



# City of Appleton

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

## Meeting Agenda - Final Common Council

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Wednesday, March 2, 2022

7:00 PM

Council Chambers

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- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS
- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[22-0214](#) Common Council Meeting Minutes of February 16, 2022

**Attachments:** [CC Minutes 2-16-22.pdf](#)

- G. BUSINESS PRESENTED BY THE MAYOR

[22-0239](#)

Proclamations:

- Age-friendly Community
- Be Active Wisconsin Month
- Colorectal Cancer Awareness Month

**Attachments:** [Age-Friendly Community Proclamation.pdf](#)

[Be Active Wisconsin Month Proclamation.pdf](#)

[Colorectal Cancer Awareness Month Proclamation.pdf](#)

[22-0240](#)

COVID-19 Report

- H. PUBLIC PARTICIPATION
- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS





2/23/22 Safety and Licensing Committee recommended for approval

[22-0083](#)

Cigarette License application for Fox River House LLC d/b/a Fox River House, Cassidy Evers, Agent, located at 211 S Walnut St.

**Attachments:** [Fox River House S&L.pdf](#)

**Legislative History**

2/23/22 Safety and Licensing Committee recommended for approval

[22-0129](#)

Class "B" Beer License application for Taco House LLC d/b/a Taco House, Roberto Martinez, Agent, located at 135 E Wisconsin Ave, contingent upon approval from the Finance and Inspections departments.

**Attachments:** [Taco House.pdf](#)

[Resolution 135 E Wisconsin Ave\\_SUP#3-20\\_SIGNED\\_attached to liquor licen:](#)

**Legislative History**

2/23/22 Safety and Licensing Committee recommended for approval

[22-0188](#)

Change of Agent application for Aldi Inc d/b/a Aldi #69, Jamison Pierce, New Agent, located at 2310 S Kensington Dr.

**Attachments:** [Jamison Pierce S&L.pdf](#)

**Legislative History**

2/23/22 Safety and Licensing Committee recommended for approval

[22-0189](#)

Change of Agent application for Aldi Inc d/b/a Aldi #68, Michael J Haash, New Agent, located at 116 N Linwood Ave.

**Attachments:** [Michael J Haasch S&L.pdf](#)

**Legislative History**

2/23/22 Safety and Licensing Committee recommended for approval

[22-0208](#)

Auto-Aid Addendum with the Neenah/Menasha Fire Rescue

**Attachments:** [Auto-Aid\\_Neenah\\_Menasha\\_Memo.pdf](#)

[22-0078 - Addendum to Automatic Aid Agrm.pdf](#)

[2011 Auto Aid Agreement MOU.pdf](#)

[2010 Shared Response.pdf](#)

**Legislative History**

2/23/22 Safety and Licensing Committee recommended for approval

[22-0209](#) Urban Search and Rescue Contract

**Attachments:** [Urban Search and Rescue Memo.pdf](#)  
[Urban Search and Rescue 2022-2024 Agreement.pdf](#)  
[2021 Act 104.pdf](#)

**Legislative History**

2/23/22 Safety and Licensing Committee recommended for approval

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

[22-0162](#) Request to approve the dedication of land for public right-of-way for a portion of Appleton Street, generally located east of Appleton Street and south of Washington Street (parts of Tax Id #31-2-0272-00 and #31-2-0272-01), as shown on the attached maps

**Attachments:** [StaffReport AppletonStIndentedArea StreetDedication For02-23-22.pdf](#)

**Legislative History**

2/23/22 City Plan Commission recommended for approval

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

**5. MINUTES OF THE FINANCE COMMITTEE**

[22-0197](#) Request to award Unit A-22 Concrete Paving to Vinton Construction in the amount of \$4,382,958 with a 2.5% contingency of \$107,000 for a project total not to exceed \$4,489,958

**Attachments:** [Award of Contract Unit A-22.pdf](#)

**Legislative History**

2/21/22 Finance Committee recommended for approval

[22-0198](#) Request to award Unit Z-22 Sewer & Water Reconstruction to Calnin & Goss, Inc in the amount of \$1,380,182 with a 7.5% contingency of \$103,514 for a project total not to exceed \$1,483,695

**Attachments:** [Award of Contract Unit Z-22.pdf](#)

**Legislative History**

2/21/22 Finance Committee recommended for approval

[22-0199](#) Request to approve Finance Committee Report 1-P-22 for Concrete Pavement, Sidewalk Construction and Driveway Aprons

**Attachments:** [Report 1-P-22.pdf](#)

**Legislative History**

2/21/22 Finance Committee recommended for approval

[22-0215](#)

Request to deny Manos Holdings (Dental Associates) request for refund of 2021 real estate property taxes for 2115 E Evergreen Dr, Appleton, WI (parcel 31-1-6510-39)

**Attachments:** [Requests for refund of property taxes.pdf](#)  
[Manos Holdings.pdf](#)

**Legislative History**

2/21/22 Finance Committee recommended for approval

[22-0216](#)

Request to deny Vantage Financial Leasing request for refund of 2020 personal property taxes for parcel 31-2-99-4280-50

**Attachments:** [Requests for refund of property taxes.pdf](#)  
[Vantage Financial 2020.pdf](#)

**Legislative History**

2/21/22 Finance Committee recommended for approval

[22-0217](#)

Request to approve Vantage Financial Leasing request to rescind 2021 personal property taxes for parcel 31-2-99-4280-50

**Attachments:** [Requests for refund of property taxes.pdf](#)  
[Vantage Financial 2021.pdf](#)

**Legislative History**

2/21/22 Finance Committee recommended for approval

[22-0218](#)

Request to approve Smart Choice MRI request to rescind 2021 personal property taxes for parcel 31-9-99-0132-30

**Attachments:** [Requests for refund of property taxes.pdf](#)  
[Smart Choice MRI.pdf](#)

**Legislative History**

2/21/22 Finance Committee recommended for approval

[22-0219](#) Request to approve the following 2022 Budget amendment:

**COVID-19 Response Grant Fund**

Health Grants & Aids	+\$120,900
Salaries	+\$ 66,407
Fringes	+\$ 35,128
Travel/Training	+\$ 12,059
Office Supplies	+\$ 2,787
Other Contracts/Obligations	+\$ 4,519

to record additional grant funds from the State Department of Health Services for 2022-2023 to establish, expand, train, and sustain the public health workforce to support COVID-19 activities

**Attachments:** [2022 PHEP Workforce Grant.pdf](#)

**Legislative History**

2/21/22 Finance Committee recommended for approval

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

[22-0170](#) Request to approve recommended funding of \$15,000 for 2022 sponsorships for Appleton Downtown Inc. (ADI) programs as outlined in the attached document

**Attachments:** [Memo to CEDC on ADI Sponsorships 2022.pdf](#)

[ADI Support Proposal to City 2022.pdf](#)

[CompPlan\\_ADIRelatedExcerpts.pdf](#)

**Legislative History**

2/23/22 Community & Economic Development Committee recommended for approval

**7. MINUTES OF THE UTILITIES COMMITTEE**

[22-0165](#) Approve updates to Municipal Code Chapter 20, Article VI, Stormwater Management Standards and Planning.

**Attachments:** [2022 Ordinance changes to UC combined.pdf](#)

**Legislative History**

2/22/22 Utilities Committee recommended for approval

[22-0166](#) Approve 2021 Annual Stormwater Report to the Wisconsin Department of Natural Resources.

**Attachments:** [2021 MS4 Annual Report to UC .pdf](#)

**Legislative History**

2/22/22 Utilities Committee recommended for approval

[22-0167](#) Approve Sole Source Organic Recycling Contractor Services contract to Hsu Growing Supply for a three-year term ending December 31, 2024 in the amount not to exceed \$247,500.

**Attachments:** [220209\\_UCM\\_Hsu\\_contract\\_2022-24.pdf](#)

**Legislative History**

2/22/22 Utilities Committee recommended for approval

[22-0168](#) Permit transfer approval from Appvion Operations, Inc. n/k/a Appleseed Operations, Inc. (the Prior Owner) to Appvion, LLC (the New Owner) - Pretreatment Program Permit No. 21-03.

**Attachments:** [220214\\_memo\\_action\\_item Permit transfer Letter.pdf](#)

[Transfer of Industrial User Wastewater Discharge Permit Letter.pdf](#)

**Legislative History**

2/22/22 Utilities Committee recommended for approval

[22-0178](#) Award of Unit K-22 Native Landscape Management Contract to RES, Inc., in an amount not to exceed \$192,385.00.

**Attachments:** [K-22 Contract Award Util Memo 02-15-2022 Final.pdf](#)

**Legislative History**

2/22/22 Utilities Committee recommended for approval

[22-0179](#) Award of Single Source Contract to NES Ecological Services for 2022 Wetland Delineation Services in an amount not to exceed \$20,137.00

**Attachments:** [2022C Wetland Delineations Contract Award Memo Util Cmte 02-15-2022 Final](#)

**Legislative History**

2/22/22 Utilities Committee recommended for approval

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

[22-0184](#) Request to approve Pool Manager position to pay grade 8 in Seasonal Pay Plan.

**Attachments:** [Pool Manager Pay Grade Memo.pdf](#)

[Seasonal Pay Plan draft.pdf](#)

**Legislative History**

2/23/22 Human Resources & Information Technology Committee recommended for approval

[22-0185](#) Request to approve over-hire for Benefits Coordinator position in H.R.

**Attachments:** [HR Overhire memo.pdf](#)

**Legislative History**

2/23/22 Human Resources & Information Technology Committee recommended for approval

[22-0186](#) Request to approve change to Information Technology table of organization.

**Attachments:** [IT Table of Organization Change Memo.pdf](#)  
[Information Technology TO draft 2-23-22.pdf](#)

**Legislative History**

2/23/22 Human Resources & Information Technology Committee recommended for approval

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

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

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Kami Lynch, City Clerk

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

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



# City of Appleton

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Appleton, WI 54911-4799  
www.appleton.org

## Meeting Minutes - Final Common Council

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Wednesday, February 16, 2022

7:00 PM

Council Chambers

---

A. CALL TO ORDER

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

B. INVOCATION

*The Invocation was offered by Alderperson Hartzheim*

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

**Present:** 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Chad Doran and Mayor Jake Woodford

**Excused:** 1 - Alderperson Joe Prohaska

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*All departments were represented.*

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[22-0131](#)

Common Council Meeting Minutes of February 2, 2022

**Attachments:** [CC Minutes 2-2-22.pdf](#)

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

**Aye:** 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Chad Doran

**Excused:** 1 - Alderperson Joe Prohaska

**Abstained:** 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[22-0132](#) Certificate of Appreciation for interim Health Officer, Sonja Jensen

**The Certificate was presented**

[22-0133](#) Finance Director Recommendation

**Attachments:** [Finance Director Recommendation Memo.pdf](#)

**Aldersperson Smith moved, seconded by Aldersperson Hartzheim, that the Finance Director Recommendation be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Michael Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

**Excused:** 1 - Aldersperson Joe Prohaska

**Abstained:** 1 - Mayor Jake Woodford

[22-0134](#) Certificate of Appreciation for Finance Director, Tony Saucerman

**The Certificate was presented.**

[22-0135](#) Police & Fire Commission Appointment

**Attachments:** [2-16-22 Appt Memo PFC.pdf](#)

**Aldersperson Fenton moved, seconded by Aldersperson Smith, that the appointment be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Michael Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

**Excused:** 1 - Aldersperson Joe Prohaska

**Abstained:** 1 - Mayor Jake Woodford

[22-0136](#)

COVID-19 Report

**Attachments:** [COVID -19 Common Council Update 02162022.pdf](#)

H. PUBLIC PARTICIPATION

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

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[22-0089](#)

Request to amend the Development Agreement with Bela Development LLC located at 513 W. College Avenue in Tax Increment Financing District No. 12 to provide the Developer until January 1, 2023 to meet the minimum \$1,700,000 assessed value requirement

**Attachments:** [Bela DA Extension Memo to CEDC 2-9-22.pdf](#)  
[Bela Development 513 W College Recorded Dev Agrmt.pdf](#)

**Aldersperson Fenton moved, seconded by Aldersperson Hartzheim, that the Development Agreement be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Michael Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

**Excused:** 1 - Aldersperson Joe Prohaska

**Abstained:** 1 - Mayor Jake Woodford

[22-0039](#)

Request from Abby Ellenbecker for a credit adjustment for water use between May 29, 2021 and June 11, 2021 of \$65.98 for 2518 S. Kernan Avenue.

**Attachments:** [Timeline for Committee.pdf](#)  
[Water Leak Policy 2020.pdf](#)  
[Water Usage Monitoring Procedure.pdf](#)  
[UPDATED Water bill timeline A Ellenbecker.pdf](#)

**Aldersperson Smith moved, seconded by Aldersperson Fenton, that the water credit adjustment be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 9 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Michael Smith and Alderperson Nate Wolff

**Nay:** 5 - Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Kristin Alfheim, Alderperson Sheri Hartzheim and Alderperson Chad Doran

**Excused:** 1 - Alderperson Joe Prohaska

**Abstained:** 1 - Mayor Jake Woodford

## L. COMMITTEE REPORTS

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

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

**Aye:** 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Chad Doran

**Excused:** 1 - Alderperson Joe Prohaska

**Abstained:** 1 - Mayor Jake Woodford

## 1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[22-0094](#)

Approve Memorandum of Understanding with Bird Rides, Inc. to initiate a Dockless, Stand-up Electric Scooter Pilot Program for 2022.

**Attachments:** [Bird Rides.pdf](#)

**This Report Action Item was approved.**

[22-0096](#)

Request from Hilton Hotel for a permanent street occupancy permit to install a 12' X 4'7" blade sign in the College Avenue street right-of-way at 333 W. College Avenue.

**Attachments:** [Hilton Hotel sign permit.pdf](#)

**This Report Action Item was approved.**

[22-0097](#) Request from Matt Miller to bag nine (9) meters on Thursday, March 17, 2022 to create a drive-through lane. Meter bagging fee is \$9/stall/day plus tax.

**Attachments:** [Matt Miller meter bags.pdf](#)

This Report Action Item was approved.

[22-0098](#) Award Unit I-22 Bridge Deck Sealing to Radtke Contractors Inc. in an amount not to exceed \$100,000.

**Attachments:** [Unit I-22.pdf](#)

This Report Action Item was approved.

2. **MINUTES OF THE SAFETY AND LICENSING COMMITTEE**

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

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

5. **MINUTES OF THE FINANCE COMMITTEE**

[22-0103](#) Request to award Unit W-22 Sewer & Water Reconstruction No. 1 to Kruczek Construction Inc in the amount of \$1,366,667 with a 7.5% contingency of \$102,500 for a project total not to exceed \$1,469,167

**Attachments:** [Award of Contract Unit W-22.pdf](#)

This Report Action Item was approved.

[22-0104](#) Request to approve the following 2022 Budget amendment:

**Sanitation Fund**

Sanitation Fund Balance	- \$ 15,000
Grounds Maintenance	+\$ 15,000

to provide funding for contracted maintenance at the Mackville Landfill (2/3 vote of Council required)

**Attachments:** [Mackville Landfill Memo.pdf](#)

This Report Action Item was approved.

[22-0106](#)

Request to approve an increase in contract contingency as part of the 2021 Secondary Clarifier Drive Removal, Rebuild, and Reinstallation Project totaling \$75,000 resulting in an increase to contingency from \$26,145 to \$101,145

**Attachments:** [SecondaryClariferDrive\\_Sabel\\_IncreaseContingency.pdf](#)

**This Report Action Item was approved.**

[22-0112](#)

Request to approve the sole source purchase of a primary sludge pump from WasteCorp Pump and approve the following related 2022 Budget amendment:

**Wastewater Utility**

Machinery & Equipment	+ \$ 38,000
2021 Carryover Funds (Secondary Clarifier Drive Project)	- \$ 38,000

to fund the cost of a primary sludge pump and related removal and reinstallation costs (2/3 vote of Council required)

**Attachments:** [SolesSourcePump\\_BudgetTransfer.pdf](#)

**This Report Action Item was approved.**

[22-0114](#)

Request to approve the following 2021 Budget amendments:

**General Fund - Police Department**

Donations	+\$ 27,736
Travel and Training	+\$ 12,691
Purchased Services	+\$ 14,400
Supplies and Equipment	+\$ 645

to record donations from the Community Foundation to fund costs associated with new Police dog (2/3 vote of Council required)

**Police Grants Special Revenue Fund**

Federal Grants	+\$ 16,323
State Grants	+\$115,225
Overtime	+\$124,241
Travel and Training	+\$ 3,960
Supplies and Equipment	+\$ 3,387

to record additional grant funds received for traffic and drug enforcement initiatives (2/3 vote of Council required)

**Attachments:** [Finance Committee Memo for PD Amendments.pdf](#)

**This Report Action Item was approved.**

**6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**[22-0077](#)

Request to approve the reallocation of Community Development Block Grant (CDBG) funding from Appleton Housing Authority's 2020PY unspent \$42,824.66 to Rebuilding Together Fox Valley's 2021PY subaward agreement for homeowner rehabilitation

**Attachments:** [Reallocation of 2020 AHA Funds to RTFV Memo to CEDC 2-9-22.pdf](#)  
[AHA Reallocation Request 1-4-22.pdf](#)  
[Amendment to RTFV SubAgreement 1-25-22.pdf](#)

**This Report Action Item was approved.**

[22-0078](#)

Request to approve the Community Development Block Grant (CDBG) -CV (Coronavirus) Policy as specified in the attached documents

**Attachments:** [CDBG-CV Policy Approval Memo to CEDC 2-9-22.pdf](#)  
[DRAFT CDBG-CV Policy 1-28-22.pdf](#)

**This Report Action Item was approved.**

[22-0079](#)

Resolution #2022-01 - Support for Amending the Articles of Organization and the By-Laws of East Central Wisconsin Regional Planning Commission to modify the Board composition for the Commission

**Attachments:** [#2022-01\\_CityofAppletonSupport\\_ECWRPCResolution.pdf](#)  
[ECWRPC ResolutionAmendingArticlesofOrg+Bylaws Packet.pdf](#)

**This Report Action Item was approved.**

[22-0084](#)

Request to proceed with the sale of Lot 3 of Northeast Industrial Park Plat No. 4 to Tetz, LLC per the terms of the Option to Purchase Agreement with Valley Tool, Inc. or its assigns dated August 22, 2019 at a purchase price of \$53,850 (\$37,395.83 per acre)

**Attachments:** [Valley Tool Exercise Option to Purchase Memo to CEDC 2-9-22.pdf](#)  
[Request from Valley Tool Exercise Option to Purchase Lot 3 NEIP.pdf](#)  
[Recorded Option to Purchase COA and Valley Tool Lot 3 NEIP.pdf](#)

**This Report Action Item was approved.**

[22-0091](#)

Request to approve the Offer to Purchase from Farrell Investments, LLC to purchase Lot 11 of Southpoint Commerce Park Plat No. 1, consisting of approximately 3.25 acres, at a purchase price of \$130,000 (\$40,000 per acre)

**Attachments:**     [Farrell Expansion Offer to Purchase Memo to CEDC 2-9-22.pdf](#)  
[Farrell Offer to Purchase 2-3-22.pdf](#)  
[SPCP Deed Restrictions.pdf](#)  
[Southpoint Commerce Park Map Feb 2022.pdf](#)

This Report Action Item was approved.

**7. MINUTES OF THE UTILITIES COMMITTEE**

[22-0086](#)

Approve Sole Source Engineering Services Contract to McMahon as part of 2022 AWWTP Preliminary Heat Exchanger and Blended Sludge Piping Replacement Project in the amount of \$26,300 with a 10% contingency of \$2,630 for a project total not to exceed \$28,930.

**Attachments:**     [UC Sole Source Memo 2022 AWWTP Prelim HEX and Blended Sludge Piping Replace McMahon.pdf](#)

This Report Action Item was approved.

[22-0110](#)

Approve contract amendment with Arcadis to provide public outreach and communication materials to meet the Lead and Copper Rule Revisions in an amount not to exceed \$22,400.

**Attachments:**     [2022-02-03 Appleton LCRR Public Outreach Materials Scope.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

[22-0130](#)

Ordinances #14-22 and #15-22

**Attachments:** [Ordinances to Council 2-16-22.pdf](#)

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

**Aye:** 14 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Matthew Reed, Alderson Alex Schultz, Alderson Michael Smith, Alderson Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim and Alderson Chad Doran

**Excused:** 1 - Alderson Joe Prohaska

**Abstained:** 1 - Mayor Jake Woodford

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

*RESOLUTION #3-R-22*

*Modify Appleton Weed Ordinance to accommodate No Mow May best practices.*

*Date: February 16, 2022*

*Submitted By: Alderperson Meltzer-District 2, Alderperson Fenton-District 6, Alderperson Schultz-District 9, Alderperson Alfheim-District 11, Alderperson Wolff-District 12*

*Referred To: Municipal Services Committee*

*WHEREAS; No Mow May Resolution #2-R-20, which established the pilot community-wide initiative to support emerging pollinator insects, including the delayed enforcement of the City's Weed Ordinance until June 1st, was approved by Common Council in May of 2020 and subsequently renewed for 2021, resulting in no substantial additional burden on city staff and resources; and,*

*WHEREAS; a study published by Professor Del Toro, et.al., of Lawrence University which analyzed the effects of No Mow May participation in Appleton in 2020, demonstrated that both delayed and reduced frequency mowing and use of pollinator-friendly alternatives to harmful chemical lawn applications dramatically improved bee population numbers and species diversity; and,*

*WHEREAS; No Mow May has been adopted by a majority of neighboring municipalities, many of which establish allowable lawn heights as 12" for both commercial and residential lots, and by adjusting Appleton's allowed residential height from 8" to 12" will clarify community participation and simplify enforcement, allowing residents to mow less frequently while still maintaining their yards which has many environmental benefits; and,*

*WHEREAS; the City of Appleton's Weed Commissioner maintains authority to address noxious weeds throughout the year, as authorized by Municipal Code sections 12-58 and 12-59; as well as control rank and unmanaged growth; now therefore,*

*THEREFORE BE IT RESOLVED; that the City of Appleton amend Municipal Code section 12-58c(3), striking (1) and (2), which define separate height categories for lot types, and amend c(3) to read "The Weed Commissioner shall destroy or cause to be destroyed noxious weeds, and is further empowered to enter upon public and private lands, on or after June 1, to cut or remove the accumulation or growth of weeds, grass, brush or other rank or offensive vegetation which has grown to a height greater than 12" and amend Municipal Code section 12-59c(3), to read "Yards, including any area between the installed sidewalk and the curb, with a common stand of turf grass is higher than eight (8) twelve (12) inches is declared to be in a state of neglect and a public nuisance.*

R. OTHER COUNCIL BUSINESS

S. ADJOURN

**Alderperson Smith moved, seconded by Alderperson Fenton, that the meeting be adjourned at 7:47 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Chad Doran

**Excused:** 1 - Alderperson Joe Prohaska

**Abstained:** 1 - Mayor Jake Woodford

Kami Lynch, City Clerk

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, a significant portion of Appleton's population is aging and the citizens of Appleton recognize that an aging population affects all; and

**WHEREAS**, as Appleton's residents stay healthier and active longer, Appleton is committed to adapting to the needs of changing demographics to serve the interests of our residents and sustain economic and social vitality; and

**WHEREAS**, a commitment to being an age-friendly community encourages active aging by improving opportunities for the health of residents of all ages; and

**WHEREAS**, where we choose to live, our physical, social, and cultural environment, greatly impacts how we live, and Wisconsin communities like Appleton play a critical role in helping residents live longer and better; and

**WHEREAS**, all communities must ask how businesses, governments, nonprofits, and individuals will respond to changing needs for health care, housing, transportation, food, and other needs.

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

## Age-Friendly Community

as defined by AARP, and as a city committed to promoting, creating, and sustaining communities for all states of life.



Signed and sealed this 24<sup>th</sup> day of January 2022.

  
**JACOB A. WOODFORD**  
MAYOR OF APPLETON

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, the City of Appleton is dedicated to improving the quality of life of all residents and visitors through physical activity, connecting them to nature, social, and recreational opportunities; and

**WHEREAS**, inactivity is a leading contributor to epidemic rates of obesity, diabetes, cancer, and cardiovascular disease; and

**WHEREAS**, access to parks and the outdoors is crucial for mental and emotional health of our citizens; and

**WHEREAS**, physical activity is fundamental to the environmental well-being of our community; and

**WHEREAS**, the City of Appleton recognizes the benefits of providing opportunities and encouragement to participate in physical activities; and

**WHEREAS**, we will once again compete in the “Be Active Wisconsin” Community Challenge with other communities to win the traveling trophy.

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

## Be Active Wisconsin Month

in Appleton and encourage all residents to participate in the Community Challenge promoted by the Parks & Recreation Department during March.

Signed and sealed this 24<sup>th</sup> day of February 2022.



**JACOB A. WOODFORD**  
MAYOR OF APPLETON

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, colorectal cancer is the third-leading cause of cancer-related deaths in the U.S. among men and women combined, but there is currently no cure; and

**WHEREAS**, colorectal cancer affects about 1 in 24 people, although this number varies according to individual risk factors; and

**WHEREAS**, it is expected that over 100,000 new cases of colon cancer and nearly 45,000 new cases of rectal cancer will be diagnosed during 2022; and

**WHEREAS**, people with a first-degree relative who has colon cancer have 2 to 3 times the risk of developing the disease; and

**WHEREAS**, while colon and rectal cancer has been steadily declining among people over age 50, the rate has increased for adults under 50 and there are more than 1.5 million survivors in the U.S.; and

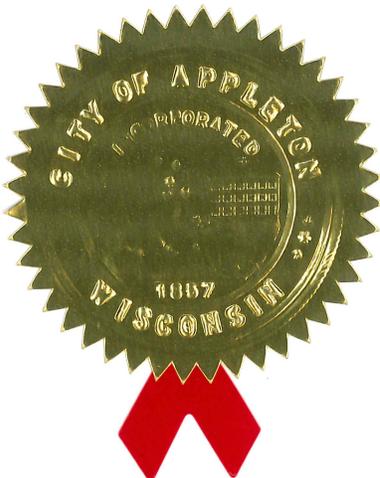
**WHEREAS**, it is critical that all people of all ages know the signs and symptoms of the disease as it is preventable, treatable, and beatable in most cases.

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

## Colorectal Cancer Awareness Month

in Appleton and encourage all residents to take this special opportunity to become more aware of the importance of early detection and screening.

Signed and sealed this 24<sup>th</sup> day of February 2022.



**JACOB A. WOODFORD**  
MAYOR OF APPLETON



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

## MEMO

---

**TO:** Municipal Services Committee

**FROM:** Paula Vandehey, Director of Public Works  
Kurt Craanen, Inspections Supervisor *ML*

**DATE:** February 15, 2022

**SUBJECT: Plan Review Services for Large Projects.**

---

Based on recent action, the City of Appleton now has delegation authority from the State of Wisconsin Department of Safety and Professional Services (DSPS) to review all commercial building plans, regardless of size. Historically, City staff has only conducted reviews for new buildings under 50,000 cubic feet and commercial alterations under 100,000 cubic feet. The Inspections Division has a plan review process and collects fees for the plan review. Plans reviewed by the City have an average turnaround time of seven (7) days.

Larger projects over the thresholds described above are currently reviewed by DSPS. The turnaround time for these projects is approximately 4 to 8 weeks.

Based on existing staff workloads, the Inspections Division does not anticipate adding in-house reviews of larger projects at this time. However, we feel a new process can be implemented to improve the turnaround time of plan reviews for these large projects in Appleton. To accomplish this, the Inspections Division has solicited proposals from two organizations to perform commercial plan review, rather than DSPS. McMahon Engineering and E-Plan Exam have submitted proposals to the Inspections Division and could take over the plan review services that the DSPS has been performing. These proposals have been reviewed by staff. Below is a brief comparison of the proposals:

### Proposed Scope

- McMahon proposes to perform Building and HVAC plan review.
- E- Plan Exam proposes to perform Building, HVAC, plumbing, fire sprinkler and fire alarm plan review.

### Proposed Turnaround Time

- McMahon proposes to attempt a five (5) business day turnaround.
- E-Plan Exam guarantees a fourteen (14) business day turnaround.

### Fees

Neither firm is proposing that a fee be charged to the City. Rather, fees will be collected from the applicant by the selected firm. The City will not be charged for any plan review services.

- McMahon would collect all plan review fees directly from the applicant and would use the DSPS fee Schedule (per SPS 302.31).
- E-Plan Exam would collect all plan review fee directly from the applicant and would also use the DSPS fee schedule (per SPS 302.31). However, a separate fee schedule, created by E-Plan Exam, will be utilized for plumbing plans only. Ten percent (10%) of the fees collected will be sent back to the City of Appleton as revenue.

### Recommendation

**Based on the enhanced scope of services, the acceptable turnaround time, and fee schedule, the Department of Public Works recommends award of 2022 Plan Review Services to E-Plan.**



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Effective Date: ~~December 2018~~ April 2022

## CITY OF APPLETON DOWNTOWN PARKING POLICY FOR CITY EMPLOYEES

### A. CITY-OWNED VEHICLES

1. City-owned vehicles are allowed to park for up to two (2) hours free at on-street meters (except red meters and meters adjacent to City Center unless prior approval from Supervisor).
2. City-owned vehicles shall not park at red meters without paying. Vehicles at expired red meters will be cited at driver's expense.
3. Parking for more than two (2) hours shall be in the ~~south end of the Library Plaza Lot.~~ **Yellow Ramp.**
4. Overnight parking shall be in the secured basement of the Yellow Ramp.

### B. CITY-OWNED LARGE VEHICLES

1. Large vehicles are allowed to park for up to two (2) hours free at on-street meters (except at red meters and meters adjacent to City Center unless prior approval from Supervisor).
2. Large vehicles shall not park at red meters (except in an emergency).
3. Parking for more than two (2) hours shall be in the ~~south end of the Library Plaza Lot.~~ **At the 12-hour meters located north of Washington Street.**

### C. EMPLOYEE-OWNED VEHICLES

1. City employees who work at City Center have the option of a Yellow or Green Ramp permit. Employees must observe all posted parking restriction signs in both ramps. No personal vehicles shall be parked in the secured basement of the Yellow Ramp.
2. City employees who work at other sites or use their personal vehicle in-lieu of a city vehicle will be issued a special "Official Business" permit upon request and approval of the appropriate department head. A personal vehicle displaying this permit must follow the above guidelines for city-owned vehicles.

It should be noted that Ordinance Number 19-107 (d) prohibits the deposit of additional money to extend parking time beyond the limit of the meter. This ordinance will be enforced on all City vehicles. It should also be noted that City vehicles must follow all other City Ordinances and State Statutes relating to parking.

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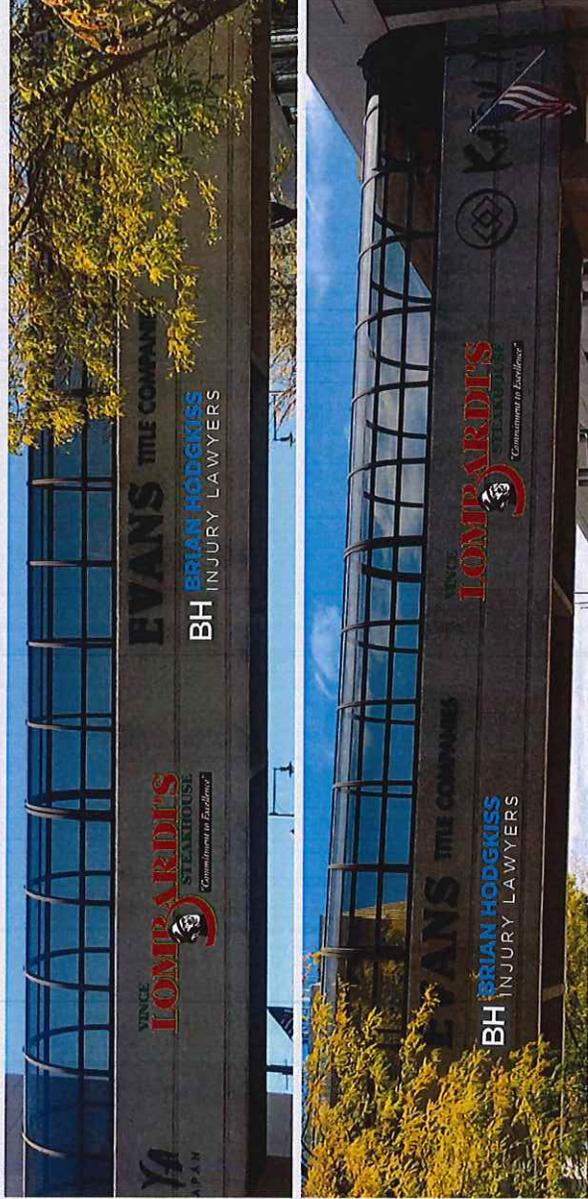
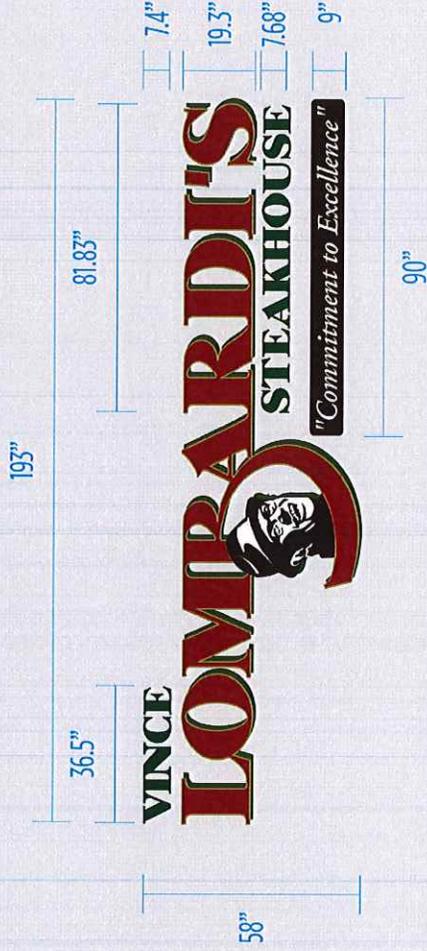
Client:	RED LION
Contact:	
Date:	2.7.22
Sales:	Chip Seidler
Designer:	Kate Brack
File:	Red Lion Walkway 3
Revision:	3

**JOB SPECIFICATIONS**

DIMENSIONAL LETTERS

Quantity  
**2**

DIMENSIONAL LETTERS ON WALKWAY



Client signature for approval: X

Date:      /      /     

By signing this release, you are approving production of the work as specified on this document. Please examine all proofs carefully for accuracy.

- Job Spot Colors:
- PMS 1815C
  - PMS 3455C
  - PMS

Other requirements: Installation

Square Footage:

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PERMIT TO OCCUPY THE PUBLIC RIGHT-OF-WAY

Permit #: - -
Effective Date: 2/22/22
Expiration Date: 12/31/22
Fee: 40
Paid (yes or no): Paid 108779306

Rev. 04-10-15

Applicant Information

Name (print): CRAIG BAILEY
Address: 301 N 17TH AVE, STE 100 WAUSAU WI 54401
Company: GREENFIRE MANAGEMENT SERVICES
Telephone: 920.572.6096 FAX:
e-mail: CRAIG.BAILEY@GREENFIRE.COM
Applicant Signature: Craig Bailey/rp Date: 2/10/22

Occupancy Information

General Description: CRANE OPERATIONS FOR HISTORIC RENOVATION OF ZUELKE BUILDING.
CRANE PLACED WEST SIDE OF ONEIDA ST AT UNLOADING ZONE ACROSS FROM SOLDIERS SQUARE.
Street Address: 130 W COLLEGE AVE Tax Key No.: 31-2-0070-00
Street: From: 2/22/22 To: 12/31/22
Multiple Streets:

(Department use only)

Table with 3 columns: Occupancy Type, Sub-Type, Location. Includes checkboxes for Permanent, Temporary, Amenity, Blanket, Block Party, Sandwich Board, Tables/Chairs, Dumpster, POD/Container, Obstruction/Other, Sidewalk, Terrace, Roadway.

Additional Requirements

Plan/Sketch, Certificate of Insurance, Bond, Other: (checkboxes)

Traffic Control Requirements

Type of Street, Proposed Traffic Control, Contact Traffic Division (832-2379) 1 business day prior to any lane closure, or 2 business days prior to a full road closure.
Approved by: Mike Hardy Date: 2/10/22

This permit approval is subject to the following conditions:

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

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

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

APPROVED BY: Mike Hardy 2/10/22 DATE:
(Department of Public Works)



Step 1: Select Payments    Step 2: Review and Submit    Step 3: Confirmation and Receipt

### Step 3: Confirmation and Receipt

## Result: Payment Authorized

## Confirmation Number: 108779306

Your payment has been authorized successfully and payment will be processed.

The City of Appleton Inspections thanks you for your payment. For questions about your account, please call 920-832-6413. Thank you for using our bill payment services.

Please save or print a copy of this receipt for record keeping purposes.

#### My Bills

Description	Amount
Street Occupancy Permit payment of \$40.00 on Permit Description Permanent - \$40	\$40.00
<b>Subtotal:</b>	<b>\$40.00</b>
<b>Convenience Fee:</b>	<b>\$1.50</b>
<b>Total Payment:</b>	<b>\$41.50</b>

#### Customer Information

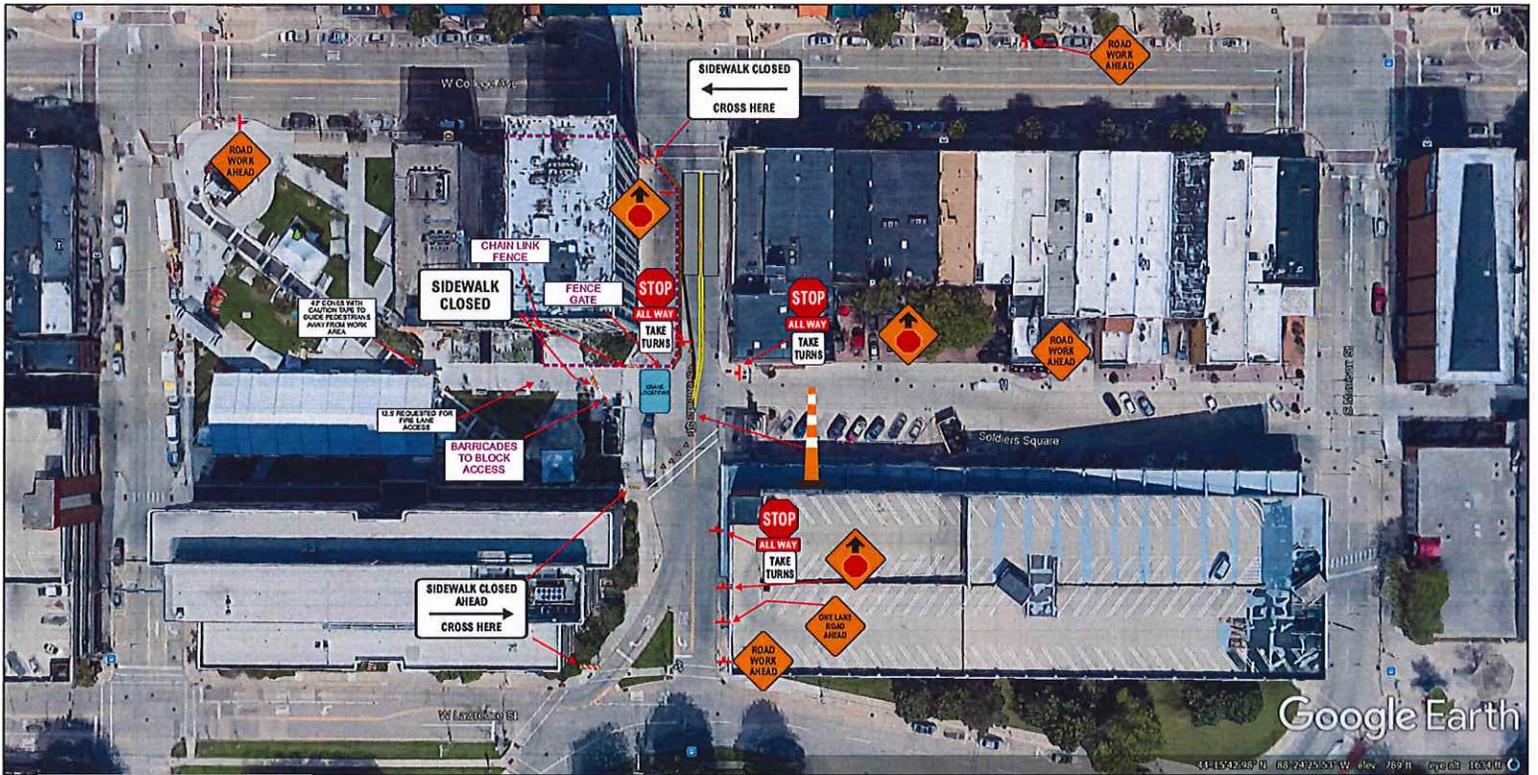
First Name: Craig  
Last Name: Bailey  
Address Line 1: 3215 W. State St.  
Address Line 2: Suite 200  
City: Milwaukee  
State: Wisconsin  
Zip Code: 53208  
Phone Number: 9205726096  
Email Address: craig.bailey@greenfire.com

#### Payment Information

Payment Date: 02/10/2022  
Card Type: MasterCard  
Card Number: \*\*\*\*\*9043

Print

Finished



 <p>TRAVIC SWEET &amp; RAVEL 1-920-725-0757 "Safety is Our Business" 920-725-0757 www.warninglites.com</p>	START DATE & TIME	<p><b>GENERAL NOTES:</b> THIS TRAFFIC CONTROL PLAN IS FOR INFORMATIONAL PURPOSES ONLY. TRAFFIC CONTROL PLAN IS NOT TO SCALE. WARNING LITES OF APPLETON, INC. ASSUMES NO LIABILITY FOR LAYOUT &amp; SETUP OF ACCEPTED TRAFFIC CONTROL PLAN. THE CITY OF APPLETON DECIDES FINAL APPROVAL OF TRAFFIC CONTROL PLAN. ADVANCED WARNING SIGNS WILL BE MOUNTED ON PORTABLE SUPPORTS. THE EXACT NUMBER, LOCATION AND SPACING OF ALL SIGNS AND DEVICES SHALL BE ADJUSTED TO FIT FIELD CONDITIONS AS APPROVED BY THE ENGINEER.</p>	<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li>↑ SIGN SYMBOL</li> <li>⊙ DRUM WITH/WITHOUT LIGHT</li> <li>▬ TYPE III BARRICADE</li> <li>⇨ DIRECTION OF TRAFFIC</li> </ul>	<p>Owner <b>CITY OF APPLETON</b></p>
	DURATION:			<p>Project Name ZUEHLKE BUILDING RENOVATION</p> <p>Prime Contractor GREENFIRE</p> <p>Phone 920-725-0757</p> <p>Prepared By Lance G Mauel</p>



		<b>OWNER</b> <b>CITY OF APPLETON</b>	
		<b>Project Name</b> ZUEHLKE BUILDING RENOVATION	
<b>START DATE &amp; TIME</b>  <b>DURATION:</b>		<b>Project Number</b>  <b>Traffic Control Contractor</b> Warning Lites of Appleton, Inc.	
<b>GENERAL NOTES:</b> THIS TRAFFIC CONTROL PLAN IS FOR INFORMATIONAL PURPOSES ONLY. TRAFFIC CONTROL PLAN IS NOT TO SCALE. WARNING LITES OF APPLETON, INC. ASSUMES NO LIABILITY FOR LAYOUT & SETUP OF ACCEPTED TRAFFIC CONTROL PLAN. THE CITY OF APPLETON DECIDES FINAL APPROVAL OF TRAFFIC CONTROL PLAN. ADVANCED WARNING SIGNS WILL BE MOUNTED ON PORTABLE SUPPORTS. THE EXACT NUMBER, LOCATION, AND SPACING OF ALL SIGNS AND DEVICES SHALL BE ADJUSTED TO FIT FIELD CONDITIONS AS APPROVED BY THE ENGINEER.		<b>LEGEND</b> SIGN SYMBOL DRUM WITH/WITHOUT LIGHT TYPE III BARRICADE DIRECTION OF TRAFFIC	
<b>Phone</b> 920-725-0757		<b>Sheet Number</b> 2	
<b>Prepared By</b> Lence G Mauel		<b>Date</b> 07/28/2021	



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

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

**To:** Municipal Services Committee  
**From:** Mike Hardy, Assistant Traffic Engineer  
**Date:** February 7, 2022  
**Re:** Parking restriction change on the 800 block of W. Eighth Street (Badger Avenue – Pierce Street)  
*Follow-Up to Six-Month Trial Period*

The Traffic Section was contacted by a citizen requesting the 2-hour parking restriction on the block of 800 W. Eighth Street be removed, as it does not feel necessary anymore.

Our records show this restriction on the north side of the street originated in 1978. The business that precipitated the 2-hour restriction no longer resides at the building in the northwest corner of Badger Avenue and Eighth Street. Based on this, the decision was made to remove the restriction for a six-month trial.

We did not receive any feedback or complaints from the public during the six-month trial period. Based on this, we recommend making the changes permanent.

**To accomplish this, the following ordinance action is required:**

1. **Repeal Ordinance 63-78:** "Parking be restricted to two hours between the hours of 7:00 a.m. and 7:00 p.m., Sundays and Holidays excepted, on the north side of West Eighth Street from 210' west of the west right-of-way line of Badger Avenue extend."







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

**To:** Municipal Services Committee  
**From:** Eric Lom, City Traffic Engineer  
**Date:** February 15, 2022  
**Re:** Parking restriction change on the 100 block of W. College Avenue  
*Follow-Up to Six-Month Trial Period*

DPW was contacted last year by several citizens regarding the *Commercial Truck Loading Zone* that was located on the south side of College Avenue, just east of Appleton Street. Parents were getting cited for using this loading zone to drop off their children at the Trout Museum of Art.

The three parking stalls in question (as shown in the image below) had previously been restricted to commercial truck use in an attempt to ensure the zone was available for larger trucks when needed. Based on the request, we reviewed the situation and determined that the proposed student loading/unloading was unlikely to negatively impact the loading/unloading of commercial trucks, due to the time of day in which each tended to occur.

Based on the various considerations, the decision was made to convert the loading zone to a “standard” loading zone for a six-month trial.

We believe the changes accomplished the goal of addressing the original issue. We did not receive any feedback or complaints from the public during the six-month trial period. Based on this, we recommend making the changes permanent.



**To accomplish this, the following ordinance action is required:**

1. **Create:** “No Parking/15-minute loading zone be established from 8 a.m. to 3 p.m., Monday through Friday, on the south side of College Avenue from a point 65 feet east of Appleton Street to a point 135 feet east of Appleton Street.”





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

**To:** Municipal Services Committee  
**From:** Mike Hardy, Assistant Traffic Engineer  
**Date:** February 7, 2022  
**Re:** Change to intersection traffic control at the Locust Street / Oklahoma Street intersection  
*Follow-Up to Six-Month Trial Period*

Based on a request from a concerned citizen, the Traffic Section recently reviewed the traffic control at the intersection of Locust Street and Oklahoma Street, and subsequently initiated a six-month trial period to change from yield control to two-way stop control. This intersection is located one block west of Richmond Street and three blocks north of Packard Street. The land use in this area is primarily residential. Both streets are classified as *local*.

In a typical intersection control study, we consider traffic volumes, crash history, safe approach speeds, etc. In this case, the entering volume of this intersection is low, at approximately 490 vehicles per day. Traffic counts in 2021 indicated traffic counts of 96 vehicles per day (vpd) on Locust Street and 389 vpd on Oklahoma Street. A review of crash records indicated zero reportable crashes for the recent five-year period of 2016 through 2020. The critical approach speed for the intersection was found to be approximately 9 mph, due primarily to the home in the southeast quadrant of the intersection.

While this intersection does not meet the volume threshold for stop control, the critical approach speed is below the standard for yield control. As such, we recommend maintaining the two-way stop control that was implemented for the trial period.

**To accomplish this, the following ordinance action is required:**

1. **Create:** "Install Stop signs on Locust Street at Oklahoma Street."



CONCRETE PAVEMENT, DRIVEWAY APRONS, SIDEWALK CONSTRUCTION

RESOLUTION 1-P-22

PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS UNDER SECTION 66.0703 (7) (a), WISCONSIN STATUTES OF 2011-2012.

RESOLVED, by the Common Council of the City of Appleton, Wisconsin:

1. The Common Council hereby declares its intention to exercise its powers under Section 66.0703, Wisconsin Statutes, to levy special assessments upon property within the following described area for benefits conferred upon such property by improvement of the following area.

CONCRETE PAVEMENT, SIDEWALK CONSTRUCTION AND DRIVEWAY APRONS

- Amethyst Dr (Providence Ave to Bluetopaz Dr)
- Bluetopaz Dr (Providence Ave to Calmes Dr)
- Tiburon Lane (Applehill Blvd to Purdy Pkwy)

2. The total amount assessed against such property shall not exceed the total cost of the improvements. The Common Council determines that such improvements shall be made under the police power and the amount assessed against each parcel shall be on a cost per front foot, area or unit cost basis.

3. The assessments against any parcel may be paid to the Finance Department on receipt of Special Assessment Notice by one of the following:

- a. In cash, or if entered on the Tax Roll;
- b. One installment, if the assessment is \$1000 or less;
- c. In five equal annual installments, if the assessment is greater than \$1000;

Deferred payments shall bear an interest at the prime rate plus 3% per annum on the unpaid balance.

4. The Finance Committee is directed to prepare a report consisting of:

- a. Preliminary plans and specifications for said improvements.
- b. An estimate of the entire cost of the proposed street improvements.
- c. A schedule of proposed assessments showing the properties that are benefited by the work or improvements.

Upon completing such report, the Finance Committee is directed to file a copy thereof in the office of the City Clerk for public inspection.

5. Upon receiving the report of the Finance Committee, the City Clerk is directed to give notice of a public hearing on such report as specified in Section 66.0703 (7) (a), Wisconsin Statutes. The hearing shall be held at the Council Chambers in the City Hall at a time set by the City Clerk in accordance with Section 66.0703 (7) (a), Wisconsin Statutes.

Jake Woodford (Mayor)

Adopted: March 2, 2022

Attest: Kami L. Lynch (City Clerk)

# Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 07-01-2021 ending: 06-30-2022  
(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	\$
<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 checked="" type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$
<b>TOTAL FEE</b>	<b>\$</b>

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)  
Jackson, James, Carl Jackson Investment Group

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)
Jackson	James	Carl	523 w 7th St, Appleton, 54911
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Jackson SR	James	Carl	697 N Waldoch, Appleton, WI 54913
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)
Anderson	April	Lynn	320 3rd St neenah, WI 54956
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Jimmy's on the ave Business Phone Number 708-378-0586  
 2. Address of Premises 409 w college Ave Post Office & Zip Code 54911

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.)

Beverages will be stored in locked room in the basement.  
Beverages will sold from the bar.

4. Legal description (omit if street address is given above): \_\_\_\_\_

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? \_\_\_\_\_

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  
*Agent will be taking course.*
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>Jackson, James, C</i>	Title/Member <i>Owner</i>	Date <i>1/18/22</i>
Signature <i>Jm Jh</i>	Phone Number 	Email Address 

**TO BE COMPLETED BY CLERK**

Date received and filed with municipal clerk <i>1-19-22</i>	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 Alcohol License Questionnaire

1. Name of Applicant: James Jackson

2. Name of Business: Jimmy's on the Ave

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

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

3. Address of Business: 409 w College, Appleton WI 54911

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

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

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

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

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

<u>James</u>	<u>C</u>	<u>Jackson SR</u>	<u>●</u> / <u>●</u> / <u>●</u>
First name	M.I.	Last name	Date of Birth
<u>James</u>	<u>C</u>	<u>Jackson JR</u>	<u>●</u> / <u>●</u> / <u>●</u>
First name	M.I.	Last name	Date of Birth
			/ /
First name	M.I.	Last name	Date of Birth
			/ /
First name	M.I.	Last name	Date of Birth

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

Name: Leasing space /NA

First name Middle Initial Last name

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

City State ZIP

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

Name: Lu Saloon

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

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

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

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

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

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

24 months ago.

10. Seating capacity: Inside 90 Outside —

11. Operating hours (Inside the building): 5pm - 2am  
Operating hours (Outdoor seating areas): —

12. Employees/Staff

Number of floor personnel 2 Number of door checkers 1

13. In general, state the size and operational details of the proposed establishment:

a. Gross floor building area of the premises to be licensed: 1373 square feet.

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

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

General Tavern operations

[Signature]  
Signature

1/18/22  
Date

# Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

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

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

The undersigned duly authorized officer/member/manager of Jackson Investment Group  
(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 Jimmy's on the Ave  
(Trade Name)

located at 409 w College Ave

appoints April Anderson  
(Name of Appointed Agent)  
320 1/2 3rd st neenah wi 54956  
(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).  
Jackson Investment Group

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? 2 yr

Place of residence last year 320 1/2 3rd st neenah wi 54956

For: Jackson Investment Group  
(Name of Corporation / Organization / Limited Liability Company)

By: [Signature]  
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

### ACCEPTANCE BY AGENT

I, April Anderson, 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.

April Anderson 1/18/22 Agent's age       
(Signature of Agent) (Date)  
320 3rd St neenah, wi 54956 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)



# Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 7/1/21 ending: 6/30/22  
(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 <u>[REDACTED]</u>	
FEIN Number <u>[REDACTED]</u>	
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</u>
<b>TOTAL FEE</b>	<b>\$ <u>160</u></b>

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)  
Courtney Joyce Hayden The Breaking Point LLC

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 <u>Hayden</u>	(First) <u>Courtney</u>	(Middle Name) <u>Joyce</u>	Home Address (Street, City or Post Office, & Zip Code) <u>WS939 County Road A Black Creek 54106</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 <u>Hayden</u>	(First) <u>Courtney</u>	(Middle Name) <u>Joyce</u>	Home Address (Street, City or Post Office, & Zip Code) <u>WS939 County Rd A Black Creek 54106</u>
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Breaking Point Business Phone Number 920-205-3780  
 2. Address of Premises 2011 N. Richmond St Post Office & Zip Code 54911

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.)  
rage room(2), paint splatter room, air soft indoor target range, small beer/seltzer bar  
3,000 sq ft  
beer will be stored behind the bar in a locked cooler  
beer will be served & kept up at the bar

4. Legal description (omit if street address is given above): \_\_\_\_\_  
 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? \_\_\_\_\_

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  
Course completed on Jan 10th 2022  
Valid for 2 years
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 WI and date March 2018 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.) <u>Haupen, Courtney J</u>	Title/Member <u>owner</u>	Date <u>1/27/22</u>
Signature <u>Courtney J Haupen</u>	Phone Number <u>[REDACTED]</u>	Email Address <u>[REDACTED]</u>

**TO BE COMPLETED BY CLERK**

Date received and filed with municipal clerk <u>1-27-22</u>	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	



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

Name: Elite Wrestling

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

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

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

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

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

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

1 months ago.

10. Seating capacity: Inside 15 Outside —

11. Operating hours (Inside the building): (4pm - 9pm M,T,Th) (4pm - 11pm Fri) (11am - 11pm Sat)  
Operating hours (Outdoor seating areas): —

12. Employees/Staff

Number of floor personnel 1-4 Number of door checkers 1

13. In general, state the size and operational details of the proposed establishment:

a. Gross floor building area of the premises to be licensed: 3,000 square feet.

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

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

rage room, paint splatter room, airsoft range  
beer/seltzer will be kept at a small  
beer near the front of our premises.

