



City of Appleton

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

Meeting Agenda - Final Common Council

Wednesday, November 3, 2021

7:00 PM

Council Chambers

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

[21-1534](#) Common Council Meeting Minutes of October 20, 2021

Attachments: [CC Minutes 10-20-21.pdf](#)

- G. BUSINESS PRESENTED BY THE MAYOR

[21-1548](#)

Proclamations:

- Appleton High Schools DECA Week
- Native American Heritage Month
- Runaway & Homeless Youth Prevention
- Small Business Saturday

Attachments: [Appleton High Schools DECA Week Proclamation.pdf](#)

[Native American Heritage Month Proclamation.pdf](#)

[Runaway Homeless Youth Prevention Month Proclamation.pdf](#)

[Small Business Saturday Proclamation.pdf](#)

[21-1550](#) COVID-19 Report

- H. PUBLIC PARTICIPATION
- I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

[21-1549](#) Resolution related to Wards in the City of Appleton, as a result of Redistricting

Attachments: [Census Block Resolution 2021 Redistricting.pdf](#)

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[19-1886](#) Request to rescind approval for "The Collective" sculpture within the E. College Avenue and N. Catherine Street right-of-way.

Attachments: [The Collective log of public dialogue-.pdf](#)

Legislative History

12/9/19	Municipal Services Committee	held
	<i>Item 19-1886 held until January 13, 2020.</i>	
1/13/20	Municipal Services Committee	recommended for approval
	<i>Amend item 19-1886. City to work on alternate location in first quarter of 2020.</i>	
1/22/20	Common Council	referred to the Municipal Services Committee
1/27/20	Municipal Services Committee	held
	<i>Item 19-1886 be held until February 19, 2020 meeting.</i>	
2/19/20	Municipal Services Committee	held
	<i>Item 19-1886 be held until March 9th meeting.</i>	
3/9/20	Municipal Services Committee	recommended for approval
3/18/20	Common Council	held
4/1/20	Common Council	approved
10/25/21	Municipal Services Committee	recommended for approval
	<i>Action extends lease to April 30, 2022 and this is a final amendment/extension.</i>	

[21-0868](#) Request from Blue Sky Contractors for a street occupancy permit for four parking stalls (CAW 310, 312, 314 & 316) for the commercial development project at 318 W. College Avenue be approved from June 14, 2021 through October 29, 2021 (except for September 24th and 25th).

Legislative History

6/21/21	Municipal Services Committee	recommended for approval
7/7/21	Common Council	approved
10/25/21	Municipal Services Committee	recommended for approval

[21-1466](#)

Request from Professional Services Industries, Inc. for a permanent street occupancy permit to install three monitoring wells in the alley adjacent to 306 W. Washington Street.

Attachments: [Professional Services Industries.pdf](#)

Legislative History

10/25/21	Municipal Services Committee	recommended for approval
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2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE[21-1419](#)

Reserve "Class B" Liquor and Class "B" Beer License Permanent Premise Amendment application for Fox River Boat Holdings Co. d/b/a River Tyme Bistro, Candice Mortara, Agent, located at 425 W Water St Unit 100.

Attachments: [River Tyme Bistro S&L.pdf](#)

[Denial Recommendation -River Tyme Bistro.pdf](#)

Legislative History

10/13/21	Safety and Licensing Committee	held
10/27/21	Safety and Licensing Committee	recommended for approval
<i>The Premise amendment was recommended for approval contingent upon approval and recommendations from the Community & Economic Development Department, Fire Department, and Inspections Department.</i>		

[21-1345](#)

Class "A" Beer and "Class A" Liquor License application for Tee Tees Nachos LLC, Timasha Thornton, Agent, located at 550 N Morrison St #C, contingent upon approval from all departments.

Attachments: [Tee Tees Nachos LLC Class A Combo.pdf](#)

Legislative History

10/13/21	Safety and Licensing Committee	recommended for approval
10/20/21	Common Council	referred to the Safety and Licensing Committee
10/27/21	Safety and Licensing Committee	recommended for denial

[21-1471](#) Class "A" Beer License application for True North Energy LLC d/b/a True North #822, Daniel J Pamperin, Agent, located at 3411 N Ballard Rd, contingent upon approval from all departments.

