRLFRIEND

Do the victim and defendant reside together?

YES NO

2. How was the situation brought to the attention of police?

Victim

Third party

Officer observed

3. Have there been any previous incidents involving these same parties?

YES NO

Explain:

4. Is defendant currently the subject of:

An order of protection

Injunction against harassment

Any other court order

Explain:

E. OTHER INFORMATION

1. Is the defendant presently on probation, parole or any other form of release

Involving other charges or convictions?

YES NO

Explain:

2. List any prior arrests, convictions, and/or F.T.A.'s:

DOMESTIC VIOLENCE ASSAULT/ ASSAULT/

SHOPLIFTING/CRIMINAL DAMAGE/ TRESSPASSING 1ST

DEGREE/ ASSAULT

3. Is there any indication the defendant is:

An alcoholic?

An addict?

Mentally disturbed?

Physically ill?

4. Is the defendant currently employed?

YES NO

With whom

How long

Nature of employment

5. Where does the defendant currently reside?

1814 W. WAHALA ST

With whom

VICTIM'S MOTHER

How long

2 MONTHS

6. What facts indicate the defendant will flee if released?

Explain: DEFENDANT IS CURRENTLY UNEMPLOYEED/ USES MARIJUANA DAILY/ PREVIOUS RECORD/ DEF. IS TRANSIENT IN RECENT RESIDENCES/

7. What facts does the State have to oppose an unsecured release?

Explain: SAME AS #6.

SECTION III: Probable Cause Statement

F. DRUG OFFENSES

1. If the defendant is considered a major drug dealer, please state the supporting facts:
2. What quantities and types of illegal drugs are directly involved in this offense?

Approximate monetary value:
3. Was any money seized?
 YES NO
Amount:
4. Were any automatic weapons in the possession of the defendant at the time of the arrest?
 YES NO
Quantity and type:

1. Please summarize and include the information which establishes probable Cause for the arrest:
 POLICE WERE CALLED TO 1814 W WAHALA REFERENCE A POSSIBLE SUICIDE. UPON CONTACT THE DEFENDANT TOLD POLICE THAT HIS GIRLFRIEND (VICTIM) SHOT HERSELF WITH THE DEFENDANT'S HANDGUN AFTER AN ARGUMENT BEGAN. DEFENDANT AND VICTIM WERE THE ONLY TWO PEOPLE PRESENT WHEN THIS OCCURRED. DEFENDANT ADMITTED TO GETTING HIGH THE NIGHT BEFORE ON MARIJUANA AND WAKING UP AND STARTED TO ARGUE WITH HIS GIRLFRIEND. DEFENDANT INITIALLY SAID THAT HE HANDED HIS HANDGUN TO THE VICTIM BECAUSE SHE SAID THAT SHE WANTED TO HURT HERSELF. DEFENDANT TAUNTED AND DARED THE VICTIM TO INFLECT HARM UPON HERSELF. DEFENDANT SAID THAT HIS HANDS WERE ON THE VICTIM'S HANDS WHEN HE PULLED THE TRIGGER. DEFENDANT LATER RECANTED STORY AND SAID THAT HE THREW THE HANDGUN ON THE BED AND THAT THE VICTIM PICKED UP THE GUN FROM THE BED. VICTIM HELD GUN UNDER CHIN AND DEFENDANT SAID HE FELT HER SQUEEZE THE TRIGGER AND INFLECT HARM UPON HERSELF. DEFENDANT AT NO TIME ATTEMPTED TO STOP VICTIM FROM HARMING HERSELF. DEFENDANT ADMITTED TO DARING HER TO DO AND TAUNTING HER TO DO IT. DEFENDANT ALSO THOUGHT THAT HE WAS A PROHIBITED POSSESSOR AND DIDN'T WANT TO GET INTO TROUBLE FOR POSSESSING THE GUN. NO FELONY CONVICTIONS SHOWED/ ONLY ARRESTS. DEFENDANT ADMITTED TO NOT STOPPING VICTIM.

****If a fugitive arrest, a form IVA must also be completed****

MARICOPA COUNTY JUSTICE COURT PRECINCTS

- | | |
|-----------------------|------------------------|
| 1. Buckeye | 13. Northwest Phoenix |
| 2. Central Phoenix | 14. Peoria |
| 3. Chandler | 15. Scottsdale |
| 4. East Mesa | 16. South Mesa/Gilbert |
| 5. East Phoenix #1 | 17. South Phoenix |
| 6. East Phoenix #2 | 18. Tempe East |
| 7. Gila Bend | 19. Tempe West |
| 8. Glendale | 20. Tolleson |
| 9. Maryvale | 21. West Mesa |
| 10. North Mesa | 22. West Phoenix |
| 11. North Valley | 23. Wickenburg |
| 12. Northeast Phoenix | |

(PLEASE REFER TO PRECINCT MAP)

JUDICIAL OFFICER REVIEW OF PROBABLE CAUSE STATEMENT AND COMPLAINT ON OATH OR AFFIRMATION

I certify that the information presented is true to the best of my knowledge

- Complaint review
- Witness sworn
- Reviewed Form IV
- Other sources:
- PC returned

N. OYEDA 7918
ARRESTING OFFICER/SERIAL NUMBER

PIX 600
AGENCY/DUTY PHONE NUMBER

11-11-04
DATE

Judicial Officer

Administrated pursuant to AO 2003-046, the oath has been administered pursuant to the law and required procedures. RM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2004-132990-001 DT

02/03/2006

HONORABLE BETHANY G. HICKS

CLERK OF THE COURT
C. Kelly
Deputy

FILED: 2-9-06

STATE OF ARIZONA

WILLIAM W CLAYTON

v.

JESSE COLLIER HOWELL (001)
DOB: 5/24/1981

JAMES J HARRIS

APO-SENTENCE IMPRISON-CCC
APPEALS-CCC
DISPOSITION CLERK-CSC
RFR
VICTIM SERVICES DIV-CA-CCC

SENTENCE OF IMPRISONMENT

11:02 a.m.

State's Attorney: Bill Clayton
Defendant's Attorney: James Harris and Catherine Whalen
Defendant: Present
Court Reporter: Treva Colwell

Count(s) 2: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 2 Manslaughter
Class 2 dangerous felony
A.R.S. § 13-1101, 13-1103, 13-604, 13-702 and 13-801
Date of Offense: on or about November 11, 2004
Dangerous pursuant to A.R.S. § 13-604 - Non Repetitive

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2004-132990-001 DT

02/03/2006

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 2: 8 year(s) from February 3, 2006
Presentence Incarceration Credit: 451 day(s)
Mitigated
Sentence is concurrent with CR2004023309001DT.

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

ASSESSMENTS:

Count 2: PROBATION SURCHARGE: \$5.00

Community Supervision: Count 2 - Imposed pursuant to A.R.S. § 13-603(I).

IT IS ORDERED granting the Motion To Dismiss the following: Count 1; no further charges out of PPD DR#2004-42150212.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this order together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

11:39 a.m. Matter concludes.

cc: DOC - Certified Copy via Certification Desk

cc: MCSO-DIS - Certified Copy via Certification Desk

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CLERK OF THE COURT

2-3-06

Date

BETHANY G. HICKS

JUDGE OF THE SUPERIOR COURT

C. Kelly

Deputy

CR 2004132990001DT

STATE v. Howell

Let the record reflect that the Defendant's thumbprint is permanently affixed to this sentencing order in open court.

11:39^{am} Matter concludes.

(thumbprint)

Bethany G. Hicks
JUDICIAL OFFICER OF THE SUPERIOR COURT



STATE OF WISCONSIN

Plaintiff,

-vs-

DA Case No.: 2015OU003696

Assigned DA/ADA: Alexander E. Duros

Agency Case No.: LGC15-014349

Court Case No.:

ATN:

Jesse C. Howell
1310 W. Hiawatha Drive
Appleton, WI 54914
DOB: 05/24/1981
Sex/Race: M/W
Eye Color: Brown
Hair Color: Brown
Height: 5 ft 10 in
Weight: lbs
Alias:

Criminal Complaint

Defendant,

_____, being first duly sworn, states that:

Count 1: FELONY INTIMIDATION OF A VICTIM, DOMESTIC ABUSE

The above-named defendant on or about Monday, September 21, 2015, in the Town of Grand Chute, Outagamie County, Wisconsin, knowingly and maliciously did attempt to dissuade Jennifer M Whittemore, who has been the victim of a crime, from making a report of the victimization to a law enforcement agent, where the act is accompanied by force or violence or attempted force or violence, contrary to sec. 940.45(1), 939.50(3)(g), 968.075(1)(a), 973.046(1r), 973.047(1f) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

And further, invoking the provisions of sec. 968.075(1)(a) Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

And the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis.

Count 2: FALSE IMPRISONMENT, DOMESTIC ABUSE

The above-named defendant on or about Monday, September 21, 2015, in the Town of Grand Chute, Outagamie County, Wisconsin, did intentionally confine Jennifer M Whittemore, without that person's consent, and with the knowledge that he had no lawful authority to do so, contrary to sec. 940.30, 939.50(3)(h), 968.075(1)(a), 973.046(1r),

973.047(1f) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

And further, invoking the provisions of sec. 968.075(1)(a) Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

And the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis.

Count 3: STRANGULATION AND SUFFOCATION, DOMESTIC ABUSE - INFLICTION OF PHYSICAL PAIN OR INJURY

The above-named defendant on or about Monday, September 21, 2015, in the Town of Grand Chute, Outagamie County, Wisconsin, did intentionally impede the normal breathing by applying pressure on the throat or neck of another person, contrary to sec. 940.235(1), 939.50(3)(h), 968.075(1)(a)1, 973.046(1r), 973.047(1f) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

And further, invoking the provisions of sec. 968.075(1)(a)1 Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

And the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis.

Count 4: MISDEMEANOR BATTERY, DOMESTIC ABUSE

The above-named defendant on or about Monday, September 21, 2015, in the Town of Grand Chute, Outagamie County, Wisconsin, did cause bodily harm to Jennifer M Whittemore, by an act done with intent to cause bodily harm to that person, without that person's consent, contrary to sec. 940.19(1), 939.51(3)(a), 968.075(1)(a), 973.046(1r), 973.047(1f) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

And further, invoking the provisions of sec. 968.075(1)(a) Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

And the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis.

Count 5: DISORDERLY CONDUCT, DOMESTIC ABUSE

The above-named defendant on or about Monday, September 21, 2015, in the Town of Grand Chute, Outagamie County, Wisconsin, while in a private place, did engage in abuse, violent or otherwise disorderly conduct, under circumstances in which such conduct tended to cause a disturbance, contrary to sec. 947.01(1), 939.51(3)(b), 968.075(1)(a), 973.046(1r), 973.047(1f) Wis. Stats., a Class B Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned not more than ninety (90) days, or both.

And further, invoking the provisions of sec. 968.075(1)(a) Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

And the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis.

PROBABLE CAUSE:

AND PRAYS SAID DEFENDANT BE DEALT WITH ACCORDING TO LAW; AND THAT THE BASIS FOR THE COMPLAINANT'S CHARGE OF SUCH OFFENSE IS AS FOLLOWS:

Complainant is an employee with the Outagamie County Sheriff's Department and bases this complaint upon the report and investigation of Off. Ben Hanson of the Grand Chute Police Department, as well as the statements of Jennifer Whittemore and Jesse Howell. Complainant and Off. Hanson are presumed truthful and reliable as police officer informants. The statements of Howell are presumed truthful and reliable as made against his penal interests. The statements of Whittemore are presumed truthful and reliable as an adult witness.