Christy Taylor  
Signature

1/27/22  
Date

# Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

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

To the governing body of:  Town  Village of APPLETON County of outagamie  
 City

The undersigned duly authorized officer/member/manager of The Breaking Point LLC  
(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 The Breaking Point  
(Trade Name)

located at 2011 N Richmond St

appoints Courtney Hayden  
(Name of Appointed Agent)

WS939 County Road A Black Creek WI 54106  
(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? 34 years

Place of residence last year WS939 County Road A Black Creek WI 54106

For: The Breaking Point LLC  
(Name of Corporation / Organization / Limited Liability Company)

By: Courtney Hayden  
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

### ACCEPTANCE BY AGENT

I, Courtney Hayden, 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.

Courtney Hayden 11/27/22  
(Signature of Agent) (Date)

WS939 County Road A Black Creek WI 54106  
(Home Address of Agent)

Agent's age 34  
 Date of birth 11/27/88

### 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)

**RESOLUTION**

**CITY OF APPLETON  
RESOLUTION APPROVING SPECIAL USE PERMIT #5-21**

**WHEREAS**, Courtney Hayden, owner of The Breaking Point has applied for a Special Use Permit to allow alcohol sales and consumption on the premises located at 2009 & 2011 N. Richmond Street, and also identified as Parcel Number 31-5-2326-00, and

**WHEREAS**, the location for the proposed indoor recreational use with alcohol sales and service is located in the C-2 General Commercial District, and the proposed use may be permitted by Special Use Permit within this zoning district pursuant to Chapter 23 of the Municipal Code; and

**WHEREAS**, the City of Appleton Plan Commission held a public hearing on January 12, 2022 on Special Use Permit #5-21 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 reviewed and considered the Community and Economic Development Department's staff report and recommendation and other spoken and written evidence and testimony presented at the public hearing; and

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

**WHEREAS**, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code, and forwarded Special Use Permit #5-21 to the City of Appleton Common Council with a favorable conditional or not favorable (CIRCLE ONE) recommendation; and

**WHEREAS**, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on January 19, 2022.

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

1. Determines all standards listed in Sections 23-66(e)(1-8) are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #5-21 for alcohol sales and consumption on the premises located at 2009 & 2011 N. Richmond Street, and also identified as Parcel Number 31-5-2326-00, based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)

3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #5-21 for alcohol sales and consumption on the premises located at 2009 & 2011 N. Richmond Street, and also identified as Parcel Number 31-5-2326-00, subject to the following conditions:

**CONDITIONS OF SPECIAL USE PERMIT #5-21:**

- A. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.
  - B. This Special Use Permit is needed for the on-site alcohol sales and consumption, not the indoor recreational use. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.
  - C. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
  - D. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
4. The City Clerk's Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

Adopted this 19<sup>th</sup> day of January 2022.

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

ATTEST:

  
\_\_\_\_\_  
Kami Lynch, City Clerk



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** January 12, 2022

**Common Council Meeting Date:** January 19, 2022

**Item:** Special Use Permit #5-21 for an indoor recreational use with alcohol sales and consumption

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

### GENERAL INFORMATION

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**Owner:** CNR, LLC c/o Craig Weborg

**Applicant:** The Breaking Point c/o Courtney Hayden

**Address/Parcel #:** 2009 & 2011 N. Richmond Street (Tax Id #31-5-2326-00)

**Petitioner's Request:** The applicant is requesting a Special Use Permit for an indoor recreational use with alcohol sales and consumption.

### BACKGROUND

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The building was constructed in 1947 and the property contains a multi-tenant building with an off-street parking lot.

### STAFF ANALYSIS

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**Project Summary:** The applicant proposes to establish an indoor recreational use with alcohol sales and service on the subject site, which would occupy approximately 2,400 square feet of the existing multi-tenant building. The uses include rage rooms, splatter room, air soft target shooting and a small bar area.

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

**Existing Site Conditions:** The 15,571 square foot site is currently developed with a multi-tenant building, which is approximately 5,856 square feet in size. The site provides off-street parking on the east and west sides of the building, including parking provided on the adjacent parcel (Tax Id #31-5-2327-00). Access is provided by curb cuts on North Richmond Street and West Glendale Avenue.

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

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

## Special Use Permit #5-21

January 12, 2022

Page 2

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

South: C-2 General Commercial District. The adjacent land uses to the south are currently a mix of commercial uses.

East: R-1B Single-Family District. The adjacent land uses to the east are currently single-family residential.

West: M-2 General Industrial District. The adjacent land uses to the west are currently a mix of commercial uses.

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

### *Goal 1 – Community Growth*

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

### *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.*

### *OBJECTIVE 10.5 Land Use:*

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

**Technical Review Group (TRG) Report:** These items appeared on the December 7, 2021 Technical Review Group agenda. The following comments were received from participating departments and have been incorporated into the Conditions of Approval:

- Police Department: *Ensure the applicant is willing/able to comply with our noise ordinances with their proposed business plan, specifically "Sec. 12-87. Radio or other electric sound amplification device – prohibited. No person or business may use a radio or other similar electric sound amplification device so that sound emitting from said radio or amplification device is audible under normal conditions from a distance of seventy-five (75) or more feet."*
- Fire Department: *Please note the occupant loads provided by the applicant have not been verified through review by a representative of a Fire Department. We recommend the applicant supply the FD with a WI occupant worksheet when they want these numbers posted, as required in the Municipal Ordinance, whenever food & drink is served. Appleton Fire will print the sign for posting.*

**Zoning Ordinance Requirements and Substantial Evidence:** When reviewing an application for a Special Use Permit, the City must determine if the applicant's proposal satisfies Municipal Code requirements and conditions. Pursuant to Section 23-66(c)(5) of the Municipal Code, the Plan Commission and Common Council must provide substantial evidence supporting their decision to approve, approve with conditions, or deny the Special Use Permit. Substantial evidence means "facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Special Use Permit and that reasonable persons would accept in support of a conclusion." Any requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

**Finding of Fact:** This request was reviewed in accordance with the standards (proper zoning district, district regulations, special regulations, comprehensive plan and other plans, traffic, landscaping and screening, neighborhood compatibility, and impact on services) for granting a Special Use Permit under Section 23-66(e)(1-8) of the Municipal Code, which were found in the affirmative, as long as all stipulations are satisfied.

## **RECOMMENDATION**

Staff recommends, based on the above analysis, that Special Use Permit #5-21 for an indoor recreation use with alcohol sales and consumption located at 2009 & 2011 North Richmond Street (Tax Id #31-5-2326-00), 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.

*Substantial Evidence: Standardized condition to ensure the applicant understands the City's Municipal Code and all applicable State and Federal laws must be followed.*

2. This Special Use Permit is needed for the on-site alcohol sales and consumption, not the indoor recreational use. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.

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

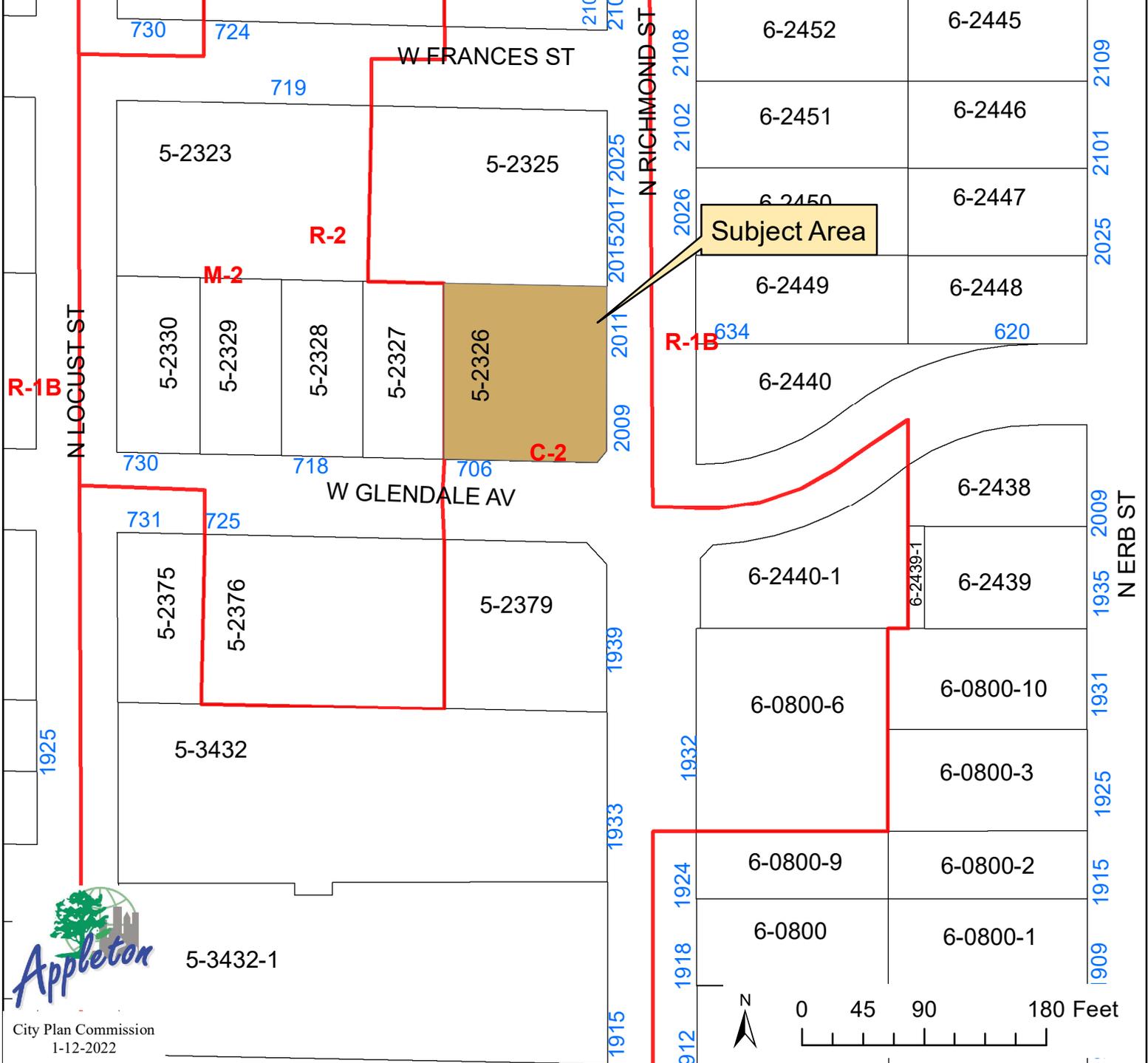
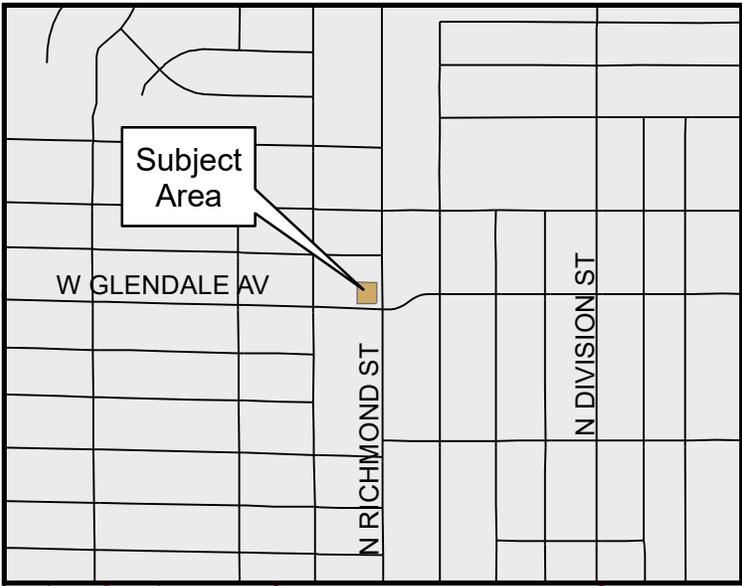
3. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.

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

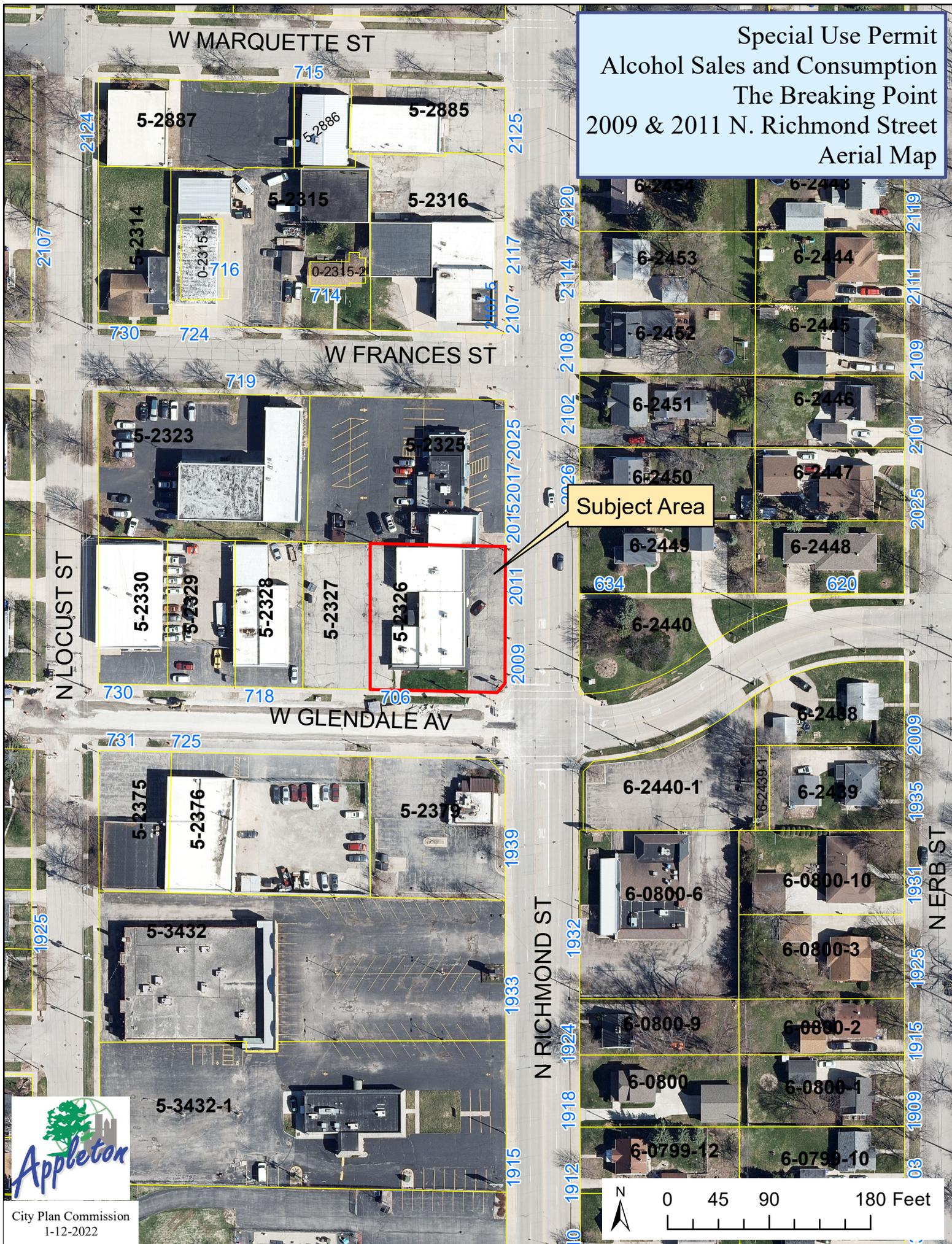
4. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.

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

Special Use Permit  
Alcohol Sales and Consumption  
The Breaking Point  
2009 & 2011 N. Richmond Street  
Zoning Map



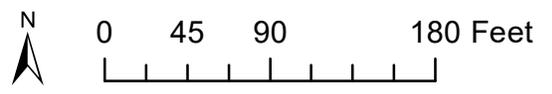
Special Use Permit  
 Alcohol Sales and Consumption  
 The Breaking Point  
 2009 & 2011 N. Richmond Street  
 Aerial Map



Subject Area



City Plan Commission  
 1-12-2022



**RESOLUTION**

**CITY OF APPLETON  
RESOLUTION APPROVING SPECIAL USE PERMIT #5-21**

**WHEREAS**, Courtney Hayden, owner of The Breaking Point has applied for a Special Use Permit to allow alcohol sales and consumption on the premises located at 2009 & 2011 N. Richmond Street, and also identified as Parcel Number 31-5-2326-00, and

**WHEREAS**, the location for the proposed indoor recreational use with alcohol sales and service is located in the C-2 General Commercial District, and the proposed use may be permitted by Special Use Permit within this zoning district pursuant to Chapter 23 of the Municipal Code; and

**WHEREAS**, the City of Appleton Plan Commission held a public hearing on January 12, 2022 on Special Use Permit #5-21 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 reviewed and considered the Community and Economic Development Department’s staff report and recommendation and other spoken and written evidence and testimony presented at the public hearing; and

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

**WHEREAS**, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code, and forwarded Special Use Permit #5-21 to the City of Appleton Common Council with a favorable conditional or not favorable (CIRCLE ONE) recommendation; and

**WHEREAS**, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on January 19, 2022.

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

1. Determines all standards listed in Sections 23-66(e)(1-8) are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #5-21 for alcohol sales and consumption on the premises located at 2009 & 2011 N. Richmond Street, and also identified as Parcel Number 31-5-2326-00, based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)

3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #5-21 for alcohol sales and consumption on the premises located at 2009 & 2011 N. Richmond Street, and also identified as Parcel Number 31-5-2326-00, subject to the following conditions:

**CONDITIONS OF SPECIAL USE PERMIT #5-21:**

- A. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.
  - B. This Special Use Permit is needed for the on-site alcohol sales and consumption, not the indoor recreational use. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.
  - C. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
  - D. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
4. The City Clerk's Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

Adopted this 19<sup>th</sup> day of January 2022.

---

Jacob A. Woodford, Mayor

ATTEST:

---

Kami Lynch, City Clerk

**PLAN OF OPERATION AND LOCATIONAL INFORMATION**

**Business Information:**

Name of business: The Breaking Point LLC

(Check applicable proposed business activity(s) proposed for the building or tenant space)

- Restaurant
- Bar/Night Club
- Wine Bar
- Microbrewery
- Other amusement

Years in operation: 2 years

Percentage of business derived from food service: 0 %

Type of proposed establishment (detailed explanation of business operations):

amusement  
2 rage rooms  
1 paint splatter room, air soft target shooting  
small beer/seltzer bar

**Proposed Hours of Operation for Indoor Uses:**

Day	From	To
Week Days Monday thru Thursday	4pm	9pm
Friday	4pm	11pm
Saturday	11am	11pm
Sunday	closed	

**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: 16-18 persons

Gross floor area of the existing building(s): 2,400

Gross floor area of the proposed building(s): 2,400

**Describe Any Potential Noise Emanating From the Proposed Use:**

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

Mostly evening hrs (4pm-9pm)  
On a noise scale from 1-10, I'd rate  
our noise level a 5.

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

no anticipated outside crowds  
inside gatherings will be kept  
to minimum

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

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

**Outdoor Space Uses:**

(Check applicable proposed area)

- Patio
- Deck
- Sidewalk Café
- Other \_\_\_\_\_
- None

Size: \_\_\_\_\_ square feet.

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

Fencing  Landscaping  Other \_\_\_\_\_. Height \_\_\_\_\_ feet.

Is there any alcohol service incorporated within the outdoor space? Yes \_\_\_ No \_\_\_

Are there plans for outdoor music/entertainment? Yes \_\_\_ No \_\_\_

If yes, describe how the noise will be controlled:

\_\_\_\_\_

Is there any food service incorporated within the outdoor space? Yes \_\_\_ No \_\_\_

**Proposed Hours of Operation for Outdoor Space:**

Day	From	To
Week Days: Monday thru Thursday		
Friday		
Saturday		
Sunday		

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

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

**Off-Street Parking:**

Number of spaces existing: 30

Number of spaces proposed: 30

**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:

~~Bark at the Moon - dog grooming~~  
~~Just Pets - pet store~~

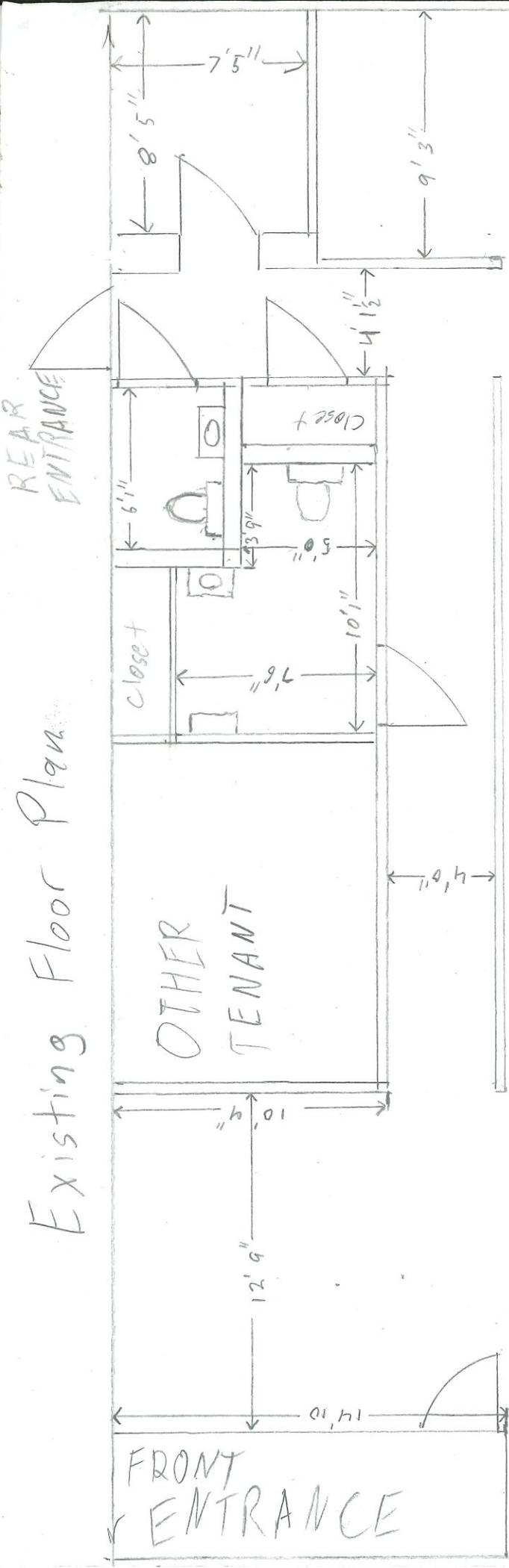
**Number of Employees:**

Number of existing employees: 4

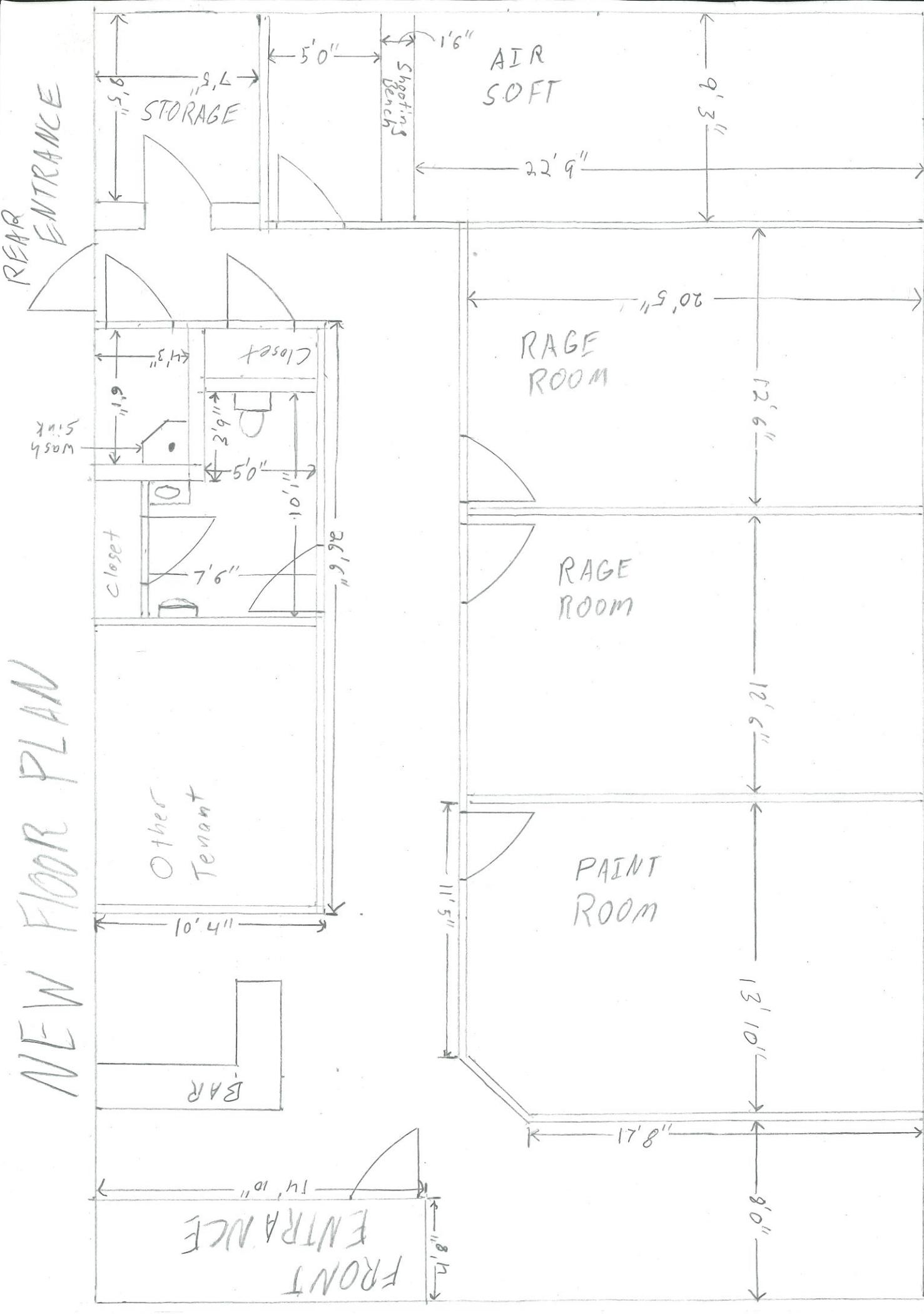
Number of proposed employees: 4

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

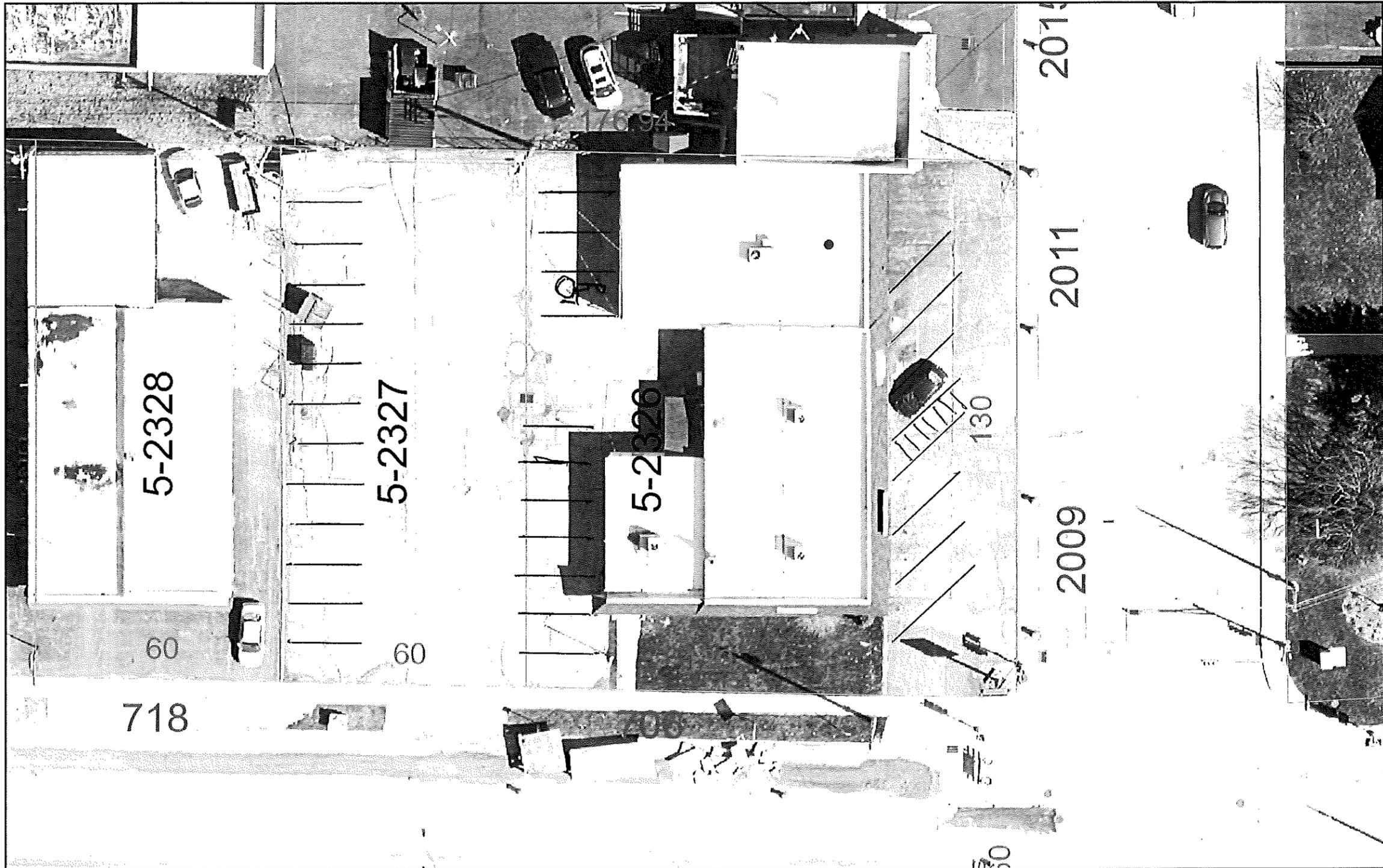
# Existing Floor Plan



# NEW FLOOR PLAN

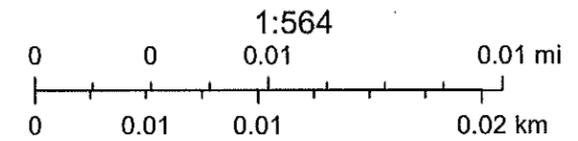


# ArcGIS Web Map



11/29/2021, 10:39:01 AM

 City Limits  City Parcels  Easements



# Application for Cigarette and Tobacco Products Retail License

Submit to municipal clerk.

MUNICIPAL USE ONLY

License Number
Period Covered
Date of Issuance

Applicant's Wisconsin 15-digit Sales Tax Account Number  
 [REDACTED]

← This must be issued in the same Legal Name of the licensee below.

Legal Name (corporation, limited liability company, partnership or sole proprietorship) <b>FOX RIVER HOUSE LLC</b>			Federal Employer Identification No. (FEIN) [REDACTED]		
Trade or Business Name (if different than Legal Name) <b>FOX RIVER HOUSE</b>			Telephone Number ( )		
Business Address (License Location) <b>211 S. WALNUT ST</b>		Business Located In <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town		Business Telephone <b>(920) 903-9968</b>	
Municipality <b>APPLETON</b>	State <b>WI</b>	Zip Code <b>54911</b>	of: <b>APPLETON</b>	County <b>OUTAGAMIE</b>	
Mailing Address (if different than Business Address)			Municipality	State	Zip Code

Organization (check one)

Sole Proprietor  
 ~~Partnership~~  
 Other (describe)  
 Wisconsin Corporation – Enter date incorporated: 11/1/21  
 Out-of-State Corporation – Are you registered to do business in Wisconsin?  Yes  No

- Yes  No 1. Does the applicant understand that they must purchase cigarettes and tobacco products only from distributors, jobbers, or subjobbers, who hold a permit with the Wisconsin Department of Revenue?
- Yes  No 2. Does the applicant understand that they must obtain a Tobacco Products Distributor permit if purchasing untaxed tobacco products from an out-of-state company? (Tobacco Products Distributor permit is available from the Wisconsin Department of Revenue at 608-266-6701. See application form CTP-129, [revenue.wi.gov/dor/forms/ctp-129.pdf](http://revenue.wi.gov/dor/forms/ctp-129.pdf).)
- Yes  No 3. Does the applicant understand that they cannot purchase/exchange cigarettes or tobacco products from another retailer, including transferring existing stock to a new owner?
- Yes  No 4. Does the applicant understand that they must provide employees with tobacco sales training approved by the Wisconsin Department of Health Services? (<https://witobaccocheck.org>)
- Yes  No 5. Does the applicant understand that they may not sell, give or otherwise provide cigarettes/tobacco products and nicotine products to minors (including electronic cigarettes containing nicotine)?
- Yes  No 6. Does the applicant understand that they may not sell single cigarettes?
- Yes  No 7. Does the applicant understand that cigarette and tobacco products invoices must be kept on the licensed premises for two years from the date of the invoice and be available for inspection by the Wisconsin Department of Revenue/law enforcement and that failure to comply can result in criminal penalties, including loss of cigarettes/tobacco products?
- Yes  No 8. Does the applicant understand that only cigarettes and roll-your-own (RYO) tobacco products listed on the Wisconsin Department of Justice's website labeled "Directory of Certified Tobacco Manufacturers and Brands" at [www.doj.state.wi.us/dls/tobacco-directory](http://www.doj.state.wi.us/dls/tobacco-directory) may be sold in Wisconsin?

Cigarettes / Tobacco will be sold  over counter  through vending machine  both

**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 applicant. Applicant agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, cannot be assigned to another. Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

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

### Applicable Laws and Rules

This document provides statements or interpretations of the following laws and regulations in effect as of September 19, 2019: Sections 134.65, 134.66, 139.321, 139.79, 139.76, 995.10, and 995.12, Wis. Stats.

# Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 7-1-21 ending: 6-30-22  
(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	\$ 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
<b>TOTAL FEE</b>	<b>\$ 160</b>

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)  
Taco House LLC

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 <u>Martinez</u>	(First) <u>Carlos</u>	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code) <u>3313 N Casaloma Appleton WI 54913</u>
Vice President / Member Last Name <u>Martinez</u>	(First) <u>Roberto</u>	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code) <u>301 E Greenfield St Appleton WI 54911</u>
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 <u>Martinez</u>	(First) <u>Roberto</u>	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code) <u>301 E Greenfield St Appleton WI 54911</u>
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Taco House Business Phone Number 920-364-9362  
 2. Address of Premises 135 E Wisconsin Ave Post Office & Zip Code 54911

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.)  
The alcohol will be stored in are walk-in cooler in Back Bay kitchen and in front By the Bar area. also it will be in side are Building/location at all times. Customers will consume the Alcohol Beverage in Building only in Bar area & Dining area.

4. Legal description (omit if street address is given above): \_\_\_\_\_  
 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? \_\_\_\_\_

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>Martinez, Carlos</i>	Title/Member <i>owner</i>	Date <i>2-8-2022</i>
Signature <i>Carlos Martinez</i>	Phone Number 	Email Address <i>[Redacted]</i>

**TO BE COMPLETED BY CLERK**

Date received and filed with municipal clerk <i>2-8-22</i>	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: Carlos Martinez

2. Name of Business: Taco House

3. Address of Business: 135 E WISCONSIN AVE  
Appleton WI 54911

4. Have you or any member of your organization ever been convicted of a misdemeanor or ordinance violation? Yes \_\_\_\_\_ No   
AND/OR been convicted of a felony? Yes  No \_\_\_\_\_  
If yes to either question, please explain in detail: Relay for Pardon \$  
intent to Deliver

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

<u>Carlos</u>		<u>Martinez</u>	●/●/●
First name	Initial	Last name	Date of Birth
<u>Roberto</u>		<u>Martinez</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?

Los Tres Manantiales

8. Are alcohol sales an existing use in this building? Yes \_\_\_\_\_ No X  
If no, When did the operation cease? 0 months ago. Never sold out of this location

9. Are alcohol sales a new use in this building? Yes X 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 X No \_\_\_\_\_

11. Seating capacity: Inside 15 Outside \_\_\_\_\_

12. Operating hours: 11AM-9pm Sunday-Thursday 11AM-3AM F-Sat.

13. Number of floor personnel 3-4 Number of door checkers 1-2

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

So its a pretty small location 20x55 FT. Front area  
will have 2 tables 4 chairs each, and Bar will have 5 stools.  
I will Be more of a fast Restaurant atmosphere.

4-29-2020  
Date 2-8-2022

Carla Staff  
Signature

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

# Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

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

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

The undersigned duly authorized officer/member/manager of Taco House LLC  
(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  
Taco House LLC  
(Trade Name)

located at 135 E Wisconsin Ave Appleton WI 54911

appoints Roberto Martinez  
(Name of Appointed Agent)

301 E Greenfield St Appleton WI 54911  
(Home Address of Appointed Agent)

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

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

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

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 23 years

Place of residence last year 301 E Greenfield St Appleton WI 54911

For: Taco House  
(Name of Corporation / Organization / Limited Liability Company)

By: Roberto Martinez  
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

## ACCEPTANCE BY AGENT

I, Roberto Martinez, 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] 11-16-2021  
(Signature of Agent) (Date)

Agent's age [Redacted]  
Date of birth [Redacted]

301 E Greenfield St Appleton WI 54911  
(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)

**RESOLUTION**

**CITY OF APPLETON  
RESOLUTION APPROVING SPECIAL USE PERMIT #3-20**

**WHEREAS**, Carlos Martinez, owner of the Taco House restaurant has applied for a Special Use Permit for a restaurant with alcohol sales and consumption located at 135 East Wisconsin Avenue, and also identified as Parcel Number 31-6-0323-00; and

**WHEREAS**, the location for the proposed restaurant with alcohol sales and consumption 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 Common Council held a public hearing on April 22, 2020, on Special Use Permit #3-20 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 Common Council has reviewed and considered the Community and Economic Development Department's staff report and recommendation and other spoken and written evidence and testimony presented at the public hearing; and

**WHEREAS**, the City of Appleton Common Council may approve the proposed Special Use Permit provided all the standards listed in Section 23-66(e)(1-8) are found in the affirmative, and may impose any condition on the Special Use Permit provided the condition(s) are related to the purpose of the City of Appleton Municipal Code and are based on substantial evidence; and

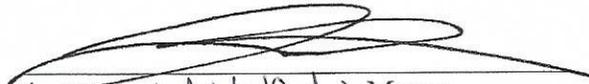
**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the City of Appleton Common Council, based on the special use permit application, Community and Economic Development Department's staff report, testimony and substantial evidence presented at the public hearing with regard the Special Use Permit #3-20, that the Common Council:

1. Determines all standards listed in Sections 23-66(e)(1-8) are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #3-20 for a restaurant with alcohol sales and consumption located at 135 East Wisconsin Avenue, also identified as Parcel Number #31-6-0323-00 based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)
3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #3-20 for a restaurant with alcohol sales and consumption located at 135 East Wisconsin Avenue, also identified as Parcel Number #31-6-0323-00 subject to the following conditions:

**CONDITIONS OF SPECIAL USE PERMIT #3-20**

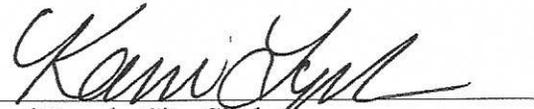
1. The applicant shall apply for and receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
2. The applicant shall comply with the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.
3. The premises shall be kept free of litter and debris.
4. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
5. The applicant shall have twelve (12) months from the issuance of the Special Use Permit (SUP) to obtain a liquor license and commence use of the tenant space located at 135 East Wisconsin Avenue, or Special Use Permit #3-20 will expire.
6. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.

Adopted this 22<sup>nd</sup> day of April 2020.



Jacob A. Woodford ), Mayor

ATTEST:



Kami Lynch, City Clerk

## PLAN OF OPERATION AND LOCATIONAL INFORMATION

### Business information:

Name of Business: Taco House

Years in operation: New Restaurant

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

Restaurant.

Tavern/Night Club/Wine Bar.

Painting/Craft Studio.

Microbrewery/Brewpub (manufacturing a total of not more than 310,000 U.S. gallons of fermented malt beverages per calendar year).

Brewery (manufacturing a total of more than 310,000 U.S. gallons of fermented malt beverages per calendar year).

Winery (manufacturing of wine).

Craft-Distillery (manufacturing a total of not more than 100,000 proof gallons of intoxicating liquor per calendar year).

Distillery (manufacturing a total of more than 100,000 proof gallons of intoxicating liquor per calendar year).

Tasting room offering fermented malt beverages, wine or intoxicating liquor for consumption and/or retail sales on the premises where the fermented malt beverages, wine or intoxicating liquor is manufactured and/or at an off-premises location associated with premises. Tasting rooms may include food sales.

Other \_\_\_\_\_.

Detailed explanation of business activities:

This location will be serving Taco, Burritos, Tortas, Quesadillas ext. also Beverages.

Existing Gross Floor Area of building/tenant space, including outdoor spaces

(square feet) 982.37 sf

Proposed Gross Floor Area of building/tenant space, including outdoor spaces

(square feet) 982.37 sf

**Occupancy limits:**

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 15 persons.

**Proposed Hours of Operation for Indoor Uses:**

Day	From	To
Monday thru Thursday	11 AM	9 pm
Friday	11 AM	3 AM
Saturday	11 AM	3 AM
Sunday	11 AM	9 pm

**Production/Storage information:**

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

- Current production of fermented malt beverages: \_\_\_\_\_ U.S. gallons per year.
- Proposed production of fermented malt beverages: \_\_\_\_\_ U.S. gallons per year.
- Current production of wine: \_\_\_\_\_ U.S. gallons per year.
- Proposed production of wine: \_\_\_\_\_ U.S. gallons per year.
- Current production of intoxicating liquor: \_\_\_\_\_ proof gallons per year.
- Proposed production of intoxicating liquor: \_\_\_\_\_ proof gallons per year.

None. If none, leave the following 2 storage questions blank.

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

---

---

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

---

---

**Outdoor Space Uses:**

(Check applicable outdoor space uses)

- Patio.
- Deck.
- Sidewalk Café.
- Other \_\_\_\_\_.
- None.

Size: \_\_\_\_\_ square feet.

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

- Fencing  Landscaping  Other \_\_\_\_\_.
- Height \_\_\_\_\_ feet.

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

If yes, please describe:

---



---

Are there plans for outdoor music/entertainment? Yes \_\_\_ No \_\_\_

If yes, describe how the noise will be controlled:

---

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

**Proposed Hours of Operation for Outdoor Space:**

Day	From	To
Monday thru Thursday		
Friday		
Saturday		
Sunday		

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

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

**Describe Any Potential Noise Emanating from the Proposed Use:**

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

I would say it would be a Low Level.  
Only thing would be appliances & music.

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

Building doors will be closed at all times

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

By staff

**Off-Street Parking:**

Number of spaces existing on-site: + 20

Number of spaces proposed on-site: —

**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:

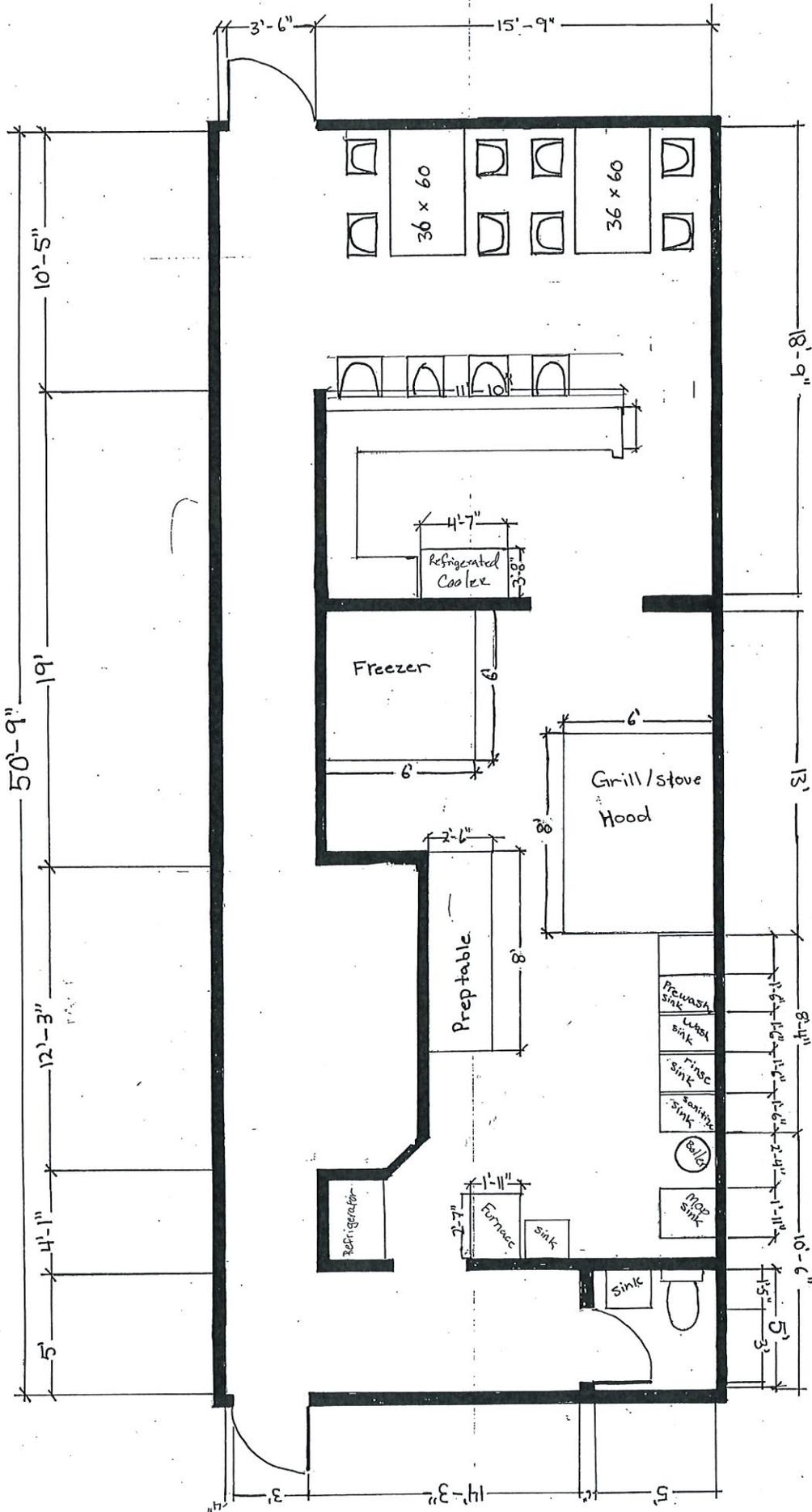
—  
—  
—

**Number of Employees:**

Number of existing employees: —

Number of proposed employees: 3

Number of employees scheduled to work on the largest shift: 3

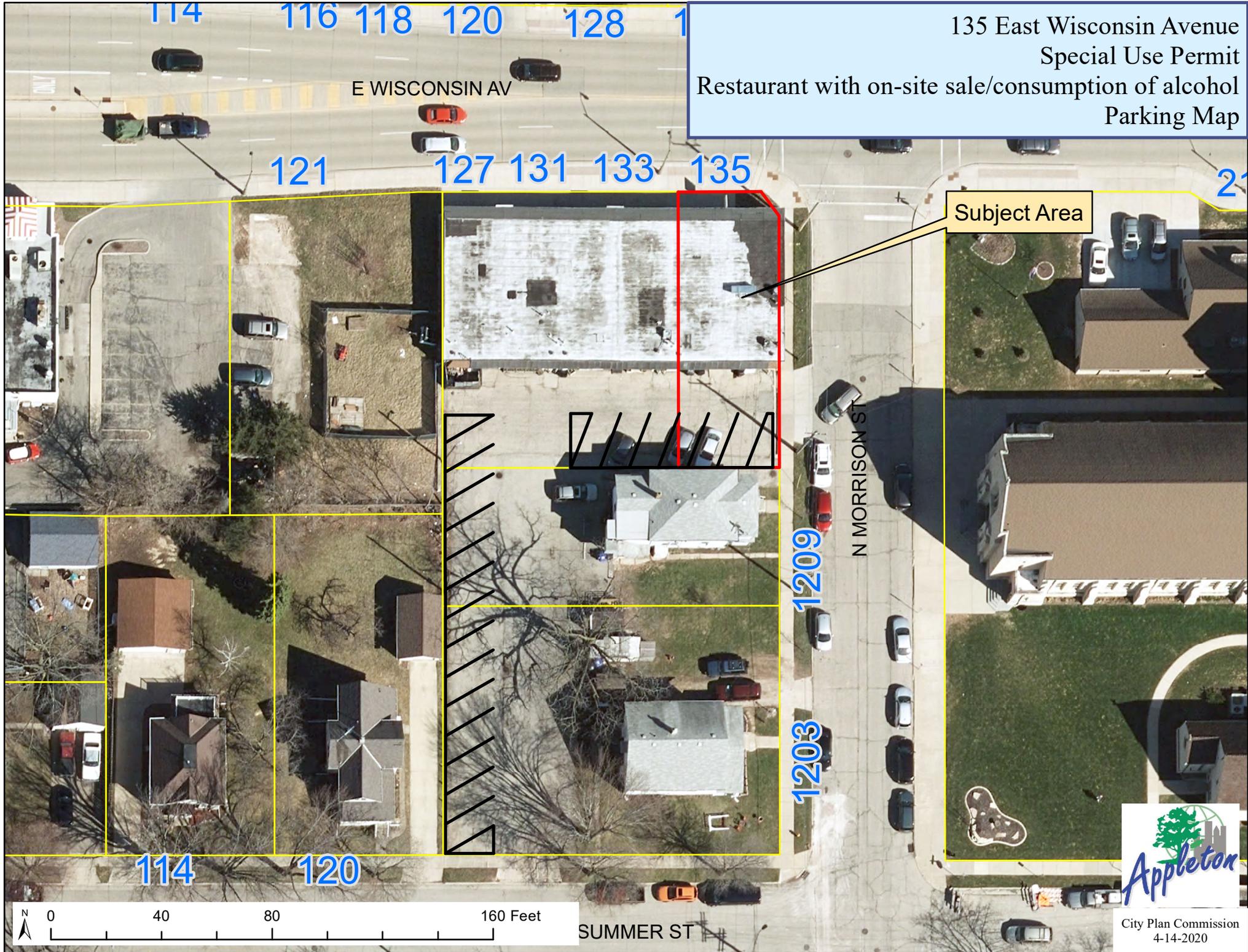


135 ← WILSONS IN  
 10.60 - 3.00

Scale 1/4" = 1'

135 East Wisconsin Avenue  
Special Use Permit  
Restaurant with on-site sale/consumption of alcohol  
Parking Map

Subject Area



114 116 118 120 128

E WISCONSIN AV

121 127 131 133 135

N MORRISON ST

1209

1203

114 120

0 40 80 160 Feet

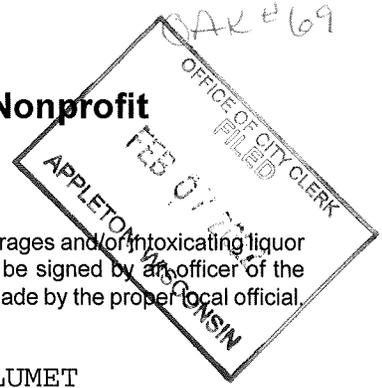
SUMMER ST



City Plan Commission  
4-14-2020

# Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.



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

To the governing body of:  Town  Village of APPLETON County of CALUMET  
 City

The undersigned duly authorized officer/member/manager of ALDI INC (WISCONSIN)  
(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 ALDI #69  
(Trade Name)

located at 2310 S KENSINGTON DR., APPLETON, WI 54915

appoints JAMISON PIERCE  
(Name of Appointed Agent)  
415 S OLDE ONEIDA ST. APT 108 APPLETON, WI 54911  
(Home Address of Appointed Agent)

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

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

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? 47 YEARS

Place of residence last year 415 S OLDE ONEIDA ST. APT 108 APPLETON, WI 54911

For: ALDI, INC (WISCONSIN)  
(Name of Corporation / Organization / Limited Liability Company)  
By: [Signature]  
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

## ACCEPTANCE BY AGENT

I, JAMISON PIERCE, 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] 2/1/2022  
(Signature of Agent) (Date)  
415 S OLDE ONEIDA ST. APT 108 APPLETON, WI 54911  
(Home Address of Agent)  
Agent's age ●  
Date of birth ●/●/●

## 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)

BAK # 69

# Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
PIERCE		JAMISON			
Home Address (street/route)		Post Office	City	State	Zip Code
415 S OLDE ONEIDA ST.		APT. 108	APPLETON	WI	54911
Home Phone Number		Age	Date of Birth		Place of Birth
●●●●●●●●		●	●●●●●●●●		●●●●●●●●

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.
- AGENT** of **ALDI #69**

(Officer / Director / Member / Manager / Agent)

(Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

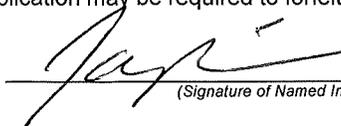
The above named individual provides the following information to the licensing authority:

- 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>Aldi</u>	Employer's Address <u>2310 S Kensington Dr. Appleton WI</u>	Employed From <u>6/21/2017</u>	To <u>2/11/2022 current</u>
Employer's Name <u>Northern Tool &amp; Equipment</u>	Employer's Address <u>4675 Assured Dr Grand chie, WI</u>	Employed From <u>9/1/2014</u>	To <u>6/15/2017</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)

OAK # 68

# Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

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

To the governing body of:  Town  Village of APPLETON County of CALUMET  
 City

The undersigned duly authorized officer/member/manager of ALDI INC (WISCONSIN)  
(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 ALDI #68  
(Trade Name)

located at 116 N LINWOOD AVE., APPLETON WI 54914

appoints MICHAEL HAASCH  
(Name of Appointed Agent)  
311 N 6TH ST. DE PERE, WI 54115  
(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?

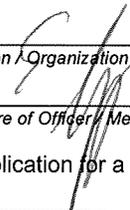
Yes  No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).  
N/A

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? 25 YEARS

Place of residence last year 311 N 6TH ST. DE PERE, WI 54115

For: ALDI, INC (WISCONSIN)  
(Name of Corporation / Organization / Limited Liability Company)

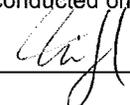
By:   
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

### ACCEPTANCE BY AGENT

I, MICHAEL HAASCH, 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.

 2/4/22  
(Signature of Agent) (Date)

Agent's age ●

Date of birth ●/●/●●

311 N 6TH ST. DE PERE, WI 54115  
(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)

OAK #68

# Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
HAASCH		MICHAEL		J	
Home Address (street/route)		Post Office		City	State
311 N 6TH ST				DE PERE	WI
Home Phone Number		Age	Date of Birth		Place of Birth
●●●●●●●●		●	●/●●●●		●●●●●●●●

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.
- AGENT** of **ALDI #68**  
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

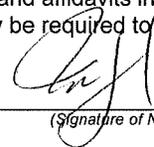
The above named individual provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? 7 years
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>Matrix Sciences</u>	Employer's Address <u>1030 Parkview Rd Green Bay WI</u>	Employed From <u>4/2018</u>	To <u>5/2021</u>
Employer's Name <u>Northland Labs</u>	Employer's Address <u>1030 Parkview Rd Green Bay WI</u>	Employed From <u>5/2016</u>	To <u>4/2018</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

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## FIRE DEPARTMENT

 700 N. Drew Street  
Appleton, WI 54911

 (920) 832-5810

 (920) 832-5830

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

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## MEMORANDUM

February 17, 2022

To: Katie Van Zeeland, Chair – Safety & Licensing Committee and Common Council  
From: Jeremy Hansen, Fire Chief  
Cc: Ryan Weyers, Deputy Fire Chief  
Re: Addendum to Auto-Aid Agreement between City of Appleton and the Cities of Neenah and Menasha

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In May 2012, the Appleton Fire Department (AFD) finalized an automatic assistance agreement (auto-aid) with the Cities of Neenah and Menasha, specifically, Neenah/Menasha Fire Rescue (NMFR). The auto-aid agreement, in partnership with Outagamie and Winnebago County Communication Centers, automatically dispatched the closest unit(s), regardless of municipal boundaries, for fire and emergency medical incidents through computer-aided dispatch (CAD). This process was seamless when both counties had the same CAD software. Aid agreements are developed when the agencies provide like services. This is done so community members do not see a deviation in the level of service they receive from the other organization.