Attachments: [True North #822.pdf](#)

Legislative History

10/27/21 Safety and Licensing Committee recommended for approval

3. MINUTES OF THE CITY PLAN COMMISSION

[21-1348](#) Request to approve the Ziegler Mackville Road & EE Annexation consisting of approximately 1.4407 acres located at N2883 County Road EE, the southwest corner of North Ballard Road and East Mackville Road, currently in the Town of Center, as shown on the attached maps, subject to the stipulation in the attached staff report

Attachments: [StaffReport_ZieglerMackvilleRd_EE_Annexation_For10-13-21.pdf](#)

Legislative History

10/13/21 City Plan Commission recommended for approval
Proceeds to Council on November 3, 2021.

[21-1349](#) Request to approve the Lightning Drive/C.T.H. JJ (Right-of-Way) Annexation consisting of approximately 12.6622 acres generally located east of North Ballard Road and north of East Edgewood Drive, currently in the Town of Grand Chute, as shown on the attached maps, subject to the stipulation in the attached staff report

Attachments: [StaffReport_LightningDr_JJ_Annexation_For10-13-21.pdf](#)
[DOA_14443_LightningDrJJAnnex_ReviewLetter.pdf](#)

Legislative History

10/13/21 City Plan Commission recommended for approval
Proceeds to Council on November 3, 2021.

[21-1451](#) Request to approve the Spartan Drive (Right-of-Way) Annexation consisting of approximately 3.9468 acres generally located west of North Meade Street, connecting existing East Spartan Drive right-of-way to the west and east, currently in the Town of Grand Chute, as shown on the attached maps, subject to the stipulation in the attached staff report

Attachments: [StaffReport_SpartanDr_Annexation_For10-27-21.pdf](#)
[WI DOA_SpartanDrROWAnnex_ReviewLetter.pdf](#)

Legislative History

10/27/21 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[21-1457](#) Action Item: Award Mead Pool Condition Analysis Project to GRAEF for a contract amount of \$44,975.00

Attachments: [Mead Pool Condition Anlysis Memo.doc](#)

Legislative History

10/25/21	Parks and Recreation Committee	recommended for approval
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5. MINUTES OF THE FINANCE COMMITTEE

[21-1410](#) Request to approve the use of 2021 American Rescue Plan Act (ARPA) funds and approve the related 2021 Budget amendment:

ARPA Special Revenue Fund

Salaries	+\$ 900,000
Fringe Benefits	+\$ 270,000
Miscellaneous Supplies	+\$ 50,000
Medical/Lab Supplies	+\$ 300,000
Miscellaneous Equipment	+\$ 50,000
Consulting Services	+\$ 150,000
Contractor Fee	+\$1,000,000
Other Contracts & Obligations	+\$ 421,841
Grant Payments	+\$ 250,000
Capital Outlay	+\$2,000,000
Transfer Out - Parking Utility	+\$1,500,000
Federal Grants	+\$6,891,841

to record 2021 ARPA funds received and related expenditures (2/3 vote of Council required)

Attachments: [Finance Committee - ARPA Memo.pdf](#)

Legislative History

10/11/21	Finance Committee	recommended for approval
10/20/21	Common Council	referred to the Finance Committee
10/25/21	Finance Committee	recommended for approval

[21-1459](#) Request to award Unit O-21 Stormwater Pond Sediment Removal and Disposal to Veit & Company, Inc in the amount of \$87,000 with a 5.8% contingency of \$5,000 for a project total not to exceed \$92,000

Attachments: [Award of Contract - Unit O-21.pdf](#)

Legislative History

10/25/21	Finance Committee	recommended for approval
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[21-1460](#) Request to approve the following 2021 Budget amendment:

Facilities Management Capital Projects Fund

Ellen Kort Park Phase I Project	+\$750,645
Nelson River Crossing Project	- \$750,645

to reallocate excess budget funds from the Nelson River Crossing project to the Ellen Kort Park Phase I project (2/3 vote of Council required)

Attachments: [2021 Ellen Kort Park - Phase I .pdf](#)

Legislative History

10/25/21 Finance Committee recommended for approval

[21-1461](#) Request to approve the following 2021 Budget amendment:

Facilities Management Capital Projects Fund

MSB Office Renovation Project	+\$ 40,000
Roof Replacement Project	- \$ 40,000

to reallocate excess budget funds from the roof replacement project to the MSB office renovation project (2/3 vote of Council required)