Complainant states that Officer Hanson reports that on September 21, 2015, at approximately 1:25 a.m. he was dispatched to 1310 West Hiawatha Drive, in the Town of Grand Chute, Outagamie County, Wisconsin, for a disturbance. Jennifer Whittemore states that she and her fiancée, with whom she lives and has a child in common, went to the bars

and drank alcohol. While at the bar she believed her fiancée Jesse Howell was flirting with another woman. When they arrived home they began to argue.

Ms. Whittemore states that she wanted to stop talking about it but Jesse Howell did not. Jennifer Whittemore attempted to walk past Jesse Howell several times but he would not let her pass. Jesse Howell shoved Jennifer Whittemore in the chest with both hands, causing her pain without consent.

Jesse Howell then placed both of his hands around her neck with his thumbs in front. He then squeezed her neck in an attempt to strangle her. Ms. Whittemore rated the pressure as an 8 out of 10. Jennifer Whittemore felt lightheaded and felt like her head was going to pop. She thought he was going to kill her.

After he stopped strangling her, Jesse Howell closed the garage door to prevent her from getting out. Jesse Howell told Jennifer Whittemore "If you call the cops I will beat you to a bloody pulp." Jennifer states Jesse would not let her leave the garage and was holding her against her will.

Subscribed and sworn to before me,
and approved for filing on:

This _____ day of September, 2015

Complainant

Assistant District Attorney

State Bar No. 1090052 for Assigned DA/ADA

SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

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

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

The undersigned duly authorized officer(s)/members/managers of Walgreen Co.
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as

Walgreens #07323
(trade name)
located at 3330 E. Calumet Street, Appleton, WI 54915

appoints Joshua M Buck
(name of appointed agent)
W6572 Austin Drive Appleton, WI 54915
(home address of appointed agent)

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

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

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

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 39.5 years

Place of residence last year W6572 Austin Drive Appleton, WI 54915

For: Walgreen Co.
(name of corporation/organization/limited liability company)

By: [Signature] Todd Heckman, VP
(signature of Officer/Member/Manager)

And: [Signature]
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, Joshua M. Buck, hereby accept this appointment as agent for the
(print/type agent's name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

[Signature] 6-13-19 Agent's age 39
(signature of agent) (date)
W6572 Austin Dr. Appleton, WI 54915 Date of birth [Redacted]
(home address of agent)

**APPROVAL OF AGENT BY MUNICIPAL AUTHORITY
(Clerk cannot sign on behalf of Municipal Official)**

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(date) (signature of proper local official) (town chair, village president, police chief)

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
Buck		Joshua		Michael	
Home Address (street/route)		Post Office	City	State	Zip Code
W6572 Austin Dr			Appleton	WI	54915
Home Phone Number		Age	Date of Birth	Place of Birth	
[REDACTED]		[REDACTED]	[REDACTED]	Neenah, WI	

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an individual.
- A member of a partnership which is making application for an alcohol beverage license.

Joshua Buck of Walgreen Co.
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

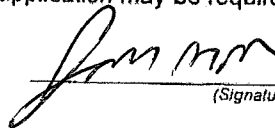
The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? 39.5 years
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
 If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
 If yes, identify. (Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
 If yes, identify. (Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
Walgreens	700 West College Ave, Appleton, WI	June 2002	Present
City of Menasha	455 Baldwin St, Menasha, WI 54952	June 1998	Sept 2001

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.


(Signature of Named Individual)

SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

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

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

The undersigned duly authorized officer(s)/members/managers of Walgreen Co.
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as

Walgreens #12019
(trade name)

located at 2803 N. Meade St. Appleton WI 54911

appoints Richard Varick
(name of appointed agent)

N3502 State Road 47 Appleton WI 54913
(home address of appointed agent)

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

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

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

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 29 years

Place of residence last year Appleton WI

For: Walgreen Co.
(name of corporation/organization/limited liability company)

By: [Signature] Todd Heckman, VP
(signature of Officer/Member/Manager)

And: _____
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, Richard Varick, hereby accept this appointment as agent for the
(print/type agent's name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Richard Varick 6-11-19 Agent's age ●●
(signature of agent) (date)

N3502 State Road 47, Appleton WI 54913 Date of birth ●●●
(home address of agent)

**APPROVAL OF AGENT BY MUNICIPAL AUTHORITY
(Clerk cannot sign on behalf of Municipal Official)**

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(date) (signature of proper local official) (town chair, village president, police chief)

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name) <u>Varick</u>		(first name) <u>Richard</u>		(middle name)	
Home Address (street/route) <u>N3502 State Road 47</u>		Post Office	City <u>Appleton</u>	State <u>WI</u>	Zip Code <u>54913</u>
Home Phone Number ●●● ●●● ●●●●		Age ●●	Date of Birth ●●●●●●	Place of Birth <u>Milwaukee WI</u>	

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an individual.
- A member of a partnership which is making application for an alcohol beverage license.

Richard Varick of Walgreen Co.
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? 29 years.
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
 If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
 If yes, identify. (Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
 If yes, identify. (Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name <u>Walgreens</u>	Employer's Address <u>200 Wilmet Rd Deerfield IL 60015</u>	Employed From <u>12/1992</u>	To <u>present</u>
Employer's Name <u>Mike's Town & Country</u>	Employer's Address <u>520 E Northland Ave (out of business) Appleton WI 54911</u>	Employed From <u>6/1991</u>	To <u>12/1992</u>

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

Richard Varick
(Signature of Named Individual)

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: _____ ending: 06-30-2020
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: Town of } Appleton
 Village of }
 City of }

County of Outagamie Aldermanic Dist. No. _____
(if required by ordinance)

Check one: Individual Limited Liability Company
 Partnership Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number ●●●●●●●●●●●●●●●●●●●●	
FEIN Number ●●●●●●●●●●●●●●●●●●●●	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ <u>100</u>
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ <u>60 + 7</u>
TOTAL FEE	\$ <u>167-</u>

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
Susan Xiong

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Xiong</u>	<u>Susan</u>	<u>N/A</u>	<u>3131 N. Durkee St. Appleton WI 54911</u>
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Lao Thai Business Phone Number ●●●●●●●●●●●●●●●●●●●●

2. Address of Premises 1804 S. Lawe St. Appleton WI Post Office & Zip Code 54915

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)
We are located inside "Long Cheng Market" our booth is #203. We'll be serving beer bottles ONLY BY "LAO THAI" - (our booth the Alcohol will be stored in our fridge, next to the register. Our booth is 15-6" x 30. We will only be serving beer bottles!

4. Legal description (omit if street address is given above): 1804 S Lawe St. Appleton WI 54915

5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No

(b) If yes, under what name was license issued? Bangkok Post

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** Yes No
7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
If yes, explain.
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** Yes No
9. (a) **Corporate/limited liability company applicants only:** Insert state _____ and date _____ of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** Yes No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? **If yes, explain.** Yes No
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] Yes No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] Yes No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, M.I.) <i>Xiong Susan</i>	Title/Member <i>Owner</i>	Date <i>7/24/19</i>
Signature <i>[Signature]</i>	Phone Number [REDACTED]	Email Address [REDACTED]

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	



City of Appleton

Liquor License Questionnaire

1. Name of Applicant: Susan Xioney

2. Name of Business: Lao Thai

3. Address of Business: 1804 S. Lawrence St. Appleton WI 54915

4. Have you or any member of your organization ever been convicted of a misdemeanor or ordinance violation? Yes _____ No X
AND/OR been convicted of a felony? Yes _____ No X
If yes to either question, please explain in detail: _____

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

First name	Initial	Last name	Date of Birth
_____	_____	_____	____/____/____
_____	_____	_____	____/____/____
_____	_____	_____	____/____/____
_____	_____	_____	____/____/____

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

Name: _____
First name Initial Last name

Address: _____

City, State, Zip: _____

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

8. Are alcohol sales an existing use in this building? Yes No
If no, When did the operation cease? _____ months ago.

9. Are alcohol sales a new use in this building? Yes No
If yes, please contact the Community Development Department at 832-6468 to obtain a Special Use Permit.

10. Is your primary business restaurant? Yes No

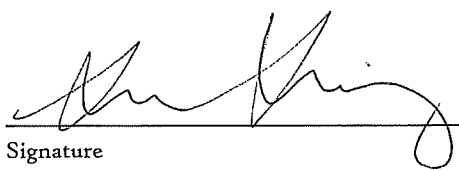
11. Seating capacity: Inside 60-80 Outside _____

12. Operating hours: 10AM - 7PM

13. Number of floor personnel _____ Number of door checkers _____

14. In general, state the size, design and type of the proposed establishment and the operational details.

7/25/19
Date


Signature

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

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name) Xiong		(first name) Susan		(middle name) N/A	
Home Address (street/route) 3131 N. Durkee St.		Post Office	City Appleton	State WI	Zip Code 54911
Home Phone Number ●●●●●●●●		Age ●●	Date of Birth ●●/●●/●●	Place of Birth Berlin, WI	

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an **individual**.
- A member of a **partnership** which is making application for an alcohol beverage license.
- _____ of _____
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)
- which is making application for an alcohol beverage license.

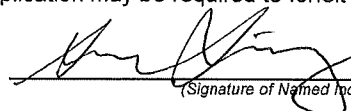
The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? _____
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
 If yes, describe status of charges pending. _____
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
 If yes, identify. _____
(Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
 If yes, identify. _____
(Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
Employer's Name	Employer's Address	Employed From	To

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.



(Signature of Named Individual)

Original Alcohol Beverage Retail License Application

Submit to municipal clerk.

For the license period beginning 20 19 ;
ending June 30 20 20

TO THE GOVERNING BODY of the: Town of }
 Village of } Appleton
 City of }

County of Outagamie Aldermanic Dist. No. _____ (if required by ordinance)

1. The named Individual Partnership Limited Liability Company
 Corporation / Nonprofit Organization

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): Lilac Enterprise LLC

LICENSE REQUESTED	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ 100
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ 60
TOTAL FEE	\$ 160

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

Title	Name (Last, First, M.I.)	Home Address	Post Office & Zip Code
President/Member	<u>President</u>	<u>Vang, May N.</u>	<u>1226 Appleton St. Menasha, WI 54952</u>
Vice President/Member	<u>Member</u>	<u>Thao, Kong</u>	<u>1226 Appleton St. Menasha, WI 54952</u>
Secretary/Member			
Treasurer/Member			
Agent			
Directors/Managers			

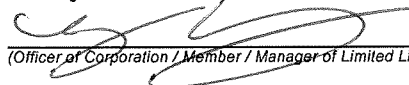
3. Trade Name May's Kitchen Business Phone Number 920-939-6004
4. Address of Premises 1804 S. Lawe St Unit 204 Appleton, WI Post Office & Zip Code 54915

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? Yes No
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? Yes No
8. (a) Corporate/limited liability company applicants only: Insert state _____ and date _____ of registration.
(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? Yes No
(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? Yes No
(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) Front side area and stored in storage area in back of kitchen

10. Legal description (omit if street address is given above): _____
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No
(b) If yes, under what name was license issued? _____
12. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277]. Yes No
13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776]. Yes No
14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.