The Outagamie County Communications Center switched to a new CAD software in June 2018. The interface between the two county's CAD software no longer communicated. Staff from the two counties, software vendors, and multiple fire departments worked diligently over the past 3.5 years to reinstitute auto-aid between the communities. As of January 2022, the CAD systems are interfacing, and auto-aid is working for many of the fire departments on the borders of Outagamie and Winnebago County. It should be noted that mutual aid, when a fire department requests another agency to respond into their community, has continued to operate without interruption.

The AFD upgraded our medical service level from Emergency Medical Responder (EMR) to Emergency Medical Technician (EMT) in January 2021. NMFR continues to practice at the EMR level. The AFD is requesting approval to amend the auto-aid agreement (see Addendum to Auto-Aid Agreement) to include auto-aid for fire response only. This is like what is in place between the AFD and the Town of Grand Chute Fire Department on the west and northwest sides of the city.

Lastly, the AFD and NMFR agree that either agency can request assistance for fire and emergency medical response through a mutual aid request to their respective dispatch center.

If you have any questions or concerns, please do not hesitate to contact me at (920) 832-5810. Thank you for your consideration.

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**AMENDMENT to  
MEMORANDUM OF UNDERSTANDING FOR  
AGREEMENT FOR AUTOMATIC ASSISTANCE  
between the cities of  
NEENAH and MENASHA and APPLETON**

**I. THE PARTIES**

- 1.01 Appleton Fire Department, with offices at 700 North Drew Street, Appleton, Wisconsin 54911 (“AFD”)
- 1.02 Neenah Menasha Fire Rescue, with offices at 1254 East Columbian Avenue, Neenah, Wisconsin 54956 (“NMFR”).

**II. THE RECITALS**

- 2.01 AFD and NMFR entered into an agreement for automatic assistance with an effective date of June 1, 2011.
- 2.02 The Chiefs of AFD and NMFR entered into a memorandum of understanding for the agreement for automatic assistance with an effective date of May 10, 2012.
- 2.03 AFD and NMFR mutually agree to continue this agreement for the mutual benefit of all communities.

**III. THE AGREEMENT**

***NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:***

The Recitals are hereby made a part of the Agreement.

- 3.01 The following section shall be **struck and removed** from the memorandum of understanding:

**Emergency Medical Services (EMS) (E Edward Incidents) First Responder:**

- A. NMFR will provide the following to the City of Appleton:

(1) One Engine staffed with a minimum of three qualified firefighters –  
***(Area as defined on attached map.)***

B. City of Appleton will provide the following to NMFR:

(1) One Engine staffed with a minimum of three qualified firefighters –  
**(Area as defined on attached map.)**

3.02 All other previously agreed upon terms and conditions remain unchanged.

#### IV. MISCELLANEOUS

4.01 In the event that any part of this Agreement is found to be illegal, it shall be stricken from the Agreement and the Agreement interpreted as if that clause did not exist.

4.02 This Agreement may be executed in several counterparts, either by original signature or verified electronic signature, each of which shall be deemed an original, but such counterparts shall together constitute but one and the same agreement. The headings in this Agreement are inserted for convenience of reference only and shall not constitute a part hereof.

4.03 This Agreement may be supplemented or amended only by written instrument executed by the parties affected by such supplement or amendment.

**IN WITNESS WHEREOF**, the parties have caused the forgoing instrument to be executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

#### City of Appleton

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

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

Approved as to form:

*Appleton Fire Department*

\_\_\_\_\_  
Christopher R. Behrens, City Attorney  
CL: A22-0078

\_\_\_\_\_  
Jeremy Hansen, Fire Chief

**City of Neenah**

By: \_\_\_\_\_  
Dean R. Kaufert, Mayor

Attest: \_\_\_\_\_  
Charlotte Nagel, City Clerk

Approved as to form:

*Neenah Menasha Fire Rescue*

\_\_\_\_\_  
Adam J. Westbrook, City Attorney

\_\_\_\_\_  
Kevin Kloehn, Fire Chief

**City of Menasha**

By: \_\_\_\_\_  
Donald Merkes, Mayor

Attest: \_\_\_\_\_  
Haley Krautkramer, City Clerk

Approved as to form:

\_\_\_\_\_  
Pamela Captain, City Attorney

## AGREEMENT FOR AUTOMATIC ASSISTANCE

### CITIES OF NEENAH AND MENASHA AND CITY OF APPLETON

THIS AGREEMENT entered into this 20<sup>th</sup> day of May, 2011 by and between the Cities of Neenah and Menasha and City of Appleton hereinafter referred to as "Neenah and Menasha" and "City of Appleton" (respectively), each of which are Wisconsin municipal corporations; and each acting herein through their duly authorized officials.

#### WITNESSETH:

WHEREAS the governing officials of the governmental entities set forth above, political subdivisions of the State of Wisconsin and the United States of America, desire to secure for each entity the benefits of assistance in the protection of life and property from fire and other disasters;

#### NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. In consideration for each party's automatic assistance to the other upon the occurrence of an emergency condition and/or hazardous situation in any portion of the designated area where this Agreement for Automatic Assistance is in effect, a predetermined number of fire fighting equipment and/or emergency medical equipment or personnel of both parties shall be dispatched, to such point where the emergency condition and/or hazardous situation exists in order to assist in the protection of life and property subject to the conditions hereinafter stated. For the purpose of this agreement, "emergency condition" shall include any condition requiring fire protection or emergency medical services, or both.

Details as to amounts and types of assistance to be dispatched, methods of dispatching and communications, training programs and procedures and areas to be assisted will be developed by the Chief of the Neenah and Menasha Fire Rescue (NMFR) and the Chief of the Appleton Fire Department (AFD). These details will be stipulated in a Memorandum of Understanding and signed by the Chiefs of both departments. Said Memorandum of Understanding may be revised or amended at any time by mutual agreement of the Fire Chiefs as conditions may warrant.

2. Any dispatch of equipment and personnel pursuant to this Agreement shall be sent, unless such amount of assistance is unavailable due to emergency conditions and/or hazardous situations confronting either party's forces at the time of need for assistance under this Agreement.
3. Each party to this Agreement waives all claims against the other party for compensation for any loss, damage, personal injury, or death occurring as a consequence of the performance of this Agreement. However, this waiver shall not apply to those cases in which the claim results from the failure of either party to accept responsibility for any civil liability for which a requesting party is responsible.

4. Neither party shall be reimbursed by the other for costs incurred pursuant to this Agreement. Personnel who are assigned, designated or ordered by their governing body to perform duties, pursuant to this Agreement, shall receive the same salary, pension, and all other compensation and rights for the performance of such duties, including injury or death benefits, and Worker's Compensation benefits, as though the service had been rendered within the limits of the entity where he or she is regularly employed. Moreover, all medical expenses; wage and disability payments; pension payments; damage to equipment and clothing; and expenses of travel; food; and lodging shall be paid by the entity in which the employee in question is regularly employed.
5. All equipment used by each party's fire department in carrying out this Agreement will, during the time response services are being performed, be owned by it; and all personnel acting for the party's fire department under this Agreement will, during the time response services are required, be firefighters of the fire department of the party where they are regularly employed.
6. At all times while equipment and personnel of either party's fire department are traveling to, from, or within the geographical limits of the other party in accordance with the terms of this Agreement, such personnel and equipment shall be deemed to be employed or used, as the case may be, in the full line and cause of duty of the party which regularly employs such personnel and equipment. Further, such equipment and personnel shall be deemed to be engaged in a governmental function of its governmental entity.
7. In the event that any individual performing duties subject to this Agreement shall be cited as a defendant party to any state or federal civil lawsuit, arising out of his or her official acts while performing duties pursuant to the terms of this Agreement, such individual shall be entitled to the same benefits that he or she would be entitled to receive had such civil action arisen out of an official act within the scope of his or her duties as a member of the department where regularly employed and occurred within the jurisdiction of the governmental entity where regularly employed. The benefits described in this paragraph shall be supplied by the party where the individual is regularly employed. However, in situations where the other party may be liable, in whole or in part, for the payment of damages then the other party may intervene in such cause of action to protect its interests.
8. It is agreed by and between the parties hereto that any party hereto shall have the right to terminate this Agreement upon ninety (90) days written notice to the other party hereto.
9. It is understood and agreed that both parties have heretofore entered into an "Agreement for Automatic Aid", effective on or before June 1, 2011. However, as to any mutual assistance between the parties arising out of the occurrence of an emergency condition and/or hazardous situations in the areas described in the Memorandum of Understanding, the conditions and obligations of this Agreement shall take precedence over the conditions and obligations of all other agreements.

10. Each party agrees that if legal action is brought under this Agreement, exclusive venue shall lie in the county where the emergency condition and/or hazardous situations occurred.
11. In case one or more of the provisions contained in this Agreement shall be for any reason held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
12. Effective date of this Agreement shall be on the last date of the signature of any party hereto.

EXECUTED by the Cities of Neenah and Menasha and City of Appleton, each respective governmental entity acting by and through its Administrator or other duly authorized official in the manner required by each respective City, or otherwise as required by law, on the date hereinbelow specified.

Executed this 10th day of May, 2011.

City of Neenah

George Scherck  
 Mayor George Scherck

Attest: Patricia A. Sturn  
 City Clerk Patricia Sturn

City of Appleton

Timothy Hanna  
 Mayor Timothy Hanna

Attest: Cindi Hesse  
 City Clerk Cindi Hesse

City of Menasha

Don Merkes  
 Mayor Don Merkes

Attest: Deborah A. Galeazzi  
 City Clerk Deborah Galeazzi

Neenah Menasha Fire Rescue

Al Auxier  
 Fire Chief Al Auxier

Appleton Fire Department

Len Vander Wyst  
 Fire Chief Len Vander Wyst

Approved as to form:

James Walsh  
 Appleton City Attorney James Walsh

Jim Godlewski  
 Neenah City Attorney Jim Godlewski

Pamela Captain  
 Menasha City Attorney Pamela Captain

MEMORANDUM OF UNDERSTANDING AGREEMENT FOR AUTOMATIC ASSISTANCE  
BETWEEN THE NEENAH MENASHA FIRE RESCUE AND THE CITY OF APPLETON FIRE  
DEPARTMENT

This Memorandum of Understanding is authorized by the Agreement for Automatic Assistance dated 10/10/11 approved by the Cities of Appleton, Neenah, and Menasha.

The purpose of this Memorandum of Understanding is to outline the procedures for implementing an Automatic Assistance response between the Neenah Menasha Fire Rescue, hereinafter referred to as "NMFR" and the City of Appleton Fire Department, hereinafter referred to as "City of Appleton". This Memorandum is a supplement to the Agreement for Automatic Assistance. In the event this Memorandum of Agreement conflicts with the Agreement for Automatic Assistance, the "Agreement for Automatic Assistance shall be controlling."

**Terms**

The terms and conditions of this Memorandum of Agreement terminate automatically upon the termination of the Agreement for Automatic Assistance.

**Amount and Time of Assistance**

This Agreement is for the exchange of fire and/or EMS service in specified response areas. Fire apparatus will respond on all reported structure fires and emergency medical (~~E-Edward~~) type incidents as assigned per CAD designation.

**Response Areas:**

**Structure Fire Response**

A. NMFR will provide the following to the City of Appleton:

- (1) One Engine staffed with a minimum of three qualified firefighters – (**Area as defined on attached map.**)

B. City of Appleton will provide the following to NMFR:

- (1) One Engine staffed with a minimum of three qualified firefighters – (**Area as defined on attached map.**)

## **Emergency Medical Services (EMS) (~~E-Edward Incidents~~) First Responder:**

A. NMFR will provide the following to the City of Appleton:

- (1) One Engine staffed with a minimum of three qualified firefighters – (*Area as defined on attached map.*)

B. City of Appleton will provide the following to NMFR:

- (1) One Engine staffed with a minimum of three qualified firefighters – (*Area as defined on attached map.*)

### **Limitations**

If the agreed upon response from either department is not available or is temporarily depleted, the assisting department need not respond. However, if a fill-in company is in quarters at a fire station that is part of this Agreement, that company will respond. If the response is not available, the other party will be notified immediately.

### **Training**

Joint training exercises are to be conducted, at a minimum, semiannually. The training exercises will be coordinated and observed by the respective department training officers, for the purpose of maintaining coordination in firefighting procedures, dispatching and communications.

### **Communications**

Communications for dispatch centers will be via the Outagamie County and/or Winnebago County Communication Center and each respective department's for the initial dispatch of incidents. Communications to the respective Communication Center to mobile units and fire ground personnel utilizing portable radios will be on the radio frequencies utilized by the Department in whose jurisdiction in which the emergency incident occurs.

Communications procedures and documents will be provided at the initial training session and updated as needed thereafter. Maintenance and replacement of radios will be the responsibility of the Department that owns the radios.

### **Dispatch to Emergencies**

Upon receipt of an alarm in any of the designated response areas, the Communications Center receiving the alarm will dispatch the proper assignment. Should the agreed upon assistance not be available, the requesting department will be so notified.

### **Incident Command**

The officer on the first arriving company will establish command of the incident until relieved by the appropriate authority. The fire department, in the City at which the incident occurs,

shall upon arrival at the scene, communicate with the initial Incident Commander for a situational update, then assume Command of the incident thereafter.

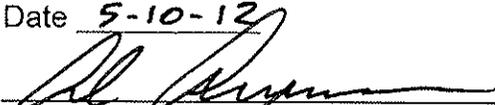
### **Fire Incident Reporting**

Each department will be responsible for obtaining needed information to complete fire and emergency medical service reports for incidents within their respective jurisdictions. Units assisting in the incident shall cooperate with the agency in charge to provide any necessary information. Fire investigations are the responsibility of the respective jurisdiction, and responding agencies will cooperate in the investigation.

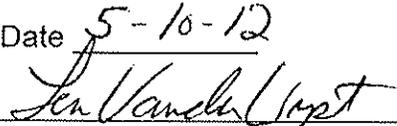
### **Revisions**

This Memorandum of Understanding may be revised or amended at any time by mutual agreement of the Fire Chief of the Neenah Menasha Fire Rescue and the Fire Chief of the City of Appleton.

Date 5-10-12

  
\_\_\_\_\_  
Al Auxier, Fire Chief – Neenah Menasha Fire Rescue

Date 5-10-12

  
\_\_\_\_\_  
Len Vander Wyst, Fire Chief – City of Appleton Fire Department.

MEMORANDUM OF UNDERSTANDING AGREEMENT FOR AUTOMATIC ASSISTANCE  
BETWEEN THE NEENAH MENASHA FIRE RESCUE AND THE CITY OF APPLETON FIRE  
DEPARTMENT

This Memorandum of Understanding is authorized by the Agreement for Automatic Assistance dated 10/10/11 approved by the Cities of Appleton, Neenah, and Menasha.

The purpose of this Memorandum of Understanding is to outline the procedures for implementing an Automatic Assistance response between the Neenah Menasha Fire Rescue, hereinafter referred to as "NMFR" and the City of Appleton Fire Department, hereinafter referred to as "City of Appleton". This Memorandum is a supplement to the Agreement for Automatic Assistance. In the event this Memorandum of Agreement conflicts with the Agreement for Automatic Assistance, the "Agreement for Automatic Assistance shall be controlling."

**Terms**

The terms and conditions of this Memorandum of Agreement terminate automatically upon the termination of the Agreement for Automatic Assistance.

**Amount and Time of Assistance**

This Agreement is for the exchange of fire and/or EMS service in specified response areas. Fire apparatus will respond on all reported structure fires and emergency medical (~~E-Edward~~) type incidents as assigned per CAD designation.

**Response Areas:**

**Structure Fire Response**

A. NMFR will provide the following to the City of Appleton:

- (1) One Engine staffed with a minimum of three qualified firefighters – (*Area as defined on attached map.*)

B. City of Appleton will provide the following to NMFR:

- (1) One Engine staffed with a minimum of three qualified firefighters – (*Area as defined on attached map.*)

## **Emergency Medical Services (EMS) (~~E-Edward Incidents~~) First Responder:**

A. NMFR will provide the following to the City of Appleton:

- (1) One Engine staffed with a minimum of three qualified firefighters – (*Area as defined on attached map.*)

B. City of Appleton will provide the following to NMFR:

- (1) One Engine staffed with a minimum of three qualified firefighters – (*Area as defined on attached map.*)

### **Limitations**

If the agreed upon response from either department is not available or is temporarily depleted, the assisting department need not respond. However, if a fill-in company is in quarters at a fire station that is part of this Agreement, that company will respond. If the response is not available, the other party will be notified immediately.

### **Training**

Joint training exercises are to be conducted, at a minimum, semiannually. The training exercises will be coordinated and observed by the respective department training officers, for the purpose of maintaining coordination in firefighting procedures, dispatching and communications.

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Communications procedures and documents will be provided at the initial training session and updated as needed thereafter. Maintenance and replacement of radios will be the responsibility of the Department that owns the radios.

### **Dispatch to Emergencies**

Upon receipt of an alarm in any of the designated response areas, the Communications Center receiving the alarm will dispatch the proper assignment. Should the agreed upon assistance not be available, the requesting department will be so notified.

### **Incident Command**

The officer on the first arriving company will establish command of the incident until relieved by the appropriate authority. The fire department, in the City at which the incident occurs,

shall upon arrival at the scene, communicate with the initial Incident Commander for a situational update, then assume Command of the incident thereafter.

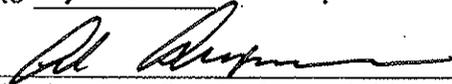
### Fire Incident Reporting

Each department will be responsible for obtaining needed information to complete fire and emergency medical service reports for incidents within their respective jurisdictions. Units assisting in the incident shall cooperate with the agency in charge to provide any necessary information. Fire investigations are the responsibility of the respective jurisdiction, and responding agencies will cooperate in the investigation.

### Revisions

This Memorandum of Understanding may be revised or amended at any time by mutual agreement of the Fire Chief of the Neenah Menasha Fire Rescue and the Fire Chief of the City of Appleton.

Date 5-10-12

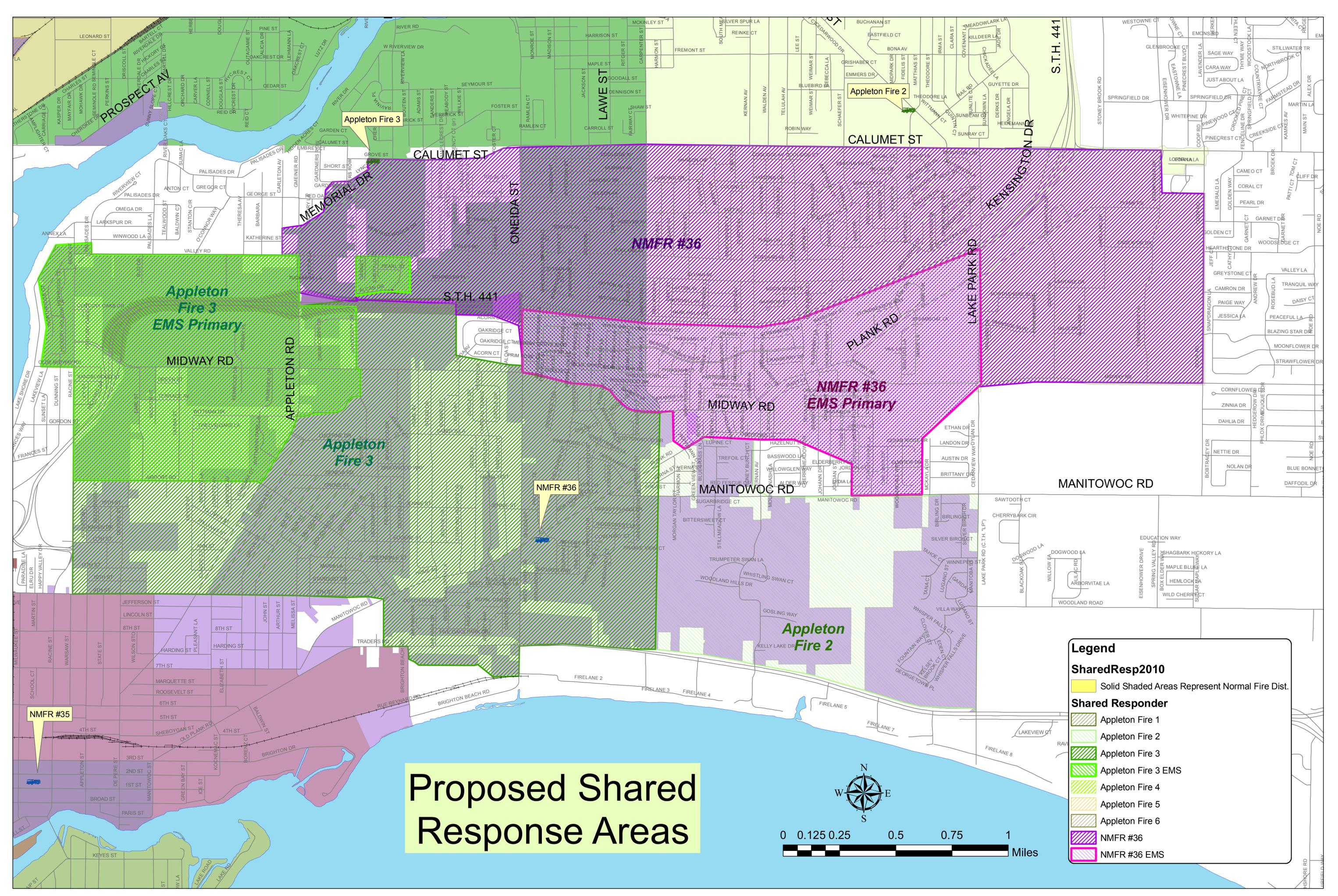


Al Auxier, Fire Chief – Neenah Menasha Fire Rescue

Date 5-10-12



Len Vander Wyst, Fire Chief – City of Appleton Fire Department.



# Proposed Shared Response Areas

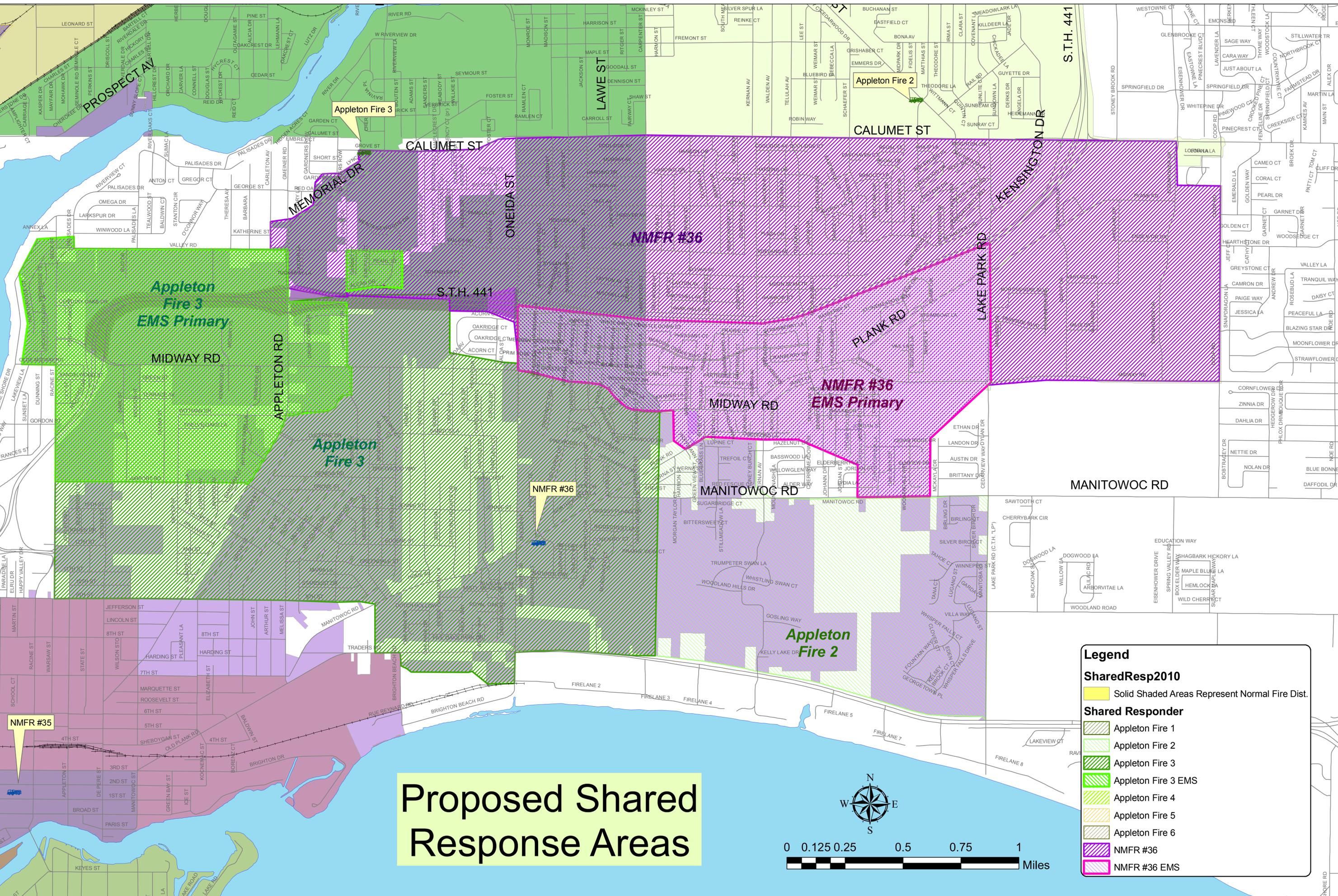
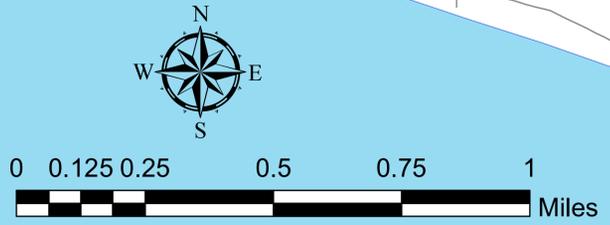
**Legend**

**SharedResp2010**

- Solid Shaded Areas Represent Normal Fire Dist.

**Shared Responder**

- Appleton Fire 1
- Appleton Fire 2
- Appleton Fire 3
- Appleton Fire 3 EMS
- Appleton Fire 4
- Appleton Fire 5
- Appleton Fire 6
- NMFR #36
- NMFR #36 EMS



NMFR #35

Appleton Fire 3

Appleton Fire 2

NMFR #36

NMFR #36 EMS Primary

Appleton Fire 3

NMFR #36

Appleton Fire 2

S.T.H. 441

S.T.H. 441

MANITOWOC RD

NMFR #35

# CITY OF APPLETON

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## FIRE DEPARTMENT

 700 N. Drew Street  
Appleton, WI 54911

 (920) 832-5810

 (920) 832-5830

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

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## MEMORANDUM

February 17, 2022

To: Katie Van Zeeland, Chair – Safety & Licensing Committee and Common Council  
From: Jeremy Hansen, Fire Chief  
Cc: Ryan Weyers, Deputy Fire Chief  
Re: Agreement for Urban Search and Rescue Emergency Response Services

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Wisconsin urban search and rescue emergency response capability began in 2009. Wisconsin Emergency Management (WEM) and the Department of Military Affairs (DMA) contracts with local agencies to supply team members. A member of the team must meet the structural collapse requirements under the National Fire Protection Association standards.

The Appleton Fire Department (AFD), along with 10 other fire departments, participated in the urban search and rescue team from its inception until the contract expired in 2019. The 11 participating municipalities sought changes to the contract. These changes included modifications to the reimbursement process, duty disability and workers compensation language, and redefining the scope of the team. The team's scope expanded from structural collapse rescue to an all-hazard urban search and rescue team mirroring the Federal Emergency Management Agency (FEMA) definition. Each of these changes required legislative action and were successfully implemented when Governor Evers signed Act 104 into law in December 2021. The urban search and rescue team is now referred to as Wisconsin Task Force 1 (WI-TF1).

The AFD provided 18 members to the urban search and rescue team prior to 2019. The AFD desires to commit 20 members to WI-TF1. Each member will be credentialed in advanced rope rescue, confined space rescue, trench rescue, water rescue, large area search, and structural collapse (approximately 400 hours). All training backfill is reimbursed, along with costs associated with deployment. Many of our staff already have the training from their affiliation prior to 2019.

The AFD strongly desires to, once again, be part of WI-TF1, as State of Wisconsin deployable assets that can be mobilized and deployed to aid a community in need. The additional skills will not only be used with the task force but also used within the city for all hazard type responses.

If you have any questions or concerns, please do not hesitate to contact me at (920) 832-5810. Thank you for your consideration.

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**AGREEMENT FOR URBAN  
SEARCH AND RESCUE EMERGENCY  
RESPONSE SERVICES**

**April 1, 2022, through June 30, 2024**

Between

**STATE OF WISCONSIN  
DEPARTMENT OF MILITARY AFFAIRS  
DIVISION OF EMERGENCY MANAGEMENT**

And

**[municipality]**

This agreement (Agreement) is by and between the State of Wisconsin through the Department of Military Affairs (the Department), Division of Emergency Management (the Division) and [MUNICIPALITY], Wisconsin (Participating Agency), a Local Agency, regarding the provision of personnel by Participating Agency to a statewide urban search and rescue team created pursuant to Wis. Stat. § 323.72(1). The Division and Participating Agency are each a Party and, collectively, the Parties.

## RECITALS

- 1.0 To protect life and property against the dangers of emergencies, the Division has, pursuant to Wis. Stat. § 323.72(1), established a US&R team that can be deployed to provide Services in response to Emergencies.
- 2.0 The Division desires to enter into this Agreement with Participating Agency for the purpose of having Participating Agency supply qualified employees to serve on such a team and Participating Agency desires to provide such employees.

NOW THEREFORE, for the mutual promises set forth below, the Parties agree as follows:

## TERMS AND CONDITIONS

- 1.0 **Recitals:** The Recitals are incorporated by reference.
- 2.0 **Definitions:** The following definitions are used throughout this Agreement:
  - 2.1 “Advisory Committee” means the WI-TF1 Advisory Committee established by this Agreement and consisting of five or seven members appointed by the Board of Directors of the Wisconsin State Fire Chiefs’ Association.
  - 2.2 “All-Hazards” means the grouping classification encompassing all conditions, environmental or man-made, that have the potential to cause injury, illness or death or damage to or loss of equipment, infrastructure services or property or, alternatively, causing functional degradation to societal, economic, or environmental aspects.
  - 2.3 “Certification” means an affirmation that a candidate has successfully met the requirements of a standard or level of a standard through a valid and reliable assessment as approved by the National Board on Fire Service Professional Qualifications.
  - 2.4 “Emergency” or “Emergencies” means an incident(s) or event(s) for which, in the sole determination of the Division, Services are needed to supplement state and local efforts and capabilities to save lives and protect property and public health and safety or to lessen or avert the threat of a catastrophe.
  - 2.5 “Harm” means, at a minimum, human casualties, destruction of property, adverse economic impact and/or damage to natural resources.

- 2.6 “Incident” means any natural, technological, or human-caused occurrence that may cause Harm and that may require action. Incidents may include major disasters, terrorist attacks, wildland and urban fires, floods, hazardous materials, explosions, nuclear accidents, aircraft accidents, earthquakes, cyberattacks, hurricanes, tornadoes, tropical storms, public health and medical emergencies, law enforcement encounters, service calls, mutual aid, false alarms, and other occurrences requiring an emergency response.
- 2.7 “Local Agency,” pursuant to Wis. Stat. §§ 323.70(1)(b) and 323.72(1), means an agency of a county, city, village, or town, including a municipal police or fire department, a municipal health organization, a county office of emergency management, a county sheriff, an emergency medical service, a local emergency response team, or a public works department.
- 2.8 “REACT Center” means the Regional Emergency All-Climate Training Center, which is a training facility owned and operated by the State of Wisconsin, Department of Military Affairs and operated by the Division.
- 2.9 “Services” means US&R emergency response services as described in Wis. Stat. § 323.72(1) and any subsequent amendments to that statute, which include services involving search, rescue and recovery in the technical rescue disciplines including structural collapse, rope rescue, vehicle extrication, machinery extrication, confined space, trench, excavation, and water operations in an US&R environment.
- 2.10 “US&R” means urban search and rescue, which involves the location, rescue (extrication), and initial medical stabilization of victims trapped in confined spaces. Structural collapse is most often the cause of victims being trapped, but victims may also be trapped in transportation accidents, mines and collapsed trenches. US&R is considered an all-hazards discipline, as it may be needed for a variety of emergencies or disasters, including earthquakes, hurricanes, typhoons, storms and tornadoes, floods, dam failures, technological accidents, terrorist activities, and hazardous materials releases.
- 2.11 “WI-TF1” means the all-hazards US&R team authorized by Wis. Stat. § 323.72(1) made up of firefighters, engineers, medical professionals, canine handlers, incident managers, and others that is a core component of a Search and Rescue Essential Support Function mission, including a Type 1 US&R task force, Type 3 US&R task force or any component thereof, as designated by the Federal Emergency Management Agency National Incident Management System Search and Rescue resource typing system. See Wis. Stat. § 323.72(7).

### **3.0 Participating Agency Obligations:**

- 3.1. Recognizing that many of Participating Agency’s employees who are potential candidates for appointment to WI-TF1 may not have all required training as of the date this Agreement begins, the Parties agree to proceed as follows within 90 days after the Agreement begins.

- 3.1.1 After individuals selected for training have successfully completed the training, Participating Agency shall provide, on a form prescribed by the Division, a list of trained individuals that it deems to be good candidates for appointment to WI-TF1 but for the need for up-to-date training. The Division shall select individuals from list for initial and/or refresher training required by Section 4.0 of this Agreement.
- 3.2 Once the employees Participating Agency proposed to be appointed to WI-TF1 have successfully completed the required training, Participating Agency shall provide to the Division for Division approval a list on a form prescribed by the Division of one or more employees fully trained as set forth in Section 4.0 of this Agreement who Participating Agency proposes be a WI-TF1 member for Division approval, along with a description of the anticipated role the employee would have on WI-TF1 (e.g., Medical Specialist, Structural Collapse Search Technician, etc.). Only those employees who Participating Agency can demonstrate to the Division's satisfaction meet the following criteria at the time Participating Agency submits the list may be included on the list:
  - 3.2.1 Possess all required training and certifications necessary to perform Services in the specific role the employee would fill on WI-TF1, based on the training, competency, and job performance requirement standards for an US&R task force issued by the National Fire Protection Association (NFPA), the most current version of the urban search and rescue standards issued by the Emergency Management Accreditation program, and any training standards required by law, rule or regulation.
  - 3.2.2 Are employees in good standing.
  - 3.2.3 Are not probationary employees.
  - 3.2.4 Have been subjected to a background check by Participating Agency or the Division.
  - 3.2.5 Meet any medical or fitness standards agreed upon by the WI-TF1 Advisory Committee and the Division.
  - 3.2.6 Have been instructed on and, as required by the State of Wisconsin, are able to meet the then-current COVID-19 standards set by the State of Wisconsin, for its employees, including vaccination, testing, and mask-wearing requirements.
- 3.3 The Division, in consultation with the Advisory Committee established pursuant to Section 3.7 below, may appoint one or more of the employees on the list to the WI-TF1. Inclusion on the list or proposed WI-TF1 members does not guarantee appointment.
- 3.4 Upon receipt of an emergency response request by the Division pursuant to the Standard Operating Procedures, Participating Agency shall direct employees who have been appointed to WI-TF1 and designated for mobilization to travel to the REACT Center or such other location as designated by the Division to be deployed to provide Services in response to an Emergency.

- 3.5 Participating Agency may not self-deploy WI-TF1 members. This prohibition does not prevent Participating Agency from deploying its employees to respond to emergencies where urban search and rescue services are needed or responding with urban search and rescue vehicles, equipment and supplies under local authority, mutual aid agreements or other contracts entered into under local authority. Participating Agency recognizes that it is not entitled to reimbursement by the Division for such response costs and that the Division will not supply equipment or vehicles for such responses.
- 3.6 Participating Agency shall comply with all requirements of any grants which provide funding for WI-TF1.
- 3.7 An Advisory Committee has been established, the duties of which will be defined by the WI-TF1 Standard Operating Procedures.
- 3.8 The Division, in consultation with the Advisory Committee, has the authority to immediately suspend or terminate a WI-TF1 member from participation on the task force.

**4.0 Required Training and Exercises:**

- 4.1 All required training and exercises must be done at the REACT Center or at a location pre-approved in writing by the Division in consultation with the Advisory Committee. Refresher training shall be a minimum of eighteen (18) hours per WI-TF1 member per year. Additional specialty training may be made available at REACT upon written pre-approval by the Division. Participation in required training and exercises will be in accordance with the WI-TF1 Attendance Policy approved by the Division in consultation with the Advisory Committee.
- 4.2 Non-Duty Status: All individuals attending training or exercises at the REACT Center shall be in a non-duty status with Participating Agency.
- 4.3 Training and Exercise Schedule: To facilitate planning for required training and exercises, the REACT Center shall post the relevant schedule a minimum of twelve months in advance of the start date of the training, except that specialized training may be made available with less advance notice. Changes may be made to the training and exercise schedule for unforeseen circumstances by notification of Participating Agencies. The Division will provide as much advanced notice of any changes as possible.

**5.0 Response Procedures and Limitations:**

- 5.1 Participating Agency recognizes that its obligations under this Agreement are paramount to the State of Wisconsin. Participating Agency agrees that, if local fire response obligations in Participating Agency's own jurisdiction would limit necessary resources necessary to provide Services in response to an Emergency or make such resources unavailable, Participating Agency will seek aid from local jurisdictions to assist in local fire response obligations in Participating Agency's own jurisdiction to ensure availability of resources for the performance of Services.

5.2 Participating Agency and the Division agree that WI-TF1 or components of it may be used for any Emergency for which WI-TF1 members are trained and qualified.

5.3 Participating Agency's obligation to provide services under this Agreement shall arise, with respect to specific Emergency response actions, upon receipt of an Emergency response request pursuant to the Standard Operating Procedures. See Section 7 below.

#### **6.0 Right of Refusal:**

If, on occasion, a response under this Agreement would temporarily place a verifiable undue burden on the Participating Agency because Participating Agency's resources are otherwise inadequate or unavailable and mutual aid is unavailable, then if notice has been provided to the Division, the Participating Agency may decline a request for personnel to staff WI-TF1 and/or for response equipment.

#### **7.0 Standard Operating Procedures:**

Participating Agency and Division agree that WI-TF1 operations will be conducted in accordance with Standard Operating Procedures and a "Call-Out Procedure" that will be mutually approved by the Parties and other Local Agencies providing WI-TF1 members. Participating Agency agrees that it shall ensure that any of its employees appointed to WI-TF1 comply with these procedures.

#### **8.0 Reimbursement of Costs**

There are three types of Participating Agency costs that shall be reimbursed under this Agreement: (1) costs related to providing requested Services and (2) required training and exercise costs; and (3) costs related to an increase in duty-disability benefit premiums due to an injury a WI-TF1 member sustained while performing under this Agreement. In seeking reimbursement for those costs, Participating Agency shall comply with all Division-approved procedures and any relevant administrative rules.

#### **9.0 Reimbursement for Response Costs:**

9.1 Pursuant to Wis. Stat. § 323.72(2), the Division shall reimburse Participating Agency for costs incurred by Participating Agency in responding to an Emergency and providing Services at the request of the Division within 60 days after receiving a complete application for reimbursement on a form prescribed by the Division but only if (1) the Division determines that the provision of Services was necessary; and (2) Participating Agency applies for reimbursement within 45 days after the conclusion of that deployment of WI-TF1 for that particular Emergency.

9.2 Recoverable costs include but are not limited to the use of vehicles and apparatus, personnel expenses, backfill expenses and emergency expenses. The amount of reimbursement for the enumerated costs are as follows:

9.2.1 Reimbursement for use of Vehicle(s) and Apparatus: Participating Agency shall be

reimbursed for the approved use of its vehicles and equipment in providing Services at FEMA-established rates.

9.2.2 Personnel Expenses: Reasonable personnel expenses relating to WI-TF1 members deployed at the direction of the Division to provide Services which are reimbursable at \$55.00 per hour per deployed employee. During a deployment, this shall be calculated as portal to portal.

9.2.3 Backfill expenses: Participating Agency's reasonable personnel expenses incurred to cover the duties of employees deployed to provide Services as part of WI-TF1 are reimbursable at the Participating Agency's actual cost.

9.2.4 Emergency Expenses: Participating Agency's necessary and reasonable emergency expenses related to deploying employees to provide Services, which expenses must be based on actual expenditures and fully documented by the Participating Agency. The Division reserves the right to deny any reimbursement of Participating Agency expenditures it deems to be unreasonable or unjustifiable.

9.3 Participating Agency agrees to make reasonable and good faith efforts to minimize its costs related to providing personnel and equipment to perform Services in response to an Emergency.

#### **10.0 Payment for Training and Exercise Costs:**

10.1 In any given fiscal year, Participating Agency shall be paid for any training and participation in exercises of employees who the Division has appointed to WI-TF1 that is pre-authorized in writing by the Division at a rate of \$55 per hour per appointed employee consistent with the Attendance Policy.

10.2 Such payment will be made on a quarterly basis as determined by reference to the state's fiscal year. For example, the first quarter will be from July 1 through September 30 and so forth.

10.3 The Division will not pay for Participating Agency's personnel backfill expenses to cover team members who are traveling to and from or participating in training or exercises.

#### **11.0 Reimbursement of Increased Duty Disability Costs:**

11.1 The Division shall reimburse Participating Agency for costs incurred by Participating Agency for any increase in contributions for duty disability premiums under Wis. Stat. § 40.05(2)(aw) for its employees who are WI-TF1 members and who receive duty disability benefits under Wis. Stat. § 40.65 because of an injury that occurred while performing duties as a member of WI-TF1.

11.2 Application for reimbursement under this Section shall be made after the close of the State's fiscal year and shall seek reimbursement for any cost due to increased premiums referred to above imposed in the prior fiscal year.

11.3 Payment under this Section shall be made within 60 days of receipt of documentation of the following:

11.3.1 That the WI-TF1 member was injured while performing WI-TF1 duties after being deployed pursuant to a Division order.

11.3.2 That the member is receiving duty disability benefits because of such injury.

11.3.3 The amount of increase in premium for duty disability benefits to the Participating Agency that can be directly attributed to the receipt of such benefits by the member during the preceding fiscal year.

**12.0 Employer-Employee Relationship and Obligations Maintained:**

Except as provided in this Agreement, Participating Agency employees who are WI-TF1 members remain employees of Participating Agency and are not employees of the State of Wisconsin. This means, in part, that Participating Agency's employees are not entitled to Division contribution for any Public Employees Retirement Withholding System benefit(s), nor to any other benefits or any wage provided by the State of Wisconsin to its employees. Participating Agency shall be responsible for payment/withholding of any applicable federal, Social Security and State taxes from any wages paid or benefits provided to its employees.

**13.0 Worker's Compensation:**

A WI-TF1 member acting under this Agreement is an employee of the state for purposes of worker's compensation pursuant to Wis. Stat. § 323.72(4).

**14.0 Dual Payment:**

Participating Agency shall not be compensated for work performed under this Agreement both by the Division and any other state agency or person(s) responsible for causing an Emergency except as approved and authorized under this Agreement.

**15.0 Reasonable Efforts:**

Participating Agency shall make reasonable and good-faith efforts to minimize its costs related to its employees' participation in WI-TF1 training, exercise, and Emergency response Services.

**16.0 Liability and Indemnity**

16.1 Scope:

During operations authorized by this Agreement, WI-TF1 members supplied by Participating Agency are agents of the state for purposes of Wis. Stat. § 895.46(1). For the purposes of this Section, operations means activities, including travel, directly related to

providing Services. Operations also include training activities provided under this Agreement to WI-TF1 members but does not include travel to and from any training required or permitted under this Agreement.

16.2 Civil liability exemption; regional emergency response teams and their sponsoring agencies:

Pursuant to Wis. Stat. § 895.483(4), Participating Agency and its employees who are members of WI-TF1 are immune from civil liability for acts or omissions related to carrying out the Services.

16.3 Participating Agency Indemnification of State:

When acting as other than an agent of the State of Wisconsin under this Agreement, and when using the State's or Division's vehicles or equipment, Participating Agency shall indemnify, defend and hold harmless the State, which includes the Department, the Division and all state agencies, and its officers, officials, agents, employees, and members from all claims, suits or actions of any nature, including actions for attorneys' fees, arising out of the activities or omissions of Participating Agency, its officers, officials, subcontractors, agents or employees.

**17.0 Insurance Obligations:**

17.1 Insurance obligations are set forth in the Standard Terms and Conditions attached as Exhibit A. Prior to commencement of this Agreement, Participating Agency must either provide to the Division a certificate of insurance or, if Participating Agency is self-insured or uninsured, a certificate of protection in lieu of insurance certifying that Participating Agency is protected by a self-funded liability and property program or alternative funding source(s). Such certification must be provided on an annual basis.

17.2 Participating Agency agrees that it shall not cancel or make a material change to the insurance required by this Agreement without 30 days written notice to the Division.

**18.0 Standard Terms and Conditions:** The Wisconsin Standard Terms and Conditions are attached as Exhibit A and are incorporated into this Agreement by reference.

**19.0 Miscellaneous**

19.1 Disclosure of Independence and Relationship: Participating Agency certifies that no relationship exists between it, the State of Wisconsin or the Division that interferes with fair competition or is a conflict of interest, and no relationship exists between the team and another person or organization that constitutes a conflict of interest with respect to a state contract. The Department of Administration may waive this provision, in writing, if those activities of the Participating Agency will not be averse to the interest of the State.

Participating Agency agrees as part of this Agreement that, during performance of the terms of this Agreement, they will neither provide contractual services nor enter into any

agreement to provide services to a person or entity that is regulated or funded by the Department or has interests that are adverse to the Department. The Department of Administration may waive this provision, in writing, if those activities of the Participating Agency will not be adverse to the interests of the state.

- 19.2 Dual Employment: Wis. Stat. § 16.417 prohibits an individual who is a state employee or who is retained as a consultant full-time by a state agency from being retained as a consultant by the same or another agency where the individual receives more than \$5,000 as compensation. This prohibition applies only to individuals and does not include corporations or partnerships.
- 19.3 Employment: Participating Agency will not engage the service of any person or persons now employed by the state, including any department, commission, or board thereof, to provide services relating to this Agreement without the written consent of the employer of such person or persons and the Department and Division.
- 19.4 Conflict of interest: Private and non-profit corporations are bound by Wis. Stat. §§ 180.0831 and 181.225 regarding conflicts of interest by directors in the conduct of state contracts.
- 19.5 Recordkeeping and Record Retention: The Participating Agency shall establish and maintain adequate records of all expenditures incurred under the Agreement. All records must be kept in accordance with generally accepted accounting principles and be consistent with federal and state laws and local ordinances. The Division, the federal government, and their duly authorized representatives shall have the right to audit, review, examine, copy, and transcribe any pertinent records or documents relating to any contract resulting from this Agreement held by Participating Agency. The Participating Agency shall retain all documents applicable to the Agreement for a period of not less than three (3) years after the final payment is made or longer where required by law.
- 19.6 Indemnification Regarding Employment Disputes: Participating Agency shall indemnify, defend, and hold harmless the State of Wisconsin, including the Division and the Department, with respect any disputes Participating Agency may have with its employees. Such disputes include but are not limited to charges of discrimination, harassment, improper wage payment, and discharge without just cause.
- 19.7 Term, Termination and Review of Agreement:
- 19.7.1 Term: This Agreement shall begin on April 1, 2022, and terminate on June 30, 2024, unless terminated earlier pursuant to Section 19.7.2.
- 19.7.2 Termination:
- 19.7.2.1 The Division and/or Participating Agency may terminate this Agreement at any time upon one hundred twenty (120) days written notice to the other Party.

19.7.2.2 The Division may also terminate this Agreement at will effective upon delivery of written notice to the Participating Agency under any of the following conditions:

19.7.2.2.1 Funding from federal, state, or other sources is not obtained and/or continued at levels sufficient to allow for training.

19.7.2.2.2 Federal or state laws, rules, regulations, or guidelines are modified, changed, or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this Agreement or are no longer eligible for the funding proposed for payments by this Agreement.

19.7.2.2.3 Any license or certification required by law or regulation to be held by the Participating Agency to provide the services required by this Agreement is for any reason denied, revoked, lapses, or not renewed.

19.7.2.3 Any termination of the Agreement shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination. Upon termination, the Division's liability under Sections 8-11 will be limited to events occurring during the term of this Agreement.

19.7.3 Review: The Agreement shall be reviewed by the Parties and other participating agencies no later than six (6) months prior to the expiration of this Agreement.

19.8 Entire Agreement: The contents of the Agreement including its Exhibits shall constitute the entire agreement between the Parties relating to the subject matter of the Agreement. The Agreement supersedes any and all prior agreements, whether expressed orally or in writing, relating to the subject matter of the Agreement.

19.9 Applicable Law: This Agreement shall be governed by the laws of the State of Wisconsin. The Participating Agency and State shall at all times comply with and observe all federal and state laws and regulations, the federal and state constitutions, and local ordinances and regulations in effect during the period of this Agreement and which may in any manner affect its performance of its obligations under this Agreement, including the provision of Services.

19.10 Assignment: No right or duty of the Participating Agency under this Agreement, whole or in part, may be assigned or delegated without the prior written consent of the State of Wisconsin.

19.11 Successors in Interest: The provisions of the Agreement shall be binding upon and shall inure to the benefit of the parties to the Agreement and their respective successors and

permitted assigns.

- 19.12 Force Majeure: Neither party to this Agreement shall be held responsible for delay or default caused by fire, riots, acts of God and/or war or for other reasons beyond that Party's reasonable control.
- 19.13 Notifications: Participating Agency shall immediately report by telephone and in writing any demand, request, or occurrence that reasonably may give rise to a claim against the State, its officers, Divisions, agents, employees, and members. Such reports shall be directed to:

ATTN: Administrator  
Division of Emergency Management  
DMA Wisconsin  
PO Box 7865  
Madison, WI 53707-7865  
Telephone #: (608) 242-3232  
FAX #: (608) 242-3247

Copies of such written reports shall also be sent to:

ATTN: Office of the Department of Military Affairs General Counsel  
Wisconsin Department of Military Affairs  
2400 Wright Street  
Madison, WI 53704

- 19.14 Severability: If any provision of this Agreement is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected. The rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.
- 19.15 Amendments: The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever without prior written approval of Division and Participating Agency.
- 19.16 Approval Authority: Participating Agency's representative(s) certify by their signature herein that he or she has the necessary and lawful authority to enter into contracts and agreements on behalf of Participating Agency.
- 19.17 No Waiver: No failure to exercise, and no delay in exercising, any right, power or remedy, including payment, hereunder, on the part of the Division, state, or Participating Agency shall operate as a waiver of the same, nor shall any single or partial exercise of any right, power or remedy preclude any other or further exercise of the same or the exercise of any other right, power or remedy created by the Agreement. No express waiver shall affect any event or default other than the event or default specified in such waiver, and any such waiver, to be effective, must be in writing and shall be operative only for the time and to the extent expressly provided in the written waiver. A waiver of any covenant, term or condition

contained herein shall not be construed as a waiver of any subsequent breach of the same covenant, term or condition.

19.18 Construction of Agreement: This Agreement is intended to be solely between the Parties. No part of the Agreement shall be construed to add, supplement, amend, abridge, or repeal existing rights, benefits or privileges of any third party or parties, including but not limited to employees of either of the Parties.

The Division and Participating Agency make no representations to third parties with regard to the ultimate outcome of the provision of Services.

**Approving Signatures:**

**ON BEHALF OF THE WISCONSIN EMERGENCY MANAGEMENT DIVISION**

**Dated this \_\_\_\_ day of \_\_\_\_\_, 2022**

---

**Greg Engle, Acting Division Administrator**

**[SIGNATURE PAGE]**

## EXHIBIT A

### EXHIBIT A TO AGREEMENT FOR URBAN SEARCH AND RESCUE EMERGENCY RESPONSE SERVICES AGREEMENT (the Agreement)

#### STATE OF WISCONSIN STANDARD TERMS AND CONDITIONS

**ANTITRUST ASSIGNMENT:** The Participating Agency and the State of Wisconsin recognize that in actual economic practice, overcharges resulting from antitrust violations are in fact usually borne by the State of Wisconsin (purchaser). Therefore, the Participating Agency hereby assigns to the State of Wisconsin any and all claims for such overcharges as to goods, materials or services purchased in connection with this Agreement.

**APPLICABLE LAW AND COMPLIANCE:** This Agreement shall be governed under the laws of the State of Wisconsin. The Participating Agency shall at all times comply with and observe all federal and state laws, local laws, ordinances, and regulations which are in effect during the period of this Agreement and which in any manner affect the work or its conduct. The State of Wisconsin reserves the right to cancel this Agreement if the Participating Agency fails to follow the requirements of s. 77.66, Wis. Stats. and related statutes regarding certification for collection of sales and use tax. The State of Wisconsin also reserves the right to cancel this Agreement with any federally debarred Participating Agency or a Participating Agency that is presently identified on the list of parties excluded from federal procurement and non-procurement Agreements.

**CANCELLATION:** The State of Wisconsin reserves the right to cancel any Agreement in whole or in part without penalty due to nonappropriation, unavailability or insufficiency of funds or for failure of the Participating Agency to comply with terms, conditions, and specifications of this Agreement.

**WORK CENTER CRITERIA:** A work center must be certified under s.16.752, Wis. Stats., and must ensure that when engaged in the production of materials, supplies or equipment or the performance of contractual services, not less than seventy-five percent (75%) of the total hours of direct labor are performed by severely handicapped.

**INSURANCE RESPONSIBILITY:** The Participating Agency performing services for the State of Wisconsin shall:

Maintain worker's compensation insurance as required by Wisconsin Statutes, for all employees engaged in the work.

Maintain commercial liability, bodily injury and property damage insurance against any claim(s) which might occur in carrying out this agreement/Agreement. Minimum coverage shall be one million (\$1,000,000) liability for bodily injury and property damage including products liability and completed operations. Provide motor vehicle insurance for all owned, non-owned and hired vehicles that are used in carrying out this Agreement. Minimum coverage shall be one million (\$1,000,000) per occurrence combined single limit for automobile liability and property damage.

The state reserves the right to require higher or lower limits where warranted.

**NONDISCRIMINATION / AFFIRMATIVE ACTION:** In connection with the performance of work under this Agreement, the Participating Agency agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s.51.01(5), Wis. Stats., sexual orientation as defined in s.111.32(13m), Wis. Stats., or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation, the Participating Agency further agrees to take affirmative action to ensure equal employment opportunities.

Contracts estimated to be over fifty thousand dollars (\$50,000) require the submission of a written affirmative action plan by the Participating Agency. An exemption occurs from this requirement if the Participating Agency has a workforce of less than fifty (50) employees. Within fifteen (15) working days after the Agreement is awarded, the Participating Agency must submit the plan to the contracting state agency for approval. Instructions on preparing the plan and technical assistance regarding this clause are available from the contracting state agency.

The Participating Agency agrees to post in conspicuous places, available for employees and applicants for employment, a notice to be provided by the contracting state agency that sets forth the provisions of the State of Wisconsin's nondiscrimination law.

Failure to comply with the conditions of this clause may result in the Participating Agency's becoming declared an "ineligible" Participating Agency, termination of the Agreement, or withholding of payment.

Pursuant to 2019 Wisconsin Executive Order 1, Participating Agency agrees it will hire only on the basis of merit and will not discriminate against any persons performing a contract, subcontract or grant because of military or veteran status, gender identity or expression, marital or familial status, genetic information or political affiliation.

Pursuant to s. 16.75(10p), Wis. Stats., Participating Agency agrees it is not, and will not for the duration of the Agreement, engage in a prohibited boycott of the State of Israel as defined in s. 20.931(1)(b). State agencies and authorities may not execute a contract and reserve the right to terminate an existing contract with a company that is not compliant with this provision. This provision applies to contracts valued \$100,000 or over.

**PUBLIC RECORDS.** Upon receipt of notice from the State of Wisconsin of a public records request for records produced or collected under this Agreement, the Participating Agency shall provide the requested records to the contracting agency in order to ensure compliance with s. 19.36(3), Wis. Stats. Participating Agency, following final payment under this Agreement, shall retain all records produced or collected under this Agreement for six (6) years. Participating Agency is also considered a contractor for the purposes of Wis. Stat. § 19.36(3) and must comply with its provisions.

**TAXES:** The State of Wisconsin, including all its agencies, is required to pay the Wisconsin excise or occupation tax on its purchase of beer, liquor, wine, cigarettes, tobacco products, motor vehicle fuel and general aviation fuel. However, it is exempt from payment of Wisconsin sales or use tax on its purchases. The State of Wisconsin may be subject to other states' taxes on its purchases in that state depending on the laws of that state.

**VENDOR TAX DELINQUENCY:** Vendors who have a delinquent Wisconsin tax liability may have their payments offset by the State of Wisconsin.

# State of Wisconsin



2021 Senate Bill 374

Date of enactment: **December 3, 2021**  
Date of publication\*: **December 4, 2021**

## 2021 WISCONSIN ACT 104

AN ACT *to repeal* 323.70 (7), 323.72 (3) (a) and 323.72 (5); *to consolidate, renumber and amend* 323.72 (3) (intro.) and (b); *to amend* 20.465 (3) (dr), 20.465 (3) (dv), 20.465 (3) (jt), 323.70 (3), 323.70 (4) (intro.), 323.71 (3), 323.71 (4) (b), 323.72 (title), 323.72 (1), 323.72 (2), 323.72 (4) and 895.483 (4); and *to create* 40.05 (2) (aw), 40.05 (2) (ax), 40.06 (8), 40.06 (9), 323.70 (3m), 323.72 (2m), 323.72 (6) and 323.72 (7) of the statutes; **relating to:** a statewide urban search and rescue task force, regional emergency response teams, and making an appropriation.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 2.** 20.465 (3) (dr) of the statutes is amended to read:

20.465 (3) (dr) *Emergency response supplement.* As a continuing appropriation, the amounts in the schedule to be used for response costs of a regional emergency response team that are not reimbursed from the appropriation under s. ~~323.70 (3) or (4)~~ 20.465 (3) (jt) and for response costs of a local agency that are not reimbursed under s. 323.71 (4).

**SECTION 3m.** 20.465 (3) (dv) of the statutes, as created by 2021 Wisconsin Act 58, is amended to read:

20.465 (3) (dv) *Urban search and rescue task force.* As a continuing appropriation, the amounts in the schedule for training, equipment, and administrative costs for an urban search and rescue task force under s. 323.72.

**SECTION 5.** 20.465 (3) (jt) of the statutes is amended to read:

20.465 (3) (jt) *Regional emergency response reimbursement.* All moneys received by the division of emergency management under s. 323.70 (4) for reimbursement of regional emergency response teams under s. 323.70 (3), and for reimbursement to a local agency for

any increase in contributions for duty disability premiums under s. 40.05 (2) (ax) for employees who receive duty disability benefits under s. 40.65 because of an injury incurred while performing duties as a member of a regional emergency response team under a contract under s. 323.70 (2). All moneys received under s. 323.70 (4) as reimbursement for expenses incurred for a regional emergency response team response shall be credited to this appropriation account.

**SECTION 6.** 40.05 (2) (aw) of the statutes is created to read:

40.05 (2) (aw) For purposes of this subsection, the participating employer of an employee subject to s. 40.65 who is on a deployment, training, or readiness exercise as the member of an urban search and rescue task force under a contract under s. 323.72 (1) is the local agency, and the local agency shall contribute any additional percentage or percentages related to the deployment, training, or readiness exercises under a contract under s. 323.72 (1) as calculated by the actuary under s. 40.03 (5) (c). A local agency may seek reimbursement from the department of military affairs under s. 323.72 (2m).

**SECTION 7.** 40.05 (2) (ax) of the statutes is created to read:

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

40.05 (2) (ax) For purposes of this subsection, the participating employer of an employee subject to s. 40.65 who is responding to an emergency involving a level A release, or a potential level A release as a member of a regional emergency response team under a contract under s. 323.70 (2) is the local agency, and the local agency shall contribute any additional percentage or percentages related to response to an emergency involving a level A release, or a potential level A release under a contract under s. 323.70 (2) as calculated by the actuary under s. 40.03 (5) (c). A local agency may seek reimbursement from the department of military affairs under s. 323.70 (3m).

**SECTION 8.** 40.06 (8) of the statutes is created to read:

40.06 (8) For periods during which a protective occupation participant who is a participating employee is on a deployment, training, or readiness exercise with an urban search and rescue task force under a contract under s. 323.72 (1), all of the following shall apply:

(a) The employer remits required contributions to the department under s. 40.05 (1) (a) and (2) (a).

(b) The employer reports to the department service and earnings that are at least the same rate the employee would have received if the employee had not been on the deployment, training, or readiness exercise.

**SECTION 9.** 40.06 (9) of the statutes is created to read:

40.06 (9) For periods during which a protective occupation participant who is a participating employee is responding to an emergency involving a level A release, or a potential level A release as a member of a regional emergency response team under a contract under s. 323.70 (2), all of the following shall apply:

(a) The employer remits required contributions to the department under s. 40.05 (1) (a) and (2) (a).

(b) The employer reports to the department service and earnings that are at least the same rate the employee would have received if the employee had not been responding to an emergency involving a level A release or potential level A release.

**SECTION 10.** 323.70 (3) of the statutes is amended to read:

323.70 (3) ~~The From the appropriations under s. 20.465 (3) (dr) and (jt), the division shall reimburse a regional emergency response team local agency contracted under sub. (2) for costs incurred by the team in responding to an emergency involving a level A release, or a potential level A release, if the team followed the procedures in the rules promulgated under sub. (7) (b) to determine if division determines that an emergency requiring a the response existed. Reimbursement under this subsection is limited to amounts collected under sub. (4) and the amounts appropriated under s. 20.465 (3) (dr). Reimbursement is available under s. 20.465 (3) (dr) only if the regional emergency response team has made a good faith effort to identify the person responsible under sub. (4) and that person cannot be identified, or, if that person~~

is identified, the team has received reimbursement from that person to the extent that the person is financially able or has determined that the person does not have adequate money or other resources to reimburse the regional emergency response team shall be issued to the local agency within 60 days after receiving a complete application for reimbursement on a form prescribed by the division if the agency applies for reimbursement within 45 days after the conclusion of the deployment of the regional emergency response team.

**SECTION 11.** 323.70 (3m) of the statutes is created to read:

323.70 (3m) From the appropriation under s. 20.465 (3) (jt), the division shall reimburse a local agency under sub. (1) for costs incurred by the local agency for any increase in contributions for duty disability premiums under s. 40.05 (2) (ax) for employees who receive duty disability benefits under s. 40.65 because of an injury incurred while performing duties as a member of regional emergency response team under sub. (2).

**SECTION 12.** 323.70 (4) (intro.) of the statutes is amended to read:

323.70 (4) (intro.) A person shall reimburse the division for costs incurred by a regional emergency response team in responding to an emergency involving a level A release or a potential level A release if ~~the team followed the procedures established under sub. (7) (b) to determine~~ if an emergency requiring the team's response existed and if any of the following conditions applies:

**SECTION 13.** 323.70 (7) of the statutes is repealed.

**SECTION 14.** 323.71 (3) of the statutes is amended to read:

323.71 (3) ~~The From the appropriation under s. 20.465 (3) (dr), the division shall reimburse a local emergency response team for costs incurred by the team in responding to an emergency involving a hazardous substance release, or potential release, if the team followed the procedures in the rules promulgated under s. 323.70 (7) (e) to determine if division determines that an emergency requiring the team's response existed. Reimbursement under this subsection is limited to the amount appropriated under s. 20.465 (3) (dr). Reimbursement is available under s. 20.465 (3) (dr) only if the local emergency response team has made a good faith effort to identify the person responsible under sub. (4) and that person cannot be identified, or, if that person is identified, the team has received reimbursement from that person to the extent that the person is financially able or has determined that the person does not have adequate money or other resources to reimburse the local emergency response team. Reimbursement under this subsection shall be issued to the local agency within 60 days after receiving a complete application for reimbursement on a form prescribed by the division if the agency applies for reimbursement within 45 days after the conclusion of the deployment of the local emergency response team.~~

**SECTION 15.** 323.71 (4) (b) of the statutes is amended to read:

323.71 (4) (b) A local emergency response team may receive reimbursement under par. (a) only if the team followed the procedures established under s. 323.70 (7) (e) to determine if division determines that an emergency requiring the team's response existed.

**SECTION 16.** 323.72 (title) of the statutes is amended to read:

**323.72 (title) ~~Structural collapse Urban search and rescue emergency response.~~**

**SECTION 17.** 323.72 (1) of the statutes is amended to read:

323.72 (1) ~~A regional structural collapse team An urban search and rescue task force designated by the division shall assist in the at the direction of the division in an emergency response to a structural collapse incident in a region of this state designated by the division involving search, rescue, and recovery in the technical rescue disciplines to include structural collapse, rope rescue, vehicle extrication, machinery extrication, confined space, trench, excavation, and water operations in an urban search and rescue environment. Whenever a regional structural collapse team an urban search and rescue task force assists in an emergency response under this subsection, it the division shall determine under the rules promulgated under sub. (5) whether an emergency requiring the team's urban search and rescue task force's response existed. If the regional structural collapse team division determines that such an emergency existed, it shall make a good faith effort to identify the person who is required to reimburse the division under sub. (3) and shall provide that information to the division. The division shall contract with local agencies, as defined in s. 323.70 (1) (b), to establish no more than 4 regional structural collapse teams an urban search and rescue task force. A member of a regional structural collapse team an urban search and rescue task force shall meet the highest most current training, competency, and job performance requirement standards for a structural collapse team under search and rescue task force issued by the National Fire Protection Association standards NFPA 4006 and 1670 and the most current version of the urban search and rescue standard issued by the Emergency Management Accreditation program.~~

**SECTION 18.** 323.72 (2) of the statutes is amended to read:

323.72 (2) ~~The From the appropriation under s. 20.465 (3) (h) or (hm), the division shall reimburse a regional structural collapse team local agency under sub. (1) for costs incurred by the team local agency in responding to an emergency involving a structural collapse incident if the team determines that a structural collapse emergency requiring a an urban search and rescue task force response existed as provided under the rules promulgated under sub. (5) if the division determines that~~

~~such a response was necessary. Reimbursement under this subsection is limited to amounts collected under sub. (3). Reimbursement under this subsection is available only if the regional structure collapse team has identified the person who is required to reimburse the division under sub. (3) and provided that information to the division shall be issued to the local agency within 60 days after receiving a complete application for reimbursement on a form prescribed by the division if the agency applies for reimbursement within 45 days after the conclusion of the deployment of the urban search and rescue task force.~~

**SECTION 19.** 323.72 (2m) of the statutes is created to read:

323.72 (2m) From the appropriation under s. 20.465 (3) (hm), the division shall reimburse a local agency under sub. (1) for costs incurred by the local agency for any increase in contributions for duty disability premiums under s. 40.05 (2) (aw) for employees who receive duty disability benefits under s. 40.65 because of an injury incurred while performing duties as a member of an urban search and rescue task force under sub. (1).

**SECTION 20.** 323.72 (3) (intro.) and (b) of the statutes are consolidated, renumbered 323.72 (3) and amended to read:

323.72 (3) A person shall reimburse the division for costs incurred by ~~a regional structural collapse team an urban search and rescue task force~~ in responding to an emergency if the ~~team~~ division determines under the rules promulgated under sub. (5) that an emergency requiring the team's urban search and rescue task force's response existed and that ~~one of the following conditions applies: (b) The~~ the person caused the structural collapse emergency.

**SECTION 20g.** 323.72 (3) (a) of the statutes is repealed.

**SECTION 21.** 323.72 (4) of the statutes is amended to read:

323.72 (4) A member of ~~a regional structural collapse team an urban search and rescue task force~~ who is acting under a contract under sub. (1) is considered an employee of the state for purposes of worker's compensation benefits.

**SECTION 22.** 323.72 (5) of the statutes is repealed.

**SECTION 23.** 323.72 (6) of the statutes is created to read:

323.72 (6) The department of military affairs may submit to the joint committee on finance a request to supplement the appropriation account under s. 20.465 (3) (hm) for the purposes for which the appropriation is made. If the cochairpersons of the committee do not notify the department within 14 working days after receiving the request that the cochairpersons have scheduled a meeting for the purpose of reviewing the request, the appropriation account under s. 20.465 (3) (hm) shall be supplemented from the appropriation account under s. 20.865 (4) (a), as provided in the request. If, within 14

working days after receiving the request, the cochairpersons notify the department that the cochairpersons have scheduled a meeting for the purpose of reviewing the request, the appropriation account may be supplemented from the appropriation account under s. 20.865 (4) (a) only as approved by the committee. Notwithstanding s. 13.101 (3), the committee is not required to find that an emergency exists prior to supplementing the appropriation account under s. 20.465 (3) (hm).

**SECTION 24.** 323.72 (7) of the statutes is created to read:

323.72 (7) In this section, “urban search and rescue task force” means an all hazards rescue team that is a core component of a Search and Rescue Essential Support Function 9 (ESF 9) mission, including a type I urban search and rescue task force, type III urban search and

rescue task force, or any component thereof, as designated by the Federal Emergency Management Agency National Incident Management System Search and Rescue resource typing system.

**SECTION 25.** 895.483 (4) of the statutes is amended to read:

895.483 (4) ~~A regional structural collapse team~~ An urban search and rescue task force, a member of such a ~~team~~ task force, and a local agency, as defined in s. 323.70 (1) (b), that contracts with the division of emergency management in the department of military affairs for the provision of ~~a regional structural collapse team~~ emergency services, are immune from civil liability for acts or omissions related to carrying out responsibilities under a contract under s. 323.72 (1).

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## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** February 23, 2022

**Common Council Meeting Date:** March 2, 2022

**Item:** Dedication of Public Right-of-Way for Appleton Street

**Case Manager:** David Kress, Principal Planner

### GENERAL INFORMATION

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**Owner/Applicant:** City of Appleton c/o Tom Kromm

**Location:** Generally located east of Appleton Street and south of Washington Street (part of parcel #31-2-0272-00 and part of parcel #31-2-0272-01)

**Petitioner's Request:** The applicant is requesting a dedication of land for public right-of-way for Appleton Street.

### BACKGROUND

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The subject area is located on the block bound by Appleton Street, Washington Street, Oneida Street, and City Center Street. A City-owned parking ramp, most recently known as the Blue Ramp, was located on parcel #31-2-0272-00 until it was demolished in 2019. Parcels #31-2-0272-01 and #31-2-0272-02 were acquired by the City in 2018, and the buildings were demolished in conjunction with the Blue Ramp. After demolition, an indented loading zone was installed along Appleton Street to accommodate the Building for Kids Children's Museum, and the public sidewalk was shifted to the subject area. The indented area was created in conjunction with the conversion to two-way traffic and addition of bike lanes on Appleton Street.

On January 19, 2022, Common Council approved a Development Agreement with Merge LLC for a mixed-use development located on parcels #31-2-0272-00, #31-2-0272-01, and #31-2-0272-02 (located in Tax Increment Financing District #11).

A Certified Survey Map (CSM) was recently submitted to combine parcels #31-2-0272-00, #31-2-0272-01, and #31-2-0272-02. These parcels are currently owned by the City and covered by the Development Agreement mentioned above. The CSM proposes to dedicate the subject area for public roadway purposes in order to have the existing street/sidewalk pavement fully located within the right-of-way. CSMs are reviewed and administratively approved by City staff. The CSM, currently under review, is subject to the acceptance of the public right-of-way dedication by Plan Commission and Common Council.

### STAFF ANALYSIS

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**Public Right-of-Way Dedication:** Approximately 498 square feet of land is included in the proposed right-of-way dedication. This includes part of parcels #31-2-0272-00 and #31-2-0272-01. As shown on the attached exhibit map, the right-of-way for Appleton Street would be widened by six feet in this area.

## Street Dedication – Appleton Street

February 23, 2022

Page 2

**Street Classification:** The City’s Arterial/Collector Plan Map identifies this portion of Appleton Street as a collector street.

**Surrounding Zoning Classification 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 institutional in nature.

North: CBD Central Business District. Existing Washington Street right-of-way is immediately north of the subject area, and the adjacent land use is institutional (Appleton Public Library).

South: CBD Central Business District. The adjacent land uses to the south are currently a mix of commercial and institutional uses.

East: CBD Central Business District. The adjacent land to the east is currently vacant (site of proposed Merge LLC phase two mixed-use development).

West: CBD Central Business District. Existing Appleton Street right-of-way is immediately west of the subject area, and the adjacent land use is commercial.

**Comprehensive Plan 2010-2030:** The City of Appleton *Comprehensive Plan 2010-2030* identifies this area as future Central Business District designation. The proposed public right-of-way dedication is consistent with the following goal from the *Comprehensive Plan 2010-2030*.

### *Goal 4 – Transportation*

*Appleton will support a comprehensive transportation network that provides viable options for pedestrian, bicycle, highway, rail, and air transportation, both locally and within the region.*

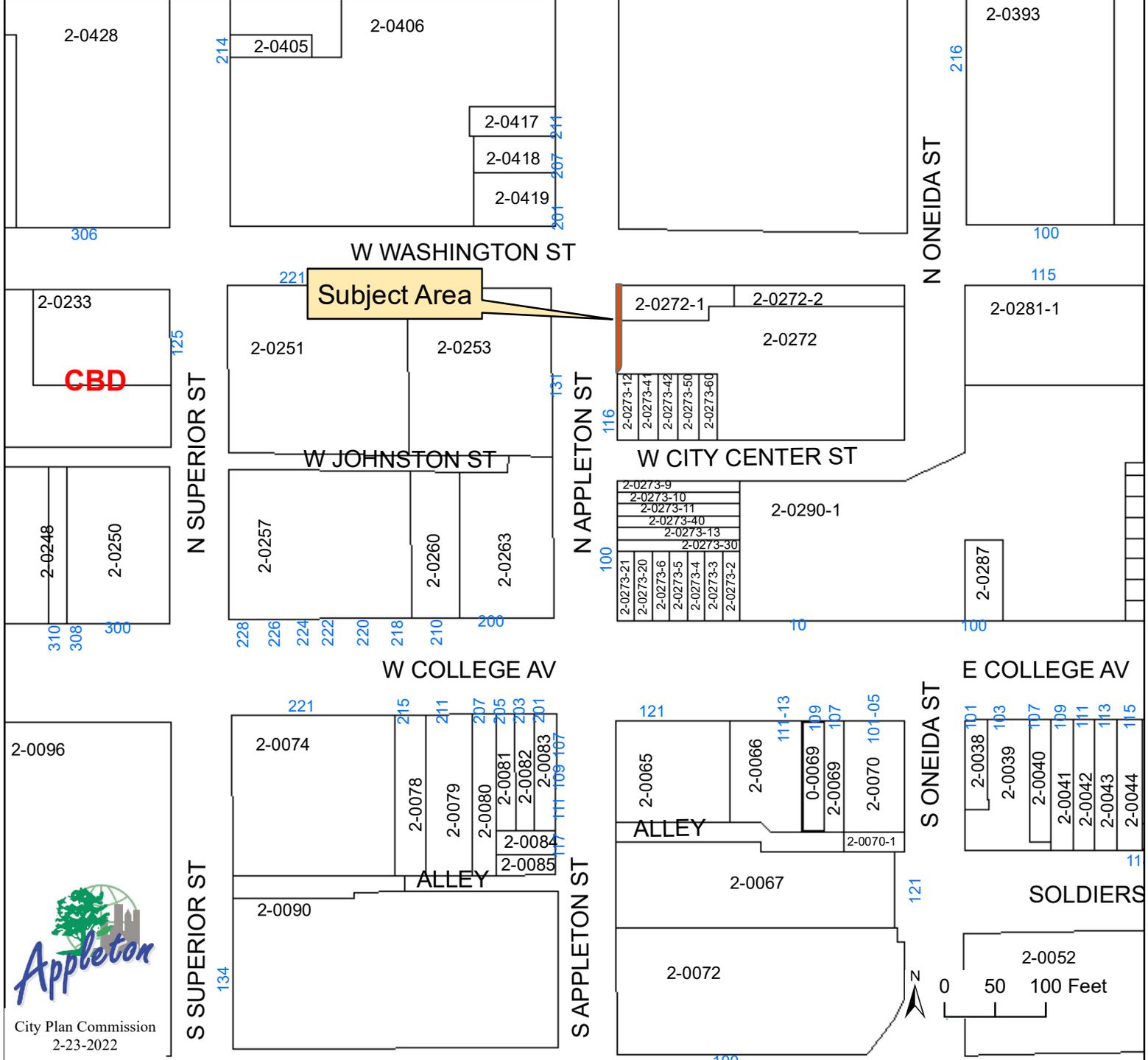
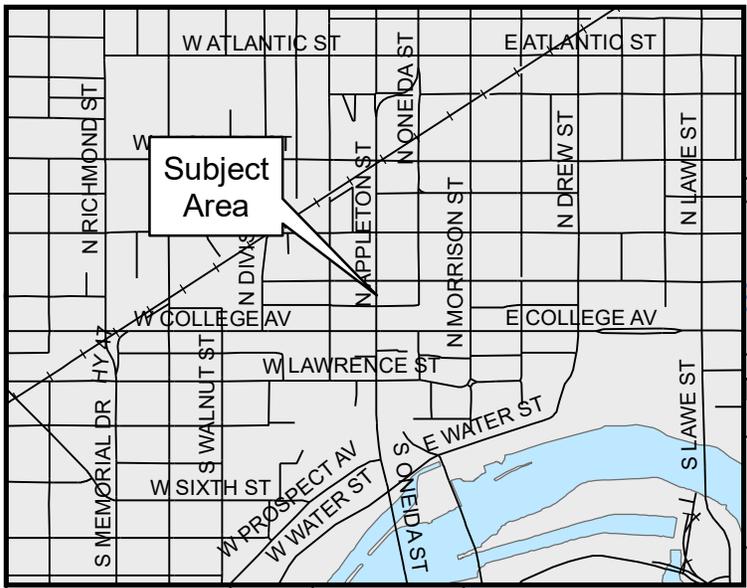
**Technical Review Group (TRG) Report:** This item appeared on the February 15, 2022 TRG agenda. No negative comments were received from participating departments.

## **RECOMMENDATION**

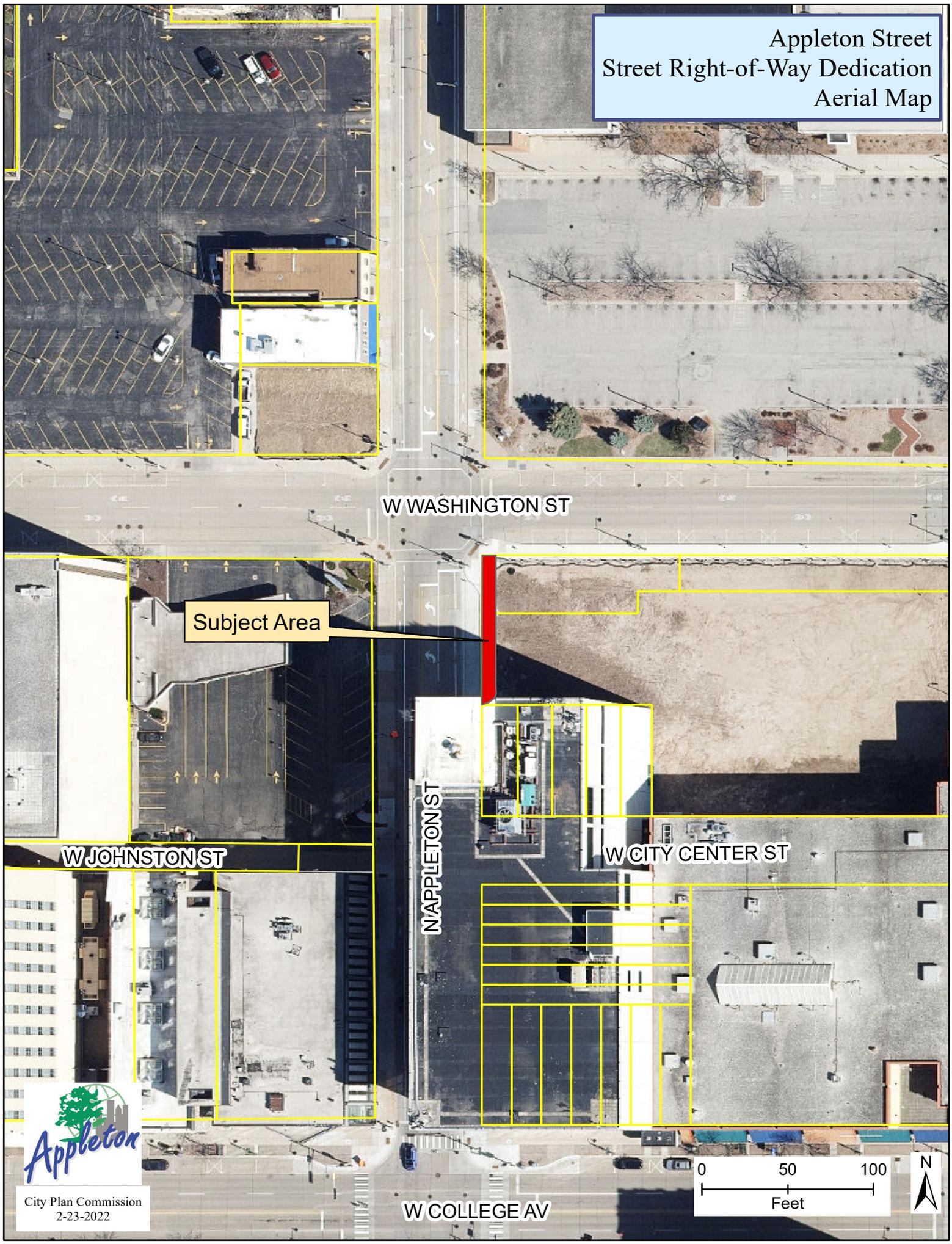
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Staff recommends the dedication of land for public right-of-way for Appleton Street, as shown on the attached maps, **BE APPROVED**.

# Appleton Street Street Right-of-Way Dedication Zoning Map



Appleton Street  
Street Right-of-Way Dedication  
Aerial Map



Subject Area

W WASHINGTON ST

W JOHNSTON ST

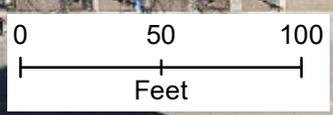
W CITY CENTER ST

N APPLETON ST

W COLLEGE AV



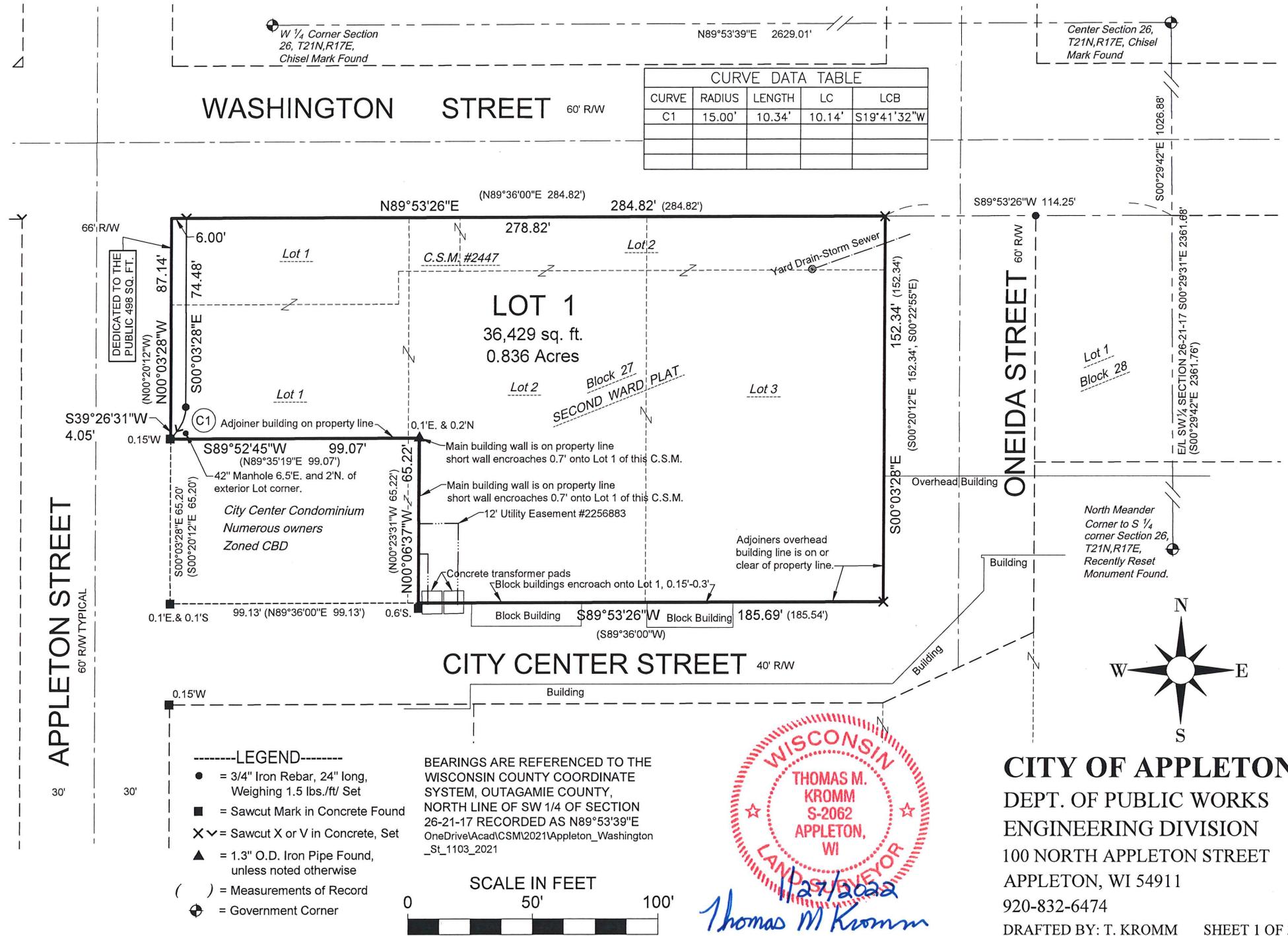
City Plan Commission  
2-23-2022



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 JAN 27 2022  
 CITY OF APPLETON  
 COMM/ECON DEV

**CERTIFIED SURVEY MAP NO.**

Lot 1 and 2 of Certified Survey Map No. 2447, all of Lot 3 and part of Lot 1 and 2, in Block 27, **SECOND WARD PLAT (aka APPLETON PLAT)**, according to the recorded Assessor's Map of the City of Appleton, located in and being a part of the Northeast 1/4 of the Southwest 1/4 of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.



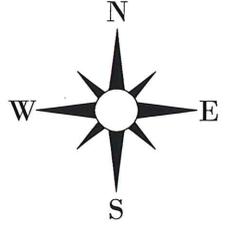
- LEGEND-----
- = 3/4" Iron Rebar, 24" long, Weighing 1.5 lbs./ft Set
  - = Sawcut Mark in Concrete Found
  - X ✓ = Sawcut X or V in Concrete, Set
  - ▲ = 1.3" O.D. Iron Pipe Found, unless noted otherwise
  - ( ) = Measurements of Record
  - ⊕ = Government Corner

BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, NORTH LINE OF SW 1/4 OF SECTION 26-21-17 RECORDED AS N89°53'39"E OneDrive\Acad\CSM\2021\Appleton\_Washington\_St\_1103\_2021

SCALE IN FEET

0 50' 100'

WISCONSIN  
 THOMAS M. KROMM  
 S-2062  
 APPLETON, WI  
 LAND SURVEYOR  
 1/27/2022  
 Thomas M Kromm



**CITY OF APPLETON**  
 DEPT. OF PUBLIC WORKS  
 ENGINEERING DIVISION  
 100 NORTH APPLETON STREET  
 APPLETON, WI 54911  
 920-832-6474  
 DRAFTED BY: T. KROMM SHEET 1 OF 3

## **CERTIFIED SURVEY MAP NO.**

Lot 1 and 2 of Certified Survey Map No. 2447, all of Lot 3 and part of Lot 1 and 2, in Block 27, **SECOND WARD PLAT (aka APPLETON PLAT)**, according to the recorded Assessor's Map of the City of Appleton, located in and being a part of the Northeast ¼ of the Southwest ¼ of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

### **SURVEYOR'S CERTIFICATE:**

SHEET 2 OF 3

Lot 1 and 2 of Certified Survey Map No. 2447, all of Lot 3 and part of Lot 1 and 2, in Block 27, **SECOND WARD PLAT (aka APPLETON PLAT)**, according to the recorded Assessor's Map of the City of Appleton, located in and being a part of the Northeast ¼ of the Southwest ¼ of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 0.8477 Acres (36,927 sq. ft.) of land and being described by:

Commencing at the Northeast corner of said Block 27 and being the point of beginning;

Thence South 00°03'28" East 152.34 feet along the East line of Block 27 and being coincident with the West line of Oneida Street to the North line of City Center Street;

Thence South 89°53'26" West 185.69 feet along the South line of Lots 2 and 3 of said Block 27; and being coincident with the North line of City Center Street;

Thence North 00°06'37" West 65.22 feet;

Thence South 89°52'45" West 99.07 feet to the West line of Lot 1 of said Block 27;

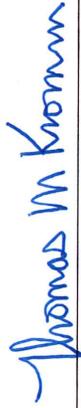
Thence North 00°03'28" West 87.14 feet along the West line of said Lot 1 and being coincident with the East line of Appleton Street;

Thence North 89°53'26" East 284.82 feet along the North line of said Block 27 and being coincident with the South line of Washington Street to the point of beginning.

Said lands subject to all easements and restrictions of record.

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

Dated this 27<sup>th</sup> day of January, 2022.



Wisconsin Professional Land Surveyor: Thomas M. Kromm



This Certified Survey Map is all of tax parcel 31-2-0272-00, 31-2-0272-01 and 31-2-0272-02.

The land on this Certified Survey Map is Zoned CBD.

This Certified Survey Map is contained within the property described in the following recorded instrument: Document No.876209, 2150911 and 2147310.

The property owner of record is the City of Appleton.

# CERTIFIED SURVEY MAP NO.

Lot 1 and 2 of Certified Survey Map No. 2447, all of Lot 3 and part of Lot 1 and 2, in Block 27, **SECOND WARD PLAT (aka APPLETON PLAT)**, according to the recorded Assessor's Map of the City of Appleton, located in and being a part of the Northeast 1/4 of the Southwest 1/4 of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

## CORPORATE OWNER'S CERTIFICATE:

SHEET 3 OF 3

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

\_\_\_\_\_  
Jacob A. Woodford, Mayor Date

\_\_\_\_\_  
Kami Lynch, City Clerk Date

STATE OF WISCONSIN)  
) SS  
OUTAGAMIE COUNTY)

Personally came before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, the above named owners to me known to be the persons who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary

My commission expires \_\_\_\_\_

## TREASURER'S CERTIFICATE:

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

\_\_\_\_\_  
City Treasurer Date  
Anthony D. Saucerman

\_\_\_\_\_  
County Treasurer Date  
Trenton Woelfel



*Thomas M Kromm*  
1/27/2022

CITY OF APPLETON APPROVAL:  
Approved by the City of Appleton on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Jacob A. Woodford, Mayor Date

\_\_\_\_\_  
Kami Lynch, City Clerk Date

**CITY OF APPLETON**  
**Department of Public Works**  
**MEMORANDUM**

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**TO:**  **Finance Committee**  
 **Municipal Services Committee**  
 **Utilities Committee**

**SUBJECT: Award of Contract**

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**The Department of Public Works recommends that the following described work:**  
Unit A-22 Concrete Paving

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**Be awarded to:**

Name: Vinton Construction Company  
Address: 2705 N. Rapids Road  
Manitowoc, WI 54221

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**In the amount of :** \$4,382,957.94  
**With a 2.5 % contingency of :** \$107,000.00  
**For a project total not to exceed :** \$4,489,957.94

**\*\* OR \*\***

**In an amount Not To Exceed :** \_\_\_\_\_

Budget: \$4,222,179.00  
Estimate: \$4,250,000.00  
Committee Date: 02/21/22  
Council Date: 03/02/22

**Bid Tabulation**  
**A-22 Concrete Paving**  
**02/07/2022 01:45 PM CST**

Bid Item	Item Description	Quantity	Unit	Vinton Const. Company		Michels Road & Stone, Inc.	
				Unit Price	Item Total	Unit Price	Item Total
1	F&I 7" PLAIN CONC PVMT	19271	SY	\$37.40	\$720,735.40	\$36.28	\$699,151.88
2	F&I 8" 3-DAY HIGH EARLY CONC PVMT	400	SY	\$46.40	\$18,560.00	\$52.23	\$20,892.00
3	F&I 8" DOWLED CONC PVMT	26555	SY	\$42.83	\$1,137,350.65	\$46.23	\$1,227,637.65
4	F&I 3" ASPHALT PAVEMENT	575	SY	\$25.00	\$14,375.00	\$31.50	\$18,112.50
5	F&I 12" STONE BASE	28169	SY	\$8.30	\$233,802.70	\$9.80	\$276,056.20
6	EXCAVATION	16745	CY	\$17.50	\$293,037.50	\$14.00	\$234,430.00
7	F&I GEOGRID	28169	SY	\$2.50	\$70,422.50	\$3.00	\$84,507.00
8	FINE GRADING	20394	SY	\$2.50	\$50,985.00	\$2.50	\$50,985.00
9	EXCAVATE AND HAUL CONTAM. SOIL	100	TON	\$0.01	\$1.00	\$60.00	\$6,000.00
10	F&I EXTRA STONE BASE	250	TON	\$13.00	\$3,250.00	\$20.00	\$5,000.00
11	F&I 6" CONC PEDESTRIAN CURB & GUTTER	180	LF	\$30.00	\$5,400.00	\$30.00	\$5,400.00
12	F&I 30" CONC CURB & GUTTER	155	LF	\$30.00	\$4,650.00	\$38.00	\$5,890.00
13	F&I 7" CONC DRIVEWAY APRON	3320	SF	\$7.10	\$23,572.00	\$6.00	\$19,920.00
14	F&I 5" CONC DRIVEWAY APRON	20230	SF	\$6.30	\$127,449.00	\$5.35	\$108,230.50
15	F&I 7" CONC SIDEWALK	3000	SF	\$7.00	\$21,000.00	\$6.00	\$18,000.00
16	F&I 5" CONC SIDEWALK	52597	SF	\$5.92	\$311,374.24	\$5.25	\$276,134.25
17	F&I 5" COLORED & STAMPED CONC SIDEWALK	7325	SF	\$8.85	\$64,826.25	\$7.85	\$57,501.25
18	F&I 4" CONC SIDEWALK	32490	SF	\$5.90	\$191,691.00	\$4.90	\$159,201.00
19	F&I 7" CONC HANDICAP RAMP	5495	SF	\$7.60	\$41,762.00	\$6.60	\$36,267.00
20	F&I TRUNCATED DOME	896	SF	\$30.00	\$26,880.00	\$30.00	\$26,880.00
21	F&I RUBBERIZED MEMBRANE WATERPROOFING	4325	SF	\$5.78	\$24,998.50	\$8.00	\$34,600.00
22	F&I 7" PRIVATE CONC DRIVEWAY	100	SF	\$6.50	\$650.00	\$6.50	\$650.00
23	F&I 5" PRIVATE CONC DRIVEWAY	1975	SF	\$5.30	\$10,467.50	\$5.30	\$10,467.50
24	F&I 3" PRIVATE ASPHALT DRIVEWAY	3010	SF	\$4.30	\$12,943.00	\$4.75	\$14,297.50
25	CONCRETE PAVEMENT REMOVAL	16697	SY	\$4.20	\$70,127.40	\$8.00	\$133,576.00
26	ASPHALT PAVEMENT REMOVAL	28857	SY	\$1.50	\$43,285.50	\$3.50	\$100,999.50
27	CONCRETE CURB & GUTTER REMOVAL	5351	LF	\$3.00	\$16,053.00	\$5.00	\$26,755.00
28	ASP/CONC DRIVEWAY APRON REMOVAL	17368	SF	\$0.50	\$8,684.00	\$1.00	\$17,368.00
29	ASP/CONC HC RAMP REMOVAL	3891	SF	\$1.25	\$4,863.75	\$1.00	\$3,891.00
30	ASP/CONC SIDEWALK REMOVAL	59718	SF	\$1.00	\$59,718.00	\$1.00	\$59,718.00
31	PRIVATE CONC DRIVE REMOVAL	736	SF	\$1.00	\$736.00	\$1.00	\$736.00
32	PRIVATE ASP DRIVE REMOVAL	2842	SF	\$0.60	\$1,705.20	\$1.00	\$2,842.00
33	FULL DEPTH SAWCUT	4652	LF	\$2.00	\$9,304.00	\$2.25	\$10,467.00
34	DRILL TIE BARS	570	EA	\$8.00	\$4,560.00	\$9.63	\$5,489.10
35	DRILL DOWEL BARS	170	EA	\$14.00	\$2,380.00	\$16.21	\$2,755.70
36	F&I TERRACE RESTORATION	21981	SY	\$7.25	\$159,362.25	\$7.25	\$159,362.25
37	F&I SEED, FERTILIZER & TYPE A EROSION MAT	21981	SY	\$2.25	\$49,457.25	\$2.25	\$49,457.25
38	F&I TYPE D INLET PROTECTION	98	EA	\$100.00	\$9,800.00	\$110.00	\$10,780.00
39	ADJ STO MH CASTING	61	EA	\$25.00	\$1,525.00	\$400.00	\$24,400.00
40	ADJ SAN MH CASTING	49	EA	\$25.00	\$1,225.00	\$400.00	\$19,600.00
41	ADJ INLET CASTING	21	EA	\$25.00	\$525.00	\$400.00	\$8,400.00
42	REMOVE INLET/MH & MAIN/LEAD	28	EA	\$550.00	\$15,400.00	\$550.00	\$15,400.00
43	ABANDON INLET/LEAD	6	EA	\$500.00	\$3,000.00	\$500.00	\$3,000.00
44	F&I 48" STORM MH	10	VF	\$450.00	\$4,500.00	\$450.00	\$4,500.00
45	F&I SANITARY MH CASTING ONLY	5	EA	\$404.00	\$2,020.00	\$975.00	\$4,875.00
46	F&I STORM MH CASTING ONLY	5	EA	\$383.00	\$1,915.00	\$565.00	\$2,825.00
47	F&I "E" INLET CASTING ONLY	21	EA	\$745.00	\$15,645.00	\$825.00	\$17,325.00
48	F&I "C" INLET CASTING ONLY	5	EA	\$100.00	\$500.00	\$850.00	\$4,250.00
49	F&I "C" INLET W/CASTING	14	EA	\$2,800.00	\$39,200.00	\$2,800.00	\$39,200.00
50	F&I "E" INLET W/CASTING	17	EA	\$2,800.00	\$47,600.00	\$2,800.00	\$47,600.00
51	F&I 12" STORM INLET MAIN/LEAD	230	LF	\$133.00	\$30,590.00	\$133.00	\$30,590.00
52	F&I 6" STORM LATERAL	20	LF	\$50.00	\$1,000.00	\$97.00	\$1,940.00
53	STORM LATERAL HOOK-UP	4	EA	\$250.00	\$1,000.00	\$525.00	\$2,100.00
54	F&I 6" MINI SEWER	40	LF	\$30.00	\$1,200.00	\$97.00	\$3,880.00

**Bid Tabulation**

**A-22 Concrete Paving**

02/07/2022 01:45 PM CST

Bid Item	Item Description	Quantity	Unit	Vinton Const. Company		Michels Road & Stone, Inc.	
				Unit Price	Item Total	Unit Price	Item Total
55	F&I 6" STORM RISER	15	LF	\$30.00	\$450.00	\$75.00	\$1,125.00
56	CONNECT SUMP PUMP	1	EA	\$200.00	\$200.00	\$500.00	\$500.00
57	F&I SAN MH SEAL -(0"-12")	20	EA	\$25.00	\$500.00	\$600.00	\$12,000.00
58	F&I SAN MH SEAL -(12"-18")	17	EA	\$50.00	\$850.00	\$675.00	\$11,475.00
59	F&I SAN MH SEAL -(18"+)	15	EA	\$75.00	\$1,125.00	\$790.00	\$11,850.00
60	REMOVE EXISTING PAVEMENT MARKING	705	LF	\$1.55	\$1,092.75	\$1.55	\$1,092.75
61	REMOVE EXISTING PAVEMENT MARKING ARROWS/SYMBOLS	2	EA	\$110.00	\$220.00	\$110.00	\$220.00
62	PAVEMENT MARKING (EPOXY) (4")	8638	LF	\$1.50	\$12,957.00	\$1.50	\$12,957.00
63	PAVEMENT MARKING (EPOXY) (6") (BIKE LANES)	4375	LF	\$1.80	\$7,875.00	\$1.80	\$7,875.00
64	PAVEMENT MARKING (EPOXY) (6") (CROSSWALKS)	720	LF	\$14.00	\$10,080.00	\$14.00	\$10,080.00
65	PAVEMENT MARKING (EPOXY) (8")	1047	LF	\$2.80	\$2,931.60	\$2.80	\$2,931.60
66	PAVEMENT MARKING (EPOXY) (12")	100	LF	\$9.65	\$965.00	\$9.65	\$965.00
67	PAVEMENT MARKING (EPOXY) (16")	180	LF	\$10.00	\$1,800.00	\$10.00	\$1,800.00
68	PAVEMENT MARKING (EPOXY) (18")	410	LF	\$12.00	\$4,920.00	\$12.00	\$4,920.00
69	PAVEMENT MARKING (INLAID EPOXY) (18")	995	LF	\$18.00	\$17,910.00	\$18.00	\$17,910.00
70	PAVEMENT MARKING (EPOXY) (24")	181	LF	\$15.00	\$2,715.00	\$15.00	\$2,715.00
71	PAVEMENT MARKINGS (EPOXY) (YIELD TRIANGLE 24" x 36")	16	EA	\$70.00	\$1,120.00	\$70.00	\$1,120.00
72	PAVEMENT MARKINGS (EPOXY) (ARROWS/SYMBOLS/WORDS)	68	EA	\$170.00	\$11,560.00	\$170.00	\$11,560.00
73	CONDUIT NONMETAL, SCH80 1.5"	2124	LF	\$10.00	\$21,240.00	\$10.00	\$21,240.00
74	CONDUIT NONMETAL, SCH80 2"	7330	LF	\$12.00	\$87,960.00	\$12.00	\$87,960.00
75	CONDUIT NONMETAL, SCH80 3"	37	LF	\$15.00	\$555.00	\$15.00	\$555.00
76	CONDUIT SPECIAL, 2"	1217	LF	\$26.00	\$31,642.00	\$26.00	\$31,642.00
77	PULL BOXES, NON-CONDUCTIVE, 18" X 36"	2	EA	\$1,500.00	\$3,000.00	\$1,500.00	\$3,000.00
78	PULL BOXES, NON-CONDUCTIVE, 24" X 42"	17	EA	\$1,600.00	\$27,200.00	\$1,600.00	\$27,200.00
79	CONCRETE BASE, TYPE 2	15	EA	\$975.00	\$14,625.00	\$975.00	\$14,625.00
80	CONCRETE BASE, TYPE 5	10	EA	\$900.00	\$9,000.00	\$900.00	\$9,000.00
81	CONCRETE BASE, CITY, TYPE PT	23	EA	\$975.00	\$22,425.00	\$975.00	\$22,425.00
82	CONCRETE BASE, CITY, TYPE PT-SPECIAL	2	EA	\$1,650.00	\$3,300.00	\$1,650.00	\$3,300.00
83	CONCRETE BASES, CABINET BASEMENT	2	EA	\$2,500.00	\$5,000.00	\$2,500.00	\$5,000.00
84	REMOVE EXISTING CONCRETE BASE	25	EA	\$200.00	\$5,000.00	\$200.00	\$5,000.00
85	REMOVE EXISTING PULL BOX	3	EA	\$75.00	\$225.00	\$75.00	\$225.00
86	F&I TEMPORARY MAILBOX	49	EA	\$50.00	\$2,450.00	\$107.50	\$5,267.50
87	NOTIFY PROPERTY OWNERS	1	LS	\$2,000.00	\$2,000.00	\$20,000.00	\$20,000.00
88	F&I TRAFFIC CONTROL	1	LS	\$28,000.00	\$28,000.00	\$38,000.00	\$38,000.00
89	CANADIAN NATIONL INSURANCE, PERMITTING, & TRAINING	1	LS	\$23,000.00	\$23,000.00	\$16,800.00	\$16,800.00

**Total Bid:**

**\$4,382,957.94**

**\$4,634,628.88**

**CITY OF APPLETON**  
**Department of Public Works**  
**MEMORANDUM**

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**TO:**  **Finance Committee**  
 **Municipal Services Committee**  
 **Utilities Committee**

**SUBJECT: Award of Contract**

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**The Department of Public Works recommends that the following described work:**  
Unit Z-22 Sewer & Water Reconstruction

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**Be awarded to:**

Name: Calnin & Goss Inc.  
Address: 505 W. Edgewood Drive  
Appleton, WI 54913

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**In the amount of :** \$1,380,181.60  
**With a 7.5 % contingency of :** \$103,513.62  
**For a project total not to exceed :** \$1,483,695.22

**\*\* OR \*\***

**In an amount Not To Exceed :** \_\_\_\_\_

Budget: \$1,535,205.00  
Estimate: \$1,450,000.00  
Committee Date: 02/21/22  
Council Date: 03/02/22

# Bid Tabulation

## Z-22 Sewer and Water Reconstruction

02/07/2022 01:45 PM CST

Bid Item	Item Description	Quantity	Unit	Calnin & Goss, Inc.		PTS Contractors, Inc	
				Unit Price	Item Total	Unit Price	Item Total
1	12" Water Main	3200	lin. ft.	\$144.90	\$463,680.00	\$146.00	\$467,200.00
2	8" Water Main	50	lin. ft.	\$130.00	\$6,500.00	\$211.00	\$10,550.00
3	6" Hydrant Lead	100	lin. ft.	\$86.00	\$8,600.00	\$105.00	\$10,500.00
4	Hydrant	5	each	\$18,300.00	\$91,500.00	\$4,700.00	\$23,500.00
5	12" Gate Valve	20	each	\$4,000.00	\$80,000.00	\$3,835.00	\$76,700.00
6	8" Gate Valve	1	each	\$2,400.00	\$2,400.00	\$2,200.00	\$2,200.00
7	6" Gate Valve	6	each	\$1,800.00	\$10,800.00	\$1,625.00	\$9,750.00
8	4" Gate Valve	1	each	\$1,600.00	\$1,600.00	\$1,380.00	\$1,380.00
9	12" Bend	18	each	\$1,235.00	\$22,230.00	\$1,095.00	\$19,710.00
10	8" Bend	2	each	\$720.00	\$1,440.00	\$550.00	\$1,100.00
11	6" Bend	2	each	\$450.00	\$900.00	\$435.00	\$870.00
12	4" Bend	2	each	\$275.00	\$550.00	\$330.00	\$660.00
13	1" Service	100	lin. ft.	\$0.01	\$1.00	\$85.00	\$8,500.00
14	2" Service	50	lin. ft.	\$0.01	\$0.50	\$95.00	\$4,750.00
15	1 1/2" Service	25	lin. ft.	\$0.01	\$0.25	\$88.00	\$2,200.00
16	4" Service	50	lin. ft.	\$0.01	\$0.50	\$82.00	\$4,100.00
17	6" Service	25	lin. ft.	\$0.01	\$0.25	\$93.00	\$2,325.00
18	Service Connection	20	each	\$0.01	\$0.20	\$450.00	\$9,000.00
19	Curb Box (Complete)	20	each	\$0.01	\$0.20	\$650.00	\$13,000.00
20	10" Sanitary Sewer	250	lin. ft.	\$99.57	\$24,892.50	\$110.00	\$27,500.00
21	Reconnect Sanitary Lateral	25	each	\$0.01	\$0.25	\$660.00	\$16,500.00
22	4"/6" Sanitary Lateral	500	lin. ft.	\$0.01	\$5.00	\$101.00	\$50,500.00
23	4' Dia. Sanitary Manhole	8	vert. ft.	\$1,500.00	\$12,000.00	\$411.00	\$3,288.00
24	San Manhole Casting	1	each	\$2,200.00	\$2,200.00	\$1,330.00	\$1,330.00
25	Disconnect San Lateral at Main	10	each	\$4,000.00	\$40,000.00	\$1,510.00	\$15,100.00
26	36" Storm Sewer	275	lin. ft.	\$136.85	\$37,633.75	\$150.00	\$41,250.00
27	30" Storm Sewer	400	lin. ft.	\$114.70	\$45,880.00	\$144.00	\$57,600.00
28	24" Storm Sewer	275	lin. ft.	\$102.10	\$28,077.50	\$115.00	\$31,625.00
29	21" Storm Sewer	250	lin. ft.	\$96.00	\$24,000.00	\$115.00	\$28,750.00
30	18" Storm Sewer	325	lin. ft.	\$109.79	\$35,681.75	\$95.00	\$30,875.00
31	15" Storm Sewer	260	lin. ft.	\$100.80	\$26,208.00	\$79.00	\$20,540.00
32	12" Storm Sewer	175	lin. ft.	\$101.59	\$17,778.25	\$87.00	\$15,225.00
33	6" Storm Lateral	350	lin. ft.	\$0.01	\$3.50	\$165.00	\$57,750.00
34	12" Inlet Lead	300	lin. ft.	\$101.59	\$30,477.00	\$91.00	\$27,300.00
35	Storm Lateral Hookup	20	each	\$0.01	\$0.20	\$350.00	\$7,000.00
36	8' Dia. Storm Manhole (WQD)	38	vert. ft.	\$1,500.00	\$57,000.00	\$1,240.00	\$47,120.00
37	7' Dia. Storm Manhole	6	vert. ft.	\$2,000.00	\$12,000.00	\$1,000.00	\$6,000.00
38	6' Dia. Storm Manhole	61.75	vert. ft.	\$572.00	\$35,321.00	\$728.00	\$44,954.00
39	4' Dia. Storm Manhole	75.5	vert. ft.	\$440.00	\$33,220.00	\$390.00	\$29,445.00
40	Storm Manhole Casting	19	each	\$2,000.00	\$38,000.00	\$760.00	\$14,440.00
41	"E" Inlet W/ Frame (WQD)	2	each	\$6,500.00	\$13,000.00	\$975.00	\$1,950.00
42	"E" Inlet W/ Frame	2	each	\$3,000.00	\$6,000.00	\$975.00	\$1,950.00
43	Abandon Maintenance Hole	2	each	\$1,000.00	\$2,000.00	\$230.00	\$460.00
44	Pav't Markings Yellow 4"	3000	lin. ft.	\$0.50	\$1,500.00	\$0.50	\$1,500.00
45	Pav't Markings White 4"	1000	lin. ft.	\$0.50	\$500.00	\$0.50	\$500.00
46	Pav't Markings channel 8"	100	lin. ft.	\$1.50	\$150.00	\$1.50	\$150.00
47	Pav't Markings Crosswalk 6"	750	lin. ft.	\$1.00	\$750.00	\$1.00	\$750.00
48	Pav't Markings Stop Line 18"	500	lin. ft.	\$2.65	\$1,325.00	\$2.70	\$1,350.00
49	Pav't Markings Symbols/Arrows	5	each	\$125.00	\$625.00	\$125.00	\$625.00
50	Pav't Markings Removal	1750	lin. ft.	\$2.00	\$3,500.00	\$2.00	\$3,500.00
51	Pav't Marking Removal Symbols/Arrows	2	each	\$75.00	\$150.00	\$76.00	\$152.00
52	Type "D-M" Inlet Protection	33	each	\$150.00	\$4,950.00	\$150.00	\$4,950.00
53	Temp. Asphalt Pavement	1	l.s.	\$90,000.00	\$90,000.00	\$122,426.00	\$122,426.00
54	Temp. Traffic Control	1	l.s.	\$34,000.00	\$34,000.00	\$13,500.00	\$13,500.00
55	Temp. Pavement Patch	250	s.y.	\$105.00	\$26,250.00	\$22.50	\$5,625.00
56	Flowable Fill	50	cu. yd.	\$82.00	\$4,100.00	\$70.00	\$3,500.00
57	Extra Stone Bedding	25	cu. yd.	\$32.00	\$800.00	\$1.00	\$25.00