(Officer of Corporation / Member / Manager of Limited Liability Company / Partner / Individual)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name) <u>Vang</u>		(first name) <u>May</u>		(middle name) <u>Nhia</u>	
Home Address (street/route) <u>1226 Appeton street</u>		Post Office	City <u>Menasha</u>	State <u>WI</u>	Zip Code <u>54952</u>
Home Phone Number ●●●●●●●●		Age ●●	Date of Birth ●●●●●●	Place of Birth <u>Fresno, CA</u>	

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an **individual**.
- A member of a **partnership** which is making application for an alcohol beverage license.

Owner of Lilac Enterprise LLC
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

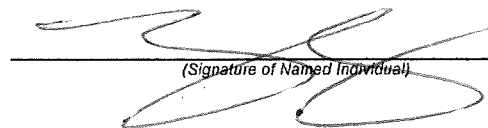
which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? 29 yrs
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
 If yes, describe status of charges pending.
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
 If yes, identify. _____
(Name, Location and Type of License/Permit)
5. Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
 If yes, identify. _____
(Name of Wholesale Licensee or Permittee) (Address By City and County)
6. Named individual must list in chronological order last two employers.

Employer's Name <u>Kenneth Enterprise Charley Phillyskal</u>	Employer's Address <u>14 Lisa Lane, Nanuet, NY</u>	Employed From <u>1/2016</u>	To <u>12/2018</u>
Employer's Name <u>UW-Milwaukee Restaurant ops</u>	Employer's Address <u>2200 E. Kenwood Blvd, Milwaukee</u>	Employed From <u>10/2004</u>	To <u>12/2015</u>

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.



(Signature of Named Individual)

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name) <u>Thao</u>		(first name) <u>Kong</u>		(middle name)	
Home Address (street/route) <u>1226 Appleton St</u>		Post Office <u>54452</u>	City <u>Menasha</u>	State <u>WI</u>	Zip Code <u>54952</u>
Home Phone Number <u>414-286-1884</u>		Age <u> </u>	Date of Birth <u> </u>	Place of Birth <u>Thailand</u>	

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an **individual**.
- A member of a **partnership** which is making application for an alcohol beverage license.

Member of Lilac Enterprise LLC
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.


The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? 25 years
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
 If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
 If yes, identify. _____
(Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
 If yes, identify. _____
(Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
<u>Wells Fargo</u>	<u>5541 S 550 South 4th St Minneapolis, MN</u>	<u>May 2013</u>	<u>Present</u>
<u>K Force</u>	<u>1001 E. Palm Ave Tampa, FL 33605</u>	<u>October 2012</u>	<u>May 2013</u>

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.



(Signature of Named Individual)



City of Appleton

Liquor License Questionnaire

1. Name of Applicant: Lilac Enterprise LLC

2. Name of Business: May's Kitchen



3. Address of Business: 1804 S. Lave St. Unit 204 Appleton, WI 54915

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

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

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

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

<u>May</u>	<u>N</u>	<u>Vang</u>	
First name	Initial	Last name	Date of Birth
<u>Kong</u>		<u>Thao</u>	
First name	Initial	Last name	Date of Birth
_____	_____	_____	____/____/____
First name	Initial	Last name	Date of Birth
_____	_____	_____	____/____/____
First name	Initial	Last name	Date of Birth

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

Name: _____
First name Initial Last name

Address: _____

City, State, Zip: _____

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

8. Are alcohol sales an existing use in this building? Yes No
If no, When did the operation cease? _____ months ago.

9. Are alcohol sales a new use in this building? Yes _____ No
If yes, please contact the Community Development Department at 832-6468 to obtain a Special Use Permit.

10. Is your primary business restaurant? Yes No

11. Seating capacity: Inside 84 Outside 0


12. Operating hours: 10AM to 8PM

13. Number of floor personnel 2 Number of door checkers 0

14. In general, state the size, design and type of the proposed establishment and the operational details.

A multi-unit establishment Unit is a food vending stall with kitchen, and dining area outside of sales area.

5/15/2019
Date


Signature

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



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

REQUEST for Beer/Liquor License Premise Amendment

FEES ARE NON-REFUNDABLE		Date Recv'd <u>8/6/19</u>
License Fee	\$10.00/event	Acct: CLCAGP
Receipt	<u>10720</u>	

SECTION 1 – LICENSE INFORMATION

Name of Establishment <u>Fat Sammy's</u>	
Address of Establishment <u>2500 S. Oneida St</u>	
Name of Agent <u>Angela Gaines</u>	Phone Number <u>920-277-4288</u>

SECTION 2 – PREMISE AMENDMENT

Please describe the change in premises:
 A drawing/diagram of the proposed area must also be submitted with this application
5-9pm band in Parking lot. Sun. Sept. 8th
 *Possible Food Trucks (off premise) budweiser beer truck during band.

Is this change Permanent? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	If this is temporary please specify the reason for the amendment: <u>Parking Lot Party</u>
---	---

Please list the date(s) and time(s) that this temporary premise amendment will be utilized:
Sun. Sept. 8th 5-9 pm

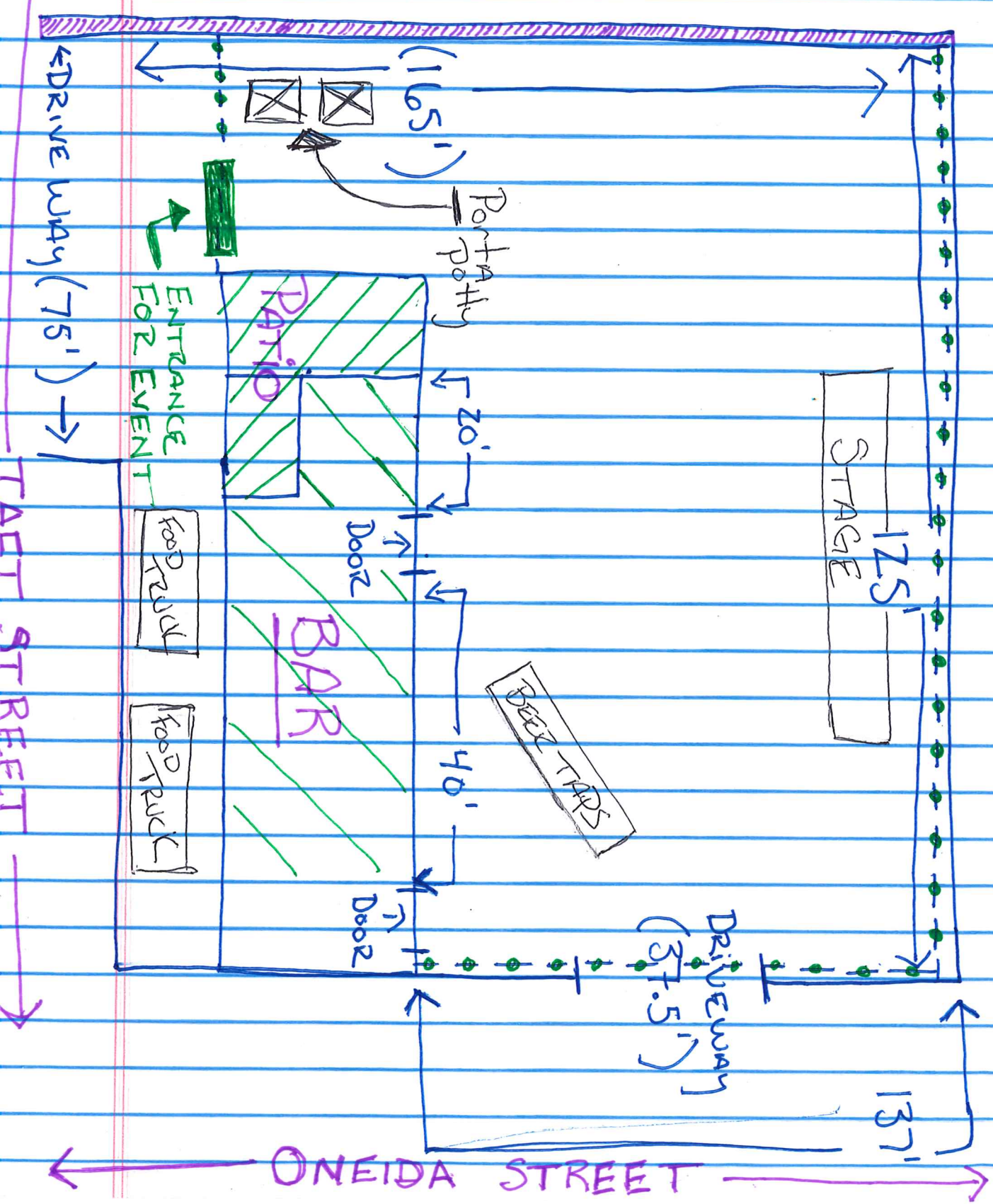
SECTION 3 – PENALTY NOTICE

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: Angela Gaines

FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				
Police				
S&L <u>8-14-19</u>	Council <u>8-21-19</u>	Date Issued	Exp. Date	License Number

WOODEN Fence 6'
SNOW Fence



MAIN STREET

ONEIDA STREET

Operator's Licenses for S&L 8/14/19

- | | |
|--------------------|---------------------------------------|
| 1. Jason D. Beatty | 28 N Linden Ln Appleton 54915 |
| 2. Kyle Blomberg | 510 E Lincoln St Appleton 54915 |
| 3. Jordan S. Derks | 217 E Hoover Ave Appleton 54915 |
| 4. David J. Evers | 1904 E Lincoln Ave Little Chute 54140 |



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: August 13, 2019

Common Council Meeting Date: August 21, 2019

Item: Special Use Permit #8-19 for pool hall with alcohol sales and service

Case Manager: David Kress

GENERAL INFORMATION

Owner: Phan Xiong

Applicant: KKY Pool Hall c/o Yer Xiong

Address/Parcel #: 339 West Wisconsin Avenue, Lower Level Unit (Tax Id #31-6-0100-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for alcohol sales and service in conjunction with a pool hall.

BACKGROUND

The subject area, located near the intersection of West Wisconsin Avenue and North Division Street, is a lower level unit of a multi-tenant building. The applicant has yet to apply for a Liquor License, but intends to do so after action is taken on this Special Use Permit request. On February 5, 2014, Common Council approved Special Use Permit #1-14 for a restaurant with alcohol sales at 1216 N. Division Street, which is located in a different tenant space of the multi-tenant building.

STAFF ANALYSIS

Project Summary: The applicant proposes to establish a pool hall with alcohol sales and service on the subject site, which would occupy approximately 1,372 square feet in the lower level of the existing building. Based on the attached development plan, this request will not increase existing building area. Per the Inspections Division, the proposed layout and dimensions would allow a preliminary total of approximately 40 occupants for the subject tenant space.

Existing Site Conditions: The existing multi-tenant building totals approximately 14,640 square feet, including other commercial uses in ground floor and lower level units. The 0.50-acre site also includes off-street parking south of the building. Access is provided by curb cuts on North Division Street.

Zoning Ordinance Requirements: The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a pool hall with alcohol sales and service requires a Special Use Permit in the C-2 District. In order to permit alcohol sales and service in conjunction with the proposed pool hall, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds (2/3) vote of the Common Council is required for approval.