Total Bid:

\$1,380,181.60

\$1,405,000.00

# Bid Tabulation

## Z-22 Sewer and Water Reconstruction

02/07/2022 01:45 PM CST

Bid Item	Item Description	Quantity	Unit	Dorner Inc.		Kruczek Construction Inc.	
				Unit Price	Item Total	Unit Price	Item Total
1	12" Water Main	3200	lin. ft.	\$160.00	\$512,000.00	\$133.00	\$425,600.00
2	8" Water Main	50	lin. ft.	\$301.00	\$15,050.00	\$295.00	\$14,750.00
3	6" Hydrant Lead	100	lin. ft.	\$96.00	\$9,600.00	\$175.00	\$17,500.00
4	Hydrant	5	each	\$5,165.00	\$25,825.00	\$4,900.00	\$24,500.00
5	12" Gate Valve	20	each	\$4,161.00	\$83,220.00	\$3,875.00	\$77,500.00
6	8" Gate Valve	1	each	\$2,399.00	\$2,399.00	\$2,220.00	\$2,220.00
7	6" Gate Valve	6	each	\$1,745.00	\$10,470.00	\$1,600.00	\$9,600.00
8	4" Gate Valve	1	each	\$1,485.00	\$1,485.00	\$1,350.00	\$1,350.00
9	12" Bend	18	each	\$1,199.00	\$21,582.00	\$1,200.00	\$21,600.00
10	8" Bend	2	each	\$597.00	\$1,194.00	\$465.00	\$930.00
11	6" Bend	2	each	\$449.00	\$898.00	\$350.00	\$700.00
12	4" Bend	2	each	\$337.00	\$674.00	\$245.00	\$490.00
13	1" Service	100	lin. ft.	\$100.00	\$10,000.00	\$125.00	\$12,500.00
14	2" Service	50	lin. ft.	\$110.00	\$5,500.00	\$185.00	\$9,250.00
15	1 1/2" Service	25	lin. ft.	\$100.00	\$2,500.00	\$175.00	\$4,375.00
16	4" Service	50	lin. ft.	\$110.00	\$5,500.00	\$165.00	\$8,250.00
17	6" Service	25	lin. ft.	\$120.00	\$3,000.00	\$177.00	\$4,425.00
18	Service Connection	20	each	\$507.00	\$10,140.00	\$485.00	\$9,700.00
19	Curb Box (Complete)	20	each	\$708.00	\$14,160.00	\$500.00	\$10,000.00
20	10" Sanitary Sewer	250	lin. ft.	\$136.00	\$34,000.00	\$110.00	\$27,500.00
21	Reconnect Sanitary Lateral	25	each	\$1,225.00	\$30,625.00	\$310.00	\$7,750.00
22	4"/6" Sanitary Lateral	500	lin. ft.	\$119.00	\$59,500.00	\$175.00	\$87,500.00
23	4' Dia. Sanitary Manhole	8	vert. ft.	\$503.00	\$4,024.00	\$390.00	\$3,120.00
24	San Manhole Casting	1	each	\$511.00	\$511.00	\$495.00	\$495.00
25	Disconnect San Lateral at Main	10	each	\$1,101.00	\$11,010.00	\$1,475.00	\$14,750.00
26	36" Storm Sewer	275	lin. ft.	\$160.00	\$44,000.00	\$200.00	\$55,000.00
27	30" Storm Sewer	400	lin. ft.	\$180.00	\$72,000.00	\$192.00	\$76,800.00
28	24" Storm Sewer	275	lin. ft.	\$130.00	\$35,750.00	\$146.00	\$40,150.00
29	21" Storm Sewer	250	lin. ft.	\$135.00	\$33,750.00	\$111.00	\$27,750.00
30	18" Storm Sewer	325	lin. ft.	\$120.00	\$39,000.00	\$100.00	\$32,500.00
31	15" Storm Sewer	260	lin. ft.	\$120.00	\$31,200.00	\$98.50	\$25,610.00
32	12" Storm Sewer	175	lin. ft.	\$120.00	\$21,000.00	\$103.00	\$18,025.00
33	6" Storm Lateral	350	lin. ft.	\$90.00	\$31,500.00	\$100.00	\$35,000.00
34	12" Inlet Lead	300	lin. ft.	\$120.00	\$36,000.00	\$105.00	\$31,500.00
35	Storm Lateral Hookup	20	each	\$711.00	\$14,220.00	\$250.00	\$5,000.00
36	8' Dia. Storm Manhole (WQD)	38	vert. ft.	\$980.00	\$37,240.00	\$840.00	\$31,920.00
37	7' Dia. Storm Manhole	6	vert. ft.	\$1,090.00	\$6,540.00	\$1,540.00	\$9,240.00
38	6' Dia. Storm Manhole	61.75	vert. ft.	\$636.00	\$39,273.00	\$585.00	\$36,123.75
39	4' Dia. Storm Manhole	75.5	vert. ft.	\$453.00	\$34,201.50	\$415.00	\$31,332.50
40	Storm Manhole Casting	19	each	\$489.00	\$9,291.00	\$450.00	\$8,550.00
41	"E" Inlet W/ Frame (WQD)	2	each	\$9,167.00	\$18,334.00	\$15,000.00	\$30,000.00
42	"E" Inlet W/ Frame	2	each	\$2,276.00	\$4,552.00	\$2,300.00	\$4,600.00
43	Abandon Maintenance Hole	2	each	\$384.00	\$768.00	\$600.00	\$1,200.00
44	Pav't Markings Yellow 4"	3000	lin. ft.	\$2.00	\$6,000.00	\$0.50	\$1,500.00
45	Pav't Markings White 4"	1000	lin. ft.	\$2.00	\$2,000.00	\$0.50	\$500.00
46	Pav't Markings channel 8"	100	lin. ft.	\$4.10	\$410.00	\$1.50	\$150.00
47	Pav't Markings Crosswalk 6"	750	lin. ft.	\$3.10	\$2,325.00	\$1.00	\$750.00
48	Pav't Markings Stop Line 18"	500	lin. ft.	\$9.10	\$4,550.00	\$2.75	\$1,375.00
49	Pav't Markings Symbols/Arrows	5	each	\$158.40	\$792.00	\$130.00	\$650.00
50	Pav't Markings Removal	1750	lin. ft.	\$3.10	\$5,425.00	\$2.00	\$3,500.00
51	Pav't Marking Removal Symbols/Arrows	2	each	\$2.10	\$4.20	\$75.00	\$150.00
52	Type "D-M" Inlet Protection	33	each	\$120.00	\$3,960.00	\$100.00	\$3,300.00
53	Temp. Asphalt Pavement	1	l.s.	\$95,271.00	\$95,271.00	\$202,524.30	\$202,524.30
54	Temp. Traffic Control	1	l.s.	\$17,773.00	\$17,773.00	\$14,000.00	\$14,000.00
55	Temp. Pavement Patch	250	s.y.	\$80.00	\$20,000.00	\$100.00	\$25,000.00
56	Flowable Fill	50	cu. yd.	\$105.00	\$5,250.00	\$100.00	\$5,000.00
57	Extra Stone Bedding	25	cu. yd.	\$27.00	\$675.00	\$20.00	\$500.00

Total Bid:

**\$1,547,921.70**

**\$1,555,555.55**

# Bid Tabulation

## Z-22 Sewer and Water Reconstruction

02/07/2022 01:45 PM CST

Bid Item	Item Description	Quantity	Unit	Advance Construction Inc.		Superior Sewer & Water inc.	
				Unit Price	Item Total	Unit Price	Item Total
1	12" Water Main	3200	lin. ft.	\$156.00	\$499,200.00	\$167.00	\$534,400.00
2	8" Water Main	50	lin. ft.	\$201.00	\$10,050.00	\$180.00	\$9,000.00
3	6" Hydrant Lead	100	lin. ft.	\$97.00	\$9,700.00	\$101.00	\$10,100.00
4	Hydrant	5	each	\$5,029.00	\$25,145.00	\$4,940.00	\$24,700.00
5	12" Gate Valve	20	each	\$3,762.00	\$75,240.00	\$4,480.00	\$89,600.00
6	8" Gate Valve	1	each	\$2,153.00	\$2,153.00	\$2,800.00	\$2,800.00
7	6" Gate Valve	6	each	\$1,572.00	\$9,432.00	\$2,025.00	\$12,150.00
8	4" Gate Valve	1	each	\$1,321.00	\$1,321.00	\$1,790.00	\$1,790.00
9	12" Bend	18	each	\$913.00	\$16,434.00	\$1,555.00	\$27,990.00
10	8" Bend	2	each	\$500.00	\$1,000.00	\$946.00	\$1,892.00
11	6" Bend	2	each	\$386.00	\$772.00	\$830.00	\$1,660.00
12	4" Bend	2	each	\$283.00	\$566.00	\$769.00	\$1,538.00
13	1" Service	100	lin. ft.	\$191.00	\$19,100.00	\$132.00	\$13,200.00
14	2" Service	50	lin. ft.	\$282.00	\$14,100.00	\$147.00	\$7,350.00
15	1 1/2" Service	25	lin. ft.	\$189.00	\$4,725.00	\$126.00	\$3,150.00
16	4" Service	50	lin. ft.	\$99.00	\$4,950.00	\$106.00	\$5,300.00
17	6" Service	25	lin. ft.	\$99.00	\$2,475.00	\$114.00	\$2,850.00
18	Service Connection	20	each	\$1,300.00	\$26,000.00	\$300.00	\$6,000.00
19	Curb Box (Complete)	20	each	\$1,071.00	\$21,420.00	\$200.00	\$4,000.00
20	10" Sanitary Sewer	250	lin. ft.	\$186.00	\$46,500.00	\$170.00	\$42,500.00
21	Reconnect Sanitary Lateral	25	each	\$1,700.00	\$42,500.00	\$300.00	\$7,500.00
22	4"/6" Sanitary Lateral	500	lin. ft.	\$125.00	\$62,500.00	\$137.00	\$68,500.00
23	4' Dia. Sanitary Manhole	8	vert. ft.	\$364.00	\$2,912.00	\$469.00	\$3,752.00
24	San Manhole Casting	1	each	\$1,074.00	\$1,074.00	\$850.00	\$850.00
25	Disconnect San Lateral at Main	10	each	\$2,000.00	\$20,000.00	\$1,675.00	\$16,750.00
26	36" Storm Sewer	275	lin. ft.	\$176.00	\$48,400.00	\$192.00	\$52,800.00
27	30" Storm Sewer	400	lin. ft.	\$175.00	\$70,000.00	\$178.00	\$71,200.00
28	24" Storm Sewer	275	lin. ft.	\$134.00	\$36,850.00	\$139.00	\$38,225.00
29	21" Storm Sewer	250	lin. ft.	\$129.00	\$32,250.00	\$115.00	\$28,750.00
30	18" Storm Sewer	325	lin. ft.	\$113.00	\$36,725.00	\$102.00	\$33,150.00
31	15" Storm Sewer	260	lin. ft.	\$96.00	\$24,960.00	\$110.00	\$28,600.00
32	12" Storm Sewer	175	lin. ft.	\$93.00	\$16,275.00	\$109.00	\$19,075.00
33	6" Storm Lateral	350	lin. ft.	\$209.00	\$73,150.00	\$78.00	\$27,300.00
34	12" Inlet Lead	300	lin. ft.	\$108.00	\$32,400.00	\$101.00	\$30,300.00
35	Storm Lateral Hookup	20	each	\$174.00	\$3,480.00	\$200.00	\$4,000.00
36	8' Dia. Storm Manhole (WQD)	38	vert. ft.	\$1,210.00	\$45,980.00	\$1,100.00	\$41,800.00
37	7' Dia. Storm Manhole	6	vert. ft.	\$1,284.00	\$7,704.00	\$1,082.00	\$6,492.00
38	6' Dia. Storm Manhole	61.75	vert. ft.	\$675.00	\$41,681.25	\$667.00	\$41,187.25
39	4' Dia. Storm Manhole	75.5	vert. ft.	\$423.00	\$31,936.50	\$420.00	\$31,710.00
40	Storm Manhole Casting	19	each	\$483.00	\$9,177.00	\$510.00	\$9,690.00
41	"E" Inlet W/ Frame (WQD)	2	each	\$695.00	\$1,390.00	\$1,400.00	\$2,800.00
42	"E" Inlet W/ Frame	2	each	\$695.00	\$1,390.00	\$1,400.00	\$2,800.00
43	Abandon Maintenance Hole	2	each	\$500.00	\$1,000.00	\$500.00	\$1,000.00
44	Pav't Markings Yellow 4"	3000	lin. ft.	\$0.50	\$1,500.00	\$0.56	\$1,680.00
45	Pav't Markings White 4"	1000	lin. ft.	\$0.50	\$500.00	\$6.39	\$6,390.00
46	Pav't Markings channel 8"	100	lin. ft.	\$1.50	\$150.00	\$1.12	\$112.00
47	Pav't Markings Crosswalk 6"	750	lin. ft.	\$1.00	\$750.00	\$7.41	\$5,557.50
48	Pav't Markings Stop Line 18"	500	lin. ft.	\$2.65	\$1,325.00	\$13.03	\$6,515.00
49	Pav't Markings Symbols/Arrows	5	each	\$125.00	\$625.00	\$280.00	\$1,400.00
50	Pav't Markings Removal	1750	lin. ft.	\$2.00	\$3,500.00	\$1.99	\$3,482.50
51	Pav't Marking Removal Symbols/Arrows	2	each	\$75.00	\$150.00	\$112.00	\$224.00
52	Type "D-M" Inlet Protection	33	each	\$100.00	\$3,300.00	\$250.00	\$8,250.00
53	Temp. Asphalt Pavement	1	l.s.	\$105,000.00	\$105,000.00	\$183,899.00	\$183,899.00
54	Temp. Traffic Control	1	l.s.	\$58,250.00	\$58,250.00	\$41,000.00	\$41,000.00
55	Temp. Pavement Patch	250	s.y.	\$77.00	\$19,250.00	\$28.35	\$7,087.50
56	Flowable Fill	50	cu. yd.	\$100.00	\$5,000.00	\$66.00	\$3,300.00
57	Extra Stone Bedding	25	cu. yd.	\$30.00	\$750.00	\$0.01	\$0.25

Total Bid:

\$1,634,067.75

\$1,639,099.00

# Bid Tabulation

## Z-22 Sewer and Water Reconstruction

02/07/2022 01:45 PM CST

Bid Item	Item Description	Quantity	Unit	Jossart Brothers, Inc.		De Groot, Inc.	
				Unit Price	Item Total	Unit Price	Item Total
1	12" Water Main	3200	lin. ft.	\$172.00	\$550,400.00	\$158.74	\$507,968.00
2	8" Water Main	50	lin. ft.	\$150.00	\$7,500.00	\$166.61	\$8,330.50
3	6" Hydrant Lead	100	lin. ft.	\$140.00	\$14,000.00	\$97.66	\$9,766.00
4	Hydrant	5	each	\$4,850.00	\$24,250.00	\$5,281.49	\$26,407.45
5	12" Gate Valve	20	each	\$4,250.00	\$85,000.00	\$4,228.87	\$84,577.40
6	8" Gate Valve	1	each	\$2,425.00	\$2,425.00	\$2,578.53	\$2,578.53
7	6" Gate Valve	6	each	\$1,750.00	\$10,500.00	\$1,941.22	\$11,647.32
8	4" Gate Valve	1	each	\$1,475.00	\$1,475.00	\$1,798.81	\$1,798.81
9	12" Bend	18	each	\$1,120.00	\$20,160.00	\$1,376.74	\$24,781.32
10	8" Bend	2	each	\$530.00	\$1,060.00	\$919.10	\$1,838.20
11	6" Bend	2	each	\$400.00	\$800.00	\$803.96	\$1,607.92
12	4" Bend	2	each	\$280.00	\$560.00	\$598.93	\$1,197.86
13	1" Service	100	lin. ft.	\$130.00	\$13,000.00	\$147.19	\$14,719.00
14	2" Service	50	lin. ft.	\$145.00	\$7,250.00	\$160.57	\$8,028.50
15	1 1/2" Service	25	lin. ft.	\$140.00	\$3,500.00	\$152.26	\$3,806.50
16	4" Service	50	lin. ft.	\$130.00	\$6,500.00	\$151.02	\$7,551.00
17	6" Service	25	lin. ft.	\$140.00	\$3,500.00	\$158.33	\$3,958.25
18	Service Connection	20	each	\$950.00	\$19,000.00	\$1,515.00	\$30,300.00
19	Curb Box (Complete)	20	each	\$800.00	\$16,000.00	\$930.72	\$18,614.40
20	10" Sanitary Sewer	250	lin. ft.	\$160.00	\$40,000.00	\$140.68	\$35,170.00
21	Reconnect Sanitary Lateral	25	each	\$250.00	\$6,250.00	\$1,893.75	\$47,343.75
22	4"/6" Sanitary Lateral	500	lin. ft.	\$155.00	\$77,500.00	\$152.48	\$76,240.00
23	4' Dia. Sanitary Manhole	8	vert. ft.	\$425.00	\$3,400.00	\$649.79	\$5,198.32
24	San Manhole Casting	1	each	\$900.00	\$900.00	\$505.00	\$505.00
25	Disconnect San Lateral at Main	10	each	\$1,650.00	\$16,500.00	\$1,666.50	\$16,665.00
26	36" Storm Sewer	275	lin. ft.	\$215.00	\$59,125.00	\$175.32	\$48,213.00
27	30" Storm Sewer	400	lin. ft.	\$195.00	\$78,000.00	\$171.05	\$68,420.00
28	24" Storm Sewer	275	lin. ft.	\$140.00	\$38,500.00	\$141.61	\$38,942.75
29	21" Storm Sewer	250	lin. ft.	\$135.00	\$33,750.00	\$125.56	\$31,390.00
30	18" Storm Sewer	325	lin. ft.	\$115.00	\$37,375.00	\$109.15	\$35,473.75
31	15" Storm Sewer	260	lin. ft.	\$111.00	\$28,860.00	\$102.33	\$26,605.80
32	12" Storm Sewer	175	lin. ft.	\$110.00	\$19,250.00	\$115.98	\$20,296.50
33	6" Storm Lateral	350	lin. ft.	\$140.00	\$49,000.00	\$77.33	\$27,065.50
34	12" Inlet Lead	300	lin. ft.	\$110.00	\$33,000.00	\$126.48	\$37,944.00
35	Storm Lateral Hookup	20	each	\$500.00	\$10,000.00	\$1,589.84	\$31,796.80
36	8' Dia. Storm Manhole (WQD)	38	vert. ft.	\$1,200.00	\$45,600.00	\$1,116.90	\$42,442.20
37	7' Dia. Storm Manhole	6	vert. ft.	\$1,320.00	\$7,920.00	\$1,233.39	\$7,400.34
38	6' Dia. Storm Manhole	61.75	vert. ft.	\$640.00	\$39,520.00	\$695.60	\$42,953.30
39	4' Dia. Storm Manhole	75.5	vert. ft.	\$460.00	\$34,730.00	\$609.41	\$46,010.46
40	Storm Manhole Casting	19	each	\$450.00	\$8,550.00	\$437.33	\$8,309.27
41	"E" Inlet W/ Frame (WQD)	2	each	\$700.00	\$1,400.00	\$2,597.06	\$5,194.12
42	"E" Inlet W/ Frame	2	each	\$700.00	\$1,400.00	\$2,222.00	\$4,444.00
43	Abandon Maintenance Hole	2	each	\$600.00	\$1,200.00	\$1,010.00	\$2,020.00
44	Pav't Markings Yellow 4"	3000	lin. ft.	\$0.52	\$1,560.00	\$2.02	\$6,060.00
45	Pav't Markings White 4"	1000	lin. ft.	\$0.52	\$520.00	\$2.02	\$2,020.00
46	Pav't Markings channel 8"	100	lin. ft.	\$1.57	\$157.00	\$4.04	\$404.00
47	Pav't Markings Crosswalk 6"	750	lin. ft.	\$1.05	\$787.50	\$3.03	\$2,272.50
48	Pav't Markings Stop Line 18"	500	lin. ft.	\$2.78	\$1,390.00	\$8.84	\$4,420.00
49	Pav't Markings Symbols/Arrows	5	each	\$131.25	\$656.25	\$176.75	\$883.75
50	Pav't Markings Removal	1750	lin. ft.	\$2.10	\$3,675.00	\$3.13	\$5,477.50
51	Pav't Marking Removal Symbols/Arrows	2	each	\$79.00	\$158.00	\$202.00	\$404.00
52	Type "D-M" Inlet Protection	33	each	\$125.00	\$4,125.00	\$151.50	\$4,999.50
53	Temp. Asphalt Pavement	1	l.s.	\$150,000.00	\$150,000.00	\$166,650.00	\$166,650.00
54	Temp. Traffic Control	1	l.s.	\$34,000.00	\$34,000.00	\$14,140.00	\$14,140.00
55	Temp. Pavement Patch	250	s.y.	\$35.00	\$8,750.00	\$121.20	\$30,300.00
56	Flowable Fill	50	cu. yd.	\$125.00	\$6,250.00	\$116.15	\$5,807.50
57	Extra Stone Bedding	25	cu. yd.	\$20.00	\$500.00	\$25.25	\$631.25

Total Bid:

\$1,671,138.75

\$1,719,990.82

REPORT OF THE FINANCE COMMITTEE

PROJECT LIMITS:

1-P-22

CONCRETE PAVEMENT, SIDEWALK CONSTRUCTION AND DRIVEWAY APRONS

- Amethyst Dr (Providence Ave to Bluetopaz Dr)
- Bluetopaz Dr (Providence Ave to Calmes Dr)
- Tiburon Lane (Applehill Blvd to Purdy Pkwy)

In accordance with the preliminary resolution of the Common Council dated March 2, 2022, we herewith submit our report on the assessment of benefits on the above named construction.

This report consists of the following:

Schedule A - Preliminary plans and specifications on file in the office of the Director of Public Works.

Schedule B - The total cost within the project limits in accordance with the plans and specifications in Schedule A is **\$4,033,660.**

Schedule C - Proposed Assessments. The properties included within the project limits are benefited and the work or improvements constitute an exercise of the police power. The total value of assessments is **\$611,000.**


Finance Committee

MEMO: Requests for Refund of Property Taxes  
DATE: February 21, 2022  
TO: Finance Committee  
FROM: DeAnn Brosman, City Assessor

**Manos Holdings (Dental Associates) – 2021 Real Estate parcel 31-1-6510-39**

Manos Holdings North Appleton LLC, the owner of the dental clinic at 2115 E. Evergreen, has filed a Claim for Excessive Assessment. The owner is requesting an assessment reduction from \$1,754,300 to \$618,217 which would result in a 2021 property tax refund of \$23,787. The 2021 Board of Review sustained the assessment on June 3rd after reviewing the owner's testimony and evidence. WI Statute 74.37 allows an owner to appeal a Board of Review decision by filing an Excessive Assessment claim by January 31<sup>st</sup> and provides 90 days for the city to respond. As of this date, no further evidence has been provided, so we are requesting that you deny the claim.

**Vantage Financial Leasing – 2020 Business Personal Property account 31-2-99-4280-50**

We were notified on August 5<sup>th</sup>, 2021 that Vantage Financial LLC had reported tax exempt equipment as taxable on their 2020 and 2021 Personal Property statements. Evidence including a lease agreement and description of the equipment was provided. Vantage is requesting a full refund of the 2020 taxes paid. However, state statutes do not allow for a correction for 2020. Any correction made after the June 3<sup>rd</sup> 2021 Board of Review and prior to the 2022 Board of Review, is exclusively for the previous year (2021). We recommend denial of this request.

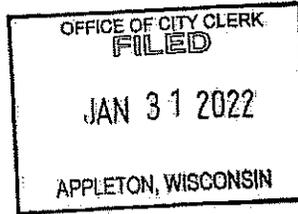
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**Smart Choice MRI – 2021 Business Personal Property account 31-9-99-0132-30**

We were notified on February 10<sup>th</sup>, 2022 that CDI Appleton LLC purchased the business assets of Smart Choice MRI during 2020. Both CDI Appleton and Smart Choice were assessed for the exact same equipment assets for the 2021 tax year. Evidence was received to support this claim. This is a double assessment correctable as a palpable error under WI Statute 74.33. We are requesting that the 2021 tax bill for Smart Choice MRI be rescinded in its entirety of \$545.96.

Reinhart  
Attorneys at Law



Reinhart Boerner Van Deuren s.c.  
P.O. Box 2018  
Madison, WI 53701-2018

22 East Mifflin Street  
Suite 700  
Madison, WI 53703

Telephone: 608.229.2200  
Fax: 608.229.2100  
reinhartlaw.com

Process Server *[Signature]*  
Time 3:24 P.M. Date 1/31/2022  
Address Served 100 North Appleton St  
Appleton, WI 54911  
Person Served City Clerk,  
City of Appleton

January 26, 2022

Don M. Millis  
Direct Dial: 608-229-2234  
dmillis@reinhartlaw.com

### CLAIM FOR EXCESSIVE ASSESSMENT

#### SERVED BY PROCESS SERVER

Kami Lynch, City Clerk  
City of Appleton  
100 North Appleton Street  
Appleton, WI 54911-4799

Dear Ms. Lynch:

Re: Tax Parcel No. 311651039

Now comes Claimant, Manos Holdings North Appleton, LLC, owner of parcel 311651039 (the "Property") in Appleton, Wisconsin, by Claimant's attorneys Reinhart Boerner Van Deuren s.c., and files this Claim for Excessive Assessment against the City of Appleton (the "City"), pursuant to Wis. Stat. § 74.37. You hereby are directed to serve any notice of disallowance on the undersigned agent of the Claimant.

1. This Claim is brought under Wis. Stat. § 74.37(3)(d), for a refund of excessive real estate taxes imposed on Claimant by the City for the year 2021, plus statutory interest, with respect to the Property.

2. Claimant is the owner of the Property, is responsible for the payment of property taxes and the prosecution of property tax disputes involving the Property and is authorized to bring this claim in its own name.

3. The City is a body corporate and politic, duly organized as a municipal corporation under Wisconsin law, with its principal office located at 100 North Appleton Street in the City.

4. The Property is located at 2115 E. Evergreen Drive within the City and is identified in the City's records as Tax Parcel No. 311651039.

5. The Wisconsin Department of Revenue determined that the aggregate ratio of property assessed in the City was 88.31670140% as of January 1, 2021.

6. For 2021, property tax was imposed on property in the City at the rate of \$20.9375 per \$1,000 for of the assessed value for Property.
7. For 2021, the City's assessor set the assessment of the Property at \$1,754,300.
8. Claimant appealed the 2021 assessment of the Property by filing a timely objection with the City's Board of Review pursuant to Wis. Stat. § 70.47 and otherwise complying with all of the requirements of Wis. Stat. § 70.47, except Wis. Stat. § 70.47(13).
9. The City's Board of Review heard Claimant's objection and sustained the assessment at \$1,754,300.
10. The City imposed tax on the Property in the amount of \$36,730.65.
11. Claimant timely paid the property taxes imposed by the City on the Property for 2021, or the required installment thereof.
12. The fair market value of the Property as of January 1, 2021 was no higher than \$700,000.
13. Based on the aggregate ratio 88.31670140%, the correct assessment of the Property for 2021 is no higher than \$618,217.
14. Based on the tax rate of \$20.9375 per \$1,000 of assessed value, the correct amount of property tax on the Property for 2021 should be no higher than \$12,944.
15. The 2021 assessment of the Property, as set by the City's Board of Review and compared with other properties in the City was excessive and, upon information and belief, violated Article VIII, Section 1 (i.e., the Uniformity Clause) of the Wisconsin Constitution. As a result, the property tax imposed on the Property for 2021 was excessive in at least the amount of \$23,787.
16. Upon information and belief the City will take the position that the assessment of property in the City is at market value and, if true, then an over assessment of the Property constitutes a Uniformity Clause violation. As a result of the assessment of the Property, the Property bears an unreasonably disproportionate share of taxes on an ad valorem basis.
17. Claimant is entitled to a refund of 2021 tax in the amount of \$23,787, or such greater amount as may be determined to be due to Claimant, plus statutory interest.
18. The amount of this claim is \$23,787, plus interest thereon.

Kami Lynch, City Clerk  
January 26, 2022  
Page 3

Dated at Madison, Wisconsin, this 26<sup>th</sup> day of January, 2022.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'DM', is written over the typed name 'Don M. Millis'.

Don M. Millis  
Agent for Claimant

46654519

Parcel #: **PAY 1<sup>ST</sup> INSTALLMENT - \$ 9,169.23**  
 311651039  
 MANOS HO

**Bill #: PAY FULL PAYMENT - \$ 36,673.23**  
 620826 BY Jan 31, 2022

SEND THIS STUB AND MAKE CHECK PAYABLE TO:  
 CITY OF APPLETON  
 FINANCE DEPARTMENT  
 PO BOX 2519  
 APPLETON, WI 54912



If receipt is needed send a self addressed stamped envelope

Parcel #: **PAY 2<sup>ND</sup> INSTALLMENT - \$ 9,168.00**  
 311651039  
 MANOS HO

**Bill #: DUE BY March 31, 2022**  
 620826 REMEMBER TO PAY TIMELY  
 TO AVOID INTEREST PENALTY

SEND THIS STUB AND MAKE CHECK PAYABLE TO:  
 CITY OF APPLETON  
 FINANCE DEPARTMENT  
 PO BOX 2519  
 APPLETON, WI 54912



If receipt is needed send a self addressed stamped envelope

Parcel #: **PAY 3RD INSTALLMENT - \$ 9,168.00**  
 311651039  
 MANOS HO

**Bill #: DUE BY May 31, 2022**  
 620826 REMEMBER TO PAY TIMELY  
 TO AVOID INTEREST PENALTY

SEND THIS STUB AND MAKE CHECK PAYABLE TO:  
 CITY OF APPLETON  
 FINANCE DEPARTMENT  
 PO BOX 2519  
 APPLETON, WI 54912



If receipt is needed send a self addressed stamped envelope.

Parcel #: **PAY 4TH INSTALLMENT - \$ 9,168.00**  
 311651039  
 MANOS HO

**Bill #: DUE BY July 31, 2022**  
 620826 REMEMBER TO PAY TIMELY  
 TO AVOID INTEREST PENALTY

SEND THIS STUB AND MAKE CHECK PAYABLE TO:  
 CITY OF APPLETON  
 FINANCE DEPARTMENT  
 PO BOX 2519  
 APPLETON, WI 54912



If receipt is needed send a self addressed stamped envelope.

FOR INFORMATION PURPOSES ONLY - Voter Approved Temporary Tax Increases							
Taxing Jurisdiction	Total Additional Taxes	Total Additional Taxes Applied to Property	Year Increase Ends	Taxing Jurisdiction	Total Additional Taxes	Total Additional Taxes Applied to Property	Year Increase Ends

MANOS HOLDINGS NORTH APPLE

STATE OF WISCONSIN - OUTAGAMIE COUNTY  
 REAL ESTATE TAX BILL FOR 2021

Bill No. 620826  
 Parcel No. 311651039

Property Address: 2115 E EVERGREEN DR

Assessed Value Land	Assd. Value Improve	Tot. Assessed Value	Ave. Assmt. Ratio	Est. Fair Mkt. Land	Est. Fair Mkt. Improve	Total Est. Fair Mkt.	
345,300	1,409,000	1,754,300	0.8831670140	391,000	1,595,400	1,986,400	<input type="checkbox"/> A star in this box means unpaid prior years taxes
TAXING JURISDICTION		2020 Est. State Aids Allocated Tax Dist.	2021 Est. State Aids Allocated Tax Dist.	2020 Net Tax	2021 Net Tax	% Tax Change	NET PROPERTY TAX \$
COUNTY		1,822,041	1,883,976	6,506.41	6,655.22	2.3%	36,673.23
LOCAL		12,107,754	12,138,516	15,390.42	15,608.99	1.4%	
APPLETON SCH		64,101,637	66,083,591	12,248.14	12,673.20	3.5%	
FOX VALLEY TECH		5,046,473	5,283,564	1,851.61	1,793.24	-3.2%	
TOTAL		83,077,905	85,389,647	35,996.58	36,730.65	2.0%	
FIRST DOLLAR CREDIT				-56.50	-57.42	1.8%	
LOTTERY AND GAMING CREDIT				0.00	0.00	0.0%	
NET PROPERTY TAX				35,940.08	36,673.23	2.0%	
School taxes reduced by school levy tax credit \$ 2,532.04		Important: This description is for property tax bill only and may not be a full legal description		Net Assessed Value Rate (Does NOT reflect Credits) 0.02093750		Warning: If not paid by due dates, installments option is lost and total tax is delinquent subject to interest (see reverse).	
				Total Due FOR FULL PAYMENT BY		Jan 31, 2022 \$ 36,673.23	

CSM 5372 LOT 1 VOL 31 DOC 1713798 BEING PRT OF LOT 1 OF CSM 5087 AND PRT OF NW1/4 OF NW1/4 SEC18 T21N R18E EXCEPT DOC 1872656 FOR RW

PRESORTED  
 FIRST CLASS MAIL  
 U.S. POSTAGE PAID  
 UMS

FROM CITY OF APPLETON  
 FINANCE DEPARTMENT  
 PO BOX 2519  
 APPLETON, WI 54912

ADDRESS SERVICE REQUESTED  
 IMPORTANT REMINDER  
 FIRST INSTALLMENT OR PAYMENT IN FULL

MUST BE MADE BY - Jan 31, 2022

Tax Statement

311651039  
 MANOS HOLDINGS NORTH APPLE  
 C/O DENTAL ASSOCIATES  
 3333 N MAYFAIR RD #311  
 MILWAUKEE WI 53222-3219

MEMO: Requests for Refund of Property Taxes  
DATE: February 21, 2022  
TO: Finance Committee  
FROM: DeAnn Brosman, City Assessor

**Manos Holdings (Dental Associates) – 2021 Real Estate parcel 31-1-6510-39**

Manos Holdings North Appleton LLC, the owner of the dental clinic at 2115 E. Evergreen, has filed a Claim for Excessive Assessment. The owner is requesting an assessment reduction from \$1,754,300 to \$618,217 which would result in a 2021 property tax refund of \$23,787. The 2021 Board of Review sustained the assessment on June 3rd after reviewing the owner's testimony and evidence. WI Statute 74.37 allows an owner to appeal a Board of Review decision by filing an Excessive Assessment claim by January 31<sup>st</sup> and provides 90 days for the city to respond. As of this date, no further evidence has been provided, so we are requesting that you deny the claim.

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**Smart Choice MRI – 2021 Business Personal Property account 31-9-99-0132-30**

We were notified on February 10<sup>th</sup>, 2022 that CDI Appleton LLC purchased the business assets of Smart Choice MRI during 2020. Both CDI Appleton and Smart Choice were assessed for the exact same equipment assets for the 2021 tax year. Evidence was received to support this claim. This is a double assessment correctable as a palpable error under WI Statute 74.33. We are requesting that the 2021 tax bill for Smart Choice MRI be rescinded in its entirety of \$545.96.



847.291.1333  
847.291.1190 Fax  
www.ecsfinancial.com

## MEMO

DATE: February 17, 2022  
TO: Appleton City Assessor  
FROM: ECS Financial Services, Inc.  
RE: Abatement and Refund Request  
Vantage Financial, LLC Account # 31299428050

Dear Assessor,

Attached please find our client, Vantage Financial, LLC's 2020 and 2021 request for rescindment of the property taxes. These accounts should be exempt as the is equipment is deemed exempt computer equipment under WI Statute 70.11(39) and therefore, we are requesting the abatement and refund of taxes paid.

Attached please find a Certificate of Authority for our client to show we are authorized to represent

If you have any questions regarding this request, please contact Daniel Leis at 847-897-1700.

Respectfully,  
ECS Financial Services, Inc.

ENC:

Parcel #: **PAY 1<sup>ST</sup> INSTALLMENT - \$ 52,594.44**  
 31299428050  
 VANTAGE OR  
**PAY FULL PAYMENT - \$ 52,594.44**  
 Bill #: 482891  
 BY Jan 31, 2021

SEND THIS STUB AND MAKE CHECK PAYABLE TO:  
 CITY OF APPLETON  
 FINANCE DEPARTMENT  
 PO BOX 2519  
 APPLETON, WI 54912



If receipt is needed send a self addressed stamped envelope

Parcel #: **PAY 2<sup>ND</sup> INSTALLMENT - \$ 0.00**  
 31299428050  
 VANTAGE  
 DUE BY March 31, 2021  
 Bill #: 482891  
 REMEMBER TO PAY TIMELY  
 TO AVOID INTEREST PENALTY

SEND THIS STUB AND MAKE CHECK PAYABLE TO:  
 CITY OF APPLETON  
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 APPLETON, WI 54912



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FOR INFORMATION PURPOSES ONLY - Voter Approved Temporary Tax Increases

Taxing Jurisdiction	Total Additional Taxes	Total Additional Taxes Applied to Property	Year Increase Ends	Taxing Jurisdiction	Total Additional Taxes	Total Additional Taxes Applied to Property	Year Increase Ends
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VANTAGE FINANCIAL LLC

STATE OF WISCONSIN - OUTAGAMIE COUNTY  
 PERSONAL PROPERTY TAX BILL FOR 2020

Bill No. 482891

Parcel No. 31299428050

Property Address: 122 E COLLEGE AVE

Assessed Value Land	Assd. Value Improve	Tot. Assessed Value	Ave. Assmt. Ratio	Est. Fair Mkt. Land	Est. Fair Mkt. Improve	Total Est. Fair Mkt.	A star in this box means unpaid prior years taxes												
0	2,563,200	2,563,200	0.9405489540	0	2,725,200	2,725,200													
TAXING JURISDICTION		2019 Est. State Aids Allocated Tax Dist.	2020 Est. State Aids Allocated Tax Dist.	2019 Net Tax	2020 Net Tax	% Tax Change	NET PROPERTY TAX	\$											
STATE		0	0		0.00		52,594.44												
COUNTY		1,860,714	1,822,041		9,506.48														
LOCAL		11,937,446	12,107,754		22,486.88														
APPLETON SCH		65,339,599	64,101,637		17,895.70														
FOX VALLEY TECH		5,146,020	5,046,473		2,705.38														
TOTAL		84,283,779	83,077,905	0.00	52,594.44	0.0%													
FIRST DOLLAR CREDIT				0.00	0.00	0.0%													
LOTTERY AND GAMING CREDIT				0.00	0.00	0.0%													
NET PROPERTY TAX				0.00	52,594.44	0.0%													
<table border="1"> <tr> <td>School taxes reduced by school levy tax credit</td> <td>\$ 3,768.73</td> <td>Important: This description is for property tax bill only and may not be a full legal description</td> <td>Net Assessed Value Rate (Does NOT reflect Credits)</td> <td>0.02051906</td> <td colspan="2">Warning: If not paid by due dates, installments option is lost and total tax is delinquent subject to interest (see reverse).</td> </tr> </table>							School taxes reduced by school levy tax credit	\$ 3,768.73	Important: This description is for property tax bill only and may not be a full legal description	Net Assessed Value Rate (Does NOT reflect Credits)	0.02051906	Warning: If not paid by due dates, installments option is lost and total tax is delinquent subject to interest (see reverse).		<table border="1"> <tr> <td>Total Due</td> <td>FOR FULL PAYMENT BY</td> </tr> <tr> <td>Jan 31, 2021</td> <td>\$ 52,594.44</td> </tr> </table>		Total Due	FOR FULL PAYMENT BY	Jan 31, 2021	\$ 52,594.44
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Total Due	FOR FULL PAYMENT BY																		
Jan 31, 2021	\$ 52,594.44																		

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FROM CITY OF APPLETON  
 FINANCE DEPARTMENT  
 PO BOX 2519  
 APPLETON, WI 54912

ADDRESS SERVICE REQUESTED  
 IMPORTANT REMINDER  
 FIRST INSTALLMENT OR PAYMENT IN FULL

MUST BE MADE BY - Jan 31, 2021

Tax Statement

31299428050  
 VANTAGE FINANCIAL LLC  
 PO BOX 886  
 NORTHBROOK IL 60065-0886

## The Correction of Palpable Errors

Valuation errors are not palpable errors and cannot be "corrected" under sec. 70.43, Wis. Stats. Sec. 74.33, Wis. Stats., defines palpable errors as:

1. a clerical error in the description of the property or the computation of the tax;
2. an assessment which included real property improvements that did not exist on the assessment date;
3. the assessment of exempt property;
4. the assessment of property which was not located in the taxation district;
5. a double assessment;
6. an arithmetic, transpositional or similar error.

A palpable error occurring on the previous year's Assessment Roll, found prior to this year's, BOR, can be corrected. A sample of the form for correcting sec. 70.43, Wis. Stats., palpable

MEMO: Requests for Refund of Property Taxes  
DATE: February 21, 2022  
TO: Finance Committee  
FROM: DeAnn Brosman, City Assessor

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847.291.1333  
847.291.1190 Fax  
www.ecsfinancial.com

## MEMO

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FROM: ECS Financial Services, Inc.  
RE: Abatement and Refund Request  
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Attached please find a Certificate of Authority for our client to show we are authorized to represent

If you have any questions regarding this request, please contact Daniel Leis at 847-897-1700.

Respectfully,  
ECS Financial Services, Inc.

ENC:



# Vantage Financial

November 1, 2016.

## CERTIFICATE OF AUTHORITY

To whom it may concern:

This certifies that ECS Financial Services, Inc. or its designees are hereby authorized to represent Vantage Financial, LLC in all personal property tax matters before any governmental assessing officials or any other authority having jurisdiction regarding any such properties of Vantage Financial, LLC. This certificate is in effect until otherwise given written notice by Vantage Financial, LLC.

Vantage Financial, LLC:

By:

*W. A. R. [Signature]*

Title:

*EVP*

Date:

*11/2/2016*

Parcel #: **PAY 1<sup>ST</sup> INSTALLMENT - \$ 41,460.43**  
 31299428050  
 VANTAGE OR  
**PAY FULL PAYMENT - \$ 41,460.43**  
 Bill #: 614864  
 BY Jan 31, 2022

SEND THIS STUB AND MAKE CHECK PAYABLE TO:  
 CITY OF APPLETON  
 FINANCE DEPARTMENT  
 PO BOX 2519  
 APPLETON, WI 54912



If receipt is needed send a self addressed stamped envelope

Parcel #: **PAY 2<sup>ND</sup> INSTALLMENT - \$ 0.00**  
 31299428050  
 VANTAGE  
**DUE BY March 31, 2022**  
 Bill #: 614864  
 REMEMBER TO PAY TIMELY  
 TO AVOID INTEREST PENALTY

SEND THIS STUB AND MAKE CHECK PAYABLE TO:  
 CITY OF APPLETON  
 FINANCE DEPARTMENT  
 PO BOX 2519  
 APPLETON, WI 54912



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FOR INFORMATION PURPOSES ONLY - Voter Approved Temporary Tax Increases

Taxing Jurisdiction	Total Additional Taxes	Total Additional Taxes Applied to Property	Year Increase Ends	Taxing Jurisdiction	Total Additional Taxes	Total Additional Taxes Applied to Property	Year Increase Ends
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VANTAGE FINANCIAL LLC

STATE OF WISCONSIN - OUTAGAMIE COUNTY  
 PERSONAL PROPERTY TAX BILL FOR 2021

Bill No. 614864

Parcel No. 31299428050

Property Address: 122 E COLLEGE AVE

Assessed Value Land	Assd. Value Improve	Tot. Assessed Value	Ave. Assmt. Ratio	Est. Fair Mkt. Land	Est. Fair Mkt. Improve	Total Est. Fair Mkt.	A star in this box means unpaid prior years taxes	
0	1,980,200	1,980,200	0.8831670140	0	2,242,200	2,242,200	<input type="checkbox"/>	
TAXING JURISDICTION	2020 Est. State Aids Allocated Tax Dist.	2021 Est. State Aids Allocated Tax Dist.	2020 Net Tax	2021 Net Tax	% Tax Change	NET PROPERTY TAX \$	41,460.43	
COUNTY	1,822,041	1,883,976	9,506.48	7,512.21	-21.0%			
LOCAL	12,107,754	12,138,516	22,486.88	17,518.95	-21.6%			
APPLETON SCH	64,101,637	66,083,591	17,895.70	14,305.12	-20.1%			
FOX VALLEY TECH	5,046,473	5,283,564	2,705.38	2,024.15	-25.2%			
TOTAL	83,077,905	85,389,647	52,594.44	41,460.43	-21.2%			
FIRST DOLLAR CREDIT			0.00	0.00	0.0%			
LOTTERY AND GAMING CREDIT			0.00	0.00	0.0%			
NET PROPERTY TAX			52,594.44	41,460.43	-21.2%			
						<b>Total Due</b>	<b>FOR FULL PAYMENT BY</b>	
						Jan 31, 2022	\$ 41,460.43	
School taxes reduced by school levy tax credit \$ 2,858.09		Important: This description is for property tax bill only and may not be a full legal description			Net Assessed Value Rate (Does NOT reflect Credits) 0.02093750	Warning: If not paid by due dates, installments option is lost and total tax is delinquent subject to interest (see reverse).		

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 FIRST CLASS MAIL  
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ADDRESS SERVICE REQUESTED

IMPORTANT REMINDER  
 FIRST INSTALLMENT OR PAYMENT IN FULL

MUST BE MADE BY - Jan 31, 2022

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 NORTHBROOK IL 60065-0886

MEMO: Requests for Refund of Property Taxes  
DATE: February 21, 2022  
TO: Finance Committee  
FROM: DeAnn Brosman, City Assessor

**Manos Holdings (Dental Associates) – 2021 Real Estate parcel 31-1-6510-39**

Manos Holdings North Appleton LLC, the owner of the dental clinic at 2115 E. Evergreen, has filed a Claim for Excessive Assessment. The owner is requesting an assessment reduction from \$1,754,300 to \$618,217 which would result in a 2021 property tax refund of \$23,787. The 2021 Board of Review sustained the assessment on June 3rd after reviewing the owner's testimony and evidence. WI Statute 74.37 allows an owner to appeal a Board of Review decision by filing an Excessive Assessment claim by January 31<sup>st</sup> and provides 90 days for the city to respond. As of this date, no further evidence has been provided, so we are requesting that you deny the claim.

**Vantage Financial Leasing – 2020 Business Personal Property account 31-2-99-4280-50**

We were notified on August 5<sup>th</sup>, 2021 that Vantage Financial LLC had reported tax exempt equipment as taxable on their 2020 and 2021 Personal Property statements. Evidence including a lease agreement and description of the equipment was provided. Vantage is requesting a full refund of the 2020 taxes paid. However, state statutes do not allow for a correction for 2020. Any correction made after the June 3<sup>rd</sup> 2021 Board of Review and prior to the 2022 Board of Review, is exclusively for the previous year (2021). We recommend denial of this request.

**Vantage Financial Leasing – 2021 Business Personal Property account 31-2-99-4280-50**

Vantage is requesting a full rescission of the 2021 tax bill as discussed above. The 2021 assessment of exempt equipment is correctable as a palpable error under WI Statute 74.33. We are requesting that the 2021 tax bill for Vantage Financial be rescinded in its entirety in the amount of \$41,460.43.

**Smart Choice MRI – 2021 Business Personal Property account 31-9-99-0132-30**

We were notified on February 10<sup>th</sup>, 2022 that CDI Appleton LLC purchased the business assets of Smart Choice MRI during 2020. Both CDI Appleton and Smart Choice were assessed for the exact same equipment assets for the 2021 tax year. Evidence was received to support this claim. This is a double assessment correctable as a palpable error under WI Statute 74.33. We are requesting that the 2021 tax bill for Smart Choice MRI be rescinded in its entirety of \$545.96.

## Lona E. Thelen

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**From:** Tyler Rognlie <trognlie@propertyvaluationservices.net>  
**Sent:** Thursday, February 10, 2022 9:37 AM  
**To:** Lona E. Thelen  
**Subject:** Smart Choice MRI sold to CDI Appleton, LLC  
**Attachments:** Project Einstein - Asset Purchase Agreement (Execution Version).pdf

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

Good Morning Ms. Thelen,

My client, Center for Diagnostic Imaging, had sent me a message, regarding the communication you had with Aaron Korf, in their tax department, regarding the sale of Smart Choice MRI's assets, to their entity, CDI Appleton, effective November 3<sup>rd</sup>, 2020.

This was an asset purchase, and not an actual purchase of the business. All assets were reported under the CDI Appleton, LLC entity (account # 31-9-99-0095-40) for the 2021 tax year, and will be for 2022, as well. Since Smart Choice MRI had no assets as of January 1<sup>st</sup>, 2021, and forward, any active accounts under that name should be inactivated.

Please let me know if you have any questions.

Thanks!



**Tyler Rognlie**

Property Valuation Services  
[www.propertyvaluationservices.net](http://www.propertyvaluationservices.net)  
14400 Metcalf Avenue  
Overland Park, KS 66223  
(913) 498-0790  
Email: [trognlie@propertyvaluationservices.net](mailto:trognlie@propertyvaluationservices.net)  
Direct Phone (913) 239-1068  
Direct Fax (913) 239-2491

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

## ASSET PURCHASE AGREEMENT

This Asset Purchase Agreement (this “*Agreement*”), dated November 3, 2020, is made and entered into by and among Milwaukee Center for Diagnostic Imaging, LLC, a Wisconsin limited liability company (“*CDI Milwaukee*”); CDI Appleton, LLC, a Wisconsin limited liability company (“*CDI Appleton*”); Center for Diagnostic Imaging, Inc., a Minnesota corporation (“*CDII*”) (each, a “*Buyer*” and collectively the “*Buyers*”); Smart Choice MRI, LLC, a Wisconsin limited liability company (“*Seller*”), and each of the other parties listed on the signature pages hereto (each an “*Owner*” and collectively the “*Owners*” and, together with Seller, the “*Seller Parties*”). Capitalized terms used and not otherwise defined in this Agreement have the meanings given to them in Exhibit A.

### RECITALS

A. Seller is engaged in the business (the “*Business*”) of providing magnetic resonance imaging services and operating each of the diagnostic imaging centers listed on Schedule A-1 (collectively the “*Milwaukee Centers*”), Schedule A-2 (collectively the “*Appleton Centers*”) and Schedule A-3 (collectively the “*Other Centers*”).

B. Concurrently with the execution and delivery of this Agreement, and as a condition and material inducement to Buyers’ willingness to enter into this Agreement, each Restricted Party has executed and delivered to Buyers a restrictive covenants agreement with CDII (the “*Restrictive Covenants Agreements*”), to be effective as of the Closing.

C. The Seller Parties desire that Seller sell to Buyers, and Buyers desire to purchase from Seller, substantially all of the assets and properties used in operating the Business, all on the terms and subject to the conditions set forth herein.

### AGREEMENT

The parties hereby agree as follows:

#### ARTICLE 1 PURCHASE AND SALE OF ASSETS

##### 1.1 Purchase and Sale of Assets.

(a) Purchased Assets. On the terms and subject to the conditions of this Agreement, at the Closing, Buyers shall purchase from Seller, and Seller shall transfer and deliver to Buyers, all right, title, and interest in and to all of Seller’s assets of every description used in or related to the operation of the Business, whether real, personal or mixed, tangible or intangible, including: (i) all tangible personal property (including machinery, equipment, inventories of materials and supplies (including any medical supplies), manufactured and purchased parts, furniture, and tools); (ii) all Intellectual Property, goodwill associated therewith, and rights thereunder, remedies against infringements thereof, and rights to protection of interests therein under the Laws of all jurisdictions; (iii) the Contracts of or benefiting Seller listed on Schedule 1.1(a) (and only such Contracts) (the “*Assumed Contracts*”) and all rights and benefits under or arising out of the Assumed Contracts; (iv) all claims, deposits, refunds, causes of action, choses in action and rights of recovery, set off and recoupment, as well as any all common law or implied warranties of any manufacturer or vendor; (v) to the extent transferable, each of the Permits

	Location	Address	City	State	Lease
					Amendment to Lease, dated as of August 19, 2016, and that Second Amendment to Lease, dated April 1, 2020 (the " <b>Woodbury Lease</b> ")
9	Appleton	3525 Calumet Street	Appleton	WI	Lease Agreement by and between the Company and Calumet Center, LLC, dated as of April 29, 2015 (the " <b>Appleton Lease</b> ")
10	De Pere / Green Bay	1716 Laurence Drive	De Pere	WI	Lease by and between IA Real Estate, LLC (as Sublandlord) and Lost Dauphin Properties, LLC (as Prime Landlord), dated as of September 6, 2016, as subleased to the Company pursuant to that certain Sublease Agreement by and between IA Real Estate, LLC (as Sublandlord) and the Company (as Subtenant), dated as of December 19, 2018 (together, the " <b>De Pere Lease</b> ") <sup>1</sup>
11	Kenosha	7224 118th Ave	Kenosha	WI	Commercial Lease by and between the Company and Windsor Pointe Investors, LLC, dated as of January 30, 2015 (the " <b>Kenosha Lease</b> ")
12	La Crosse	1580 Heritage Blvd	La Crosse (West Salem)	WI	Lease by and between the Company and Sensible Health, LLC, dated as of December 3, 2018 (the " <b>La Crosse Lease</b> ")
13	Mequon (Office)	10532 N. Port Washington Road, Ste 1B	Mequon	WI	Lease by and between the Company and Concord 30, LLC, dated as of August 26, 2014, as amended by that certain First Amendment, dated as of September 15, 2014, and that certain Second Amendment, dated as of August 3, 2015 (the " <b>Mequon Office Lease</b> ")
14	Richfield	3010 Helsan Drive	Richfield	WI	Lease by and between the Company and Helsan Development Co. LLC, dated as of September 24, 2013 (the " <b>Richfield Lease</b> ")

<sup>1</sup> Company was unable to locate a copy of the Lease by and between IA Real Estate, LLC (as Sublandlord) and Lost Dauphin Properties, LLC (as Prime Landlord), dated as of September 6, 2016.

Parcel #: **PAY 1<sup>ST</sup> INSTALLMENT - \$ 545.96**  
 31999013230  
 SMART CH OR  
**PAY FULL PAYMENT - \$ 545.96**  
 Bill #: 639472  
 BY Jan 31, 2022

SEND THIS STUB AND MAKE CHECK PAYABLE TO:  
 CITY OF APPLETON  
 FINANCE DEPARTMENT  
 PO BOX 2519  
 APPLETON, WI 54912



If receipt is needed send a self addressed stamped envelope

Parcel #: **PAY 2<sup>ND</sup> INSTALLMENT - \$ 0.00**  
 31999013230  
 SMART CH  
**DUE BY March 31, 2022**  
 Bill #: 639472  
 REMEMBER TO PAY TIMELY  
 TO AVOID INTEREST PENALTY

SEND THIS STUB AND MAKE CHECK PAYABLE TO:  
 CITY OF APPLETON  
 FINANCE DEPARTMENT  
 PO BOX 2519  
 APPLETON, WI 54912



If receipt is needed send a self addressed stamped envelope

FOR INFORMATION PURPOSES ONLY - Voter Approved Temporary Tax Increases							
Taxing Jurisdiction	Total Additional Taxes	Total Additional Taxes Applied to Property	Year Increase Ends	Taxing Jurisdiction	Total Additional Taxes	Total Additional Taxes Applied to Property	Year Increase Ends

SMART CHOICE MRI LLC

STATE OF WISCONSIN - CALUMET COUNTY  
 PERSONAL PROPERTY TAX BILL FOR 2021

Bill No. 639472  
 Parcel No. 31999013230

Property Address: 3525 E CALUMET ST, Unit #1500

Assessed Value Land	Assd. Value Improve	Tot. Assessed Value	Ave. Assmt. Ratio	Est. Fair Mkt. Land	Est. Fair Mkt. Improve	Total Est. Fair Mkt.	A star in this box means unpaid prior years taxes	
0	26,400	26,400	0.8602027150	0	30,700	30,700		
TAXING JURISDICTION		2020 Est. State Aids Allocated Tax Dist.	2021 Est. State Aids Allocated Tax Dist.	2020 Net Tax	2021 Net Tax	% Tax Change	NET PROPERTY TAX \$	545.96
COUNTY		355,171	410,542	123.45	125.02	1.3%		
LOCAL		1,757,289	1,894,357	224.30	240.66	7.3%		
KIMBERLY SCH		495,649	1,313,170	171.78	152.63	-11.1%		
FOX VALLEY TECH		732,432	824,562	26.99	27.65	2.4%		
DARBOY JT SAN		0	0	0.00	0.00			
TOTAL		3,340,541	4,442,631	546.52	545.96	-0.1%		
FIRST DOLLAR CREDIT				0.00	0.00	0.0%		
LOTTERY AND GAMING CREDIT				0.00	0.00	0.0%		
NET PROPERTY TAX				546.52	545.96	-0.1%		
School taxes reduced by school levy tax credit \$ 32.88		Important: This description is for property tax bill only and may not be a full legal description			Net Assessed Value Rate (Does NOT reflect Credits) 0.02068027	Warning: If not paid by due dates, installments option is lost and total tax is delinquent subject to interest (see reverse).		
Total Due FOR FULL PAYMENT BY							Jan 31, 2022 \$	545.96

PRESORTED  
 FIRST CLASS MAIL  
 U.S. POSTAGE PAID  
 UMS

FROM CITY OF APPLETON  
 FINANCE DEPARTMENT  
 PO BOX 2519  
 APPLETON, WI 54912

ADDRESS SERVICE REQUESTED  
 IMPORTANT REMINDER  
 FIRST INSTALLMENT OR PAYMENT IN FULL

MUST BE MADE BY - Jan 31, 2022

Tax Statement

31999013230  
 SMART CHOICE MRI LLC  
 737 N MICHIGAN AVE #2200  
 CHICAGO IL 60611

**CARS FEDERAL AWARD INFORMATION**

<b>DHS Profile Number</b>	155809	*155812 *
<b>FAIN</b>	NH23IP922611	NU90TP922132
<b>Federal Award Date</b>	8/5/2021	5/19/2021
<b>Sub-award period of Performance Start Date</b>	7/1/2021	7/1/2021
<b>Sub-award period of Performance End Date</b>	6/30/2024	6/30/2023
<b>Amount of Federal Funds obligated (committed) by this action</b>	\$118,000	\$120,900
<b>Total Amount of Federal Funds obligated (committed)</b>	\$118,000	\$120,900
<b>Federal Award Project Description</b>	Immunization Cooperative Agreements	Cooperative Agreement for Emergency Response: Public Health Crisis Response-2018
<b>Federal Awarding Agency Name (Department)</b>	Department of Health and Human Services	DHHS-CDC
<b>DHS Awarding Official Name</b>	Julie A. Willems Van Dijk	Julie A. Willems Van Dijk
<b>DHS Awarding Official Contact Information</b>	608-266-9622	608-266-9622
<b>Assistance Listing (formerly CFDA) Number</b>	93.268	93.354
<b>Assistance Listing (formerly CFDA) Name</b>	Immunization Cooperative Agreements	Public Health Emergency Response: Cooperative Agreement for Emergency Response: Public Health Crisis Response
<b>Total made available under each Federal award at the time of disbursement</b>	\$130,217,017	\$35,053,171
<b>R&amp;D?</b>	No	No
<b>Indirect Cost Rate</b>	0.07	0.07



# MEMORANDUM

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

TO: Community & Economic Development Committee (CEDC)

FROM: Karen Harkness, Director  
Monica Stage, Deputy Director

DATE: February 16, 2022

RE: Request to approve 2022 Sponsorships for Appleton Downtown Inc. (ADI)  
Programs

---

The Council approved 2022 Budget includes funding in the Marketing & Business Services Business Unit of the Community & Economic Development Department to support small business and workforce development initiatives, as well as promoting Appleton to the broader public, businesses, and visitors.

As in the past, Appleton Downtown Inc. (ADI) has presented the City with a sponsorship proposal for 2022 (attached) that would allow the City to invest in numerous programs for both our existing residents and businesses as well as visitors and potential investors in Downtown. These programs align with the updated Comprehensive Plan 2010-2030, especially Chapter 14 Downtown Plan.

Please note that Small Business Saturday sponsorship also includes the Appleton Northside Business Association (ANBA) membership area as well.

**Staff Recommendation:**

Request to approve \$15,000 for 2022 sponsorships for Appleton Downtown Inc. (ADI) programs as outlined in the attached document **BE APPROVED.**



## **Sponsorship Support Agreement** *City of Appleton*

City of Appleton will be acknowledged as a support sponsor of the following events and programs, as part of this sponsorship package: Business Retention/ Residential Outreach Program, Community Public Market, Small Business Saturday, Summer Support/ Farm Market, Downtown Creates Walk Events, Light Up Appleton, Annual Awards Celebration and Annual Meeting.

Items listed are specific to that event and are showcased under the event title. Opportunities available with each event sponsorship includes the following:

- Social media mentions leading up to event and City of Appleton logo recognition on each event page.
- City of Appleton logo inclusion will be featured on the ADI website for one full year and can be linked back to the City of Appleton website.
- Logo inclusion on all promotional materials, including tickets, posters, banners, flyers, print ads, etc.
- Facebook exposure on the Appleton Downtown Facebook page as a Favorite page. Page currently has 17,300+ fans and is a great way to engage and interact with the community.
- Additional acknowledgement in ADI's weekly public E-blast communication.

### **Sponsorship Benefits:**

#### **Downtown Business Retention/ Residential Outreach \$2,000**

- City of Appleton link and logo inclusion on our website supporting the downtown property search tool and business recruitment information. Website updates happening in 2022 will include City staff recommendations and resources to share.
- Downtown resident and new employee Welcome Packet inclusion with City website/resources QRcode. ADI staff will create the cards.
- Support for year-round business retention visits and new business attraction efforts

## **Avenue of Ice – ice carving \$ Included**

-Promotion of Art through varieties of carved ice, while attracting customers to walk the Downtown District

- Signage designating sponsor of event and ice carving.

## **Virtual Annual Meeting and Downtown Project Reports \$500**

-Report to Stakeholders

- Invitation as speaker to present City updates.

## **Sustaining Summer Support with Farm Market \$2,500**

-Promoting Eat Local, Shop Local – includes Downtown Businesses and Farm Market Vendors

- Support for infrastructure needs to effectively produce the Farm Market for a full season.
- Occasional booth space available for City of Appleton promotion: Appleton Public Library, Appleton Police Department, Park & Recreation, etc. Schedule to be worked out with ADI Staff.
- Facebook exposure on the Downtown Appleton Farm Market Facebook page as a Favorite page. Current page has 17,300+ fans and is a great way to engage and interact with the community.

## **Downtown Creates Walk Events & Placemaking Initiatives: \$2,000**

-Promotion of Local Artists through Music, Art & Culture, while attracting customers to walk the Downtown District

- Four summer dates: May 20, June 17, July 15, and August 19
- Opportunity to participate during each event, perhaps each department could have a chance to share information with the public such as: *Open Office Hours with the City of Appleton*. This would be a great time to share updates on the library project or educate people on how to use Valley Transit. ADI staff can help coordinate with City departments.
- Supports additional placemaking and public art initiatives.

## **Light Up Appleton: \$2,500**

-Free Family event to Celebrate the Light of the Season through Music, Art & Culture, while attracting customers to Downtown District for the Holidays

- City of Appleton logo on all Light up Appleton promotional material.
- Activities such as: FREE treat walk, community entertainment stage, handcrafted Market, wagon rides and so much more!

## **Downtown Business Awards Celebration table: \$500**

-Celebration to Acknowledge Downtown Businesses for their Achievements

- Reserved table for eight.\*
- Recognition in the program and from the stage.

## **Community Public Market \$2,500**

-Promoting Eat Local, Shop Local – includes Downtown Businesses, Farm Market Vendors, Non-profits & Entertainment

- City of Appleton would have the option of a double booth 10x20 or two 10x10 booths available for promotion of various programs, such as: Appleton Public Library, Appleton Police Department, Park and Recreation Programs, etc. Schedule to be worked out between City of Appleton and ADI Staff.

## **Small Business Saturday \$2,500**

-City wide Shop Local promotion event

- Support for the cooperative marketing effort with ADI and ANBA to produce the insert in the Thanksgiving Day paper to promote shopping local with small businesses throughout the City.

Note: All in-person events are subject to permit approval.



**2022 Downtown Sponsorship Agreement**  
*City of Appleton*

As part of the sponsorship package, City of Appleton will be acknowledged as a sponsor of the following events with a sponsorship total of \$15,000, and breakdown is as follows:

Sponsorship total is \$15,000 and breakdown is as follows:

Downtown Business Retention & Attraction	\$2,000
Avenue of Ice – ice carving	Included
Virtual Annual Meeting	\$ 500
Summer Support/ Farm Market	\$2,500
Downtown Creates Walk Events	\$2,000
Downtown Business Award Celebration	\$ 500
Community Public Market	\$2,500
Small Business Saturday	\$2,500
Light Up Appleton	\$2,500

\_\_\_\_\_  
 City of Appleton Representative

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

\_\_\_\_\_  
 Djuanna Kath  
 Community Partnership Director  
 Appleton Downtown Inc.

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

*Income Growth in the Appleton Region*

Area Name	Per Capita Income					Four-Year Change
	1989	1999	2005	2010	2014	
Wisconsin	\$17,283	\$27,135	\$33,635	\$38,225	\$44,186	15.6%
Calumet County, WI	\$16,234	\$27,610	\$34,772	\$41,601	\$44,305	6.5%
Outagamie County, WI	\$17,389	\$27,243	\$34,104	\$37,046	\$43,665	17.9%
Winnebago County, WI	\$17,362	\$26,775	\$32,641	\$36,034	\$40,498	12.4%
Appleton CSA	\$17,161	\$27,317	\$34,247	\$38,034	\$42,405	11.5%

Source: Wisconsin Department of Workforce Development

The poverty status was determined for the City of Appleton in the 2014 American Community Survey and it concluded that 11.7 percent (8,218 persons) fell below the poverty level. From this portion of the population for whom poverty status was determined, 33.9 percent (2,789 persons) were under the age of 18. The US Census Bureau determines poverty on a family by family basis. The bureau assigns each family one of 48 poverty thresholds based on the size of the family and the age of its members. If a family falls below its appropriate poverty threshold, every member of that family is considered to be in poverty.

## Overall Community Goals

The City of Appleton conducted an extensive visioning process in 2016 to gain insight into community needs and desires. This process included three community workshops and an on-line survey. The full process and its results are documented in detail in Chapter 3, and along with other City and regional plans, were the basis for the overall goals identified in this chapter. These broad goals are further explored and defined in subsequent chapters, where additional objectives, policies, and initiatives are discussed.

- Goal 1 – Community Growth (Chapter 10)**  
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 2 – Neighborhood Development (Chapter 10)**  
Appleton will preserve and enhance existing City neighborhoods, and require quality design in newly developed areas, to continue to provide an attractive setting for living and raising a family.
- Goal 3 – Housing Quality, Variety, and Affordability (Chapter 5)**  
Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.
- Goal 4 – Transportation (Chapter 6)**  
Appleton will support a comprehensive transportation network that provides viable options for pedestrian, bicycle, highway, rail, and air transportation, both locally and within the region.



- **Goal 5 – Utilities and Community Services (Chapter 7)**  
Appleton will provide excellent public utility and community services at a reasonable cost, and will work with private utility companies to ensure quality service delivery.
- **Goal 6 – Education (Chapter 7)**  
Appleton will collaborate with public and private schools, colleges, and other educational facilities to ensure that the community continues to provide outstanding and diverse educational opportunities for residents of all ages.
- **Goal 7 – Agricultural, Natural, and Cultural Resources (Chapter 8)**  
Appleton will continue to protect and enhance its environmental quality and important natural resources, preserve historic sites, and support cultural opportunities for community residents.
- **Goal 8 – Economic Development (Chapter 9)**  
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.
- **Goal 9 – Parks and Recreation (Chapter 18)**  
Appleton will provide a variety of parks and recreational programs to fulfill its mission: “Building communities and enriching lives where we live, work and play.”

- Hmong-American Partnership  
The Hmong-American Partnership is a non-profit organization working to provide opportunity, service and partnerships in service to help the Fox River Valley's Hmong and other refugee populations integrate themselves into society's mainstream and reach their full potential.
- World Relief – Fox Valley Refugee Resettlement Agency  
Empowering the local church to serve the most vulnerable. Vision: In community with the local church, World Relief envisions the most vulnerable people transformed economically, socially and spiritually.

## Objectives and Policies

In the Issues and Opportunities element (Chapter 4) of this **Comprehensive Plan**, the City established an overall goal for agricultural, natural, historic, and cultural resources that "Appleton will continue to protect and enhance its environmental quality and important natural resources, preserve historic sites, and support cultural opportunities for community residents." The objectives identified in this chapter further refine that goal, while the policies identified here provide guidance concerning some of the ways in which these objectives may be reached.

### **8.1 OBJECTIVE: Maintain the viability of the regional agricultural sector that provides locally-grown food for residents and raw materials for Appleton's food processing and other businesses.**

- 8.1.1 Preserve important farmlands and avoid fragmentation of agricultural areas in the region by directing new development to infill or redevelopment sites, encouraging compact development patterns that use land efficiently, and supporting county, state, and private initiatives with the goal of preserving prime agricultural land in the region.
- 8.1.2 Support programs that connect farmers and consumers to bring locally-grown food into the community, including working with the Community Garden Partnership and other organizations to provide locations for community garden education on gardening.
- 8.1.3 Pursue economic development initiatives that seek to retain and expand Appleton's existing food processing and agriculture-related businesses, and to attract new ones that provide a market for regional agricultural products.
- 8.1.4 Implement the agricultural related recommendations contained in the City's Economic Development Strategic Plan.
- 8.1.5 Support urban agriculture that also supports workforce education and promotes economic self-sufficiency, such as Riverview Gardens, Community Garden Partnership, UW Extension Master Gardeners and other organizations.
- 8.1.6 Support Appleton Downtown Inc's Downtown Farmer's Market.**
- 8.1.7 Evaluate the feasibility of a year round public market in downtown Appleton.
- 8.1.8 Evaluate the potential for an urban agriculture and locally sourced food summit to identify partnership opportunities and raise awareness of programs.

- 8.2.12 Support Appleton's application for designation as a Bird City Wisconsin community, which is a coalition of communities focused on ensuring Wisconsin's urban residents maintain healthy populations of birds and grow an appreciation for them through conservation practices and education.

**8.3 OBJECTIVE: Continue and expand efforts to preserve, restore, and interpret important features of Appleton's rich history**

- 8.3.1 Preserve Appleton's historic resources through the City's Historic Preservation Ordinance and actions of the Historic Preservation Commission.
- 8.3.2 Educate property owners and encourage context-sensitive restoration of Appleton's historic and potentially historic properties.
- 8.3.3 Continue to educate eligible homeowners and business owners on the tax credits available to them through the State and Federal governments for both homeowner rehabilitation and commercial property improvements.
- 8.3.4 Improve on-site marking and interpretive signage for Appleton's historic sites.
- 8.3.5 In partnership with other organizations, develop a historic walking tour or tours for the downtown, Fox River Corridor, and historic neighborhoods similar to the Fox Trot Trail Historic Walk.
- 8.3.6 Continue to maintain the City's status as a member of the Certified Local Government Program through the Wisconsin Historical Society.
- 8.3.7 Continue to recognize individual efforts for exterior restoration and maintenance of buildings and structures through the annual historic restoration and stewardship/revitalization certificate awards program.
- 8.3.8 Support development of the proposed Fox River Locks Visitor Center on the Fox River.
- 8.3.9 Promote the incorporation of Appleton's history into the planning and development of future parks, trails, and other amenities.
- 8.3.10 Encourage redevelopment in the downtown area which compliments the existing historic character of the neighborhood and promotes greater livability.

**8.4 OBJECTIVE: Support the organizations, events, and venues that make Appleton the arts and cultural center of the Fox Cities.**

- 8.4.1 Provide appropriate financial, technical, and other resources to ensure the continued viability and growth of cultural organizations and attractions, in partnership with organizations such as Appleton Downtown, Inc., the Appleton Public Library, and the Fox Cities Convention and Visitor's Bureau.
- 8.4.2 Partner with other agencies and organizations to ensure the availability of adequate event space and logistical services to facilitate cultural and related events within the community.
- 8.4.3 Continue to broaden education and collaboration with diverse communities.
- 8.4.4 Support development of a signature downtown amphitheater to showcase Appleton's growing music and cultural performance scene.

## Threats

- Urban sprawl in the metropolitan area is spreading the population base, creating rival commercial centers, and sapping economic activity from the central city.
- Capturing the City's fair share of regional growth will continue to be a challenge as neighboring municipalities grow and incorporate, and towns now have the ability to create TIF Districts to encourage development outside of the urbanized area.
- As the Fox Cities grow, intergovernmental cooperation will become more of a challenge in an increasingly urbanized environment.
- The city's manufacturing base is threatened by changes in demand and competition from overseas, as well as the consolidation occurring within the industry.
- The housing stock in older central city neighborhoods can deteriorate over time. Maintaining a mix of incomes in healthy neighborhoods adjacent downtown is a challenge.

## Economic Development Programs and Partnerships

Appleton partners with organizations in the City and region that help to promote economic development. A number of local, regional and state programs also exist which help foster economic development in the City. The Economic Development Strategic Plan lays out a framework for economic development in the City. Partners, programs, and the Economic Development Strategic Plan are described in further detail the sections below.

### Economic Development Partnerships

The City of Appleton works in partnerships with many local, regional, and state organizations to promote economic development. The following are some of the City's strategic partners.

- **Appleton Downtown, Inc.**  
Appleton Downtown, Inc. (ADI) is a not-for-profit community coalition dedicated to an economically strong, safe, attractive, and exciting downtown. ADI works with the City of Appleton to recruit new businesses and retain existing businesses in the downtown. The organization conducts programming (such as the farmers markets and downtown concerts), conducts marketing, and provides on-on-one assistance to business. It maintains an economic development committee to administer its façade grant program, recruit new businesses, conduct business retention efforts, and address issues affecting the economic growth and stability of the downtown.
- **Calumet County**  
The county economic development program assists existing businesses and new businesses through low interest loans, grants, technical assistance, workforce training, and other types of assistance needed.
- **Fox Cities Chamber of Commerce**  
The Chamber represents the cities of Appleton, Kaukauna, Menasha and Neenah; the towns of Buchanan, Clayton, Grand Chute, Greenville, Harrison, Kaukauna, Menasha, Neenah and Vandenbroek, and the villages of Combined Locks, Hortonville, Kimberly, Little Chute and Sherwood. The Fox Cities Chamber plays a leadership role in regional economic development efforts in Northeastern Wisconsin, through partnerships with local units of government, private industry, and State and regional agencies.



## Objectives and Policies

The overall goal for economic development stated in Chapter 4 is that 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.” The following objectives and policies are intended to achieve that overall goal.

### 9.1 **OBJECTIVE: Implement the Appleton Economic Development Strategic Plan (AEDSP)**

9.1.1 Plan for and implement the key actions and measures identified in the AEDSP.

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

9.2.1 Together with partners, prepare and implement a business recruitment program that targets site selectors and suitable businesses in manufacturing, business and professional services, retail, and other industries.

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

9.2.3 Implement business retention program including regular business visits and monitoring of business conditions within key industry groups.

9.2.4 Develop a business attraction marketing campaign.

9.2.5 In partnership with other organizations, conduct regional retail attraction and promote neighborhood retail development.

### 9.3 **OBJECTIVE: Create the resources and culture in which entrepreneurial development is encouraged.**

9.3.1 Support/partner with organizations pursuing programs for entrepreneurial development comprised of networking, financial assistance, training, and supportive services for all types of entrepreneurs.

### 9.4 **OBJECTIVE: Ensure the continued vitality of downtown and the City’s neighborhood commercial districts.**

9.4.1 Implement the recommendations found in the Downtown Plan.

9.4.2 Implement the recommendations adopted in the corridor plans for South Oneida Street, Richmond Street, and Wisconsin Avenue. Consider updates to these corridor plans and/or creating plans for other key corridors, as needed.

9.4.3 Monitor business activity and physical conditions within Appleton’s business districts on a regular basis to provide early identification of issues that may need to be addressed.

### 9.5 **OBJECTIVE: Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.**

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



- 9.5.2 Proactively acquire property targeted for redevelopment and develop a land bank to assist in property assembly with a focus on corridors, the downtown, and areas identified as business/industrial on the Future Land Use Map.
- 9.5.3 Ensure quality development by requiring that all new construction meets or exceeds the minimum design criteria determined appropriate for the area in which the site/building is located.

**9.6 OBJECTIVE: Create a vibrant environment that is conducive to attracting and retaining talented people.**

- 9.6.1 Continue the City’s efforts to expand and improve its amenities such as trails, parks and recreation, the Fox Cities Performing Arts Center, the Appleton Public Library, Fox Cities Exhibition Center, sporting facilities, and other cultural or civic offerings.

**9.6.2 Encourage the creation of vibrant mixed-use urban areas in the downtown and along the Fox River that are both walkable and bicycle-friendly.**

- 9.6.3 Support efforts to retain graduating Lawrence University students within the community.

**9.7 OBJECTIVE: Work collaboratively with other municipalities, organizations, and private entities to advance the economic development of the entire region.**

- 9.7.1 Continue the City’s involvement and support for regional economic development organizations such as Fox Cities Regional Partnership and New North.
- 9.7.2 Continue to collaborate with neighboring communities on economic development issues that cross jurisdictional boundaries, such as commercial vacancies along College Avenue.
- 9.7.3 Support the I-41 Initiative in order to fully leverage regional assets and promote Appleton’s position as an important transportation hub with easy access local and regional markets.
- 9.7.4 In partnership with the Fox Cities Convention & Visitors Bureau, continue to support local and regional tourism development efforts.

**9.8 OBJECTIVE: Continue supporting educational partnerships and workforce development**

- 9.8.1 Support existing and new education-workforce partnerships. Encourage partners to engage in career awareness and organize target business programs.
- 9.8.2 Assist in promotion of business alliances in high school and Fox Valley Technical College around key regional clusters.

**9.9 OBJECTIVE: Enhance Appleton’s brand as a location to do business**

- 9.9.1 Consider undertaking a full branding strategy to refine the Appleton brand.

**1.4 Install sculpture, murals, and other art in public locations throughout the downtown**

City of Appleton, ADI, Creative Downtown Appleton Inc. and its partners should continue to install public art and implement creative placemaking projects throughout the downtown area. Recent successful projects include pocket parks, murals, and traffic control boxes wrapped in original works of art created by local middle school and high school students.



*Figure 58 Movable shrub boxes create a buffer from traffic and noise in Madrid*

**1.5 Continue to encourage quality urban design throughout the downtown through voluntary measures**

Building and site design on private property impact the aesthetics and experience of downtown. High-quality buildings contribute to downtown's sense of place.

- A. Continue to support ADI's façade grant program with BID funds and research additional funding sources to enhance the program.
- B. Promote a set of best practices for business and property owners to have available as a resource to help inform exterior physical improvements.

**1.6 Add additional flexible outdoor space throughout the downtown area**

- A. Identify specific locations and arrangements of outdoor seating and supportive outdoor furnishings which enhance the pedestrian experience.
- B. Review policies in place, identify barriers, and plan to adjust/remove barriers to encourage private businesses to add additional outdoor spaces including but not limited to outdoor seating, decks, patios, rooftop space, and sidewalk cafés.



*Figure 59 Experiential activities such as group drawing attract visitors downtown, including to the Art Alley during Mile of Music No. 4*

## 4 Downtown Development and Business Retention Initiative

More and more businesses are finding downtowns highly attractive for both their business and to employees. Younger employees find the downtown setting to be particularly appealing, and all employees enjoy the access to restaurants, services, and entertainment in the downtown. This environment is the unique selling point for downtown. It can be equally appealing to home-grown businesses and to corporations seeking branch sites. Downtown Appleton should be among the top business locations pitched by local and regional economic development agencies.

### 4.1 Sustain and grow the retail niches which have formed downtown

Niche development strategies typically identify marketing and business clustering as high priorities. The efforts of ADI, the City and other organizations should tout the strength of Appleton's downtown retail niches, where shoppers can explore a wide variety of related goods and services. Taking this strategy to the next level, events developed around these clusters can further build the city's reputation and market recognition within one or more related retail categories.

- A. Develop strategies for growing existing niches including aggressively marketing current business clusters. As part of this study several target industries were identified. ADI, the City and its partners should regularly re-evaluate those target industries in order to stay abreast of important trends related to the formation and decline of market niches. .
  - A.1 Identify target retail stores from surrounding areas and create an opportunity for them to "try on" a commercial space for a period of three months by negotiating with the landlord to facilitate this possibility when it is cost effective for both parties.
  - A.2 Create a comprehensive multi-media business recruitment packet and process.
- B. Visit with retailers in space surrounding the vacant space asking those retailers for ideas for complementary or natural fit-type neighbors.
- C. Target the following specialty categories as identified in the Appleton Downtown Market Analysis and Economic Development Strategic Plan:
  - C.1 Art related businesses: music, painting, sculpture, ceramics, dance, photography, and others where customers can get involved in the process of creating, art-related incubator (stained glass, printmaking, candles, sculpture, etc.).
  - C.2 Crafts and craft supplies (quilting store, knitting/yarn store).
  - C.3 Organic grocery, small specialty food store.
- D. Promote continuity of hours among similar business categories.
- E. Proactively seek to concentrate new businesses in areas of downtown where similar and complimentary businesses already exist. Examples from the market study include specialty retail, home furnishings, art-related retail and services.

## 6 Downtown Management Initiative

Strategies related to ongoing management of the downtown and the revitalization process are grouped within this initiative. While not necessarily as tangible as some of the other strategies in the plan, they are vital to the process of creating a vibrant downtown.

### 6.1 Update the Downtown Plan as initiatives are completed or new opportunities arise

In planning for the future it is impossible to recognize every possible outcome or opportunity. Plans, then, are general guidelines and should be continually re-evaluated in the light of present circumstances. Appleton's organizations with a role in downtown revitalization should continue conducting an annual review to measure progress in implementing the plan, to assess priorities for investment of their resources, and to consider changes which respond to current situations. The entire plan should be completely updated on a ten-year cycle.

- A. Establish a process for reviewing and updating the downtown plan.
- B. Host a "State of the Downtown" session open to the public on an annual basis. Use as an opportunity to grow volunteer base, as well as share information on downtown successes, challenges, and upcoming events and programs. Encourage underrepresented groups which have a stake in downtown to participate and contribute their own ideas.

### 6.2 Uphold support for Appleton Downtown, Inc. and the Business Improvement District

These organizations have been critical to restoring vitality to the downtown. With broad support from property owners, businesses, community organizations, and city government, these organizations have been effective in coordinating the interests of all of these stakeholders. ADI has further served as a leader in implementing the initiatives of the Downtown Plan. These organizations should continue to be recognized for their role in creating a vibrant downtown.

- A. Continue support for ADI and the BID.
- B. Consider amending the City's special events policy to make the process easier for organizations to host events downtown.
- C. Continue to support a cooperative branding process with the City and ADI, and explore collaborative opportunities with other partners, such as the Fox Cities Chamber of Commerce and Convention & Visitor's Bureau, to strengthen the message of downtown being a destination for business and leisure.

### 6.3 Ensure the cleanliness and safety of the downtown and surrounding neighborhoods

Downtown Appleton is perceived by residents to be a clean and safe place. Still, there are areas of concern. Several comments pertained to trash and cigarette butts in a few places in the downtown. Others expressed perceived safety concerns in Jones Park and in downtown neighborhoods. With the construction of the Fox Cities Exhibition Center it will be even more important to maintain a clean, safe environment downtown in order to attract and retain visitors.

- A. Implement plans for Jones Park and the railroad corridor path to address safety concerns.



- B. Continue to enhance the plan aimed at keeping the downtown clean and well maintained.
- C. Develop a neighborhood solid waste collection plan to improve livability for downtown residents.
- D. Continue to support efforts such as the Downtown C.A.R.E collaboration with Riverview Gardens. Identify funding options to expand the daily program to provide more comprehensive maintenance. This innovative collaboration links ServiceWorks job-training participants with opportunities to beautify the downtown.
- E. Continue support for creative ideas to maintain a clean downtown environment, including but not limited to the recently implemented “vote with your butt” containers which encourage smokers to deposit their cigarette butts in the trash.
- F. Continue working cooperatively with Project Rush initiative to address homelessness and explore the need for a downtown drop in center.

**6.4 Continue to explore potential for formation of a Riverfront Business Improvement District (BID)**

- A. Exploration of a BID or other funding mechanism should be done in conjunction with development of an overall plan to address riverfront opportunities.

## Section 6: Implementation

The Downtown Plan provides a long-term vision for success. The initiatives and related strategies create an overarching framework for plan implementation. This section of the report provides more detail in terms of how those strategies can be implemented. It includes the following subsections:

- Roles and Responsibilities
- Implementation Matrix
- Funding Options
- Performance Benchmarks

### Roles and Responsibilities

Plan implementation will require continued collaboration among the City, the Appleton Redevelopment Authority (ARA), Appleton Downtown Inc. (ADI), the Business Improvement District (BID), property owners, business owners, downtown residents, and volunteers. The primary roles and responsibilities of the City and ADI are described below.

#### The City of Appleton (including the ARA)

- Coordinate major redevelopment efforts.
- Plan, design, and construct major infrastructure improvements.
- Provide financial incentives for larger redevelopment and rehabilitation projects.
- Work with ADI to identify barriers to downtown business development and public realm enhancements, as well as strategies to overcome them.
- Continue to coordinate regular business retention and expansion visits with large downtown employers.
- Continue to identify funding sources for projects.

#### Appleton Downtown Inc., Creative Downtown Appleton Inc., and the Business Improvement District

- Coordinate downtown programming, promotions, and events.
- Create and distribute downtown marketing materials to support vibrant programming and attract desirable businesses.
- Plan, design, and construct low-cost placemaking improvements (such as parklets, pop-ups, murals, etc...).
- Provide façade enhancement and other smaller grant programs to stimulate private investment to enhance existing buildings.
- Work with the City to identify barriers to downtown business development and public realm enhancements, as well as strategies to overcome them.
- Prepare grant applications and solicit private funding to support the mission of ADI.
- Advocate for downtown businesses and projects which support them.
- Conduct business recruitment calls to assist property owners in tenant attraction. Support with business recruitment grant funding.

## Department of Public Works – Engineering Division

### MEMO

**TO:** Utilities Committee

**FROM:** Paula Vandehey, Director of Public Works  
Sue Olson, Staff Engineer

**DATE:** February 14, 2022

**RE:** Approve updates to Municipal Code Chapter 20, Article VI, Stormwater Management Standards and Planning

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The Department of Public Works requests approval of updates to Municipal Code Chapter 20, Article VI, Stormwater Management Standards and Planning. Strike and bold language of the proposed updates are shown on the attached document. The changes are being proposed in concert with the update to the Citywide Stormwater Management Plan and the requirements in Appendix A of WPDES Permit WI-S050075-03, issued May 1, 2019.

Section A.5.3 of the permit includes requirements to optimize all aspects of the City's stormwater management program, including various Operations activities such as street cleaning and leaf collection, as well as the Stormwater Management Standards ordinance.

The primary updates include:

- Clarification of appropriate curve numbers to use for peak flow control and infiltration calculations
- Requiring more complete submittals in electronic format, reducing paper files
- Adding Total Suspended Solids (TSS) and Total Phosphorus (TP) removal requirements per each reachshed of the Lower Fox River and Upper Fox/Wolf Rivers Total Maximum Daily Load (TMDL)

The first two changes will not impact staff efforts to administer the ordinance or budget for consultant reviews. The most significant change is the addition of Table 2 (page 12) with the revision to section 20-312 (c) *Stormwater Quality Discharge*. The proposed section includes the TMDL requirements for TSS and TP removal for each reachshed of the Lower Fox River and Upper Fox/Wolf Rivers TMDLs. Adding numeric standards for TP as well as TSS by reachshed will increase the review time for consultants, although it is not anticipated to be significant. TSS and TP loads and removals are already required to be calculated and reported.

During evaluation of the proposed change to numeric TSS and TP removal requirements, the City's consultant reviewed three recent redevelopment projects that met the current ordinance to determine the impact of the proposed new requirements. All three sites were able to meet the new

requirements, with some loss of green space and/or parking spaces. However, all three continued to be in compliance with the zoning code requirements for both green space and parking.

Where the TSS or TP removal requirements are high, such as the 85.6% removal of TP from Bear Creek, the regulation is ahead of the technology. It is anticipated that “Maximum Extent Practicable” will be granted to more projects until technology is available to meet these higher removal standards. New technology and Wisconsin Department of Natural Resources acceptance of new technology is improving.

Several of Appleton’s neighboring communities already include the TMDL requirements in their ordinances. Table 5-1 from the upcoming citywide stormwater plan update, showing pollution reduction requirements and when they are required, is attached. At this time, staff is not recommending changing the threshold to trigger when stormwater management is required, which is currently one acre of disturbed area.

**Table 5-1 Stormwater Quality Ordinance Research  
Stormwater Management Plan Update  
City of Appleton, WI**

Municipality	Pollution Reduction Requirements		Requirements Applicability	
	TMDL Reach TSS/TP Reductions	NR151 (80%/40%) TSS Reductions	Disturbed Area	New Impervious Area
Appleton, City of		X	1 acre	
Calumet, County of	X		1 acre	20,000 sf
DePere, City of <sup>1</sup>		X	1 acre	20,000 sf
Fox Crossing, Village of	X		1 acre	20,000 sf
Grand Chute, Town of	X		1 acre	4,000 sf
Green Bay, City of		X	Tiered	1/4 acre
Harrison, Village of		X	1 acre	20,000 sf
Kaukauna, City of	X		1 acre	20,000 sf
Kimberly, Village of		X	1 acre	20,000 sf
Little Chute, Village of		X	1 acre	20,000 sf
Menasha, City of	X		1 acre	20,000 sf
Neenah, City of	X		1 acre	20,000 sf
Outagamie, County of	X		1 acre	20,000 sf

Note: <sup>1</sup> -DePere has stormwater utility fee incentive if you meet TMDL reduction requirements.

## ARTICLE VI. STORMWATER MANAGEMENT STANDARDS AND PLANNING

### DIVISION 1. IN GENERAL

#### Sec. 20-300. Authority.

(a) This ordinance is adopted by the Common Council of the City of Appleton under the authority granted by §62.234, Wis. Stat. This ordinance supersedes all provisions of a stormwater management ordinance previously enacted under §62.23, Wis. Stat., that relates to stormwater management regulations. Except as specifically provided for in §62.234, Wis. Stat., §62.23, Wis. Stat. applies to this ordinance and to any amendments to this ordinance.

(b) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.

(c) The Common Council of the City of Appleton hereby designates the Director of Public Works or designee to administer and enforce the provisions of this ordinance.

(d) The requirements of this ordinance do not pre-empt more stringent stormwater management requirements that may be imposed by any of the following:

- (1) WDNR administrative rules, permits or approvals including those authorized under §281.16 and §283.33, Wis. Stat.
- (2) Targeted non-agricultural performance standards promulgated in rules by the WDNR under s. NR 151, Wisconsin Administrative Code.  
(Ord 188-03, §1, 10-21-03; Ord 42-16, §1, 5-1-16; Ord 72-20, §1, 5-1-20)

#### Sec. 20-301. Findings of fact.

The Common Council of the City of Appleton finds that uncontrolled post-construction runoff has a significant impact upon water resources and the health, safety, and general welfare of the City of Appleton and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

- (a) Degrade physical stream habitat by increasing streambank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows, and increasing stream temperature.
- (b) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens, and other urban pollutants.
- (c) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
- (d) Reduce the quality of groundwater by increasing pollutant loads.
- (e) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other drainage facilities.
- (f) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.
- (g) Undermine floodplain management efforts by increasing the incidence and levels of flooding.  
(Ord 188-03, §1, 10-21-03; Ord 42-16, §1, 5-1-16; Ord 72-20, §1, 5-1-20)

#### Sec. 20-302. Purpose and intent.

(a) **Purpose.** The purpose of this ordinance is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare, and the aquatic environment.

Specific purposes are to:

- (1) Further the maintenance of safe and healthful conditions.
- (2) Prevent and control the adverse effects of stormwater; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; manage building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.
- (3) Control exceedances of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.
- (4) Minimize the amount of pollutants discharged from the separate storm sewer to protect waters of the state.

(5) Meet applicable Federal and State requirements and regulations.

(b) **Intent.** It is the general intent of the City of Appleton that this ordinance achieve its purpose through:

- (1) Regulating long-term, post-construction stormwater runoff from land development and redevelopment activities.
- (2) Controlling the quantity, peak flow rates, and quality of stormwater runoff from land development and redevelopment activities.
- (3) Providing services to maintain and enhance the quality of life within the community.

(c) **Implementation.** To this end the City of Appleton will manage post-construction stormwater runoff to protect, maintain and enhance the natural environment; diversity of fish and wildlife; human life; property; and recreational use of waterways within the city of Appleton and its extraterritorial area.

This ordinance may be applied on a site-by-site basis. The City of Appleton recognizes, however, that the preferred method of achieving the stormwater performance standards set forth in this ordinance is through the preparation and implementation of comprehensive, systems-level stormwater management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional stormwater devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the State of Wisconsin. Where such plans are in conformance with the performance standards developed under §281.16, Wis. Stat., for regional stormwater management measures, and have been approved by the City of Appleton, it is the intent of this ordinance that the approved plan be used to identify post-construction management measures acceptable for the community.

**Sec. 20-303. Title.**

This ordinance shall be known as the Stormwater Management Standards and Planning Ordinance for the City of Appleton.

**Sec. 20-304. Definitions.**

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Adequate sod, or self sustaining vegetative cover** means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbes, sedges and duff layers of fallen leaves and woody debris.

**Administering authority** means a governmental employee that is designated by the City of Appleton to administer this ordinance.

**Agricultural facilities and practices** has the meaning given in §281.16(1), Wis. Stats.

**Agricultural use** means bee keeping; commercial feed-lots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint, and seed crops; raising of fruits, nuts, and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least thirty-five (35) acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participation in the mile production termination program under 7 USC 1446 (d); and vegetable raising (§91.01(1), Wis. Stat.).

**Atlas 14** means the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.

**Average annual rainfall** means a typical calendar year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as WinSLAMM or other methodology approved by the City. An average annual rainfall for Green Bay, 1969 (March 29-November 25) is applicable for the City of Appleton.

**Business day** means a day that offices of the City of Appleton are routinely and customarily open for business.

**Cease and desist order** means a court issued order to halt land disturbing construction activity that is being conducted without the required permit or not in conformance with an existing permit.

**City** means the City of Appleton.

**Common plan of development or sale** means a development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A common plan of development or sale includes, but is not limited to, subdivision plans, certified survey maps, and other developments.

**Concentrated flow channel** means a channel produced by erosion from runoff, or by construction, that would not be removed by tillage operations typically needed to prepare a field for crop production.

**Connected imperviousness** means an impervious surface connected to the water of the state via a separate storm sewer, an impervious flow path, or a minimally pervious flow path.

**Construction site** means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

**Design storm** means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall. Rainfall amounts for 24-hour design rainfall events in Appleton are: 100-year, 5.50 inches; 10-year, 3.51 inches; 5-year, 3.01 inches; 2-year, 2.45 inches, and 1-year, 2.14 inches. The distribution shall be NOAA Atlas 14 MSE4.

**Development** means residential, commercial, industrial or institutional land uses and associated roads.

**Direct conduits to groundwater** means wells, sinkholes, swallets, fractured bedrock at the surface, sand or gravel surficial deposits, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

**Division of land** means the creation from one or more parcels or building sites of additional parcels or building sites where such creation occurs at one time or through the successive partition within a 5-year period.

**Effective infiltration area** means the area of the infiltration system devoted specifically to active infiltration, excluding areas required for site access, berms, pretreatment, or other area required for the installation, operation, or maintenance of the infiltration device.

**Erosion** means the process by which the land's surface is worn away by the action of the wind, water, ice or gravity.

**Exceptional resource waters** means waters listed in s. NR 102.11, Wisconsin Administrative Code.

**Existing land use condition** means the condition of the development site and the adjacent properties that are present at the time of the stormwater permit application.

**Extraterritorial** means the unincorporated area as defined in Ch. 236, Wis. Stat.

**Fee in lieu** means a payment of money to the City of Appleton in place of meeting all or part of the stormwater performance standards required by this ordinance.

**Filtering layer** means soil that has at least a 3-foot deep layer with at least twenty percent (20%) fines; or at least a five- (5-) foot deep layer with at least ten percent (10%) fines; or an engineered soil with an equivalent level of protection as determined by the regulatory authority for the site.

**Final stabilization** means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established with a density of at least seventy percent (70%) of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.

**Financial guarantee** means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the City of Appleton by the responsible party to assure that requirements of the ordinance are carried out in compliance with the stormwater management plan.

**Governing body** means the Common Council of the City of Appleton.

**Impervious surface** means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, [bike trails](#), [multi-use trails](#), parking lots, and streets are examples of surfaces that typically are impervious. Gravel surfaces are considered impervious unless specifically designed for infiltration.

**In-fill** means an undeveloped area of land located within an existing urban sewer service area, surrounded by development or development and natural or man-made features where development cannot occur.

**Infiltration** means the entry of precipitation or runoff into or through the soil.

**Infiltration system** means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns, or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

**Land disturbing construction activity** means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in stormwater runoff and lead to increased soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities, parking lot reconstruction, but does not include parking lot resurfacing.

**Land user** means any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

**Landowner** means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of stormwater SMPs on the property.

**Major Stormwater Management Plan** means a Stormwater Management Plan for a subdivision or a plan that proposes the use of one or more devices to meet standards or a non-one or two family site that is not considered a Minor Stormwater Management Plan.

**Maintenance agreement** means a legal document that is filed with the County Register of Deeds as a property deed restriction, and that provides for long-term maintenance of stormwater management practices.

**Maximum extent practicable (MEP)** has the meaning given it in s. NR 151.002(25), Wis. Adm. Code.

**Minor Stormwater Management Plan** means a Stormwater Management Plan for a site that has a regional stormwater facility in place that meets applicable standards, has a 100-year event conveyance system to the regional facility in place, and is free from unusual conditions, including but not limited to, contamination, critical site designation, change in land use, high impervious ratio, or floodplain.

~~**Natural wetlands** means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and that has soils indicative of wet conditions. These wetlands include existing, mitigated, and restored wetlands.~~

**New development** means development resulting from the conversion of previously undeveloped land or agricultural land uses.

**Non-structural measure** means a practice, technique, or measure to reduce the volume, peak flow rate, or pollutants, in stormwater that does not require the design or installation of fixed stormwater management facilities.

**NRCS** means the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA) formerly known as the SCS (Soil Conservation Service of the USDA).

**NRCS MSE4 distribution** means a specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.

**Off-site** means lands located outside the subject property boundary described in the permit application.

**On-site** means lands located within the subject property boundary described in the permit application.

**Ordinary high-water mark** has the meaning in s. NR 115.03(6), Wisconsin Administrative Code.

**Outstanding resource waters** means waters listed in s. NR 102.10, Wisconsin Administrative Code.

**Parking lot reconstruction** means removing asphalt to the base course by milling or other construction methods.

**Parking lot resurfacing** means removing a portion of an asphalt surface but leaving at least one inch (1") thickness of asphalt surface in place.

**Peak flow or peak flow discharge rate** means the maximum rate that a unit volume of stormwater is discharged. This is usually expressed in terms of cubic feet per second (cfs).

**Percent fines** means the percentage of a given sample of soil, that passes through a Number 200 sieve, in accordance with the "American Society for Testing and Materials", current standard.

**Performance security** means cash or an irrevocable letter of credit submitted to the City of Appleton by the permit holder to assure that requirements of the ordinance are carried out in compliance with the stormwater management plan and to recover any costs incurred by the City for design, engineering, preparation, checking and review of plans

and specifications, regulations and ordinances; and legal, administrative and fiscal work undertaken to assure and implement such compliance.

**Performance standard** means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

**Permit** means a written authorization made by the City of Appleton to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

**Permit application fee** means a sum of money paid to the City of Appleton by the permit applicant for the purpose of recouping expenses incurred by the City in administering the permit.

**Pervious surface** means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests, or other similar vegetated areas are examples of surfaces that typically are pervious.

**Pollutant** means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water as described in §283.01(13), Wis. Stat.

**Pollution** has the meaning in §281.01(10), Wis. Stat.

**Post-construction site** means a construction site following the completion of land disturbing construction activity and final site stabilization.

**Post-development land use condition** means the extent and distribution of land cover types, anticipated to occur under conditions of full development or redevelopment that will influence runoff and infiltration.

**Pre-development condition** means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.

**Pre-treatment** is the practice of reducing pollutants in stormwater before discharging the stormwater to another pollution control structure.

**Preventive action limit** has the meaning in s. NR 140.05(17), Wisconsin Administrative Code.

**Protective area** means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that it is the greatest of the widths as listed in Sec. 20-312(g) of this code, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface.

**Redevelopment** means areas where development is replacing older development.

**Residential land development** means development that is created to house people, including the residential dwellings as well as all affected portions of the development including lawns, driveways, sidewalks, garages, and access streets. This type of development includes single-family, multi-family, apartment and trailer parks.

**Responsible party** means any person holding fee title to the property or other entity contracted or obligated by other agreement to implement and maintain post-construction stormwater SMPs, or other requirements of this ordinance.

**Runoff** means stormwater or precipitation including rain, snow, or ice melt or similar water that moves on the land surface via sheet or channelized flow.

**Runoff Curve Number or RCNs** means an index that represents the combination of: a hydrologic soil group, land use, land cover, impervious area, interception storage, surface storage, and antecedent moisture conditions. RCNs

convert mass rainfall into mass runoff. The Natural Resources Conservation Service of the USDA defines RCNs in TR-55.

**Sediment** means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its origination location.

**Separate storm sewer** means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels, or storm drains, which meets all of the following criteria:

- (a) Is designed or used for collecting water or conveying runoff.
- (b) Is not part of a combined sewer system.
- (c) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
- (d) Discharges directly or indirectly to waters of the state.

**Silviculture activity** means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

**Site** means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application or has occurred.

**Stop work order** means an order issued by the City of Appleton that requires all construction activity on the site be stopped.

**Stormwater conveyance system** means any method employed to carry stormwater runoff within and from a land development or redevelopment activity to the waters of the state. Examples of methods include: swales, channels, and storm sewers.

**Stormwater management measure** means structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes and/or peak flow discharge rates.

**Stormwater management plan** means a comprehensive plan provided by the land developer, land owner or permit holder that identifies the measure to be taken to reduce the discharge of pollutants from stormwater, and control the peak flow and volume of runoff after the site has undergone final stabilization, following completion of construction activity.

**Stormwater Management Practice or SMP** means structural or non-structural measures, practices, techniques, or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

**Stormwater management system plan** is a comprehensive plan, including SMPs, designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

**Targeted performance standard** means a performance standard that applies in a specific area that requires additional practices to meet water quality standards.

**Technical standard** means a document that specifies design, predicted performance, and operation and maintenance specifications for a material, device, or method.

**Top of the channel** means an edge or point on the landscape landward from the ordinary high water mark of a surface water of the state, where the slope of the land begins to be less than twelve percent (12%) continually for at least fifty (50) feet. If the slope of the land is 12 percent (12%) or less continually for the initial fifty (50) feet landward

from the ordinary high water mark, the top of the channel is the ordinary high water mark.

**Total maximum daily load or TMDL** means the amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

**TP** means total phosphorus.

**TP-40** means Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.

**TR-55** means the United States Department of Agriculture, Natural Resources Conservation Services (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986, which is incorporated by reference for this chapter.

**Transportation facility** means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail, and also includes any other public work for transportation purposes such as harbor improvements under §85.095(1)(b), Wis. Stat. “Transportation Facility” does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to §281.33, Wis. Stat.

**TSS** means total suspended solids.

**Type II distribution** means a rainfall type curve as established in the “United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973”.

**Waters of the state** has the meaning in §283.01(20), Wis. Stat.

**WDNR** means the Wisconsin Department of Natural Resources.

**WPDES permit** means a Wisconsin Pollutant Discharge Elimination System permit issued pursuant to Ch. 283, Wis. Stat.

**Wetland functional value** means the type, quality, and significance of the ecological and cultural benefits provided by wetland resources, such as: flood storage, water quality protection, groundwater recharge and discharge, shoreline protection, fish and wildlife habitat, floral diversity, aesthetics, recreation and education.

~~Natural w~~Wetlands means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and that has soils indicative of wet conditions. These wetlands include existing, mitigated, and restored wetlands.

(Ord 188-03, §1, 10-21-03; Ord 66-10, §1, 4-13-10; Ord 156-11, §1, 1-1-12; Ord 42-16, §1, 5-1-16; Ord 72-20, §1, 5-1-20)

**Secs. 20-305 – 20-310. Reserved.**

## **DIVISION 2. STORMWATER MANAGEMENT**

### **Sec. 20-311. Applicability and jurisdiction.**

(a) **Applicability.** This ordinance applies to all post-construction land development, redevelopment, and infill~~ing~~ sites with one (1) acre or more of land disturbing construction activities, except:

- (1) A post-construction site with less than ten percent (10%) connected imperviousness of the total area based on area of land disturbance, provided the cumulative area of all parking lots, roads, and rooftops

is less than one (1) acre. However, the exemption of this paragraph does not include exemption from the protective area standards of this ordinance.

- (2) Agricultural facilities and practices.
- (3) Nonpoint discharges from silviculture activities.
- (4) Underground utility construction such as water, sewer, and fiberoptic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction.

Notwithstanding these applicability requirements, this ordinance applies to any post-construction site of any size that, in the opinion of the City of Appleton, is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or other pollutants, or that endangers property or public safety.

(b) **Jurisdiction.** This ordinance applies to post-construction land development and redevelopment sites within the boundaries of the City of Appleton and to all lands located within three (3) miles of the corporate limits pursuant to the City's extraterritorial plat approval jurisdiction as set forth in §236.45(2), Wis. Stat., even if plat approval is not involved.

(c) **County and town ordinances.** This ordinance supersedes any county or town stormwater management ordinance for lands annexed to the City after the effective date of the county or town ordinance, except when the county or town ordinance is more restrictive than this ordinance; then the more restrictive provisions set forth in the county or town ordinance shall become part of this ordinance and apply to the annexed lands. In such cases, the City may grant a variance from the more restrictive requirements, provided that the criteria for a variance as set forth in the county or town ordinance is met.

(d) **State agency.** This ordinance is not applicable to activities conducted by a state agency, as defined under §227.01(1), Wis. Stat., and the office of the district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under §281.33(2), Wis. Stat.

(e) **Waivers.** Requests to waive the stormwater management plan requirements shall be submitted to the City of Appleton for approval. Written waivers may be granted administratively by the City for stormwater requirements that are required only by the City if it is demonstrated to the satisfaction of the City that it is reasonable to expect that the objectives of this ordinance will be met by the proposed post-construction land development and redevelopment activity without a stormwater management plan or portion thereof.

(f) **Applicability of maximum extent practicable.** Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the City's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.  
(Ord 188-03, §1, 10-21-03; Ord 42-16, §1, 5-1-16; Ord 72-20, §1, 5-1-20)

## **Sec. 20-312. Performance standards.**

Unless otherwise provided for in this ordinance, all post-construction land development, redevelopment, and in-filling activities subject to this ordinance shall establish on-site management practices to control the peak flow rates of stormwater discharged from the site, the quality of the discharged stormwater, and the volume of the discharged stormwater as described in this ordinance. Technical standards identified, developed, or disseminated by the WDNR under subchapter V of Chapter NR 151, Wisconsin Administrative Code, shall be used. Where technical standards have not been identified or developed by the WDNR, other technical standards may be used provided that the methods have been approved by the City of Appleton. The responsible party shall implement a post-construction stormwater management plan that incorporates the requirements of this section.

Exceptions to these standards are listed in Sec. 20-312(l) of this ordinance.

(a) **Maintenance of effort.** For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of NR 151 in effect on or after October 1, 2004, the responsible party shall meet the total suspended solids reduction, total phosphorus reduction, peak flow control, infiltration, and protective areas standards applicable to the older development or meet the redevelopment standards of this ordinance, whichever is more stringent.

For non-highway transportation facility redevelopment sites and highway reconstruction where the redevelopment or reconstruction will be replacing older development or highway that was subject to post-construction performance standards of this chapter in effect on or after October 1, 2004, the responsible party shall meet the total suspended solids reduction, total phosphorus reduction, peak flow control, infiltration, and protective areas standards applicable to the older development or highway, or meet the redevelopment or highway reconstruction standards of (d) – (m) of this section, whichever are more stringent.

(b) **Off-site drainage.** When designing stormwater management practices for (d), (e), and (f) of this section, runoff draining to the stormwater management practices from off-site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the SMP accordingly.

(c) **Separation distances.** Stormwater management practices shall be adequately separated from wells to prevent contamination of drinking water, and the following minimum separation distances shall be met:

- (1) Stormwater infiltration systems and ponds shall be located at least 400 feet from a well serving a community water system unless the Wisconsin Department of Natural Resources concurs that a lesser separation distance would provide adequate protection of a well from contamination.
- (2) Stormwater management practices shall be located with a minimum separation distance from any well serving a non-community or private water system as follows:
  - i. 25 feet to the edge of a stormwater detention pond or basin.
  - ii. 100 feet for a stormwater infiltration basin or system.
  - iii. 8 feet to a stormwater culvert or edge of a ditch that is not a river or stream.