Special Use Permit #8-19

August 13, 2019

Page 2

Section 23-172(m) of the Municipal Code requires a minimum number of off-street parking spaces based on the use of a property. In this case, the property has historically functioned as a “shopping center” use, per Assessor’s Office records. While the proposal would result in a change in tenancy, the nature and intensity of the use remains unchanged, as the proposal will not increase the gross floor area of the existing multi-tenant building. Therefore, additional off-street parking spaces are not required for the applicant’s request.

Operational Information: A plan of operation is attached to the Staff Report.

Outdoor Seating Area: No outdoor alcohol sales and service is requested with this application for a Special Use Permit.

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 commercial and residential in nature.

North: C-2 General Commercial District. The adjacent land uses to the north are currently a mix of commercial uses, including a tavern.

South: R-1C Central City Residential District. The adjacent land uses to the south are currently single-family and two-family residential.

East: C-2 General Commercial District and R-2 Two-Family District. The adjacent land uses to the east are currently a mix of commercial and two-family residential.

West: C-2 General Commercial District and R-1C Central City Residential District. The adjacent land uses to the west are currently a mix of commercial and single-family residential.

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

Goal 1 – Community Growth

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

Goal 8 – Economic Development

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

OBJECTIVE 9.4 Economic Development:

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

Special Use Permit #8-19
August 13, 2019
Page 3

OBJECTIVE 10.5 Land Use:

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

Chapter 15: Wisconsin Avenue Corridor Plan, General Plan:

Land Uses, Pedestrian-Oriented Commercial – This use and character is recommended between Richmond Street and Appleton Street, where it already exists to a substantial degree. It is typified by buildings constructed at or near the street right-of-way and oriented to the sidewalk.

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under Sections 23-66(e)(1-6) and 23-66(h)(6) of the Municipal Code, which were found in the affirmative, as long as all stipulations are satisfied.

Technical Review Group (TRG) Report: This item was discussed at the July 23, 2019 Technical Review Group meeting.

- Health Department Comments: With beer sales, would be a tavern with no food and need to meet the food code requirements. At a minimum, would need a handwash sink in bar area.
- Inspections Division Comments: With the plan as shown, the layout and the dimensions provided, the total net area would allow a preliminary total of approximately 40 occupants. Require HVAC plan to be developed and approved.
- Fire Department Comments: If the submittal is approved by Common Council, the Fire Department is required to be notified by the business owner so that we can do an occupancy inspection prior to opening.

Future Actions: Any future expansion that increases the gross floor area of the existing multi-tenant, shopping center building may require additional off-street parking spaces to be provided.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #8-19 to allow alcohol sales and service at 339 West Wisconsin Avenue, Lower Level Unit (Tax Id #31-6-0100-00), 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. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with. This includes working with applicable City staff to address the comments found in the TRG Report above.
2. The applicant shall apply for and receive approval of a Liquor License from the City Clerk prior to serving or consuming alcohol on the premises.
3. The serving and consumption of alcohol is limited to the lower level tenant space, as identified on the attached development plan drawings (approximately 28' x 49'). 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.

Special Use Permit #8-19

August 13, 2019

Page 4

4. This Special Use Permit is needed for the on-site alcohol sales and consumption, not the pool hall. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.

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

RESOLUTION

**CITY OF APPLETON
RESOLUTION APPROVING SPECIAL USE PERMIT #8-19**

WHEREAS, Yer Xiong, KKY Pool Hall, has applied for a Special Use Permit for a pool hall with alcohol sales and service located at 339 West Wisconsin Avenue, Lower Level Unit, also identified as Parcel Number(s) 31-6-0100-00; and

WHEREAS, the location for the proposed pool hall with alcohol sales and service is located in the C-2 General Commercial District and the proposed use is permitted by special use within this zoning district; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on August 13, 2019, on Special Use Permit #8-19 at which all those wishing to be heard were allowed to speak or present written comments, and other materials presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission has considered the application, the staff reports, oral and written, the Comprehensive Plan and zoning on the subject property, the testimony, written comments, and other materials 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)(1-6) and 23-66(h)(6) of the Municipal Code, and forwarded Special Use Permit #8-19 to the City of Appleton Common Council with a favorable 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 _____, 2019 and found it to be acceptable.

NOW, THEREFORE, BE IT RESOLVED, that the City of Appleton Common Council approves Special Use Permit #8-19 to allow alcohol sales and service located at 339 West Wisconsin Avenue, Lower Level Unit, also identified as Parcel Number(s) 31-6-0100-00 and orders as follows:

CONDITIONS OF SPECIAL USE PERMIT #8-19

1. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with. This includes working with applicable City staff to address the comments found in the TRG Report above.
2. The applicant shall apply for and receive approval of a Liquor License from the City Clerk prior to serving or consuming alcohol on the premises.

3. The serving and consumption of alcohol is limited to the lower level tenant space, as identified on the attached development plan drawings (approximately 28' x 49'). 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.
4. This Special Use Permit is needed for the on-site alcohol sales and consumption, not the pool hall. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.
5. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.

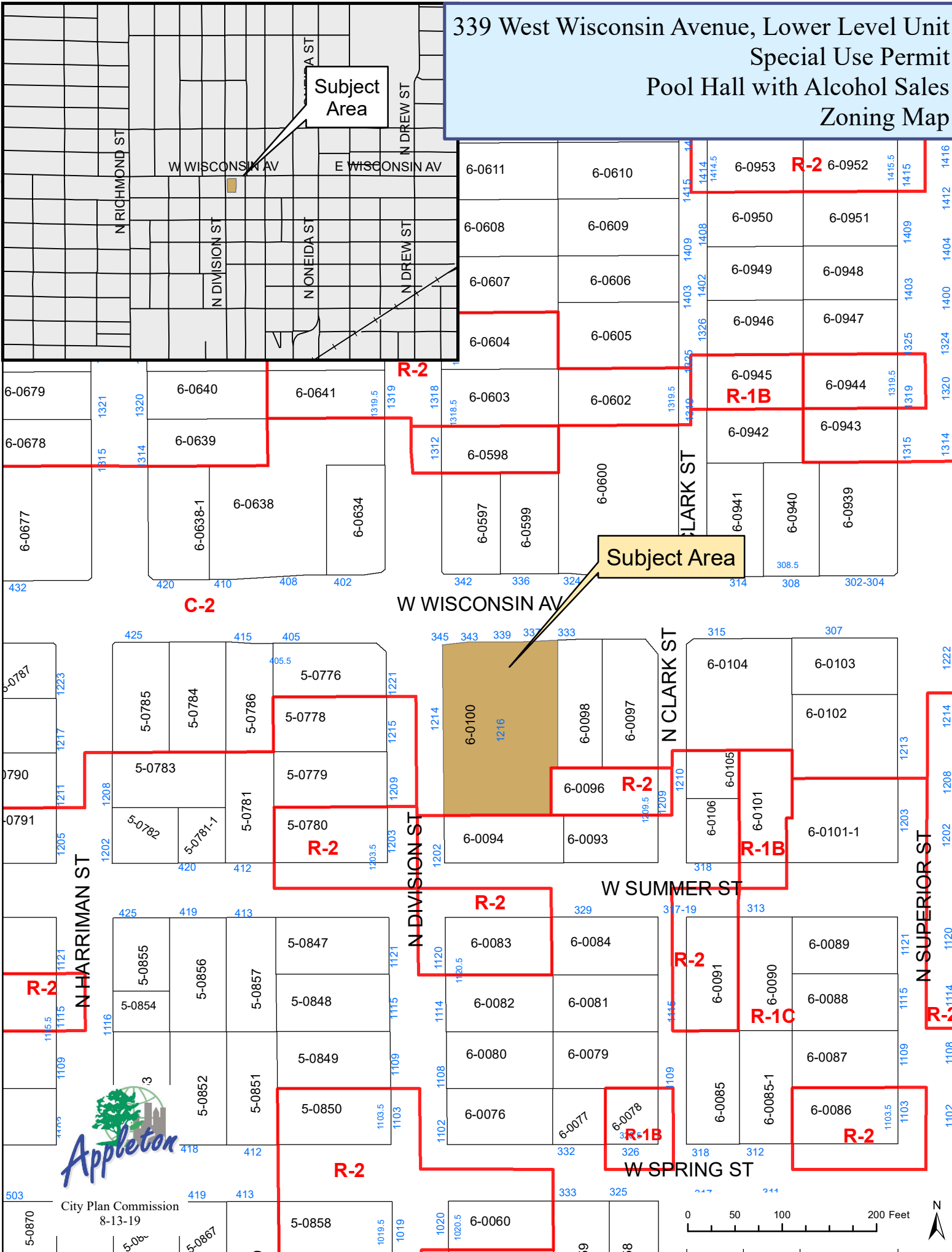
Adopted this _____ day of _____, 2019.

Timothy M. Hanna, Mayor

ATTEST:

Kami Lynch, City Clerk

339 West Wisconsin Avenue, Lower Level Unit Special Use Permit Pool Hall with Alcohol Sales Zoning Map

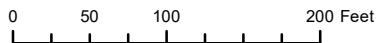


Subject Area

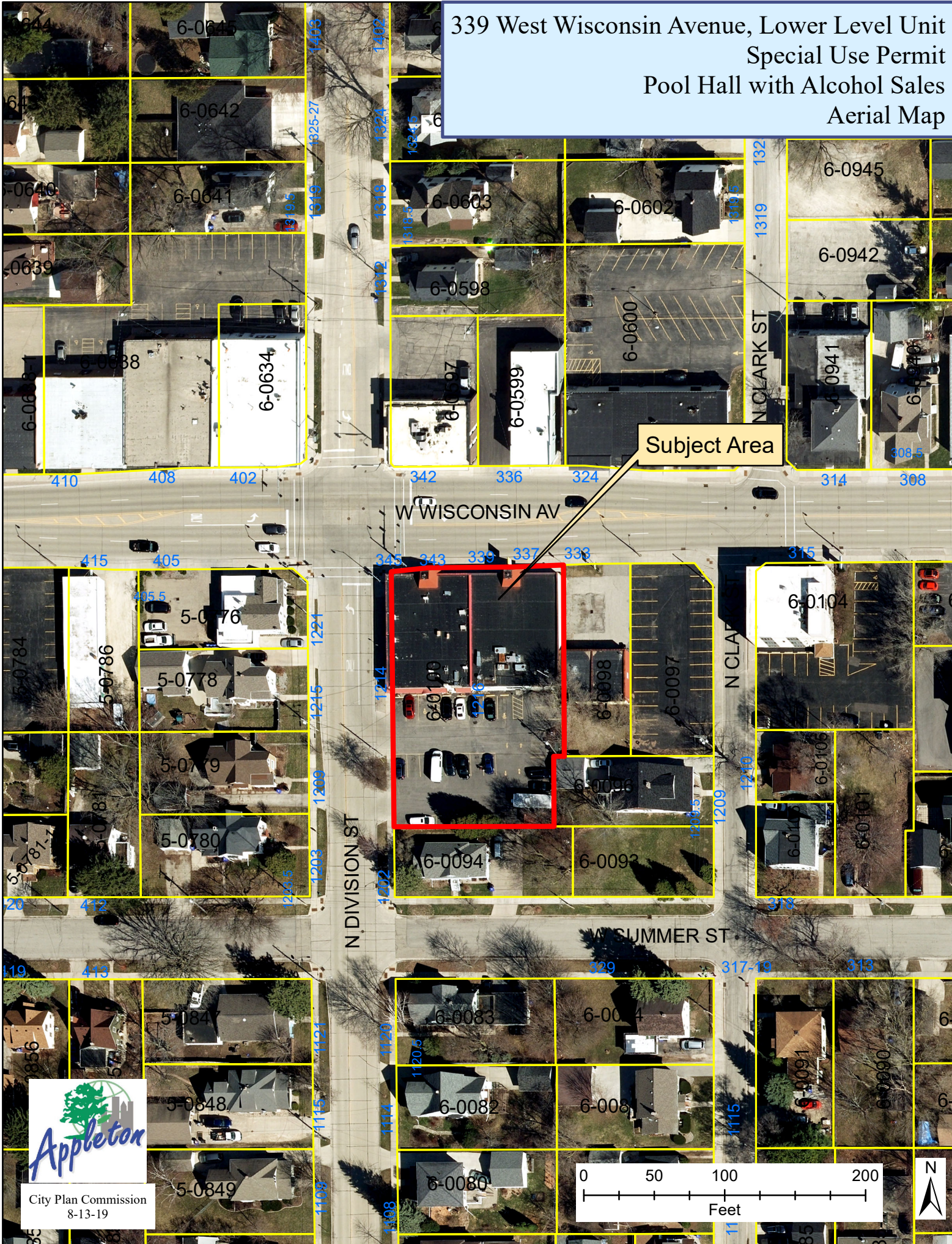
Subject Area



City Plan Commission
8-13-19



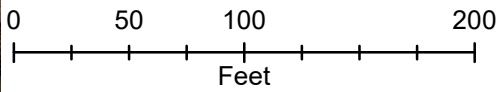
339 West Wisconsin Avenue, Lower Level Unit
Special Use Permit
Pool Hall with Alcohol Sales
Aerial Map



Subject Area

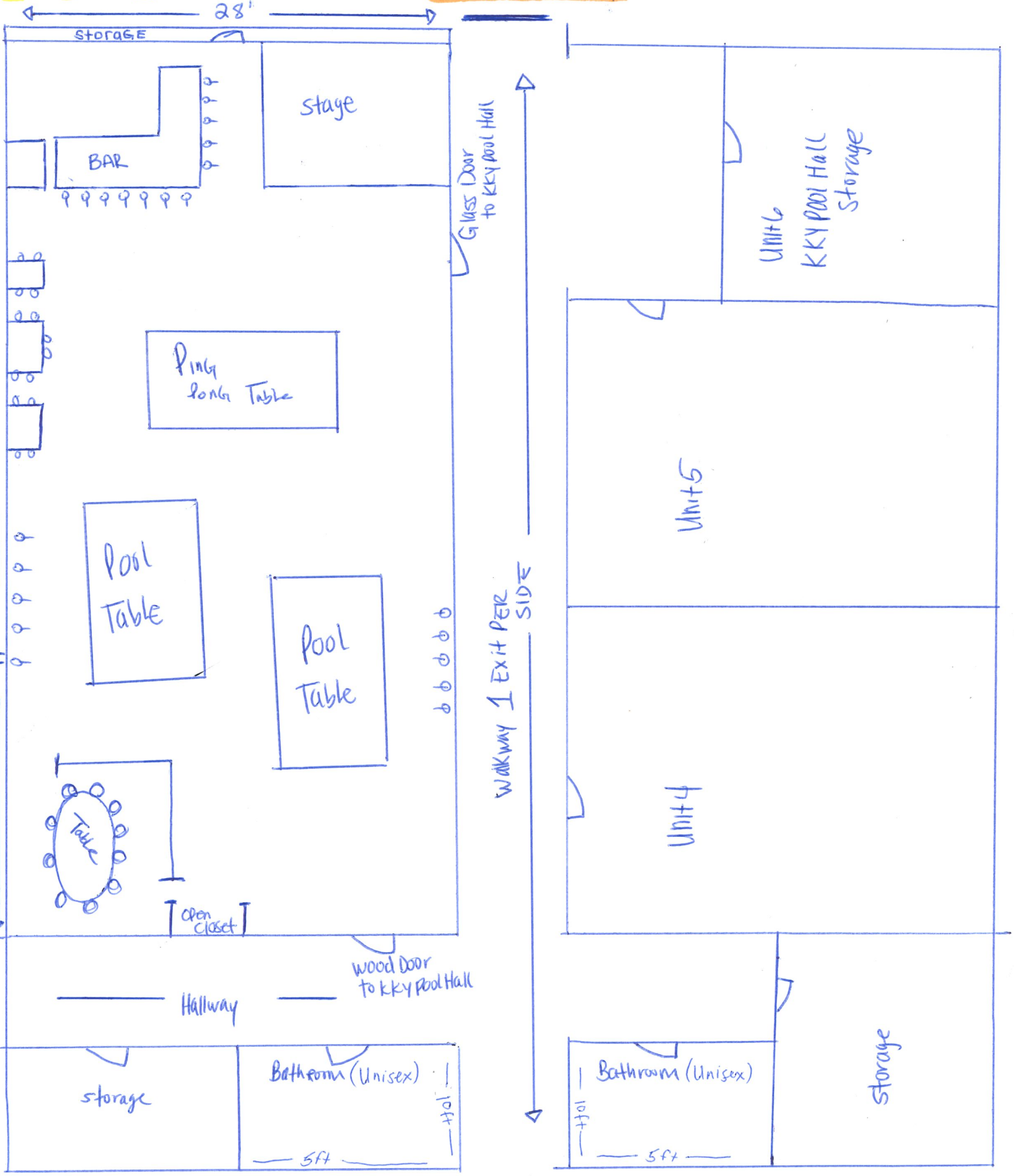


City Plan Commission
8-13-19



LOWER LEVEL IS WHERE KKY Pool Hall BE.

Exit stairs to WISCONSIN AVE street



Exit stairs to parking lot

Back Entrance (PARKING LOT)



1216
N. Division St.

FOR LEASE	Kajiah Shop
Wisconsin Radio	Bluy Thai

ACCESSIBLE
PARKING

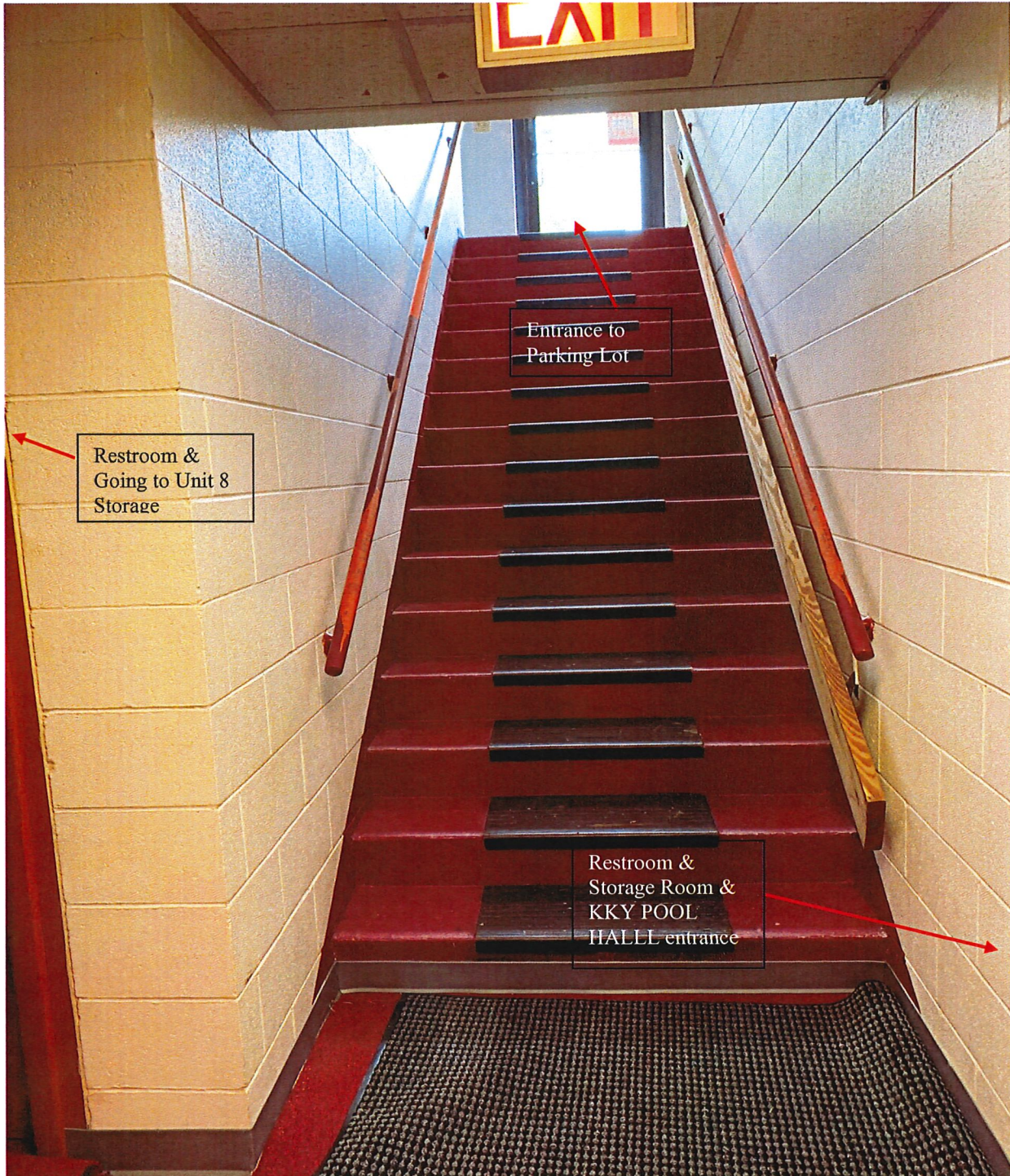
♿

WISCONSIN
14P5559

Picture of entrance from Parking Lot (KKY POOL HALL will be downstairs in the LOWER LEVEL)



Picture looking up to entrance door from bottom of lower level – standing next to KKY POOL HALL





KKY
POOL
HALL

KKY
POOL
HALL

Entrance
to Street
Wisconsin
Ave

Unit 4



EXIT

Entrance to Street
Wisconsin Ave

KKY POOL
HALL entrance

Unit 6 (for lease)
&
Unit 5 (KKY
storage or relax
room with
couches and tv)

**TAVERN AND/OR RESTAURANT WITH ALCOHOL SALES
PLAN OF OPERATION AND LOCATIONAL INFORMATION**

Business Information:

Name of business: KKY Pool Hall

Years in operation: NA (New)

Percentage of business derived from restaurant service: 0 % NO Food sales

Type of proposed establishment (detailed explanation of business):

Pool Hall relaxing place for customers and simple open mics to share their voices and meet new people around the area to hangout while having a drink. Growing within the location to attract more customers to the location.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Week Day	4:00 pm	2:00 am
Friday	4:00 pm	2:00 am
Saturday	4:00 pm	2:00 AM
Sunday	4:00 pm	2:00 AM

Building Capacity and Area:

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: 40 persons

Gross floor area of the existing building(s): 2 exits

Gross floor area of the proposed building(s): _____

Describe Any Potential Noise Emanating From the Proposed Use:

Describe the noise levels anticipated from all equipment or other mechanical sources:

With this pool hall being downstairs a lower level we are not concern with noise level, But we will keep noise to a minimal and will be controlled by owners.

Describe how the crowd noise will be controlled inside and outside the building:

~~NA~~ Crowd noise will be controlled by owners inside and outside building and keep @ a minimal. Maximum capacities followed and doors remain closed to control noise.

If off-street parking is available for the business, describe how noise from the parking lot will be controlled:

~~NA~~ Noise will be controlled by owners - will do a routine check for noise and make sure customers are getting inside to avoid additional outside noise.

Outdoor Uses:

Location, type, size and design of outdoor facilities:

NA

Type and height of screening of plantings/fencing/gating:

NA

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

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

If yes, describe how the noise will be controlled:

NA

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

Proposed Hours of Operation for Outdoor Uses: NA

Day	From	To
Week Day	NA	NA
Friday	NA	NA
Saturday	NA	NA
Sunday	NA	NA

Outdoor Lighting:

Type: NA

Location: NA

Off-Street Parking:

Number of spaces existing: 25 parking lot

Number of spaces proposed: 25 parking lot.

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:

Phenghou Deli

Maritime Tavern

Number of Employees:

Number of existing employees: 2

Number of proposed employees: NA

Number of employees scheduled to work on the largest shift: family volunteer to help maintain full staff.



REPORT TO CITY PLAN COMMISSION

Municipal Services Committee Meeting Date: August 12, 2019

Plan Commission Informal Public Hearing Date: August 13, 2019

Common Council Meeting Date - Initial Resolution: August 21, 2019

Common Council Public Hearing Meeting Date: October 2, 2019

Item: Street Discontinuance of Public Right-of-Way for Locust Street north of the Wisconsin Central Railroad and approximately 136 feet south of West College Avenue

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: City of Appleton c/o Paula Vandehey, Director of Public Works

Location: Generally located in the 100 block of South Locust Street north of the Wisconsin Central Railroad and approximately 136 feet south of West College Avenue

Petitioner's Request: A partial Street Vacation request has been initiated by the applicant, City of Appleton. The proposed street vacation will help facilitate future expansion plans for the Boys and Girls Club to program this space along with the property they own on either side of the proposed street vacation for outdoor recreational activities.

BACKGROUND

On October 4, 2017, the Common Council approved the closing of South Locust Street crossing at the Wisconsin Central Railroad pursuant to the Railroad Quiet Zone Implementation Plan.

STAFF ANALYSIS

Street Classification: The City's Arterial/Collector Plan Map identifies this portion of Locust Street as a local street.

Title to Discontinued Street: When vacated, the land must revert to its original source, which in this case includes the parcels located west and east of the proposed vacation area. Consequently, title to the portion of this street being discontinued will belong to the Boys and Girls Club Fox Valley, Inc and C.N. Wisconsin Central Railroad LTD.

Existing Public Utilities: The City will retain an easement for all existing utilities and any future utilities deemed necessary within the entire length and width of the vacated right-of-way.

STAFF ANALYSIS (continued)

General Information:

The proposed street vacation will not affect vehicular access to the existing 10/20-foot wide private ingress/egress easement used in common for driveway purposes by owners and visitors of Boys and Girls Club, Dong Po, Spats, and Shooting Star Photo & Framing.

The proposed street vacation will not affect vehicular access to the existing public alley located west of South Locust Street.

Approximately 12 on-street parking spaces will be eliminated within the area proposed for vacation.

Representatives from the Boys and Girls Club reached out to the business and residential property owners to discuss their expansion plans. As a result, the Boys and Girls Club proposed to move their fence which is located on parcel number 3-0962 to the south and construct approximately 7 parallel off-street parking spaces to address the reduction of on-street parking spaces related to this portion of Locust Street being vacated. Site plan review and approval is required, prior to constructing additional parking spaces on the site.

On-Street Parking Space Inventory near the proposed street vacation:

- Approximately 6 parking spaces are located on the west side of Locust Street between College Avenue and Public Alley.
- Approximately 6 parking spaces are located on the east side of Locust Street between College Avenue and Public Alley.
- Approximately 7 parking spaces are located on the west side of Locust Street between College Avenue and Washington Street.
- Approximately 5 parking spaces are located on the east side of Locust Street between College Avenue and Washington Street.
- Approximately 15 parking spaces are located on the north side of College Avenue between Locust Street and Bennett Street.
- Approximately 15 parking spaces are located on the south side of College Avenue between Locust Street and Bennett Street.
- Approximately 7 proposed parking spaces will be constructed on the Boys and Girls Club property (Property number 3-0962) south of 733, 741, 743 and 745 West College Avenue.

In summary, there are approximately a total of 54 on-street parking spaces located near the proposed street vacation and businesses in this part of the City.

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 a mix of residential and commercial in nature.

STAFF ANALYSIS (continued)

North: CBD Central Business District – Existing Locust Street right-of-way is immediately north of the subject area.

South: CBD Central Business District – Existing C.N. Wisconsin Central Ltd. Railroad right-of-way is immediately south of the subject area with street closure devices in place.

East: CBD Central Business District – The adjacent property to the east is currently the outdoor program area for the Boys and Girls Club Fox Valley, Inc.

West: CBD Central Business District – The adjacent property to the west is currently occupied by the indoor facility for the Boys and Girls Club Fox Valley, Inc.

Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future central business district uses. The proposed street right-of-way discontinuance is consistent with the following goals and polices of the *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

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

- *(This partial street vacation will provide an opportunity for the Boys and Girls Club to merge the land they own on either side of the proposed street vacation and develop and program this space for outdoor recreational activities for their members.)*

Policy 9.2.2 Work with the existing business community to help identify and tap opportunities for expansion.

- *(This partial street vacation will facilitate future expansion plans for the Boys and Girls Club to program this space along with the property they own on either side of the proposed street vacation for outdoor recreational activities.)*

OBJECTIVE 10.1 Land Use:

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

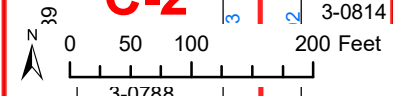
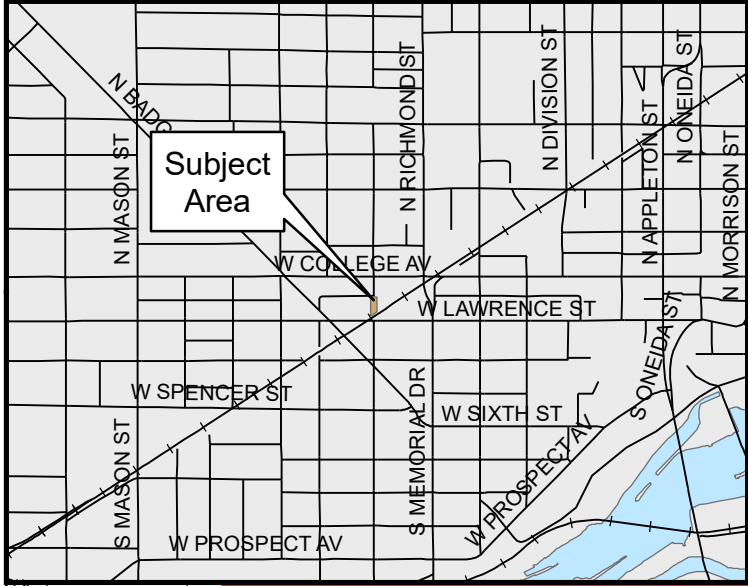
- *(This partial street vacation will provide additional land area and will facilitate future expansion plans for the Boys and Girls Club to program this space along with the property they own on either side of the proposed street vacation for outdoor recreational activities.)*

Technical Review Group (TRG) Report: This item was discussed at the July 23, 2019 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends the discontinuance of South Locust Street, north of the Wisconsin Central Railroad and approximately 136 feet south of West College Avenue, per the attached maps and the adoption of the Initial Resolution, **BE APPROVED.**

South Locust Street Street Vacation Zoning Map



South Locust Street
Street Vacation
Aerial Map

820

700

N LOCUST ST

W COLLEGE AV

819 815 813 809 807 801 745 743 741 733 719

3-0944

3-0945

3-0945-1

3-0946

3-0947

3-0948

S LOCUST ST

110

3-0960

3-0961

3-0963-1

3-096

ALLEY

Subject Area

0950

117

3-0962

3-0965

3-0966

Closed

728

W LAWRENCE ST

745 741 737-39 733 727

0900

3-0902

S LOCUST ST

3-0892

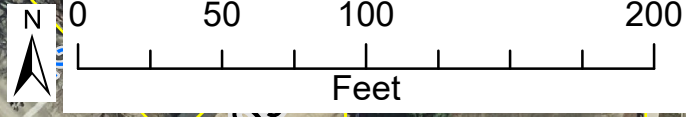
3-0893

3-0894

733.5

395

96



INITIAL RESOLUTION

WHEREAS, the public interest requires that a portion of South Locust Street, from south side of alley to north line of railroad, that has not previously been vacated, be vacated and discontinued,

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

LEGAL DESCRIPTION

A strip of land 62 feet in width and 157 feet m/l in length along its centerline, containing 9,717 square feet of land m/l and being further described by:
Commencing at the Northeast corner of Lot 1 of Certified Survey Map No. 6031, said point also being coincident with the South line of a 16 foot wide Alley at the West line of Locust Street and being the point of beginning;
Thence S.86°05'40"E. 62.15 feet to a point on the West line of Lot 4 of Certified Survey Map No. 583, said point being 10 feet South of the Northwest corner thereof, said point also being coincident with the South line of a 20 foot wide vacated Alley at the East line of Locust Street;
Thence S.00°05'54"E. 134.57 feet m/l coincident with the West line of said Lot 4 and also being coincident with the East line of Locust Street to a point 20.00 feet Northwesterly of the center of the main track of the Wisconsin Central Railroad, as measured at a right angle to said track;
Thence S.56°54'36"W. 73.92 feet parallel to the center of the main track of the Wisconsin Central Railroad to the Southerly extension of the West line of Locust Street;
Thence N.00°05'54"W. 178.87 feet m/l coincident with the Southerly extension of the West line of Locust Street and then the West line thereof to the point of beginning.

See also attached Exhibit "A" for illustration.

EXISTING LOT LINE PROJECTIONS

The properties abutting the right of way line of said Locust Street shall acquire a land title interest to the centerline of this vacated street right of way.

EASEMENTS

The City of Appleton their heirs, successors and or assigns (Grantee) hereby retain an easement for any and all existing utilities and also any future utilities

deemed necessary or desirable by Grantee within the vacated right of way, including but not limited to, storm sewer, drainage, sanitary sewer, watermain, gas, electric, cable and fiber optic within the entire length and width of the above described right of way.

It is further agreed that this easement shall be a permanent easement.