(Ord 72-20, §1, 5-1-20)

(d) **Peak discharge**

(1) The proposed post-construction land use shall not increase peak flow rates of stormwater runoff from that which would have resulted from the same design storm occurring over the site with the land in its pre-development condition. Unless the site is currently woodland, pre-development peak flow rates shall be based on the grassland condition, as defined in Table 1. If the existing site contains a combination of woodland and grassland, a runoff curve number shall be weighted based on land cover using the curve numbers in Table 1. Peak flow rates shall be determined for storms of twenty-four (24) hour duration and recurrence intervals of one (1), two (2), five (5), ten (10), and one hundred (100) years. For proposed conditions, appropriate curve numbers, as described in TR-55 and weighted based on the proposed land cover, shall be used in TR-55 calculations. The composite RCNs as defined in TR-55 should not be used. ~~woodland condition, as defined in Table 1 of this ordinance for storms of twenty-four (24) hour duration and recurrence intervals of one (1), two (2), five (5), ten (10), and one hundred (100) years. Appropriate curve numbers, as described in TR-55 and weighted based on the proposed land cover, shall be used in TR-55 calculations. The composite RCNs as defined in TR-55 should not be used.~~

Table 1  
Maximum Pre-Development Runoff Curve Numbers

Runoff Curve Number	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78
<del>Cropland</del>	<del>55</del>	<del>69</del>	<del>78</del>	<del>83</del>

~~Where the pre-development condition is a combination of the Table 1 land uses, the runoff curve number shall be weighted based on area of land cover.~~

- (2) All stormwater conveyance systems within the post-construction site shall be designed to completely contain the peak storm flows as described herein. Calculations for determining peak flows for conveyance system sizing shall use RCNs based on the existing or future proposed land use for off-site areas (whichever results in the highest peak flows), and the proposed land use for on-site areas.
  - a. For open channel conveyance systems the peak flow from the 100-year, 24-hour storm shall be completely contained within the channel bottom and banks.
  - b. For storm sewer conveyance systems the peak flow from the 5-year storm shall be completely contained within the storm sewers with no surcharging. The peak flow for the 10-year storm shall not surcharge above the permanent pavement surface at the gutter.
  - c. For storms greater than the five- (5-) year event, and up to the 100-year, 24-hour event, conveyance of flow to the appropriate waters of the state shall be within existing or proposed street right-of-ways or recorded drainage easements. In no case shall the depth of water exceed twelve (12) inches at the outer edge of pavement or six (6) inches at the road crown, whichever is less.
  - d. The 100-year storm runoff flow path outside of the storm sewer conveyance system must not impact structural improvements on property.
  - e. Existing flow onto the site cannot be restricted or modified to impact adjacent properties without a written agreement between property owners.
- (3) Determination of peak flow rates and volume of runoff for purposes of meeting the requirements of Sec. 20-312(d)(1) of this ordinance shall be computed by procedures based on the principals and procedures described in TR-55. Other proposed calculation methods must have prior written approval of the City of Appleton.
- (4) The rainfall distributions for the storm events shall be NOAA Atlas 14 MSE4, unless otherwise approved by the City of Appleton. On a case-by-case basis, the City of Appleton may allow the use of TP-40 precipitation depths and the Type II distribution.
- ~~(5) Existing wetlands shall not be incorporated in the proposed stormwater management practice for peak flow control. Peak flow shall be managed prior to discharge to an existing wetland. Should any changes to natural wetlands be proposed, the impact of the proposal on wetland functional values shall be assessed and significant changes to wetland functional values shall be avoided (as defined by s. NR 103, Wisconsin Administrative Code).~~
- ~~(6)~~ Peak stormwater discharge reductions do not apply for a site meeting any one of these requirements:
  - a. Redevelopment post-construction sites less than five (5) acres in size.
  - b. In-fill development areas less than five (5) acres in size.
  - c. Sites that directly discharge to the Fox River without flowing over or through a municipally owned separate storm sewer or stormwater conveyance system.

d. A transportation facility that is part of a redevelopment project.

e. A highway reconstruction site.

(Ord 72-20, §1, 5-1-20)

(e) **Stormwater discharge quality.** Unless otherwise provided for in this ordinance, all post-construction land development, ~~and~~ redevelopment and infill activities subject to this ordinance shall establish on-site management practices to control the quality of stormwater discharged from the post-construction site. The design shall be based on the average rainfall, as compared to no runoff management controls. Total Suspended Solids (TSS) and Total Phosphorus (TP) load reduction is required in accordance with Table 2. On-site management practices shall be used to meet the following minimum standards:

Table 2.  
Total Suspended Solids (TSS) and Total Phosphorus (TP) Load Reduction Requirements

<u>Watershed</u>	<u>New Development, Redevelopment 5 acres or larger and Infill</u>		<u>Redevelopment less than 5 acres and Transportation Facility Redevelopment</u>	
	<u>TSS</u>	<u>TP</u>	<u>TSS</u>	<u>TP</u>
<u>Apple Creek</u>	<u>80.0%</u>	<u>40.5%</u>	<u>52.0%</u>	<u>40.5%</u>
<u>Duck Creek</u>	<u>80.0%</u>	<u>40.5%</u>	<u>52.0%</u>	<u>40.5%</u>
<u>Mud Creek</u>	<u>80.0%</u>	<u>48.2%</u>	<u>42.8%</u>	<u>48.2%</u>
<u>Garners Creek</u>	<u>80.0%</u>	<u>68.6%</u>	<u>59.9%</u>	<u>68.6%</u>
<u>Fox River</u>	<u>80.0%</u>	<u>40.5%</u>	<u>72.2%</u>	<u>40.5%</u>
<u>Bear Creek</u>	<u>84.0%</u>	<u>85.6%</u>	<u>84.0%</u>	<u>85.6%</u>
<u>Lake Winnebago</u>	<u>80.0%</u>	<u>85.6%</u>	<u>40.0%</u>	<u>85.6%</u>

~~(1) All new development, redevelopment, and infill sites shall calculate TSS and TP loads without and with the proposed on-site stormwater management measures using an appropriate computer model. Both the loads and the amounts of removal shall be reported in the plan narrative and included in the computer model submitted for the project.~~

~~(2) Effectiveness of the stormwater management measures shall be evaluated using the latest version of the Source Loading and Management Model for Windows (WinSLAMM). Other models may be used with prior written approval of the City.~~

~~(1) Total suspended solids (TSS). SMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows:~~

~~a. For new development and new transportation facilities, by design, reduce to the maximum extent practicable, the total suspended solids load by eighty percent (80%), based on the average annual rainfall, as compared to no runoff management controls.~~

~~b. For redevelopment less than five (5) acres of disturbed land and highway reconstruction, by design, reduce to the maximum extent practicable, the total suspended solids load by forty percent (40%); based upon the average annual rainfall, as compared to no runoff management controls.~~

~~c. For redevelopment five (5) acres or greater of disturbed land, reduce to the maximum extent practicable, the total suspended solids load by eighty percent (80%), based on the average annual rainfall, as compared to no runoff management controls.~~

~~d. For in fill development by design, reduce to the maximum extent practicable, the total suspended solids load by eighty percent (80%), based on the average annual rainfall, as compared to no runoff management controls.~~

~~e. For non highway transportation facility redevelopment, by design, reduce to the maximum extent practicable, the total suspended solids load by 40% based on average annual rainfall as compared to no runoff management controls.~~

~~(2) Total phosphorus (TP). All new development, redevelopment, and infill sites shall calculate the total phosphorus load and the amount of phosphorus removed with the proposed on-site practices with an appropriate computer model. Both the load and the amount of removal shall be reported in the plan narrative and included in the computer model submitted for the project.~~

~~(3) Effectiveness of the stormwater management measures shall be evaluated using the latest version of the Source Loading and Management Model (WinSLAMM). Other models may be used with prior written approval of the City.~~

(Ord 66-10, §1, 4-13-10; Ord 72-20, §1, 5-1-20)

(f) **Infiltration.** Unless otherwise provided for in this ordinance, all post-construction land development and redevelopment sites subject to this ordinance shall design, install, and maintain on-site stormwater management practices to infiltrate runoff in accordance with the following, to the maximum extent practicable.

(1) *Low imperviousness.* For development up to 40 percent (40%) connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90 percent (90%) of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent (1%) of the post-construction site is required as an effective infiltration area.

(2) *Moderate imperviousness.* For development with more than forty percent (40%) and up to eighty percent (80%) connected imperviousness, such as medium and high density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least seventy-five percent (75%) of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than two percent (2%) of the post-construction site is required as an effective infiltration area.

(3) *High imperviousness.* For development with more than eighty percent (80%) connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least sixty percent (60%) of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than two percent (2%) of the post-construction site is required as an effective infiltration area.

(4) *Pre-development.* The pre-development condition shall be as specified in Table ~~4~~3.

Table 3

<u>Runoff Curve Number</u>	<u>Hydrologic Soil Group</u>			
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
<u>Woodland</u>	<u>30</u>	<u>55</u>	<u>70</u>	<u>77</u>
<u>Grassland</u>	<u>39</u>	<u>61</u>	<u>71</u>	<u>78</u>
<u>Cropland</u>	<u>55</u>	<u>69</u>	<u>78</u>	<u>83</u>

(5) A model that calculates runoff volume, such as WinSLAMM or other methodology approved by the City shall be used. Other models may be used with prior written approval of the City.

- (6) Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial, and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance in accordance with Sec. 20-314 of this ordinance.

Pretreatment may include, but is not limited to, oil/grease separation, sedimentation, biofiltration, filtration, treatment swales or filter strips. It is desirable to infiltrate the cleanest runoff to meet the infiltration standard. To achieve this, the design may propose greater infiltration of runoff from some sources such as roofs, and lesser from dirtier sources such as parking lots.

- (7) For the purpose of this section, turf grass swales are not counted towards the one percent (1%) or two percent (2%) infiltration areas described in subsections (1) and (2).

(8) *Source areas.*

- a. *Prohibitions.* Runoff from the following areas may not be infiltrated and may not qualify as contributing to meeting the requirements of this section unless demonstrated to meet the conditions identified in Sec. 20-312(f)(11):

- i. Areas associated with a tier 1 industrial facility identified in s. NR 216.21(2)(a), Wisconsin Administrative Code, including storage, loading and parking. Rooftops may be infiltrated with the concurrence of the regulatory authority.
- ii. Storage and loading areas of a tier 2 industrial facility identified in s. NR216.21(2)(b), Wisconsin Administrative Code.

NOTE TO USERS: Runoff from the employee and guest parking and rooftop areas of a tier 2 facility may be infiltrated but runoff from the parking area may require pretreatment.

- iii. Fueling and vehicle maintenance areas. Runoff from rooftops and fueling and vehicle maintenance areas may be infiltrated with the concurrence of the regulatory authority.

- b. *Exemptions.* Runoff from the following areas may be credited toward meeting the requirement when infiltrated, but the decision to infiltrate runoff from these source areas is optional:

- i. Parking areas and access roads less than 5,000 square feet for commercial development.
- ii. Parking areas and access roads less than 5,000 square feet for industrial development not subject to the prohibitions under par a.
- iii. Redevelopment post-construction sites, except as provided under Sec. 20-312(a), Maintenance of effort.
- iv. In-fill development areas less than five (5) acres.
- v. Roads on commercial, industrial and institutional land uses, and arterial residential roads.
- vi. Transportation facility highway reconstruction and new highways.

(9) *Location of practices.*

- a. *Groundwater limitations.* When permanent infiltration systems are used, appropriate on-site testing shall be conducted to determine if seasonal high groundwater elevation or top of bedrock is within five (5) feet of the bottom of the proposed infiltration system.

- b. *Prohibitions.* Infiltration practices may not be located in the following areas:
  - i. Areas within 1,000 feet upgradient or within 100 feet downgradient of direct conduits to groundwater.
  - ii. Areas within 400 feet of a community water system well as specified in s. NR 811.16(4), Wisconsin Administrative Code or within the separation distances listed in s. NR 812.08, Wisconsin Administrative Code for any private well or non-community well for runoff infiltrated from commercial, including multi-family residential, industrial and institutional land uses, or regional devices for one- and two-family residential development.
  - iii. Areas where contaminants of concern, as defined in s. NR 720.03 (2), Wisconsin Administrative Code, are present in the soil through which infiltration will occur.
- c. *Separation distances.*
  - i. Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with Table 24.

Table 24  
Separation Distances and Soil Characteristics

Source Area	Separation Distance	Soil Characteristics
Industrial, Commercial, Institutional Parking Lots and Roads	5 feet or more	Filtering layer
Residential Arterial Roads	5 feet or more	Filtering layer
Roofs Draining to Subsurface Infiltration Practices	1 foot or more	Native or Engineered soil with particles finer than coarse sand
Roofs Draining to Surface Infiltration Practices	Not applicable	Not applicable
All Other Impervious Source Areas	3 feet or more	Filtering Layer

- ii. Notwithstanding par. b., applicable requirements for injection wells classified under ch. NR 815, Wisconsin Administrative Code shall be followed.
- d. *Infiltration rate exemptions.* Infiltration practices located in the following areas may be credited toward meeting the requirements under the following conditions, but the decision to infiltrate under these conditions is at the Developer's option:
  - i. Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches per hour using a scientifically credible field test method.
  - ii. Where the least permeable soil horizon to five (5) feet below the proposed bottom of the

infiltration system using the U.S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.

(10) *Alternate use.* Where alternate uses of runoff are employed, such as for toilet flushing, laundry, or irrigation or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate use shall be given equal credit toward the infiltration volume required by this section.

(11) *Groundwater standards.*

- a. Infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with s. NR 140, Wisconsin Administrative Code. However, if site-specific information indicates that compliance with a preventive action limit is not achievable, the infiltration SMP shall not be installed or shall be modified to prevent infiltration to the maximum extent practicable.
- b. Notwithstanding paragraph (a), the discharge from SMPs shall remain below the enforcement standard at the point of standards application.

(Ord 72-20, §1, 5-1-20)

(g) ***Protective areas.*** Protective area means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the widths described below, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this section, protective area does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location.

(1) Protective areas are:

- a. For outstanding resource waters and exceptional resource waters, seventy-five (75) feet.
- b. For perennial and intermittent streams identified on a United States geological survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, fifty (50) feet.
- c. For lakes, 50 feet.
- d. For wetlands not subject to par. e. or f., 50 feet.
- e. For highly susceptible wetlands, 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds.
- f. For less susceptible wetlands, ten percent (10%) of the average wetland width, but no less than ten (10) feet nor more than thirty (30) feet. Less susceptible wetlands include: degraded wetland dominated by invasive species such as reed canary grass; cultivated hydric soils, and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.
- g. In pars. d. to f., determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in s. NR 103.03, Wisconsin Administrative Code.
- h. Wetland boundary delineation shall be made in accordance with s. NR 103.08(1m), Wisconsin Administrative Code. This paragraph does not apply to wetlands that have been completely filled in compliance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in compliance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed. Where there is a legally

authorized wetland fill, the protective area standard need not be met in that location.

- i. For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.
  - j. Notwithstanding pars. a. to i., the greatest protective area width shall apply where rivers, streams, lakes, and wetlands are contiguous.
- (2) This section applies to post-construction sites located within a protective area, except those areas exempted pursuant to sub. 5.
- (3) The following requirements shall be met:
- a. Impervious surfaces shall be kept out of the protective area entirely or to the maximum extent practicable. The stormwater management plan shall contain a written site-specific explanation for any parts of the protective area that are disturbed during construction.
  - b. Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining native vegetative cover of seventy percent (70%) or greater shall be established and maintained. The self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.
  - c. Stormwater management practices such as filter strips, treatment swales, or wet detention basins, that are designed to control pollutants from nonpoint sources may be located in the protective area.
- (4) A protective area established or created after the adoption date of this ordinance shall not be eliminated or reduced, except as allowed in subd. (5)b., c., or d below.
- (5) Protective areas do not apply to:
- a. Redevelopment post-construction sites, including non-highway transportation redevelopment sites, provided the minimum requirements within subd. (4) above are satisfied.
  - b. Structures that cross or access surface waters such as boat landings, bridges and culverts.
  - c. Structures constructed in accordance with §59.692(1v), Wis. Stat.
  - d. Post-construction sites, including transportation facilities, from which runoff does not enter the surface water, including wetlands, without first being treated by a SMP, except to the extent that vegetative ground cover is necessary to maintain bank stability.
  - e. Infill development less than five (5) acres.
- (Ord 66-10, §1, 4-13-10; Ord 42-16, §1, 5-1-16; Ord 72-20, §1, 5-1-20)

(h) **Fueling and vehicle maintenance areas.** Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have SMPs designed, installed, and maintained to reduce petroleum within runoff, such that the runoff that enters waters of the state contains no visible petroleum sheen. A combination of the following SMPs may be used: oil and grease separators, canopies, petroleum spill cleanup materials, or any other structural or non-structural method of preventing or treating petroleum in runoff.

- (1) This ordinance applies to:
- a. New fueling and vehicle maintenance areas approved after the effective date of this ordinance.

- b. Any modifications to existing fueling and vehicle maintenance areas regardless of the size of the disturbed area. SMPs installed as part of a site modification shall, to the maximum extent practicable, be designed and operated to treat all stormwater leaving the site so that the stormwater contains no visible petroleum sheen.
  - c. Transportation and non-highway transportation sites.
- (2) A stormwater management plan per Sec. 20-313 of this ordinance, a maintenance agreement per Sec. 20-314 of this ordinance and a stormwater permit per Sec. 20-321 of this ordinance are required.  
(Ord 66-10, §1, 4-13-10; Ord 42-16, §1, 5-1-16; Ord 72-20, §1, 5-1-20)

(i) **General considerations for stormwater management measures.** The following considerations shall be observed in on-site and off-site runoff management.

- (1) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.
  - (2) Overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.
  - (3) Overland flow paths from adjoining properties to an offsite facility must be maintained.
  - (4) Low impact development techniques and green infrastructure should be included to the extent possible. These techniques include but are not limited to: increasing the time of concentration by lengthening the flow path and increasing the roughness of the flow path, using native, deep rooted vegetation instead of turf grasses and deep tilling onsite compacted soil.
- (Ord 66-10, §1, 4-13-10; Ord 42-16, §1, 5-1-16; Ord 72-20, §1, 5-1-20)

(j) **Location and regional treatment option.**

- (1) The SMPs may be located on-site or off-site as part of a regional stormwater device, practice or system, but shall be installed in accordance with s. NR 151.003 Wisconsin Administrative Code.
- (2) Post-construction runoff within a non-navigable surface water that flows into a SMP, such as a wet detention pond, is not required to meet the performance standards of this ordinance. Post-construction SMPs may be located in non-navigable surface waters.
- (3) Post-construction runoff shall meet the post-construction performance standards prior to entering navigable surface water.
  - a. To the maximum extent practicable, SMPs shall be located to treat runoff prior to discharge to navigable surface waters.
  - b. Post-construction SMPs for such runoff may be located in a navigable surface water if allowable under all other applicable federal, state and local regulations such as s. NR 103, Wisconsin Administrative Code and Chapter 30, Wis. Stat.
- (4) The City of Appleton may approve off-site management measures provided that all of the following conditions are met:
  - a. The post-construction runoff is covered by a stormwater management system plan that is approved by the City of Appleton and that contains management requirements consistent with the purpose and intent of this ordinance.
  - b. The off-site facility meets all of the following conditions:

- i. The facility is in place.
  - ii. The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance.
  - iii. The facility has a legally obligated entity responsible for its long-term operation and maintenance.
  - iv. Permittee must demonstrate that the proposed post-construction land development or redevelopment activity has received permission to use the off-site facility.
  - v. Permittee must also demonstrate the flow path to the off-site facility will not result in negative impacts to structural improvements on the property.
  - vi. Permittee must provide easements of all overland flow paths up to and including the overland flow path of the 100-year storm.
- (5) Where a regional treatment option exists such that the City of Appleton exempts the applicant from all or part of the minimum on-site stormwater management requirements, the applicant may be required to pay a one-time fee in an amount determined by the City of Appleton. In determining the fee for post-construction runoff, the City may consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.
- (6) The discharge of runoff from a SMP, such as a wet detention pond, or after a series of such SMPs, is subject to this ordinance.
- (Ord 72-20, §1, 5-1-20)

(k) ***Additional requirements.*** The City of Appleton may establish stormwater management requirements more stringent than those set forth in this ordinance if the City determines that the requirements are needed to control stormwater quantity or control flooding, comply with federally approved total maximum daily load requirements, or control pollutants associated with existing development or redevelopment.

(l) ***Swale treatment for transportation facilities.***

- (1) ***Applicability.*** Except as provided in Sec. 20-312(i)(2) of this ordinance, transportation facilities that use swales for runoff conveyance, pollutant removal and infiltration meet the stormwater discharge quality requirements of this section, if the swales are designed to the maximum extent practicable to do all of the following:
- a. Be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams. It is preferred that tall and dense vegetation be maintained within the swale because of its greater effectiveness at enhancing runoff pollutant removal.
  - b. Swales shall comply with sections V.F. (Velocity and Depth) and V.G. (Swale Geometry Criteria) with a swale treatment length as long as that specified in section V.C. (Pre-Treatment) of the Wisconsin Department of Natural Resources technical standard 1005 “Vegetated Infiltration Swales”, dated May 2007, or a superseding document. Transportation facility swale treatment does not have to comply with other sections of technical standard 1005.

(2) ***Other requirements.***

- a. The City of Appleton may, consistent with water quality standards, require other provisions of this section be met on a transportation facility with average daily traffic of vehicles greater than two

thousand five hundred (2,500) per day and where the initial surface water of the state that the runoff directly enters is any of the following:

- i. An outstanding resource water.
- ii. An exceptional resource water.
- iii. Waters listed in s. 303(d) of the Federal Clean Water Act that are identified as impaired in whole or in part, because of nonpoint source impacts.
- iv. Waters where targeted performance standards are developed under s. NR 151.004, Wisconsin Administrative Code, to meet water quality standards.

- b. The transportation facility authority shall contact the City to determine if additional SMPs beyond a water quality swale are needed under this subsection.

(Ord 66-10, §1, 4-13-10; Ord 42-16, §1, 5-1-16; Ord 72-20, §1, 5-1-20)

(m) Innovative stormwater management systems that do not meet Sec. 20-312(d), (e) or (f) of this ordinance must be reviewed and accepted by the City before installation.

(188-03, §1, 10-21-03; Ord 42-16, §1, 5-1-16)

### **Sec. 20-313. Stormwater management plans.**

#### **(a) *Plan requirements.***

- (1) The stormwater management plan required under Sec. 20-321 of this ordinance shall contain any such information the City of Appleton may need to evaluate the characteristics of the area affected by land development and redevelopment activities, the potential impacts of the proposed activity upon the quality and quantity of stormwater discharges, the potential impacts upon water resources and drainage systems and the effectiveness and acceptability of proposed stormwater management measures in meeting the performance standards set forth in this ordinance.

- (2) All initial and final site investigations, geotechnical reports, plans, designs, computations and drawings for stormwater management measures and plans submitted for review shall be stamped by a professional engineer registered in the State of Wisconsin and be prepared in accordance with accepted engineering practice and in accordance with criteria set forth by the City of Appleton.

- (3) Plan submittal shall include a digital version of the WinSLAMM \*.mdb file(s) and a digital representation of post-construction drainage area(s) to each individual treatment practice in ESRI GIS Shapefile or Geodatabase format, Autodesk AutoCAD (\*.dwg), or other format approved by the City.

- (4) Wetland evaluations and delineations shall be prepared by a qualified professional and submitted with any State and/or Federal concurrence letter(s).

#### **(b) *Minimum content.*** The stormwater management plan shall contain at a minimum the following information:

- (1) Name, address and telephone number for the following and their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of stormwater management practices; and person(s) responsible for maintenance of stormwater management practices prior to the transfer, if any, of maintenance responsibility to another party.

- (2) A proper legal description of the property proposed to be developed in Outagamie County Coordinate System and referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.

- (3) Pre-development site conditions, including:

- a. One or more site maps of current site conditions at a scale of not less than one (1) inch equal one hundred (100) feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all stormwater conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the 100-year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to s. NR 811.16, Wisconsin Administrative Code.
  - b. Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
- (4) Post-construction site conditions, including:
- a. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.
  - b. Explanation of any restrictions on stormwater management measures in the development area imposed by wellhead protection plans and ordinances.
  - c. One or more site maps at a scale of not less than one (1) inch equals one hundred (100) feet showing the following: post-construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures and pavement; post-construction topographic contours of the site; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all stormwater conveyance sections; location and type of all stormwater management conveyance and treatment practices, including the on-site and off-site tributary drainage areas; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site.
  - d. Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s). The plan shall include a table summarizing the drainage area, pre-project and post-project loadings and removal efficiencies for each treatment practice. If the project includes off-site drainage areas those areas shall be incorporated into the modeling to determine treatment practice effectiveness but shall be listed separately in the table. A development cannot take credit for off-site areas and reductions without a written agreement from the off-site landowner(s).
  - e. Results of investigations of soil and groundwater required for the placement and design of stormwater management measures.
  - f. Detailed drawings including cross-sections and profiles of all permanent stormwater conveyance and treatment practices.
- (5) A description and installation schedule for the stormwater management practices needed to meet the

performance standards in Sec. 20-312 of this ordinance.

- (6) A maintenance plan and inspection report form developed for the life of each stormwater management practice including the required maintenance activities and maintenance activity schedule.
- (7) An explanation of the technical basis used to select the stormwater management practices.
- (8) If maximum extent practicable is requested for any of the requirements of this ordinance, the plan shall include a written, site-specific explanation of why the standard cannot be met.
- (9) Other information requested in writing by the City of Appleton to determine compliance of the proposed stormwater management measures with the provisions of this ordinance.

(Ord 72-20, §1, 5-1-20)

(c) **Alternate requirements.** The City of Appleton may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under Secs. 20-312(d), (e) or (f) of this ordinance.

(d) **Modifications.** When a change in land use or stormwater management practice occurs at a site with an approved stormwater management plan, a modified stormwater management plan must be submitted to the City for review and approval before those changes in practice occur. Plan modifications shall be modeled in the latest version of WinSLAMM unless otherwise approved by the City.

(Ord 188-03, §1, 10-21-03; Ord 66-10, §1, 4-13-10, Ord 42-16, §1, 5-1-16, Ord 72-20, §1, 5-1-20)

#### **Sec. 20-314. Maintenance agreement.**

(a) **Maintenance agreement required.** The maintenance agreement required for stormwater management practices under Sec. 20-321(b) of this ordinance shall be an agreement between the City of Appleton and the responsible party to provide for perpetual maintenance of stormwater practices. The agreement shall be recorded with the appropriate (Outagamie, Winnebago, or Calumet) County Register of Deeds, as a property deed restriction so that it is binding upon all subsequent owners of land served by the stormwater management practices.

(Ord 66-10, §1, 4-13-10; Ord 42-16, §1, 5-1-16)

(b) **Agreement provisions.** The responsible party shall maintain stormwater management practices in accordance with the stormwater practice maintenance provisions contained in the approved stormwater management plan submitted under Sec. 20-321(b) of this ordinance. This maintenance agreement includes:

- (1) Identification of the stormwater facilities and designation of the drainage area served by the facilities.
- (2) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan as required under Sec. 20-321 of this ordinance.
- (3) Identification of the responsible party(ies), organization or city, county, town or village responsible for long-term maintenance of the stormwater management practices identified in the stormwater management plan as required under Sec. 20-321 of this ordinance.
- (4) Requirement that the responsible party(ies), organization(s), or city, county, town or village shall maintain stormwater management practices in accordance with the schedule included in Sec. 20-314(b)(2) of this ordinance.
- (5) Authorization for the City of Appleton to access the property to conduct inspections of stormwater practices as necessary to ascertain that the practices are being maintained and operated in accordance with the approved stormwater management plan. The City of Appleton shall maintain public records of the results of the site inspections, shall inform the responsible party for maintenance of the inspection results and shall specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition and a reasonable time frame during which the

corrective action must be taken.

- (6) Authorization for the City of Appleton to perform the corrected actions identified in the inspection report if the responsible party does not make the required corrections in the specified time period. The City of Appleton shall charge the responsible party(ies) identified in the maintenance agreement for the cost of such work and shall place a lien on the property by the City of Appleton, which may be collected as special charges pursuant to subchapter VII, §66(16).

(c) **Modification of agreement.** This maintenance agreement may be modified by mutual agreement of the responsible party and the City of Appleton. The modification date shall be the date the modified maintenance agreement is recorded with the appropriate (Outagamie, Winnebago, or Calumet) County Register of Deeds, as a property deed restriction so that the modified agreement is binding upon all subsequent owners of the land served by the stormwater management practices.

The maintenance agreement shall be modified when there are changes in land use or stormwater management practices at the site. The modified plan shall be submitted and approved by the City before changes in practices occur. (Ord 66-10, §1, 4-13-10)

(d) **Long term maintenance stormwater management report.**

- (1) Every property owner that has been granted a ~~stormwater~~stormwater management permit, constructed on-site stormwater management practices and signed and recorded the required maintenance agreement, shall submit to the Director of Public Works a report on the condition of the site's stormwater management devices and a certification that the SMPs are functioning per the approved plan.

- (2) Owners shall be notified by the City of the requirements and the deadline for reporting.

The report and certification shall be completed and sealed by a Professional Engineer currently licensed in the State of Wisconsin, on forms provided by the City.

- (3) The requirement that the report and certification be sealed by a Professional Engineer may be omitted in the case of a stormwater management plan consisting solely of storm sewer inlet filters and/or catch basin sumps, provided that the applicant can provide the appropriate documentation of cleaning activities and dated photos.

- (4) For sites with more extensive stormwater management systems, the requirements may include, but are not limited to:

- a. Photos of the management device at the time of inspection. This shall include photos of existing conditions and photos after the completion of any required maintenance.
- b. Bathometric survey.
- c. Topographic survey.
- d. Infiltration testing.
- e. Completed inspection forms.
- f. Documentation of the completion of the required annual maintenance, including copies of receipts (actual prices paid need not be reported) from agents hired to perform the work and the date the work was completed.

- (5) Upon receipt of the report and certification, if requested on the cover letter accompanying the report or by separate email, City Engineering staff shall provide an email response to the contact listed on the reporting forms stating that the report was received. This response from the City shall be made within

20 working days of receiving the report.  
(Ord 72-20, §1, 5-1-20)

(e) **Termination of agreement.** The maintenance agreement shall be terminated at such time that responsibility for maintenance of the stormwater management practice is legally transferred to the City of Appleton or agency acceptable to the City of Appleton, through a written, binding agreement. The termination date of the maintenance agreement required under Sec. 20-314(a) of this ordinance shall be the date upon which the legal transfer of maintenance responsibility to the City of Appleton or agency is made effective.  
(Ord 188-03, §1, 10-21-03; Ord 66-10, §1, 4-13-10; Ord 42-16, §1, 5-1-16; Ord 72-20, §1, 5-1-20)

**Secs. 20-315 – 20-320. Reserved.**

### DIVISION 3. PERMITTING AND FEES

**Sec. 20-321. Permitting requirements, procedures, and fees.**

(a) **Permit required.** No responsible party may undertake a land disturbing construction activity except One- and Two-family residential lots, without receiving a post-construction runoff permit from the City of Appleton prior to commencing the proposed activity.

(b) **Permit application and fee.** Unless specifically excluded by this ordinance, any responsible party desiring a permit (permit holder) shall submit to the City of Appleton a permit application made on a form provided by the City of Appleton for that purpose.

- (1) Unless otherwise excepted by this ordinance, a permit application must be accompanied by a stormwater management plan, narrative and drawings, grading plan, utility plan, landscape plan, non-refundable permit review fee and an operation and maintenance plan and agreement as set forth in Table 35. The initial submittal and the final approved plan shall be stamped by an engineer licensed in the State of Wisconsin ~~in a hard copy format~~. The initial and final submittals shall include one stamped hard copy of the drawings and all documents in .pdf format.

Table 35

Land Development Activity	Permit	Stormwater Mgmt Plan	Grading & Drainage Plan	Maintenance Agrm
Agricultural Use	--	--	--	--
Non-Residential	X	X	X	X
1 & 2 Family Residential on 1 acre or greater lot	X	X	X	--
Multi-Family Residential	X	X	X	X
Subdivision Development	X	X	X	X

- (2) The stormwater management plan shall be prepared to meet the requirements of Sec. 20-313 of this ordinance and the maintenance agreement shall be prepared to meet the requirements of Sec. 20-314 of this ordinance.
- (3) Plan revisions occurring after initial plan approval shall be submitted for review with an application, applicable changes to drawings, calculations, and the Operation and Maintenance Agreement. Fees shall be per (4) below.
- (4) Fees for the above-noted permits will include a non-refundable one hundred dollar (\$100) application fee and will be the actual costs incurred by the City. The application fee shall be credited toward the actual costs incurred by the City. Fees shall be payable within thirty (30) days of receipt of an invoice from the City. An invoice will be sent any time an applicant fails to resubmit a plan revision for ninety

(90) days or more.

(Ord 66-10, §1, 4-13-10; Ord 157-11, §1, 1-1-12, Ord 42-16, §1, 5-1-16)

(c) **Review and approval of permit application.** The City of Appleton will review any complete permit application that is submitted with the required fee. The following procedure will be used:

- (1) For a Major Stormwater Management Plan, within thirty (30) business days of the receipt of a complete permit application, including all documents as required by Sec. 20-321(b)(1) of this ordinance, the City of Appleton shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved. The City of Appleton shall base the decision on requirements set forth in Secs. 20-312, 20-313 and 20-314 of this ordinance.
- (2) For a Minor Stormwater Management Plan, within fifteen (15) business days of receipt of a complete permit application, including all documents as required by Sec. 20-321(b)(1) of this ordinance, the City of Appleton shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved. The City of Appleton shall base the decision on requirements set forth in Secs. 20-312, 20-313 and 20-314 of this ordinance.
- (3) If the stormwater permit application, stormwater management plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of stormwater management practices are paid, the City of Appleton shall issue the permit.
- (4) If the stormwater permit application, stormwater management plan or maintenance agreement are disapproved, the applicant may revise the stormwater management plan or agreement, or may appeal the decision of the City of Appleton as provided for in Sec. 20-327 of this ordinance.
- (5) If additional information is submitted, the City of Appleton shall have thirty (30) business days from the date the additional information is received for a Major Stormwater Management Plan and fifteen (15) business days for a Minor Stormwater Management Plan to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
- (6) Failure by the City of Appleton to inform the permit applicant of a decision within the timelines listed above shall be deemed to mean approval of the submittal and applicant may proceed as if permit has been issued.

(Ord 157-11, §1, 1-1-12, 42-16, §1, 5-1-16)

(d) **Stormwater practice installation and maintenance performance security.** The City of Appleton may, at its discretion, require the submittal of a cash escrow, letter of credit, or performance security prior to issuance of the permit to ensure that the stormwater practices are installed and maintained by the responsible party as required by the stormwater management plan. The amount of the installation performance security shall be determined by the City of Appleton, not to exceed the total estimated construction cost of the stormwater management practices approved under the permit unless otherwise specified in the permit.

The amount of the maintenance performance security shall be determined by the City of Appleton, not to exceed ten- (10-) years of the maintenance costs estimated in the stormwater plan. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan.

Conditions for the release of performance security are as follows:

- (1) The installation performance security shall be released in full only upon submission of “as built plans” and written certification by the design engineer that the stormwater practice(s) were installed and function as intended in accordance with the approved plan and other applicable provisions of this ordinance. The City of Appleton may make provisions for a partial pro-rata release of the performance security based on the completion of various development stages including the final inspection of landscaping material.

- (2) The maintenance performance security, minus any costs incurred by the City of Appleton to conduct required maintenance, design, engineering, preparation, checking and review of designs, plans and specifications; supervision and inspection to ensure that construction is in compliance with applicable plans, specifications, regulations and ordinances; and legal, administrative and fiscal work undertaken to assure and implement such compliance, shall be released at such time that the responsibility for practice maintenance is passed on to another private entity, via an approved maintenance agreement, or to the City of Appleton.

(e) **Permit conditions.** All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The City of Appleton may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the City of Appleton to suspend or revoke this permit may be appealed in accordance with Sec. 20-327 of this ordinance.

- (1) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state and local laws and regulations.
- (2) The responsible party shall design, install, and maintain all structural and nonstructural stormwater management measures in accordance with the approved stormwater management plan, maintenance agreement, and this permit.
- (3) The responsible party shall notify the City of Appleton at least three (3) business days before commencing any work in conjunction with the stormwater management plan, and within five (5) business days upon completion of the stormwater management practices.

If required as a special condition, the permit holder shall make additional notification according to a schedule set forth by the City of Appleton so that practice installations can be inspected during construction.

- (4) Completed stormwater management practices must pass a final inspection to determine if they are in accordance with the approved stormwater management plan and ordinance. The inspection must be made by the City of Appleton, or other competent professionals. The City of Appleton shall notify the permit holder in writing of any changes required in such practices to bring them into compliance with the conditions of this permit. The responsible party is further required to submit an as-built plan and a certificate of completion, stating the completion of the permitted work is in accordance with the stormwater management plan, City of Appleton, state and federal requirements. The certificate must be signed by the design engineer.
- (5) The responsible party shall notify the City of any significant modifications it intends to make to an approved stormwater management plan. The City of Appleton may require that the proposed modifications be submitted for approval prior to incorporation into the stormwater management plan and execution by the responsible party.
- (6) The responsible party shall maintain all stormwater management practices specified in the approved stormwater management plan until the practices either become the responsibility of the City of Appleton, or are transferred to a subsequent responsible party as specified in the approved maintenance agreement.
- (7) The responsible party authorizes the City of Appleton to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to placing associated costs upon the tax roll as a special lien against the property which may be collected as special charges pursuant to §66.0627, Wis. Stat., by the City of Appleton or to charging such costs against the letter of credit or cash bond posted for the project.
- (8) If so directed by the City of Appleton, the responsible party shall repair at the permit holder's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management

plan.

(9) The responsible party shall permit property access to the City of Appleton or its designee for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.

(10) Where necessary, it shall be the responsibility of the permit holder to obtain any appropriate easements or other necessary property/interests with affected property owners concerning the prevention of endangerment to property or public safety. Issuance of this permit does not create or affect any such rights.

(11) The owner is subject to the enforceable actions detailed in Sec. 20-326 of this ordinance if the responsible party fails to comply with the terms of this permit.

(Ord 66-10, §1, 4-13-10; Ord 42-16, §1, 5-1-16)

(f) **Permit duration.** The responsible party must start the permit activities within one (1) year of the date the permit is issued. An extension of one (1) year may be granted by the Director, provided a written request is submitted to the Director prior to the expiration date for the initial permit. If permit activities are not started, then a new permit application and fee may be required.

(Ord 6610, §1, 4-13-10)

(g) **Fee in lieu of on-site stormwater management practices.** Where the City of Appleton waives all or part of the minimum on-site stormwater management requirements under Sec. 20-313(c) of this ordinance, or where the waiver is based on the provision of adequate stormwater facilities provided by the City of Appleton downstream of the proposed development or redevelopment, as provided for under Sec. 20-312 of this ordinance, the applicant shall be required to pay a fee in an amount as determined by the City of Appleton pursuant to §66.0617, Wis. Stat. and any other applicable law.

(Ord 188-03, §1, 10-21-03; Ord 42-16, §1, 5-1-16)

**Secs. 20-322 – 20-325. Reserved.**

#### **DIVISION 4. ENFORCEMENT AND APPEALS**

##### **Sec. 20-326. Enforcement and penalties.**

(a) Any land disturbing construction activity or any post-construction runoff initiated after the effective date of this ordinance by any person, firm, association or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.

(b) The City of Appleton shall notify the responsible party or owner by certified mail of any non-complying land disturbing construction activity or post construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action and additional enforcement action, which may be taken.

(c) Upon receipt of written notification from the City of Appleton, the responsible party or owner shall correct work that does not comply with the stormwater management plan or other provisions of this permit. The responsible party or owner shall make corrections as necessary to meet the specifications and schedule set forth by the City of Appleton in the notice.

(d) If the violations to a permit issued pursuant to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the City of Appleton may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the City of Appleton plus interest and legal costs shall be billed to the responsible party or owner.

(e) The City of Appleton is authorized to post a stop work order on all land disturbing construction activity that

is in violation of this ordinance, or to request the Appleton City Attorney to obtain a cease and desist order.

(f) The City of Appleton may revoke a permit issued under this ordinance for non-compliance with ordinance provisions.

(g) Any permit revocation, stop work order or cease and desist order shall remain in effect unless retracted by the City of Appleton or by a court of competent jurisdiction.

(h) The City of Appleton is authorized to refer any violation of this ordinance, or of a stop work order or cease and desist order issued pursuant to this ordinance to the Appleton City Attorney for the commencement of further legal proceedings.

(i) Any person, firm, association or corporation who does not comply with the provisions of this ordinance shall be subject to the general penalty provisions of the Appleton Municipal Code Sec. 1-16. Each day that the violation exists shall constitute a separate offense.

(j) Violations of this ordinance deemed to be a public nuisance shall be subject to abatement under Sec. 12-32 of the City of Appleton Municipal Code or compliance with this ordinance may be enforced by injunctive order in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

(k) When the City of Appleton determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the stormwater management plan submitted and approved pursuant to Sec. 20-321 of this ordinance, or has failed to comply with schedules set forth in said stormwater management plan, the City of Appleton or a party designated by the City of Appleton may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The City of Appleton shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any performance or maintenance security posted pursuant to Sec. 20-321 of this ordinance. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property. (Ord 188-03, §1, 10-21-03; Ord 42-16, §1, 5-1-16)

#### **Sec. 20-327. Appeals.**

(a) **Appeals.** The Utilities Committee of the Appleton Common Council shall hear and recommend to Council appeals where it is alleged that there is error in any order, decision or determination made by the City of Appleton in administering this ordinance. The Committee shall use the rules, procedures, duties and powers authorized by statute in hearing and recommending appeals.

Upon appeal, the Committee may recommend to Council relief from the provisions of this ordinance that are not contrary to the public interest or provisions of state regulations, and where owing to special conditions a literal enforcement of this ordinance will result in unnecessary hardship.

(b) **Who may appeal.** Appeals to the Utilities Committee of the City of Appleton may be taken by any aggrieved person or by an officer, department, board or bureau of the City of Appleton affected by any decision of the City of Appleton. Written appeals shall be filed with the City Clerk. The Utilities Committee will make a recommendation within forty-five (45) calendar days of filing of the appeal. If the Utilities Committee takes no action within forty-five (45) calendar days, the appeal will automatically be sent to Council with a recommendation for approval. Either party may file a written request for a time extension with the City Clerk. (Ord 188-03, §1, 10-21-03; Ord 42-16, §1, 5-1-16)

#### **Secs. 20-328 – 20-330. Reserved.**

## **DIVISION 5. SEVERABILITY**

### **Sec. 20-331. Severability.**

If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections or portion thereof of the ordinance which shall remain in full force and effect.

(Ord 188-03, §1, 10-21-03; Ord 42-16, §1, 5-1-16)

## **DIVISION VI. EFFECTIVE DATE.**

### **Sec. 20-332. Effective date.**

This ordinance is in full force and effect on ~~May 1, 2016~~August 1, 2022.  
(Ord 188-03, §1, 10-21-03; Ord 42-16, §1, 5-1-16)

# Submittal of Annual Reports and Other Compliance Documents for Municipal Separate Storm Sewer System (MS4) Permits

NOTE: Missing or incomplete fields are highlighted at the bottom of each page. You may save, close and return to your draft permit as often as necessary to complete your application. After 120 days your draft is **deleted**.

Form 3400-224(R8/2021)

## Reporting Information :

Will you be completing the Annual Report or other submittal type?  Annual Report  Other

**Project Name:** 2021 Annual Report

**County:** Outagamie

**Municipality:** Appleton City

**Permit Number:** S050075

**Facility Number:** 31098

**Reporting Year:** 2021

Is this submittal also satisfying an Urban Nonpoint Source Grant funded deliverable?  Yes  No

## Required Attachments and Supplemental Information

Please complete the contents of each tab to submit your MS4 permit compliance document. The information included in this checklist is necessary for a complete submittal. A complete and detailed submittal will help us review about your MS4 permit document. To help us make a decision in the shortest amount of time possible, the following information must be submitted:

### Annual Report

- Review related web site and instructions for [Municipal storm water permit eReporting](#) [Exit Form]
- Complete all required fields on the annual report form and upload required attachments
- Attach the following other supporting documents as appropriate using the attachments tab above
  - Public Education and Outreach Annual Report Summary
  - Public Involvement and Participation Annual Report Summary
  - Illicit Discharge Detection and Elimination Annual Report Summary
  - Construction Site Pollution Control Annual Report Summary
  - Post-Construction Storm Water Management Annual Report Summary
  - Pollution Prevention Annual Report Summary
    - Leaf and Yard Waste Management
    - Municipal Facility (BMP) Inspection Report
    - Municipal Property SWPPP
    - Municipally Property Inspection Report
    - Winter Road Maintenance
  - Storm Sewer Map Annual Report Attachment
  - Storm Water Quality Management Annual Report Attachment
  - TMDL Attachment
  - Storm Water Consortium/Group Report

- Municipal Cooperation Attachment
- Other Annual Report Attachment
  
- Attach the following permit compliance documents as appropriate using the attachments tab above
  - Storm Water Management Program
    - Public Education and Outreach Program
    - Public Involvement and Participation Program
    - Illicit Discharge Detection and Elimination Program
    - Construction Site Pollutant Control Program
    - Post-Construction Storm Water Management Program
    - Pollution Prevention Program
      - Municipal Storm Water Management Facility (BMP) Inventory
      - Municipal Storm Water Management Facility (BMP) Inspection and Maintenance Plan
  - Total Maximum Daily Load documents (*\*if applicable, see permit for due dates.*)
    - TMDL Mapping\*
    - TMDL Modeling\*
    - TMDL Implementation Plan\*
    - Fecal Coliform Screening Parameter \*
    - Fecal Coliform Inventory and Map (*S050075-03 general permittees Appendix B B.5.2 – document due to the department by March 31, 2022*)
    - Fecal Coliform Source Elimination Plan (*S050075-03 general permittees Appendix B - document due to the department by October 31, 2023*)
  
- Sign and Submit form

**Municipal Contact Information- Complete**

**Notice:** Pursuant to s. NR 216.07(8), Wis. Adm. Code, an owner or operator of a Municipal Separate Storm Sewer System (MS4) is required to submit an annual report to the Department of Natural Resources (Department) by March 31 of each year to report on activities for the previous calendar year ("reporting year"). This form is being provided by the Department for the user's convenience for reporting on activities undertaken in each reporting year of the permit term. Personal information collected will be used for administrative purposes and may be provided to the extent required by Wisconsin's Open Records Law [ss. 19.31-19.39, Wis. Stats.].

**Note:** Compliance items must be submitted using the Attachments tab.

**Municipality Information**

**Name of Municipality:** Appleton City

**Facility ID # or (FIN):** 31098

**Updated Information:**  Check to update mailing address information

**Mailing Address:** 100 North Appleton Street

**Mailing Address 2:**

**City:** Appleton

**State:** Wisconsin

**Zip Code:** 54911 xxxxx or xxxxx-xxxx

**Primary Municipal Contact Person (Authorized Representative for MS4 Permit)**

The "Authorized Representative" or "Authorized Municipal Contact" includes the municipal official that was charged with compliance and oversight of the permit conditions, and has signature authority for submitting permit documents to the Department (i.e., Mayor, Municipal Administrator, Director of Public Works, City Engineer).

Select to **create new** primary contact

**First Name:** Paula

**Last Name:** Vandehey

Select to **update** current contact information

**Title:** DPW Director

**Mailing Address:** 100 N. Appleton Street

**Mailing Address 2:**

**City:** Appleton

**State:** WI

**Zip Code:** 54911 xxxxx or xxxxx-xxxx

**Phone Number:** 920-832-6474 Ext: xxx-xxx-xxxx

**Email:** paula.vandehey@appleton.org

**Additional Contacts Information (Optional)**

I&E Program

**Individual with responsibility for:  
(Check all that apply)**

- IDDE Program
- IDDE Response Procedure Manual
- Municipal-wide Water Quality Plan
- Ordinances
- Pollution Prevention Program
- Post-Construction Program
- Winter roadway maintenance

**First Name:** Nathan

**Last Name:** Loper

**Title:** Dep Dir Operations

**Mailing Address:** 2625 E Glendale Ave

**Mailing Address 2:**

**City:** Appleton

**State:** WI

**Zip Code:** 54911      xxxxx or xxxxx-xxxx

**Phone Number:** 920-832-5580      Ext:      xxx-xxx-xxxx

**Email:** nathan.loper@appleton.org

1. Does the municipality rely on another entity to satisfy some of the permit requirements?

Yes    No

Public Education and Outreach   NEWSC and FWWA

Public Involvement and Participation   NEWSC and FWWA

Illicit Discharge Detection and Elimination   Westwood Associates

Construction Site Pollutant Control   raSmith and Brown and Caldwell

Post-Construction Storm Water Management   raSmith and Brown and Caldwell

Pollution Prevention

2. Has there been any changes to the municipality's participation in group efforts towards permit compliances (i.e., the municipality has added or dropped consortium membership)?

Yes    No

**Missing Information**

Note: For the minimum control measures, you must fill out all questions in sections 1 through 7.

**Minimum Control Measures- Section 1 : Complete**

**1. Public Education and Outreach**

a. Complete the following information on Public Education and Outreach Activities related to storm water. Select the Delivery Mechanism that best describes how the topics were conveyed to your population. Use the Add Event to add additional entries.

<b>Event Start Date</b>	6/1/2021		
<b>Project/Event Name</b>	DPW Newsletter		
<b>Delivery Mechanism</b>	Distribution of print media		*Active
Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input checked="" type="checkbox"/> Illicit discharge detection and elimination <input checked="" type="checkbox"/> Household hazardous waste disposal/pet waste management/vehicle washing <input checked="" type="checkbox"/> Yard waste management/pesticide and fertilizer application <input type="checkbox"/> Stream and shoreline management <input type="checkbox"/> Residential infiltration <input type="checkbox"/> Construction sites and post-construction storm water management <input type="checkbox"/> Pollution prevention <input type="checkbox"/> Green infrastructure/low impact development <input type="checkbox"/> Other: <input type="text"/>	<input checked="" type="checkbox"/> General Public <input checked="" type="checkbox"/> Public Employees <input checked="" type="checkbox"/> Residents <input type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	101 +	<input type="radio"/> Yes <input checked="" type="radio"/> No

<b>Event Start Date</b>	1/4/2021		
<b>Project/Event Name</b>	One on One communication		
<b>Delivery Mechanism</b>	Educational activity*		*Active
Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input checked="" type="checkbox"/> Illicit discharge detection and elimination <input type="checkbox"/> Household hazardous waste disposal/pet waste management/vehicle washing <input type="checkbox"/> Yard waste management/pesticide and fertilizer application <input type="checkbox"/> Stream and shoreline management <input type="checkbox"/> Residential infiltration <input checked="" type="checkbox"/> Construction sites and post-construction storm water management <input type="checkbox"/> Pollution prevention <input checked="" type="checkbox"/> Green infrastructure/low impact development <input type="checkbox"/> Other: <input type="text"/>	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input checked="" type="checkbox"/> Residents <input checked="" type="checkbox"/> Businesses <input checked="" type="checkbox"/> Contractors <input checked="" type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	11-50	<input type="radio"/> Yes <input checked="" type="radio"/> No

<b>Event Start Date</b>	6/7/2021		
<b>Project/Event Name</b>	Summer Camp		
<b>Delivery Mechanism</b>	Targeted group training*		*Active
Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input type="checkbox"/> Illicit discharge detection and elimination <input checked="" type="checkbox"/> Household hazardous waste disposal/pet waste management/vehicle washing <input checked="" type="checkbox"/> Yard waste management/pesticide and fertilizer application <input checked="" type="checkbox"/> Stream and shoreline management <input type="checkbox"/> Residential infiltration <input type="checkbox"/> Construction sites and post-construction storm water management <input type="checkbox"/> Pollution prevention <input type="checkbox"/> Green infrastructure/low impact development <input type="checkbox"/> Other: <input type="text"/>	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input checked="" type="checkbox"/> Residents <input type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	11-50	<input type="radio"/> Yes <input checked="" type="radio"/> No

<b>Event Start Date</b>	1/4/2021		
<b>Project/Event Name</b>	NEWSC exhibiting		
<b>Delivery Mechanism</b>	Informational booth*		*Active
Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input checked="" type="checkbox"/> Illicit discharge detection and elimination <input checked="" type="checkbox"/> Household hazardous waste disposal/pet waste management/vehicle washing <input checked="" type="checkbox"/> Yard waste management/pesticide and fertilizer application <input checked="" type="checkbox"/> Stream and shoreline management <input checked="" type="checkbox"/> Residential infiltration <input type="checkbox"/> Construction sites and post-construction storm water management <input type="checkbox"/> Pollution prevention <input type="checkbox"/> Green infrastructure/low impact development <input type="checkbox"/> Other: <input type="text"/>	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input checked="" type="checkbox"/> Residents <input checked="" type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	101 +	<input checked="" type="radio"/> Yes <input type="radio"/> No

<b>Event Start Date</b>	1/4/2021		
<b>Project/Event Name</b>	NEWSC School Presentations		
<b>Delivery Mechanism</b>	Targeted group training*		*Active
Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input checked="" type="checkbox"/> Illicit discharge detection and elimination <input checked="" type="checkbox"/> Household hazardous waste disposal/pet waste management/vehicle washing	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input checked="" type="checkbox"/> Residents	51-100	<input checked="" type="radio"/> Yes <input type="radio"/> No

<input checked="" type="checkbox"/> Yard waste management/pesticide and fertilizer application <input checked="" type="checkbox"/> Stream and shoreline management <input checked="" type="checkbox"/> Residential infiltration <input checked="" type="checkbox"/> Construction sites and post-construction storm water management <input checked="" type="checkbox"/> Pollution prevention <input type="checkbox"/> Green infrastructure/low impact development <input type="checkbox"/> Other: <input type="text"/>	<input type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other		
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<b>Event Start Date</b>	1/4/2021
<b>Project/Event Name</b>	Stormwater Utility Pledge Supporter
<b>Delivery Mechanism</b>	Passive print media <span style="float: right;">*Active</span>

Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input checked="" type="checkbox"/> Illicit discharge detection and elimination <input checked="" type="checkbox"/> Household hazardous waste disposal/pet waste management/vehicle washing <input checked="" type="checkbox"/> Yard waste management/pesticide and fertilizer application <input type="checkbox"/> Stream and shoreline management <input checked="" type="checkbox"/> Residential infiltration <input type="checkbox"/> Construction sites and post-construction storm water management <input type="checkbox"/> Pollution prevention <input type="checkbox"/> Green infrastructure/low impact development <input type="checkbox"/> Other: <input type="text"/>	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input checked="" type="checkbox"/> Residents <input type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	1 - 10	<input type="radio"/> Yes <input checked="" type="radio"/> No

<b>Event Start Date</b>	1/4/2021
<b>Project/Event Name</b>	FWWA Conference
<b>Delivery Mechanism</b>	Workshop* <span style="float: right;">*Active</span>

Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input type="checkbox"/> Illicit discharge detection and elimination <input type="checkbox"/> Household hazardous waste disposal/pet waste management/vehicle washing <input type="checkbox"/> Yard waste management/pesticide and fertilizer application <input type="checkbox"/> Stream and shoreline management <input type="checkbox"/> Residential infiltration <input checked="" type="checkbox"/> Construction sites and post-construction storm water management <input type="checkbox"/> Pollution prevention <input checked="" type="checkbox"/> Green infrastructure/low impact development <input type="checkbox"/> Other: <input type="text"/>	<input type="checkbox"/> General Public <input checked="" type="checkbox"/> Public Employees <input type="checkbox"/> Residents <input type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input checked="" type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	101 +	<input checked="" type="radio"/> Yes <input type="radio"/> No

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<b>Event Start Date</b>	5/1/2021		
<b>Project/Event Name</b>	Fox River Clean up		
<b>Delivery Mechanism</b>	Educational activity*		*Active
Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input type="checkbox"/> Illicit discharge detection and elimination <input type="checkbox"/> Household hazardous waste disposal/pet waste management/vehicle washing <input type="checkbox"/> Yard waste management/pesticide and fertilizer application <input checked="" type="checkbox"/> Stream and shoreline management <input type="checkbox"/> Residential infiltration <input type="checkbox"/> Construction sites and post-construction storm water management <input type="checkbox"/> Pollution prevention <input type="checkbox"/> Green infrastructure/low impact development <input type="checkbox"/> Other: <input type="text"/>	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input checked="" type="checkbox"/> Residents <input checked="" type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	101 +	<input checked="" type="radio"/> Yes <input type="radio"/> No

<b>Event Start Date</b>	12/1/2021		
<b>Project/Event Name</b>	Carpet Cleaner mailing		
<b>Delivery Mechanism</b>	Distribution of print media		*Active
Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input checked="" type="checkbox"/> Illicit discharge detection and elimination <input type="checkbox"/> Household hazardous waste disposal/pet waste management/vehicle washing <input type="checkbox"/> Yard waste management/pesticide and fertilizer application <input type="checkbox"/> Stream and shoreline management <input type="checkbox"/> Residential infiltration <input type="checkbox"/> Construction sites and post-construction storm water management <input checked="" type="checkbox"/> Pollution prevention <input type="checkbox"/> Green infrastructure/low impact development <input type="checkbox"/> Other: <input type="text"/>	<input type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input type="checkbox"/> Residents <input checked="" type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	11-50	<input type="radio"/> Yes <input checked="" type="radio"/> No

<b>Event Start Date</b>	5/3/2021		
<b>Project/Event Name</b>	NEWSC posters at parks		
<b>Delivery Mechanism</b>	Passive print media		*Active
Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input type="checkbox"/> Illicit discharge detection and elimination <input checked="" type="checkbox"/> Household hazardous waste disposal/pet	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees	11-50	<input type="radio"/> Yes <input checked="" type="radio"/> No

waste management/vehicle washing <input checked="" type="checkbox"/> Yard waste management/pesticide and fertilizer application <input type="checkbox"/> Stream and shoreline management <input checked="" type="checkbox"/> Residential infiltration <input type="checkbox"/> Construction sites and post-construction storm water management <input checked="" type="checkbox"/> Pollution prevention <input checked="" type="checkbox"/> Green infrastructure/low impact development <input type="checkbox"/> Other: <input type="text"/>	<input type="checkbox"/> Residents <input type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other		
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<b>Event Start Date</b>	1/4/2021
<b>Project/Event Name</b>	Project Meetings and plan review
<b>Delivery Mechanism</b>	Targeted group training* <span style="float: right;">*Active</span>

Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input type="checkbox"/> Illicit discharge detection and elimination <input type="checkbox"/> Household hazardous waste disposal/pet waste management/vehicle washing <input type="checkbox"/> Yard waste management/pesticide and fertilizer application <input type="checkbox"/> Stream and shoreline management <input type="checkbox"/> Residential infiltration <input checked="" type="checkbox"/> Construction sites and post-construction storm water management <input type="checkbox"/> Pollution prevention <input checked="" type="checkbox"/> Green infrastructure/low impact development <input type="checkbox"/> Other: <input type="text"/>	<input type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input type="checkbox"/> Residents <input type="checkbox"/> Businesses <input checked="" type="checkbox"/> Contractors <input checked="" type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	11-50	<input type="radio"/> Yes <input checked="" type="radio"/> No

**b.** Brief explanation on Public Education and Outreach reporting. *Limit response to 250 characters and/or attach supplemental information on the attachments page.*

See attached spreadsheet and summary. Education options remain limited due to Covid.