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

COMMON DESCRIPTION:

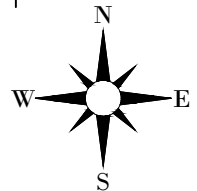
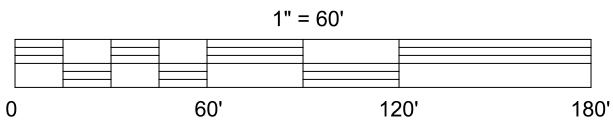
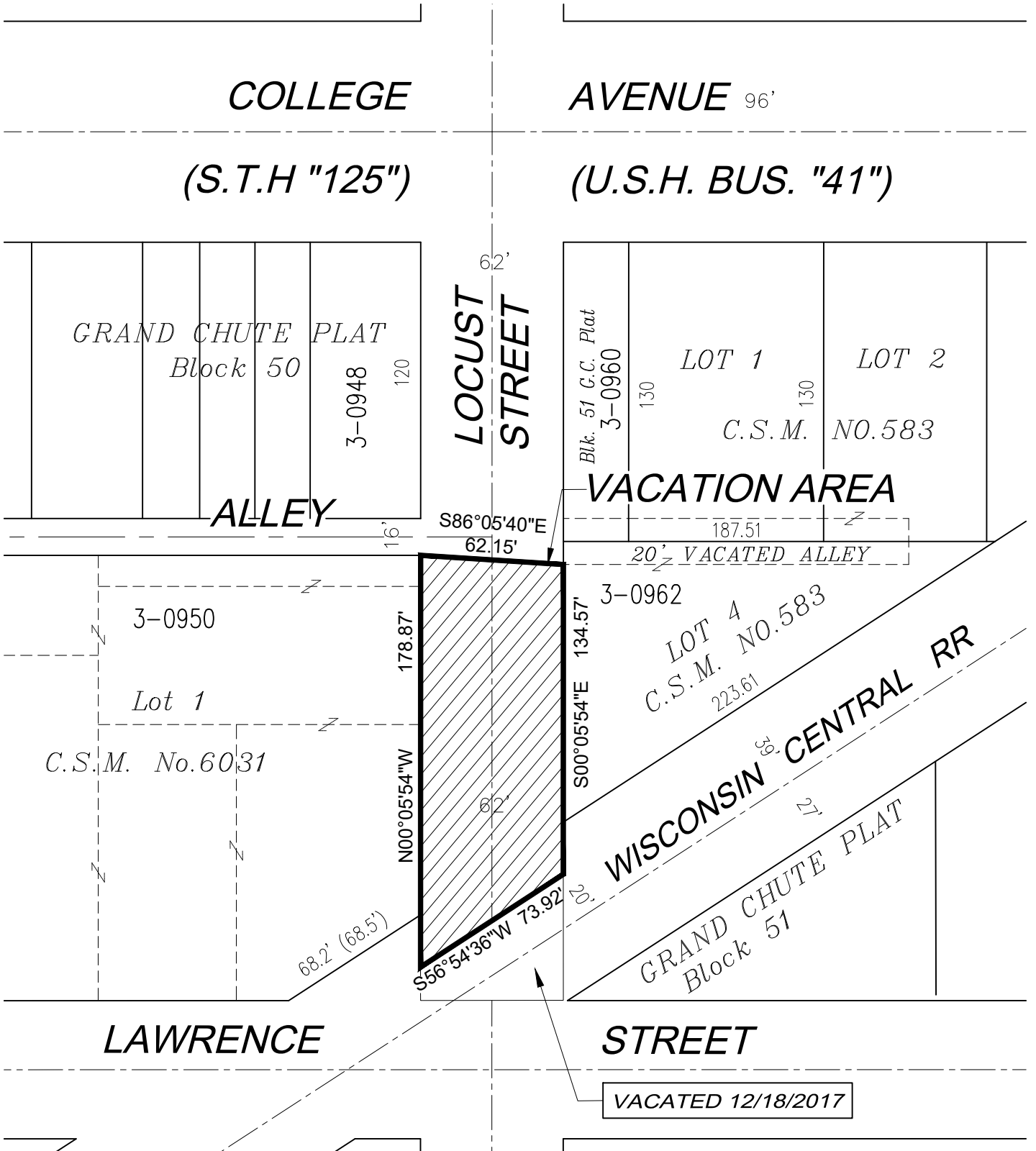
A portion of South Locust Street, from south side of alley to north line of railroad

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

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

EXHIBIT "A"

LOCUST STREET VACATION



CITY OF APPLETON
DEPT. OF PUBLIC WORKS
APPLETON, WI 54911
DRAFTED BY: T. KROMM

H:\Autocad dwgs\Vacation and Dedication\2019\Locust St 0628_2019



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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 8/12/2019

RE: Action: Award the City of Appleton "Yellow Ramp Light Fixture Replacement" purchase order to Crescent Electric Supply, Co. in the amount of \$165,161

The 2019 Capital Improvement Plan includes \$256,000 to replace the lighting fixtures at the Yellow Ramp. Of that amount, \$18,979.50 has been utilized for professional services, leaving a balance of \$237,020.50 for construction. This request includes ordering replacement light fixtures for all lights in the parking ramp. The existing lighting is inefficient, at the end of its useful life, and is in need of replacement. PRFMD solicited quotes from four lighting distributors to direct purchase the fixtures only. The installation of the purchased fixtures will be part of another contract.

The quotes were received as follows:

Crescent Electric Supply Co. (low)	\$165,161.00
Werner Electric	\$166,705.01
Viking Electric	\$169,242.59
Greybar	\$169,510.83

The Parks, Recreation, and Facilities Management Department has reviewed the bids and recommends awarding a purchase order to Crescent Electric Supply Co. in the amount of \$165,161

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

NAME OF CEMETERY:

Riverside Cemetery

LOCATION OF CEMETERY:

714 N. Owaissa Street, Appleton, WI 54911

CONTACT PERSON:

LeAnne Plumb (Street/Road Address and Town, Village or City) 920-733-5629

(If questions regarding this submittal)

(Name)

(Phone)

1. Is perpetual care included in a lot purchase in your cemetery? YES NO
(Please attach a copy of the perpetual care agreement)
2. How many of the veteran graves **DO NOT** include a perpetual care agreement? _____
3. If perpetual care is not included, is **care cost charged to all grave lot owners?** YES NO
 1. *Cost per grave upkeep per grave lot \$ 3.00
(Eligible costs divided by total # of grave lots within entire cemetery)
 2. Number of soldier's graves not covered under perpetual care X 595
(Including spouses & women's auxiliary)
 3. Requested reimbursable expense for care of soldier's graves \$ 1785.00
(Including spouses & women's auxiliary)
 4. Did you provide an up-dated listing of the veteran's names? Yes _____ No _____

We, the officers of Riverside Cemetery Association, hereby certify that the upkeep and care of each grave is \$ 3.00, that the assessment is in compliance with ss 157.11(7)(a), and ss157.11(7)(b), and is no more than the charge made for the care of other graves, and that such graves are receiving proper care.

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

8-5-2019

Date

Chris Hartwig

Cemetery Association President

Charles Siekman

Cemetery Association Secretary

Mark Savides

Cemetery Association Treasurer

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

Municipal Clerk

Date

Send Check to:

Riverside Cemetery

714 N. Owaissa Street

Appleton, WI 54911

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

Burial Report

Date Printed: 08/05/2019

<u>BURIAL ID</u>	<u>LOCATION</u>	<u>TYPE</u>	<u>BURIAL DATE</u>	<u>INTERRED</u>	<u>FILE NUMBER</u>
BUR-1-005-4253	O 49 X 9	Cremation (In-Ground)	07/07/2018	Rohan, Ben J.	1974
BUR-1-005-4266	M 81 X 173	Cremation (In-Ground)	07/07/2018	Sanger, Herbert J.	1814
BUR-1-005-4271	6 62 X 6	Cremation (In-Ground)	07/11/2018	Buesing, Ralph A.	133
BUR-1-005-4276	23 50 X 5	Cremation (In-Ground)	07/20/2018	Bierman, Gerald C.	916
BUR-1-005-4295	L 67 S 4	Cremation (In-Ground)	08/11/2018	Zimmerman, Arnold D.	1767
BUR-1-005-4298	25 18 N 6	Cremation (In-Ground)	08/13/2018	Hesse, Harold	935
BUR-1-005-4311	S 5 X 8	Cremation (In-Ground)	08/18/2018	Latzko, Robert	2262-B
BUR-1-005-4318	17 87 X 8	Standard	08/31/2018	Towner, Thomas J.	705
BUR-1-005-4328	D 72 X 9	Cremation (In-Niche)	09/06/2018	Gurnee, Franklin S.	1245
BUR-1-005-4358	L 65 S 7	Cremation (In-Ground)	09/21/2018	De Bruin, Mark L.	1766
BUR-1-005-4342	M 81 X 174	Standard	09/27/2018	Godschalx, Maria	1814
BUR-1-005-4391	2 17 X 5	Standard	10/10/2018	Remley, Samuel G.	42
BUR-1-005-4421	16 3 X 5	Standard	11/09/2018	Schwendler, Carl	565
BUR-1-005-4437	U 17 X 6	Standard	12/15/2018	Jakl, Dennis A.	2161
BUR-1-005-4481	14 26 X 9	Standard	02/23/2019	Steiner, Chester	464
BUR-1-005-4486	4 16 X 4	Standard	03/04/2019	Garvey, Dan	81-A
BUR-1-005-4514	31 28 X 3	Standard	04/02/2019	DeFord Sr., Marquito L.	2377
BUR-1-005-4538	M 81 X 181	Cremation (In-Ground)	04/26/2019	Trams, Curtis D.	1814

<u>BURIAL ID</u>	<u>LOCATION</u>	<u>TYPE</u>	<u>BURIAL DATE</u>	<u>INTERRED</u>	<u>FILE NUMBER</u>
BUR-1-005-4546	S 26 X 10	Cremation (In-Ground)	04/27/2019	Parker, John M.	640-H
BUR-1-005-4557	10 62 E 5	Cremation (In-Ground)	05/03/2019	Keller, Charles E.	298
BUR-1-005-4559	11 54 X 3	Standard	05/06/2019	Wolff, Glen	357
BUR-1-005-4611	12 1 X 8	Cremation (In-Ground)	05/20/2019	Meltz, Ramona	362
BUR-1-005-4609	22 85 X 7	Cremation (In-Ground)	05/20/2019	Mossholder, David M.	862
BUR-1-005-4620	S 20 X 5	Cremation (In-Ground)	05/31/2019	Laners, Stephen E.	640-C
BUR-1-005-4626	M 57 X 146	Standard	06/03/2019	Cerbolles, Rudolfo "Rudy"	1814
BUR-1-005-4671	L 9 X 6	Cremation (In-Ground)	06/12/2019	Wood, Grayson	1713
BUR-1-005-4678	S 19 X 5	Standard	06/17/2019	Guyon, William J.	640-B
BUR-1-005-4680	9 56 X 6	Standard	06/18/2019	Hoppe, Leo M.	216
BUR-1-005-4682	22 66 X 6	Cremation (In-Niche)	06/20/2019	Oslan, William Franklin "Frank"	844-A

TOTAL BURIALS: 29

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 Z-19 Sewer & Water Construction – Sommers Drive, Spartan Drive, & Haymeadow Avenue

Be awarded to:

Name: Kruczek Construction, Inc.
Address: 3636 Kewaunee Road
Green Bay, WI 54311

In the amount of : \$933,333.33
With a 4.8% % contingency of : \$45,000.00
For a project total not to exceed : \$978,333.33

**** OR ****

In an amount Not To Exceed : _____

Budget: \$959,796.00
Estimate: \$877,710.00
Committee Date: 08/12/19
Council Date: 08/21/19

BID TABULATION

Unit Z-19 Sewer & Water Construction
Spartan Drive, Sommers Drive & Haymeadow Avenue
Monday, August 5, 2019

ITEM	DESCRIPTION	Units	Quantity	Kruczek Construction		Dorner, Inc.		PTS Construction	
				Unit Price	Total	Unit Price	Total	Unit Price	Total
1.	F&I 12" Water Main	lin ft	3265	\$45.00	\$146,925.00	\$51.00	\$166,515.00	\$74.00	\$241,610.00
2.	F&I 8" Water Main	lin ft	65	\$50.00	\$3,250.00	\$65.00	\$4,225.00	\$72.00	\$4,680.00
3.	F&I 6" Hydrant Lead	lin ft	125	\$50.00	\$6,250.00	\$42.00	\$5,250.00	\$83.00	\$10,375.00
4.	F&I Hydrant	ea.	9	\$4,300.00	\$38,700.00	\$4,000.00	\$36,000.00	\$4,050.00	\$36,450.00
5.	F&I 12" Gate Valve w/box	ea.	14	\$2,950.00	\$41,300.00	\$2,750.00	\$38,500.00	\$2,700.00	\$37,800.00
6.	F&I 8" Gate Valve w/box	ea.	1	\$2,608.83	\$2,608.83	\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00
7.	F&I 6" Gate Valve w/box	ea.	7	\$1,282.00	\$8,974.00	\$1,150.00	\$8,050.00	\$1,200.00	\$8,400.00
8.	F&I 12" Bend	ea.	8	\$575.00	\$4,600.00	\$615.00	\$4,920.00	\$635.00	\$5,080.00
9.	F&I 1" Service	lin ft	340	\$27.50	\$9,350.00	\$23.50	\$7,990.00	\$40.00	\$13,600.00
10.	Service Connection	ea.	11	\$300.00	\$3,300.00	\$315.00	\$3,465.00	\$115.00	\$1,265.00
11.	F&I Curb Box (Complete)	ea.	12	\$275.00	\$3,300.00	\$250.00	\$3,000.00	\$540.00	\$6,480.00
12.	F&I 20" Steel Casing (Bore & Jack)	lin ft	120	\$830.00	\$99,600.00	\$750.00	\$90,000.00	\$645.00	\$77,400.00
13.	F&I 18" Sanitary Sewer Main	lin ft.	501	\$100.00	\$50,100.00	\$158.00	\$79,158.00	\$164.00	\$82,164.00
14.	F&I 12" Sanitary Sewer Main	lin ft	650	\$97.00	\$63,050.00	\$139.00	\$90,350.00	\$145.00	\$94,250.00
15.	F&I 10" Sanitary Forcemain	lin.ft.	180	\$40.50	\$7,290.00	\$56.40	\$10,152.00	\$55.00	\$9,900.00
16.	F&I 10" dia. 45 deg. Bend (force main)	ea.	2	\$350.00	\$700.00	\$475.00	\$950.00	\$540.00	\$1,080.00
17.	F&I 4" Sanitary Lateral	lin.ft.	245	\$28.00	\$6,860.00	\$40.00	\$9,800.00	\$87.00	\$21,315.00
18.	F&I Sanitary Lateral Connection	ea.	11	\$70.00	\$770.00	\$700.00	\$7,700.00	\$390.00	\$4,290.00
19.	F&I Sanitary Manhole	vert. ft.	61	\$222.00	\$13,542.00	\$330.00	\$20,130.00	\$322.00	\$19,642.00
20.	F&I Partial Sanitary Manhole Rebuild	vert. ft.	48	\$222.00	\$10,656.00	\$235.00	\$11,280.00	\$380.00	\$18,240.00
21.	F&I Sanitary Manhole Casting	ea.	3	\$750.00	\$2,250.00	\$450.00	\$1,350.00	\$1,200.00	\$3,600.00
22.	F&I 30" Class III Concrete Storm Sewer	lin.ft.	30	\$67.50	\$2,025.00	\$100.00	\$3,000.00	\$107.00	\$3,210.00
23.	F&I 24" Class III Concrete Storm Sewer	lin.ft.	335	\$57.00	\$19,095.00	\$65.00	\$21,775.00	\$69.00	\$23,115.00
24.	F&I 24" Storm Sewer	lin.ft.	290	\$57.00	\$16,530.00	\$55.50	\$16,095.00	\$67.00	\$25,230.00
25.	F&I 18" Class IV Concrete Storm Sewer	lin.ft.	370	\$48.00	\$17,760.00	\$59.00	\$21,830.00	\$58.00	\$21,460.00

Unit Z-19 Sewer & Water Construction
Spartan Drive, Sommers Drive & Haymeadow Avenue
Monday, August 5, 2019

BID TABULATION

ITEM	DESCRIPTION	Units	Quantity	Kruczek Construction		Dorner, Inc.		PTS Construction	
				Unit Price	Total	Unit Price	Total	Unit Price	Total
26.	F&I 18" Storm Sewer	lin. ft.	480	\$48.00	\$23,040.00	\$56.50	\$27,120.00	\$75.00	\$36,000.00
27.	F&I 12" Class IV Concrete Storm Sewer	lin. ft.	700	\$46.00	\$32,200.00	\$47.00	\$32,900.00	\$48.00	\$33,600.00
28.	F&I 12" Storm Sewer	lin. ft.	790	\$37.00	\$29,230.00	\$42.50	\$33,575.00	\$47.00	\$37,130.00
29.	F&I 18" Class IV Concrete Inlet Lead	lin. ft.	65	\$53.00	\$3,445.00	\$62.00	\$4,030.00	\$65.00	\$4,225.00
30.	F&I 15" Class IV Concrete Inlet Lead	lin. ft.	200	\$50.00	\$10,000.00	\$54.50	\$10,900.00	\$61.00	\$12,200.00
31.	F&I 12" Class IV Concrete Inlet Lead	lin. ft.	250	\$50.00	\$12,500.00	\$53.00	\$20,750.00	\$59.00	\$14,750.00
32.	F&I 12" Inlet Lead	lin. ft.	330	\$50.00	\$16,500.00	\$53.00	\$17,490.00	\$55.00	\$28,050.00
33.	F&I 15" Temporary bypass w/endwalls & bend	lin. ft.	200	\$50.00	\$10,000.00	\$70.50	\$14,100.00	\$56.00	\$11,200.00
34.	F&I 6" Storm Lateral	lin. ft.	395	\$27.00	\$10,665.00	\$32.00	\$12,640.00	\$33.00	\$13,035.00
35.	F&I Box Manhole (5'x5')	vert. ft.	4	\$1,340.00	\$5,360.00	\$1,300.00	\$5,200.00	\$1,430.00	\$5,720.00
36.	F&I 7' dia. Storm Manhole	vert. ft.	5	\$860.00	\$4,300.00	\$1,100.00	\$5,500.00	\$1,030.00	\$5,150.00
37.	F&I 6' dia. Storm Manhole	vert. ft.	13	\$500.00	\$6,500.00	\$950.00	\$12,350.00	\$740.00	\$9,620.00
38.	F&I Std. Storm Manhole	vert. ft.	91	\$215.00	\$19,565.00	\$250.00	\$22,750.00	\$270.00	\$24,570.00
39.	F&I Storm Manhole Casting	ea.	15	\$400.00	\$6,000.00	\$400.00	\$6,000.00	\$600.00	\$9,000.00
40.	F&I Yard Drain w/Casting	ea.	3	\$1,800.00	\$5,400.00	\$1,650.00	\$4,950.00	\$1,700.00	\$5,100.00
41.	F&I Type "E" Inlet w/Casting	ea.	38	\$1,900.00	\$72,200.00	\$1,750.00	\$66,500.00	\$1,900.00	\$72,200.00
42.	F&M Diversion Berm/Swale	lin. ft.	210	\$72.00	\$15,120.00	\$35.00	\$7,350.00	\$25.00	\$5,250.00
43.	F&M Safety Fence	lin. ft.	230	\$3.00	\$690.00	\$6.00	\$1,380.00	\$3.00	\$690.00
44.	F&M Silt Fence	lin. ft.	7365	\$2.50	\$18,412.50	\$2.00	\$14,730.00	\$2.00	\$14,730.00
45.	F&M 20" dia. Curflex Sediment Log	lin. ft.	20	\$12.00	\$240.00	\$30.00	\$600.00	\$32.00	\$640.00
46.	F&M Type "A" Inlet Protection	ea.	39	\$60.00	\$2,340.00	\$225.00	\$8,775.00	\$240.00	\$9,360.00
47.	F&M Type "D-HR" Inlet Protection	ea.	4	\$85.00	\$340.00	\$300.00	\$1,200.00	\$320.00	\$1,280.00
48.	F&I Extra Stone Bedding	ton	150	\$10.00	\$1,500.00	\$12.50	\$1,875.00	\$12.00	\$1,800.00
49.	F&M Temporary Traffic Control	l.s.	1	\$49,000.00	\$49,000.00	\$550.00	\$550.00	\$2,200.00	\$2,200.00



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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 8/12/2019

RE: Action: Award the City of Appleton "Yellow Ramp Light Fixture Installation Project" contract to Michels Power in the amount of \$60,900 with a contingency of \$10,000 for a project total not to exceed \$70,900.

The 2019 Capital Improvement Plan includes \$256,000 to replace the lighting fixtures at the Yellow Ramp. Of that amount, \$18,979.50 has been utilized for professional services and \$165,161 has been utilized for the light fixtures, leaving a balance of \$71,859.50 for installation of the fixtures. This request includes installation of the replacement light fixtures for all lights in the parking ramp. The existing lighting is inefficient, at the end of its useful life, and is in need of replacement. PRFMD solicited quotes from four lighting distributors to direct purchase the fixtures only. The purchase of the light fixtures will be part of another contract.

The quotes were received as follows:

Michels Power (low)	\$60,900
VOE Power and Systems	\$90,749
Paynecrest Electric	Did not Bid
Van Ert Electric	Did not Bid

Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to Michels Power. The Parks, Recreation, and Facilities Management Department has also reviewed the bids and is in agreement with the engineer's recommendation. Therefore, we recommend awarding the contract to Michels Power in the amount of \$60,900 plus a contingency of \$10,000 only to be utilized as needed.

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

83-19

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 8/7/2019)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Stopping be prohibited, except for commercial trucks loading and unloading, from 8 a.m. to 3 p.m. Monday through Friday, on the south side of College Avenue from a point 60 feet east of Appleton Street to a point 130 feet east of Appleton 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.

84-19

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 8/7/2019)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be metered from 3 p.m. to 9 p.m., except Sundays and Holidays, on the south side of College Avenue from a point 60 feet east of Appleton Street to a point 130 feet east of Appleton 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.

85-19

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 8/7/2019)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be metered from 9 a.m. to 9 p.m., except Sundays and Holidays, on the south side of College Avenue from a point 130 feet east of Appleton Street to a point 50 feet west of Oneida 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.