### Missing Information

Do not close your work until you **SAVE**.

**Note:** For the minimum control measures, you must fill out all questions in sections 1 through 7

Form 3400-224 (R8/2021)

## Minimum Control Measures - Section 2 : Complete

### 2. Public Involvement and Participation

a. Permit Activities. Complete the following information on Public Involvement and Participation Activities related to storm water. Select the Delivery Mechanism that best describes how the permit activities were conveyed to your population. Use the Add Event to add additional entries.

<b>Event Start Date</b>	3/4/2021		
<b>Project/Event Name</b>	Utilities Committee meeting and Council meeting		
<b>Delivery Mechanism</b>	Government Event (Public Hearing, Council Meeting, etc)		
Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input checked="" type="checkbox"/> MS4 Annual Report <input type="checkbox"/> Storm Water Management Program <input type="checkbox"/> Storm Water related ordinance <input type="checkbox"/> Other: <input type="text"/>	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input type="checkbox"/> Residents <input type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	11-50	<input type="radio"/> Yes <input checked="" type="radio"/> No

<b>Event Start Date</b>	3/4/2021		
<b>Project/Event Name</b>	Updated Pollution Prevention Program		
<b>Delivery Mechanism</b>	Government Event (Public Hearing, Council Meeting, etc)		
Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input type="checkbox"/> MS4 Annual Report <input checked="" type="checkbox"/> Storm Water Management Program <input type="checkbox"/> Storm Water related ordinance <input type="checkbox"/> Other: <input type="text"/>	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input type="checkbox"/> Residents <input type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	11-50	<input type="radio"/> Yes <input checked="" type="radio"/> No

<b>Event Start Date</b>	1/8/2021		
<b>Project/Event Name</b>	Updated Illicit Discharge Program		
<b>Delivery Mechanism</b>	Government Event (Public Hearing, Council Meeting, etc)		
Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input type="checkbox"/> MS4 Annual Report <input checked="" type="checkbox"/> Storm Water Management Program <input type="checkbox"/> Storm Water related ordinance <input type="checkbox"/> Other: <input type="text"/>	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input type="checkbox"/> Residents <input type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	11-50	<input type="radio"/> Yes <input checked="" type="radio"/> No

b. Volunteer Activities. Complete the following information on Public Involvement and Participation Activities related to storm water. Select the Delivery Mechanism that best describes how volunteer activities were conveyed to your population. Use the Add Event to add additional entries.

<b>Event Start Date</b>	5/1/2021	<input type="checkbox"/> NA (Individual Permittee).	
<b>Project/Event Name</b>	FWWA River Cleanup		
<b>Delivery Mechanism</b>	Clean up event		
<b>Topics Covered</b>	<b>Target Audience</b>	<b>Estimated People Reached (Optional)</b>	<b>Regional Effort (Optional)</b>
Volunteer Opportunity	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input checked="" type="checkbox"/> Residents <input checked="" type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	101 +	<input checked="" type="radio"/> Yes <input type="radio"/> No

c. Brief explanation on Public Involvement and Participation reporting. *Limit response to 250 characters and/or attach supplemental information on the attachments page.*

Public Participation Program completed as expected despite on-going Covid and staffing issues.

### Missing Information

**Do not close** your work until you **SAVE**.

**Note:** For the minimum control measures, you must fill out all questions in sections 1 through 7

Form 3400-224 (R8/2021)

## Minimum Control Measures - Section 3 : Complete

### 3. Illicit Discharge Detection and Elimination

- a. How many total outfalls does the municipality have?   Unsure
- b. How many outfalls did the municipality evaluate as part of their routine ongoing field screening program?   Unsure
- c. From the municipality's routine screening, how many were confirmed illicit discharges?   Unsure
- d. How many illicit discharge complaints did the municipality receive?   Unsure
- e. From the complaints received, how many were confirmed illicit discharges?   Unsure
- f. How many of the identified illicit discharges did the municipality eliminate in the reporting year (from both routine screening and complaints)?   Unsure

(If the sum of 3.c. and 3.e. does not equal 3.f., please explain below.)

- g. How many of the following enforcement mechanisms did the municipality use to enforce its illicit discharge ordinance? Check all that apply and  Unsure

enter the number of each used in the reporting year.

- |   |    |
|---|----|
| <input checked="" type="checkbox"/> Verbal Warning                    | 12 |
| <input checked="" type="checkbox"/> Written Warning (including email) | 4  |
| <input checked="" type="checkbox"/> Notice of Violation               | 0  |
| <input checked="" type="checkbox"/> Civil Penalty/ Citation           | 0  |

Additional Information: \_\_\_\_\_

- h. Brief explanation on Illicit Discharge Detection and Elimination reporting. *If you marked Unsure for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page.*

High conductivity from salt use and HVAC systems is hard to eliminate. Detergents disappear quickly and can be untraceable by the time staff arrives to track the discharge. Outfalls unresolved will be screened again in 2022.

## Missing Information

**Do not close** your work until you **SAVE**.

**Note:** For the minimum control measures, you must fill out all questions in sections 1 through 7

Form 3400-224 (R8/2021)

## Minimum Control Measures - Section 4 : Complete

### 4. Construction Site Pollutant Control

- a. How many total construction sites with one acre or more of land disturbing construction activity were active at any point in the reporting year?   Unsure
- b. How many construction sites with one acre or more of land disturbing construction activity did the municipality issue permits for in the reporting year?   Unsure
- c. How many erosion control inspections did the municipality complete in the reporting year (at sites with one acre or more of land disturbing construction activity)?   Unsure

- d. What types of enforcement actions does the municipality have available to compel compliance with the regulatory mechanism? Check all that apply and enter the number of each used in the reporting year.  Unsure

- |   |    |
|---|----|
| <input type="checkbox"/> No Authority                                 |    |
| <input checked="" type="checkbox"/> Verbal Warning                    | 84 |
| <input checked="" type="checkbox"/> Written Warning (including email) | 24 |
| <input checked="" type="checkbox"/> Notice of Violation               | 0  |
| <input checked="" type="checkbox"/> Civil Penalty/ Citation           | 0  |
| <input checked="" type="checkbox"/> Stop Work Order                   | 0  |
| <input type="checkbox"/> Forfeiture of Deposit                        |    |
| <input type="checkbox"/> Other - Describe below                       |    |

- e. Brief explanation on Construction Site Pollutant Control reporting . *If you marked Unsure for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page.*

2021 Inspections limited due to Covid. Continued to train new Erosion Control Inspector, who then left position January 3, 2022. Vacancy filled effective February 1, 2022 and 2022 will be another year of training.

## Missing Information

**Do not close** your work until you **SAVE**.

**Note:** For the minimum control measures, you must fill out all questions in sections 1 through 7

Form 3400-224 (R8/2021)

## Minimum Control Measures - Section 5 : Has Missing Items

### 5. Post-Construction Storm Water Management

- a. How many sites with new structural storm water management facilities\* have received local approval ?   Unsure  
 \*Engineered and constructed systems that are designed to provide storm water quality control such as wet detention ponds, constructed wetlands, infiltration basins, grassed swales, permeable pavement, catch basin sumps, etc.
- b. Does the permittee have procedures for inspecting and maintaining private storm water facilities?  Yes  No  Unsure
- c. If Yes, how many privately owned storm water management facilities were inspected in the reporting year ?   Unsure  
 Inspections completed by private landowners should be included in the reported number.
- d. What types of enforcement actions does the municipality have available to compel compliance with the regulatory mechanism? Check all that apply and enter the number of each used in the reporting year.  Unsure
- |   |                                 |
|---|---------------------------------|
| <input type="checkbox"/> No Authority                                 |                                 |
| <input checked="" type="checkbox"/> Verbal Warning                    | <input type="text" value="10"/> |
| <input checked="" type="checkbox"/> Written Warning (including email) | <input type="text" value="10"/> |
| <input checked="" type="checkbox"/> Notice of Violation               | <input type="text" value="7"/>  |
| <input checked="" type="checkbox"/> Civil Penalty/ Citation           | <input type="text" value="0"/>  |
| <input type="checkbox"/> Forfeiture of Deposit                        | <input type="text"/>            |
| <input checked="" type="checkbox"/> Complete Maintenance              | <input type="text" value="0"/>  |
| <input checked="" type="checkbox"/> Bill Responsible Party            | <input type="text" value="0"/>  |
| <input type="checkbox"/> Other - Describe below                       | <input type="text"/>            |

- e. Brief explanation on Post-Construction Storm Water Management reporting . *If marked 'Unsure' on any questions above, justify your reasoning. Limit your response to 250 characters and/or attach supplemental information on the attachments page.*

Verbal and written warnings are not tracked so reported numbers are estimates. Began program to have private SMPs inspected and certified. Progress is difficult and slow due to paper files and limited staff availability. Sites have not been maintained and multiple contacts are needed to complete the process.

## Missing Information

Maximum length is 250 characters,

Do not close your work until you **SAVE**.

Note: For the minimum control measures, you must fill out all questions in sections 1 through 7

Form 3400-224 (R8/2021)

## Minimum Control Measures - Section 6 : Complete

### 6. Pollution Prevention

Storm Water Management Facility Inspections  Not Applicable

- a. Enter the total number of municipally owned or operated structural storm water management facilities ?   Unsure
- b. How many new municipally owned storm water management facilities were installed in the reporting year ?   Unsure
- c. How many municipally owned storm water management facilities were inspected in the reporting year?   Unsure
- d. What elements are looked at during inspections (250 character limit)?

Sediment depth, trash, bank stability, inlet and outlet structures and vegetation

- e. How many of these facilities required maintenance?   Unsure
- f. Brief explanation on Storm Water Management Facility inspection reporting. *If you marked Unsure for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page.*

Inspection and maintenance programs generally on schedule.

Public Works Yards & Other Municipally Owned Properties (SWPPP Plan Review)  Not Applicable

- g. How many municipal properties require a SWPPP?   Unsure
- h. How many inspections of municipal properties have been conducted in the reporting year?   Unsure
- i. Have amendments to the SWPPPs been made?  
 Yes  No  Unsure
- j. If yes, describe what changes have been made. Limit response to 250 characters and/or attach supplemental information on the attachment page:

- k. Brief explanation on Storm Water Pollution Prevention Plan reporting. *If you marked Unsure for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page.*

DPW provides inspection for Facilities sites, including their main Operations building and Reid Golf Course Maintenance Area. Fire and Utilities Departments perform their own inspections.

Collection Services - *Street Sweeping / Cleaning Program*  Not Applicable

- l. Did the municipality conduct street sweeping/cleaning during the reporting year?  
 Yes  No  Unsure
- m. If known, how many tons of material was removed?   Unsure
- n. Does the municipality have a low hazard exemption for this material?  Yes  No
- o. If street cleaning is identified as a storm water best management practice in the pollutant loading analysis, was street cleaning completed at the assumed frequency?  
 Yes - Explain frequency 3 wks, 6 wks if pond, arterial collector 2 wks  
 No - Explain \_\_\_\_\_  
 Not Applicable

Collection Services - *Catch Basin Sump Cleaning Program*  Not Applicable

- p. Did the municipality conduct catch basin sump cleaning during the reporting year?  
 Yes  No  Unsure
- q. How many catch basin sumps were cleaned in the reporting year?   Unsure
- r. If known, how many tons of material was collected?   Unsure
- s. Does the municipality have a low hazard exemption for this material?  Yes  No
- t. If catch basin sump cleaning is identified as a storm water best management practice in the pollutant loading analysis, was cleaning completed at the assumed frequency?  
 Yes- Explain frequency \_\_\_\_\_  
 No - Explain only clean as needed per depth  
 Not Applicable

Collection Services - *Leaf Collection Program*  Not Applicable

- u. Does the municipality conduct curbside leaf collection?  Yes  No  Unsure
- v. Does the municipality notify homeowners about pickup?  Yes  No  Unsure
- w. Where are the residents directed to store the leaves for collection?  
 Pile on terrace  Pile in street  Bags on terrace  Unsure  
 Other - Describe \_\_\_\_\_

x.

What is the frequency of collection?

4 rounds, every 2 wks

y. Is collection followed by street sweeping/cleaning?  Yes  No  Unsure

z. Brief explanation on Collection Services reporting. If you marked Unsure for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page

Winter Road Management  Not Applicable

\*Note: We are requesting information that goes beyond the reporting year, answer the best you can.

aa. How many lane-miles of roadway is the municipality responsible for doing snow and ice control?   Unsure

ab. Provide amount of de-icing products used by month last winter season? Solids (tons) (ex. sand, or salt-sand)

Product	Oct	Nov	Dec	Jan	Feb	Mar
Salt	<input type="text" value="2"/>	<input type="text" value="2"/>	<input type="text" value="395"/>	<input type="text" value="507"/>	<input type="text" value="1209"/>	<input type="text" value="76"/>

Liquids (gallons) (ex. brine)

	Oct	Nov	Dec	Jan	Feb	Mar
Brine	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="11569"/>	<input type="text" value="4567"/>	<input type="text" value="16591"/>	<input type="text" value="14910"/>
Pre-wetting compound	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="450"/>	<input type="text" value="0"/>

ac. Was salt applying machinery calibrated in the reporting year?  Yes  No  Unsure

ad. Have municipal personnel attended salt reduction strategy training in the reporting year?  Yes  No  Unsure

Training Date	Training Name	# Attendance
<input type="text"/>	<input type="text"/>	<input type="text"/>

ae. Brief explanation on Winter Road Management reporting. If you marked Unsure for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page

Salt use on downward trend.

### Internal (Staff) Education & Communication

af. Has training or education been held for municipal or other personnel involved in implementing each of the pollution prevention program elements?  Yes  No  Unsure

If yes, describe what training was provided (250 character limit):

components of MS4 permit, department/division role in meeting permit requirements, individual responsibilities, spill response

When:

How many attended:

ag. Describe how the municipality has kept the following local officials and municipal

staff aware of the municipal storm water discharge permit programs and its requirements.

Elected Officials

Presentations to Utilities Committee as needed throughout the year.

Municipal Officials

Same as elected officials.

Appropriate Staff ( such as operators, Department heads, and those that interact with public)

Monthly staff and workgroup meetings.

- a. Brief explanation on Internal Education reporting. *If you marked Unsure for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page.*

## Missing Information

Do not close your work until you **SAVE**.

**Note:** For the minimum control measures, you must fill out all questions in sections 1 through 7

Form 3400-224 (R8/2021)

## Minimum Control Measures - Section 7 : Complete

### 7. Storm Sewer System Map

- a. Did the municipality update their storm sewer map this year?

Yes  No  Unsure

If yes, check the areas the map items that got updated or changed:

- Storm water treatment facilities  
 Storm pipes  
 Vegetated swales  
 Outfalls  
 Other - Describe below

- b. Brief explanation on Storm Sewer System Map reporting. *If you marked Unsure for an question for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page.*

Map updates include information from 2020 that was delayed due to Covid staffing limitations. See attached list of changes per map.

## Missing Information

Do not close your work until you SAVE.

Form 3400-224 (R8/2021)

## Final Evaluation - Complete

### Fiscal Analysis

Complete the fiscal analysis table provided below. For municipalities that do not break out funding into permit program elements, please enter the monetary amount to your best estimate of what funding may be going towards these programs.

Annual Expenditure Reporting Year	Budget Reporting Year	Budget Upcoming Year	Source of Funds
-----------------------------------	-----------------------	----------------------	-----------------

**Element:** Public Education and Outreach

9,429	8,000	8,000	<u>Storm water utility</u>
-------	-------	-------	----------------------------

**Element:** Public Involvement and Participation

2,533	5,000	5,000	<u>Storm water utility</u>
-------	-------	-------	----------------------------

**Element:** Illicit Discharge Detection and Elimination

14,910	21,500	20,000	<u>Storm water utility</u>
--------	--------	--------	----------------------------

**Element:** Construction Site Pollutant Control

105,683	122,085	108,850	<u>Storm water utility</u>
---------	---------	---------	----------------------------

**Element:** Post-Construction Storm Water Management

121,747	85,000	100,000	<u>Storm water utility</u>
---------	--------	---------	----------------------------

**Element:** Pollution Prevention

1,345,735	1,505,397	1,564,840	<u>Storm water utility</u>
-----------	-----------	-----------	----------------------------

**Other (describe)**

Mapping, annual report preparation and DNR fee

14,000	12,600	12,600	<u>Storm water utility</u>
--------	--------	--------	----------------------------

Please provide a justification for a "0" entered in the Fiscal Analysis. *Limit response to 250 characters.*

### Water Quality

a: Were there any known water quality improvements in the receiving waters to which the

municipality's storm sewer system directly discharges to?

Yes  No  Unsure If Yes, explain below:

**b:** Were there any known water quality degradation in the receiving waters to which the municipality's storm sewer system directly discharges to?

Yes  No  Unsure If Yes, explain below:

**c:** Have any of the receiving waters that the municipality discharges to been added to the impaired waters list during the reporting year?

Yes  No  Unsure

**d:** Has the municipality evaluated their storm water practices to reduce the pollutants of concern?

Yes  No  Unsure

### Storm Water Quality Management

**a.** Has the municipality completed or updated modeling in the reporting year (relating to developed urban area performance standards of s. NR 151.13(2)(b)1., Wis. Adm. Code)?  Yes  No

**b.** If yes, enter percent reduction in the annual average mass discharging from the entire MS4 to surface waters of the state as compared to implementing no storm water management controls:

Total suspended solids (TSS)

Total phosphorus (TP)

### Status of Total Maximum Daily Loads (TMDLs) Implementation

The permittee Appleton City is subject to the following approved TMDLs: Lower Fox River Basin and Lower Green Bay; Upper Fox and Wolf River Basin

The permittee intends to comply with the following permit requirements to show progress towards meeting the TMDL:

**[A.3.1] The Permittee is following the TMDL Compliance Plan, which received department concurrence prior to April 30, 2019.**

The permittee is confirming that all planned efforts are on schedule.

Agree  Disagree

**[A.6.3] Final Documentation.**

The permittee is confirming that all planned efforts are on schedule to submit the final documentation materials [updates to mapping, modeling, tabular summary, and Implementation Plan] under section A.6.3 by October 31, 2023.

Agree  Disagree

**[C.3-4] The Permittee is confirming that all planned efforts are on schedule to meet requirements due to the department.**

- For an Adaptive Management project, a plan is required within 36 months of the TMDL approval date.

- For TMDL Implementation, updates to mapping, modeling, tabular summary, and Implementation Plan documents are required within 48 months of the TMDL approval date.)

Agree  Disagree

### **Additional Information**

Based on the municipality's storm water program evaluation, describe any proposed changes to the municipality's storm water program. *If your response exceeds the 250 character limit, attach supplemental information on the attachments page.*

A one year extension received for DNR Grant for update to Citywide SWMP.

Do not close your work until you SAVE.

--	--	--	--	--	--	--

Form 3400-224 (R8/2021)

**Requests for Assistance on Understanding Permit Programs**

Would the municipality like the Department to contact them about providing more information on understanding any of the Municipal Separate Storm Sewer Permit programs?

Please select all that apply:

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Construction Site Pollutant Control
- Post-Construction Storm Water Management
- Pollution Prevention
- Storm Water Quality Management
- Storm Sewer System Map
- Water Quality Concerns
- Compliance Schedule Items Due
- MS4 Program Evaluation

Do not close your work until you **SAVE**.

Form 3400-224(R8/2021)

## Required Attachments and Supplemental Information

Any other MS4 program information for inclusion in the Annual Report may be attached on here. Use the Add Additional Attachments to add multiple documents.

Upload Required Attachments (15 MB per file limit) - [Help reduce file size and trouble shoot file uploads](#)

\*Required Item

**Note:** To replace an existing file, use the 'Click here to attach file ' link or press the to delete an item.

### Storm Sewer System Map

 File Attachment

### Attach - Other Supporting Documents

#### AR IDDE

 File Attachment

[AppletonSummaryReport2021\\_Full.pdf](#)

#### AR IP

 File Attachment

[2021PublicParticipationcompletedactivities.pdf](#)

#### AR SWMap

 File Attachment

[NR216MapChangeNarrativefor2021.pdf](#)

#### AR EO

 File Attachment

[2021completedIEactivitiesforannualreport.pdf](#)

#### AR Other

 File Attachment

[PublicWorksGuideFINAL2021-2022.pdf](#)

#### AR Other

 File Attachment

[2021SummerCampReport.pdf](#)

#### AR SWGroupReport

 File Attachment

[2021NEWSCAnnualReport.pdf](#)

(To remove items, use your cursor to hover over the attachment section. When the drop down arrow appears, select remove item)

## Attach - Permit Compliance Documents

(To remove items, use your cursor to hover over the attachment section. When the drop down arrow appears, select remove item)

## Missing Information

You must attach a Storm Sewer Map file,

**Draft and Share PDF Report with the permittee's governing body or delegated representatives.**

Press the button below to create a PDF. The PDF will be sent to the email address associated with the WAMS ID that is signed in. After the annual report has been reviewed by the governing body or delegated representative, return to the MS4 eReporting System to submit the final report to the DNR.

[Draft and Share PDF Report](#)

## Complete and Submit Your Application

You have not completed all areas of the application. Please return to the application and complete all missing items.

Contact Information: Complete

Minimum Control Measures Section 1: Complete

Minimum Control Measures Section 2: Complete

Minimum Control Measures Section 3: Complete

Minimum Control Measures Section 4: Complete

Minimum Control Measures Section 5: Has Missing Items

Minimum Control Measures Section 6: Complete

Minimum Control Measures Section 7: Complete

Attachments: Has Missing Items

Final Evaluation: Complete

January 2022		2021 CITY OF APPLETON PUBLIC EDUCATION AND OUTREACH PLAN						
TOPIC	TARGET AUDIENCE	PLANNED ACTIVITY	MECHANISM		PRIMARY LEAD		COMPLETED ACTIVITY	
			ACTIVE	PASSIVE	CITY	NEWSC		
1	1. Promote detection and elimination of illicit discharges and water quality impacts associated with such discharges from municipal separate storm sewer system.							
2		1. Residents	2. DPW Newsletter		X	X	Mailed June 2021	
3			10. One-on-one communication	X		X	On going throughout the year	
4			11. NEWSC Exhibiting	X			See NEWSC Report	
5			6. Credit Policy Pledge Supporter		X	X	There were 10 pledge supporter credits active during 2021	
6			14. Citizens Academy Presentation	X		X	Not held due to COVID	
7		2. City staff - DPW Operations	13. Group Training	X		X	Completed 2020 and 2021 group training with Operations and Engineering Techs	
8								
9		3. Businesses	10. One-on-One communication	X		X	On-going throughout the year	
10							1	
1	2. Inform and educate the public about the proper management of materials that may cause stormwater pollution from sources including automobiles, pet waste, household hazardous waste and household practices.							
2		1. Residents	2. DPW Newsletter		X	X	Mailed June 2021	
3			11. NEWSC Exhibiting	X			See NEWSC Report	
4			3. NEWSC Posters		X	X	NEWSC posters placed at various park pavillions and bathrooms throughout the City	
5			6. Credit Policy Pledge Supporter		X	X	There were 10 pledge supporter credits active during 2021	
6								
7		2. Students	14. NEWSC school presentations	X			See NEWSC Report	
8								
9			15. Summer Camp	X		X	7 of 8 sessions held (one canceled due to weather) Report attached	
10							1	
1	3. Promote beneficial onsite reuse of leaves and grass clippings and proper use of lawn and garden fertilizers and pesticides.							
2		1. Residents	2. City DPW newsletter		X	X	Mailed June 2021	
3			3. NEWSC posters		X	X	NEWSC posters placed at various park pavillions and bathrooms throughout the City	
4			6. Stormwater Credit Policy Pledge Supporter		X	X	There were 10 pledge supporter credits active during 2021	
5			11. NEWSC Exhibiting	X			See NEWSC Report	
6								
7		2. Students	15. Summer Camp	X		X	7 of 8 sessions held (one canceled due to weather) Report attached	
8								
9								
10							1	
1	4. Promote the management of streambanks and shorelines by riparian landowners to minimize erosion and restore and enhance the ecological value of waterways.							
2		1. Residents	16. River cleanup	X			City sponsored at \$2,500, See NEWSC Report	
3								
4		2. Students	14. NEWSC school presentation	X			See NEWSC Report	
5			15. Summer Camp	X		X	7 of 8 sessions held (one canceled due to weather) Report attached	
6								
7								
8								
9								
10							1	
1	5. Promote infiltration of residential stormwater runoff from rooftop downspouts, driveways, and sidewalks.							
2		1. Residents	6. Stormwater Credit Policy Pledge Supporter		X	X	There were 10 pledge supporter credits active during 2021	
3			14. Citizens Academy Presentation	X		X	Not held due to COVID	
4								
5								
6								
7								
8								
9								
10							1	

1										
2		1. Design consultants	10. One-on-one communication	X		X				ESC Inspector in the field throughout the year
3										SW & ESC discussed for private and DPW projects throughout year
4	6. Inform and educate those responsible for the design, installation, and maintenance of construction site practices and stormwater management facilities on how to design, install, and maintain the practices.	2. Contractors	12. Pre-submittal and Pre-construction meetings	X		X				ESC discussed at DPW pre-construction meetings
5		3. City staff								Sponsored and on planning committee
6			18. FWWA Watershed Conference	X		X				Several City staff attended conference
7										ESC and SWM plan review verbal and written discussion
8			19. Plan review	X		X				
9										1
10										
1		1. Restaurants	10. One on One communication with standard inspections by Plumbing and Health Depts	X		X				Not done due to COVID
2										
3										
4	7. Identify businesses and activities that may pose a stormwater contamination concern, and educate those specific audiences on methods of stormwater pollution prevention.	2. Cement Finishers and Concrete Suppliers	1. Mailing		X	X				Sent 19 notices out to carpet cleaners (2020 audience)
5										Staffing limitations due to Covid
6										
7										
8										
9										
10										1
1		1. Owners/Developers	10. One-on-one communication	X		X				Discuss individual projects throughout the year
2										
3		2. Designers	10. One-on-one communication	X		X				Discuss individual projects during the year
4	8. Promote environmentally sensitive land development designs by developers and designers, including green infrastructure and low impact development.		18. Sponsor FWWA Watershed Conference	X		X				Sponsored and on planning committee
5										
6										
7										
8										
9										
10										1
										8 Completed topics
	Passive Mechanisms		Active Mechanisms							6 Number of topics required
	1. Mailing		10. One-on-One communication							
	2. Newsletter		11. NEWSOC Exhibiting							
	3. NEWSOC Posters		12. Meetings							
	4. Website		13. Group Training							
	5. Signage		14. Presentations							
	6. Stormwater Credit Policy Pledge Supporter		15. Summer Camp							
	Total Passive Mechanisms Used	0	16. River Cleanup							
			17. Utilities Committee Meeting							
			18. Workshops/Conferences							
			19. Plan review							
	Key:									
	1= used during the year		Total Active Mechanisms Used	0						
	0= not used during the year									
			Required Active Mechanisms	2						

Topics	Year													
	2019			2020			2021			2022			2023	
	Active	Passive		Active	Passive		Active	Passive		Active	Passive		Active	Passive
1. IDDE	4	2		2	2		5	2						
2. HHH, Pets, Vehicles, etc	3	3		2	3		3	3						
3. Yard Waste, Pesticide, Fertilizer	3	3		1	3		2	3						
4. Stream and Shoreline	3	0		2	0		2	0						
5. Residential Infiltration	0	1		0	1		0	1						
6. ESC and Post Construction	4	0		4	0		4	0						
7. Pollution Prevention	0	1		0	0		0	1						
8. Green Infrastructure/Low Impact	3	0		3	0		3	0						
<b>Totals</b>	<b>20</b>	<b>10</b>		<b>14</b>	<b>9</b>		<b>19</b>	<b>10</b>						

SECTION 2.2 PUBLIC INVOLVEMENT AND PARTICIPATION

ACTIVITY	2021 Planned	2021 Completed	
Annual Report	Target Participants: General Public Elected Officials	March 4, 2021	
Due to WDNR March 31 each year	Delivery Mechanism: Committee agenda on website Utilities Committee meeting Common Council meeting	March 9, 2021	
	Date: March	March 17, 2021	
Stormwater Management Program	Target Participants: General Public Elected Officials School District Developers Other City Departments	Updated Pollution Prevention Program	Updated Illicit Discharge Program
Proposed City-wide Plan Update in 2020-2021	Delivery Mechanism: Committee agenda on website Utilities Committee Presentation Common Council meeting Stakeholder Presentations Stakeholder meetings City staff meetings	March 4, 2021	January 8, 2021
		March 9, 2021	January 12, 2021
		March 17, 2021	January 20, 2021
	Date: throughout the year		
Ordinance Updates	Target Participants: General Public Elected Officials		
Erosion and Sediment Control			
	Design Consultants		
Illicit Discharges	Developers		
	Contractors		
Post-Construction Stormwater Management	Delivery Mechanism: Committee agenda on website Utilities Committee Presentation Common Council meeting	No ordinance updates in 2021	
	Date: As needed		
Volunteer Activity	Target Participants: General Public City Staff		
	Delivery Mechanism: Sponsor FWWA Cleanup Post Sign-up for City staff	Sponsored at \$2500 level Event Held May 1, 2021	
	Date: Spring		



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

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

**TO:** Chairperson Vered Meltzer and Members of the Utilities Committee

**FROM:** Environmental Programs Coordinator Brian Kreski

**DATE:** February 9, 2022

**RE:** *Approve: Sole Source Organic Recycling Contractor Services contract to Hsu Growing Supply for a three-year term ending December 31, 2024 in the amount not to exceed \$247,500.*

---

**BACKGROUND:**

The Appleton Wastewater Treatment Plant (AWWTP) has operated a biosolids compost facility since the fall of 2010. Since its conception, the AWWTP has successfully contracted Hsu Growing Supply (Hsu) for compost processing services. Year-end 2021 marked the fifth consecutive contract term with Hsu. The last Organic Recycling Contractor Services request for quote (RFQ) process was last completed on March 1, 2017. At that time Hsu's was the only firm of six who was responsive to the RFQ. Reasons provided by the non-responsive firms included the inability to meet necessary qualifications, the inability to be competitive based on process frequency and distance to mobilize equipment, and/or the services being requested were outside of their corporate business model. Language was developed within the 2017-2020 Hsu contract that allows for an extension by mutual agreement from both parties in recognition of the uniqueness associated with services requested and the limited pool of firms capable of delivering them.

The original 2017 quote tabulation is summarized in Table 1. Firms were asked to quote on specific processing volumes that were established on past compost operations experience and potential needs arising from potential AWWTP 180-day biosolids storage limitations caused by the inability to conduct seasonal biosolids land application to farm fields. The Compost Program budget and contract award amount (over four years) was based on processing three “batches” of material annually for a total of 16,000 cubic yards (5,333 yards per batch).

**Table 1: Organic Recycling Contractor Services Quotes**

Company	Required Quote (by quarter)			Alternate Quotes	
	Compost Processing			Stockpiling	Screening
	2,500 YD	5,000 YD	10,000 YD	3,500 YD	1,000 YD
Hsu Growing Supply	\$19,125	\$26,250	\$42,500	\$12,075	-
Purple Cow Organics, LLC	DNQ				-
Veolia	DNQ				-
Soil Solutions	DNQ				-
Synagro Technologies	DNQ				-
Vandenberg Trucking	DNQ				-

*Note: Fuel surcharges would apply.*

### QUOTATION:

At the conclusion of the 2021 contract extension, Hsu expressed interest in extending contract services. On January 27, 2022, Hsu submitted a formal letter that outlined their willingness to extend the contract for an additional three-year term with a fee structure (see Table 2) that accounts for price increases associated with equipment and labor. The proposed fees would represent nominally a 5% increase over the previous contract. Similar to past contracts, language would exist in the 2022-2024 contract that allows for an extension by mutual agreement from both parties at the end of the contract term. The contract award amount would be based on processing three batches of material (5,333 yards each) annually for a total of 16,000 cubic yards per year over the three-year term.

**Table 2: Hsu’s 2022-2024 Contract Services Quote**

Company	Required Quote (by quarter)			Alternate Quotes	
	Compost Processing			Stockpiling	Return
	2,500 YD	5,000 YD	10,000 YD	3,500 YD	Trip (turner)
Hsu Growing Supply	\$20,000	\$27,500	\$45,000	\$12,075	\$2,500

*Note: Fuel surcharges would apply.*

### RECOMMENDATION:

Approval of sole source contract to Hsu Growing Supply for a three-year term ending December 31, 2024 in the amount not to exceed \$247,500. If you have any questions regarding this project, please contact Brian Kreski at 920-832-2316.



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

**TO:** Chairperson Vered Meltzer and Members of the Utilities Committee

**CC:** Utilities Director Chris Shaw

**FROM:** Environmental Programs Coordinator Brian Kreski

**DATE:** February 14, 2022

**RE:** **Permit transfer approval from Appvion Operations, Inc. n/k/a Appleseed Operations, Inc. (the Prior Owner) to Appvion, LLC (the New Owner) - Pretreatment Program Permit No. 21-03.**

---

**Background:**

This memo serves as a formal notification and request by Appvion Operations Inc. on February 10, 2022 to transfer its Industrial User Permit (No. 21-03) to Appvion LLC in accordance with the City of Appleton's Sewer Use Ordinance (SUO), Sec. 20-120:

***Sec. 20-120. Wastewater discharge permit transfer.***

*Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance notice to the Director of Utilities and the Director of Utilities approves the wastewater discharge permit transfer. The notice to the Director of Utilities must include a written certification by the new owner or operator which:*

- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;*
- (2) Identifies the specific date on which the transfer is to occur; and*
- (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.*

*Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of the facility transfer.*

*(Ord 60-94, §1, 5-4-94)*

**Recommendation:**

The permittee submitted a transfer request on February 10, 2022 and is requesting the committee to waive the 90 day advanced notice and grant approval of the permit transfer. As stated in the formal notification letter (attachment), it is our understanding that the Transferee will operate the facility in the same manner as the permittee and comply with existing wastewater permit requirements. Accordingly, staff recommends the 90-notice requirement in Sec. 20-120 be waived so that the Utilities Director may more immediately approve the transfer. Feel free to contact Environmental Programs Coordinator Brian Kreski at ph: 832-5945.



APPVION

February 10, 2022

Chris Shaw - Director of Utilities  
City of Appleton  
Water Treatment Facility  
2281 Manitowoc Rd  
Menasha, WI 54952

***Re: Transfer of Industrial User Wastewater Discharge Permit No. 21-03 (the "Permit")***

Dear Mr. Shaw:

On December 3, 2021, Appvion, LLC (the "New Owner") purchased certain assets of Appvion Operations, Inc. n/k/a Appleseed Operations, Inc. (the "Prior Owner"). In connection with that transaction, the Prior Owner would like to transfer the Permit to the New Owner. As part of the transfer, the New Owner hereby certifies as follows:

- (1) the New Owner has no immediate intent to change the facility's operations or processes;  
and
- (2) the New Owner acknowledges full responsibility for complying with the existing Permit as of December 3, 2021.

If you need any further information, please do not hesitate to contact me at [LAndriate@Appvion.com](mailto:LAndriate@Appvion.com).

Very truly yours,

APPVION, LLC

---

Laurie Andriate, CEO

## Department of Public Works – Engineering Division

### MEMO

TO: Utilities Committee

FROM: Paula Vandehey, Director of Public Works  
Pete Neuberger, Staff Engineer  
Paul Krause, Staff Horticulturist

SUBJECT: Award of Unit K-22 Native Landscape Management Contract to RES, Inc., in an amount not to exceed \$192,385.00

DATE: February 15, 2022

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The Department of Public Works is requesting approval of the Unit K-22 Native Landscape Management Contract to RES, Inc., in an amount not to exceed \$192,385. The 2022 combined capital and maintenance native landscaping budget is \$215,201.

#### CONTRACT SCOPE

The Department of Public Works maintains an inventory of 77 stormwater ponds and biofilters, along with several miles of drainage channels that have native landscaping. The proposed maintenance activities included in this contract are mowing, cutting, controlled burns, invasive species and algae control, and adding vegetation to sparsely established and eroding areas at stormwater practices operated by both DPW and Facilities. Proposed new installation activities include preparation, seeding and planting in emergent, shoreline, and upland zones on new stormwater facilities.

#### PROPOSAL SCORING

In January 2022 the Department of Public Works issued a Request for Proposals (RFP) from three firms with significant native landscape management experience in Wisconsin. Three proposals were received. The review team initially evaluated each proposal based on the following Technical Scoring criteria:

Technical Scoring (100 Total Possible Points):

- A. Relevant Experience of Firm (Max 35 Points)
- B. Project Team Members (Max 20 Points)
- C. Project Understanding and Approach (Max 35 Points)
- D. Project Schedule (Max 15 Points)

The RFP also encouraged respondents to offer alternative approaches and prices to proposed tasks. Where appropriate, incorporated select alternative tasks and prices into the evaluations to maximize cost-effectiveness.

K-22 Native Landscape Management

February 15, 2022

-Page 2-

After technical scoring was completed, the review team calculated the Overall Score for each proposal by taking the total bid price of each firm's Cost Proposal and dividing it by its respective Technical Score:

Overall Score (Price Per Point) = Cost Proposal ÷ Technical Score

<u>Rank</u>	<u>Firm</u>	<u>Technical Score</u>	<u>Cost Proposal</u>	<u>Price Per Point</u>
1.	RES	97.5	\$172,052	\$1,765
2.	NES	96.0	\$171,414	\$1,786
3.	Merjent	80.0	\$169,973	\$2,125

As indicated above, RES submitted the highest ranked proposal with the best Price Per Point and is therefore DPW staff's recommendation for K-22 contracted services. RES (also dba Applied Ecological Services) has served as DPW's Native Landscape Management Contractor since 2006 and has repeatedly demonstrated the ability to successfully and cost effectively meet DPW's performance goals. DPW staff were also impressed with the ability of NES to provide a competitive proposal, considering the RES ability to leverage its vast experience and understanding gained while maintaining City of Appleton sites over the years.

Since 2012, DPW's practice has been to issue Unit K RFP's every five years, awarding the first year's contract based on the competitive proposal and with annual contracts for the subsequent four years being negotiated using single-source contracts with the same contractor, subject to staff recommendation and approvals by Utilities Committee and Council each year.

For 2023 through 2026, DPW staff are interested in using the same approach. If DPW staff determine that RES has delivered excellent, cost-effective customer service, and determine it is in the City's best interest, then staff anticipate negotiating a single-source contract for Unit K with RES for each year, subject to committee and council approvals at the appropriate times.

## Department of Public Works – Engineering Division

### MEMO

**TO:** Utilities Committee

**FROM:** Paula Vandehey, Director of Public Works  
Pete Neuberger, Staff Engineer

**DATE:** February 15, 2022

**RE:** Award of Single Source Contract with NES Ecological Services for 2022 Wetland Delineation Services in an Amount Not to Exceed \$20,137.00.

---

The Department of Public Works is requesting approval to single source contract with NES Ecological Services, a Division of Robert E Lee & Associates, Inc. (NES) for 2022 Wetland Delineations in an amount not to exceed \$20,137.00.

#### **CURRENT AUTHORIZATION**

In February 2019, DPW issued a request for proposals (RFP) for Wetland Delineation Consulting Services. After evaluating the proposals, DPW recommended contract award to NES at the March 12, 2019, Utilities Committee. The committee authorized DPW to contract with NES for 2019 Wetland Delineations, in an amount not to exceed \$30,000. The award memo stated DPW anticipated a multi-year contract extension through 2023, subject to Utilities Committee authorization each year and satisfactory performance by the consultant. In 2020 and 2021 Utilities Committee and Council approved prior requests for single-source contract awards with NES for wetlands delineation services.

#### **REASON FOR REQUEST**

The request is made for the following reasons:

- Throughout 2019 through 2021, NES has strongly validated the results of the initial RFP evaluation by cost-effectively providing a very high level of expertise and customer service. Furthermore, because the primary staff person at NES is a WDNR Assured Wetland Delineator, the results of their work do not require a WDNR review and concurrence process. Avoiding this additional step has proved valuable for keeping projects on schedule and avoiding uncertainty.
- The 2019 proposal from NES identified a suggested annual labor and equipment unit price increase of approximately 3% each year throughout the anticipated 5-year period. The 2022 proposal includes unit prices reflecting an average unit price increase of approximately 3.5% since 2019. DPW staff consider the request reasonable for providing continued cost-effective services.

## 2022 Wetland Delineation Services

February 15, 2022

-Page 2-

### **CONTRACT SCOPE**

As DPW and other departments implement their 5-year CIP, they must occasionally investigate potential wetlands to remain compliant with State and Federal wetland regulations. For 2022, several project sites have been identified. Cost estimate and responsible department are identified in the project list below:

- Miscellaneous Stormwater Management Allowance (Public Works - \$11,000)
- Glacier Ridge Gravity Sewer Delineation Work (Public Works - \$4,487)
- Raw Water Line Supplemental Delineation/Permit Work (Public Works - \$4,650)

DPW staff also anticipate contracting with NES for 2023 wetlands delineations, subject to Utilities Committee and Common Council approval at the appropriate times.



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**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

**Dean Gazza, Director**

1819 East Witzke Boulevard  
Appleton, Wisconsin 54911-8401  
(920) 832-3925 FAX (920) 993-3103  
Email – [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org)

TO: Human Resources Committee  
FROM: Dean Gazza, Director of Parks, Recreation, and Facilities Management  
DATE: February 23, 2022  
RE: Pool Manager Seasonal Pay Grade

The Parks, Recreation, and Facilities Management Department is requesting that the Pool Manager position, which is currently in pay grade 7 on the seasonal pay schedule, be moved to pay grade 8 to be competitive in this challenging hiring climate.

The decline in available aquatics facility staff (including pool managers and lifeguards) has been a trend over the past several years nationwide but has been exacerbated by the lack of candidates and increase in wages by those competing for the same workforce. In addition, the level of responsibility for these positions is quite high compared to other jobs in the same pay range.

Upon completing a market survey for the pool manager position, the City of Appleton ranks the lowest in our area. To ensure that we can attract enough quality candidates for the upcoming season, we feel it is imperative to increase the pay grade for the Pool Manager position.

Pay Grade 7 – \$13.66 - \$15.56

Pay Grade 8 - \$15.56 – \$17.44

Starting Wages:

Appleton	De Pere	Green Bay	Neenah	Kaukauna
\$13.66-\$15.66	\$19.00 - \$20.00	\$16.51	\$14.00 - \$15.50	\$15.19
Little Chute	Oshkosh	Outagamie	Kimberly	
\$15.00	\$15.50 - \$16.00	\$15.50 - \$18.31	\$14.88 - \$17.00	

Please contact me at 920-832-5572 or [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org) with any questions.

## 2022 SEASONAL/RECREATION PAY SCHEDULE

<b>WIAA Certified Sports Officials</b>	<b>\$26.20 per game</b>
<b>Certified Fitness Instructor</b>	<b>\$26.20 per class</b>
<b>Background Investigator</b>	<b>\$29.33 per hour</b>
<b>Chief Election Inspector &amp; co-chief</b>	<b>\$12.90 per hour</b>
<b>Election Inspector</b>	<b>\$9.92 per hour</b>

<b>PAY GRADE</b>	<b>1st Year</b>	<b>2nd Year</b>	<b>3rd Year</b>	<b>4th Year</b>
<b>GRADE 8</b>	\$15.56	\$16.19	\$16.83	\$17.44
Adult Sport Official (non-certified) <i>Adult Flag Football</i> Youth Sport Official III Recreation/Sports Instructor III (non-certified) <i>Adult Fitness Instructor (Zumba, Outdoor Bootcamp)</i> <b>Pool Manager</b> Activity Coordinator III <i>Assistant Clubhouse Supervisor</i> <i>Playground Coordinator</i>				
<b>GRADE 7</b>	\$13.66	\$14.29	\$14.91	\$15.56
Code Compliance Inspector Activity Coordinator II <i>Assistant Playground Coordinator</i> Recreation/Sports Instructor II <i>Dance Instructor</i> <i>Preschool Instructors (Jr. Clubhouse, Teacher and Me)</i> <i>Adult Instructor (Spanish, Special Events)</i> Facility Manager III <b>Pool Manager</b>				
<b>GRADE 6</b>	\$12.82	\$13.46	\$14.09	\$14.69
Lifeguard III/Swim Instructor Concession Manager				
<b>GRADE 5</b>	\$12.04	\$12.65	\$13.27	\$13.90
Engineering Aide-Inspection/drafting survey Engineering Aide-Traffic Activity Coordinator I <i>Youth Sports - Assistant Coordinator</i> Facility Manager II <i>League Facility Supervisor</i> <i>Director of Instruction-Swim Lessons</i> <i>Scheig Center Attendant</i> <i>Maintenance Lead Outdoor Pools</i> Recreation/Sports Instructor I <i>Bike Safety Instructor</i> <i>Camp Instructor (Tennis, Soccer, Baseball, Golf, Sports Exploration)</i> Youth Sport Official II Lifeguard II/Swim Instructor				
<b>GRADE 4</b>	\$10.98	\$11.58	\$12.22	\$12.90
Laborer Program Activity Leader II <i>Camp Supervisor</i> <i>Playground Leader</i> Facility Manager I <i>Clubhouse Attendant</i> <i>Facility Supervisor-Winter Recreation Center</i> Student Intern Lifeguard/Swim Instructors				
<b>GRADE 3</b>	\$9.92	\$10.52	\$11.18	\$11.89
Program/Activity Leader I <i>Assistant Dance Instructor</i> Customer Service Associate <i>Outside Operations (Golf)</i> Pool Cashier, Concessionaire Youth Sports Official I				
<b>GRADE 2</b>	\$8.99	\$9.29	\$9.63	\$9.92
none				
<b>GRADE 1</b>	\$8.37	\$8.49	\$8.63	\$8.76
Scorekeeper <i>Basketball</i> <i>Flag Football - Youth and Adult</i> Attendant/Grounds Personnel <i>Concessions/Beverage Cart</i> <i>Water Slide Attendant</i> Grounds Personnel				

# CITY OF APPLETON

## HUMAN RESOURCES DEPARTMENT



100 N. Appleton St.  
Appleton, WI 54911



(920) 832-6458



(920) 832-5845



[humanresources@appleton.org](mailto:humanresources@appleton.org)

To: Human Resources/Information Technology Committee, and Appleton Common Council

From: Human Resources Director Jay Ratchman 

Date: February 16, 2022

Re: Request approval of Over-Hire for Benefits Coordinator

The City of Appleton Benefits Coordinator has provided notice of retirement effective May 2, 2022.

This position is critical to the organization and works independently on many of the processes related to benefit enrollments, retirement, new hire documentation, and system maintenance related to the HRIS section of Tyler Munis.

The incumbent has 35+ years of experience in this position and holds a wealth of knowledge. For a successful transition to the position's successor, I believe the City of Appleton would benefit from having the incumbent provide valuable training over a four-week over-hire period.

The hiring process is currently open, and we hope to have someone hired by April 4, 2022.

The cost for this over hire is expected to be under \$6,000. This additional cost can be absorbed within the current 2022 Human Resources Department budget.

Thank you for your consideration of this request. If you should have any questions or would like to discuss further, feel free to contact me.

# CITY OF APPLETON

## INFORMATION TECHNOLOGY DEPARTMENT



100 N. Appleton Street  
Appleton, WI 54911



(920) 832-6410



(920) 832-5885



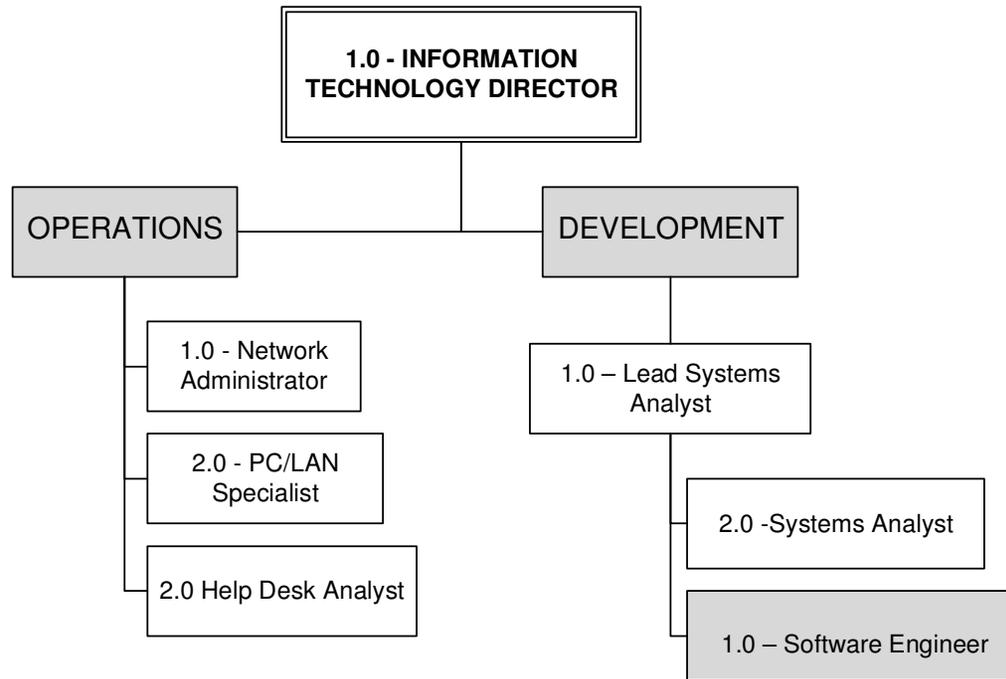
[helpdesk@appleton.org](mailto:helpdesk@appleton.org)

To: Human Resources/IT Committee and Common Council Members  
From: Corey Popp, Information Technology Director  
Date: January 26, 2022  
Re: Change to the Information Technology Department Table of Organization

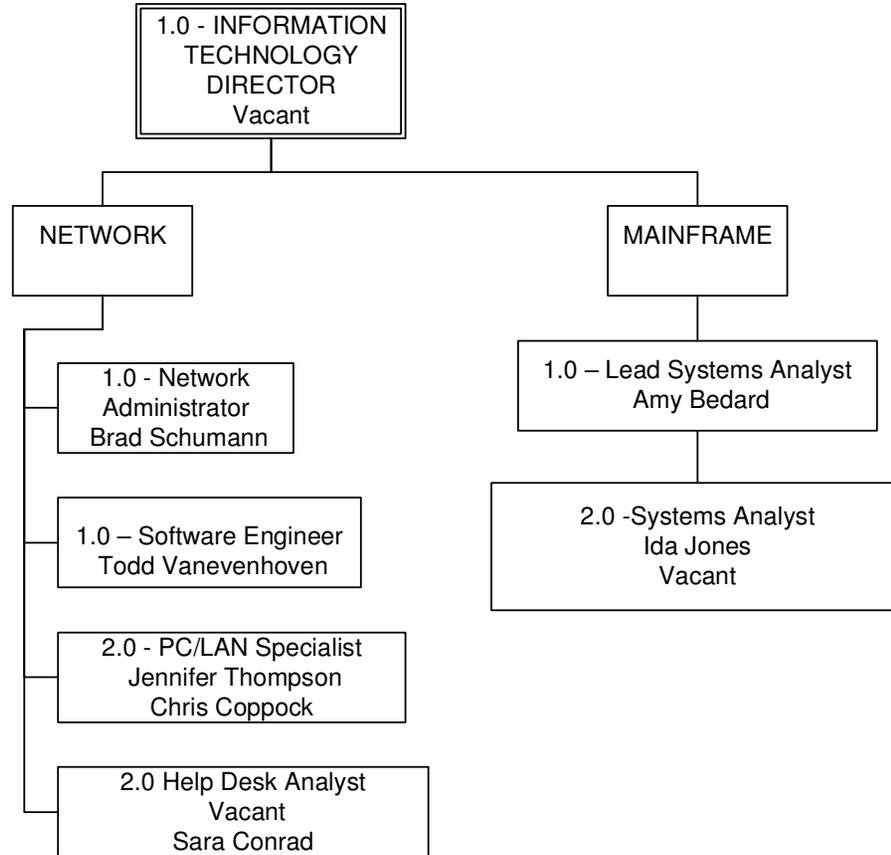
After careful consideration, I am proposing a change to the Information Technology department table of organization. This change has three parts:

- Rename the current “Mainframe” organization to “Development”
- Rename the current “Network” organization to “Operations”
- Change the Software Engineer to report to the Lead Systems Analyst

These changes update our department’s structure to use current IT terminology and more accurately reflect how our operations currently work. There is no financial impact with this change. Please contact me if you have any questions regarding this recommendation.



DRAFT 2-23-2022



7/31/2021