Attachments: [2021 Municipal Services Budget transfer.pdf](#)

Legislative History

10/25/21 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[21-1383](#) Request to approve the Development Agreement with MF Housing Partners, LLC for improvements and redevelopment of 6 parcels located on N. Oneida Street, E. Harris Street, and N. Appleton Street (Parcel Nos. 31-2-0441-00, 31-2-0443-00, 31-2-0437-00, 31-2-0536-00, 31-2-0534-00, and 31-2-0529-00) in Tax Increment Financing District No. 11

Attachments: [Rise Apts DA Memo to CEDC 10-27-21.pdf](#)

[0718-Rise Apts-MFHousingPartners-DevelopmentAgrmnt-DRAFT10-18-21.pdf](#)

Legislative History

10/27/21 Community & Economic Development Committee recommended for approval

7. MINUTES OF THE UTILITIES COMMITTEE

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION**10. MINUTES OF THE BOARD OF HEALTH****M. CONSOLIDATED ACTION ITEMS****N. ITEMS HELD****O. ORDINANCES****[21-1545](#)**

Ordinances #71-21 (Redistricting - Aldermanic Districts); #72-21 (Ziegler Mackville Road & EE Annexation); #73-21 (Lightning Drive & CTH JJ Annexation); #74-21 (Spartan Drive Annexation); and #75-21 (Amendment to Ordinance #70-21, Relating to Boundaries and Wards)

Attachments: [Ordinances going to Council 11-3-21.pdf](#)

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

Kami Lynch, City Clerk

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

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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Meeting Minutes - Final Common Council

Wednesday, October 20, 2021

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 Alfheim.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Alderperson Martin appeared virtually.

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

[21-1411](#)

Common Council Minutes of October 6, 2021

Attachments: [CC Minutes 10-6-21.pdf](#)

Alderperson Meltzer moved, seconded by Alderperson Fenton, 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

[21-1444](#) COVID-19 Report

Attachments: [COVID -19 Report 102021.pdf](#)

H. PUBLIC PARTICIPATION

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[21-1410](#) Request to approve the use of 2021 American Rescue Plan Act (ARPA) funds and approve the related 2021 Budget amendment:

ARPA Special Revenue Fund

Salaries	+\$ 900,000
Fringe Benefits	+\$ 270,000
Miscellaneous Supplies	+\$ 50,000
Medical/Lab Supplies	+\$ 300,000
Miscellaneous Equipment	+\$ 50,000
Consulting Services	+\$ 150,000
Contractor Fee	+\$1,000,000
Other Contracts & Obligations	+\$ 421,841
Grant Payments	+\$ 250,000
Capital Outlay	+\$2,000,000
Transfer Out - Parking Utility	+\$1,500,000
Federal Grants	+\$6,891,841

to record 2021 ARPA funds received and related expenditures (2/3 vote of Council required)

Attachments: [Finance Committee - ARPA Memo.pdf](#)

This Item was referred back to the Finance Committee by Alderperson Reed. Alderperson Wolff objected, seconded by Alderperson Smith. A vote was taken to sustain the objection (2/3 required). Motion failed 8/6. The Item remains referred back to Committee.

[21-1345](#)

Class "A" Beer and "Class A" Liquor License application for Tee Tees Nachos LLC, Timasha Thornton, Agent, located at 550 N Morrison St #C, contingent upon approval from all departments.

Attachments: [Tee Tees Nachos LLC Class A Combo.pdf](#)

This Report Action Item was referred back to the Safety and Licensing Committee by Alderperson Siebers, due back on 10/27/2021.

[21-1358](#)

Request from Greenfire for a street occupancy permit for their construction fencing and staging area to extend 30 feet into the Oneida Street right-of-way at 135 E. College Avenue from October 11, 2021 through March 1, 2022.

Attachments: [Greenfire project-Zuehlke bldg-street occupancy permit.pdf](#)

Alderperson Smith moved, seconded by Alderperson Firkus, that the Street Occupancy Permit 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 Alheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Chad Doran

Excused: 1 - Alderperson Joe Prohaska

Abstained: 1 - Mayor Jake Woodford

[21-1381](#)

****CRITICAL TIMING**** Request to approve the Offer to Purchase from Hayden Properties, LLC and/or its assigns to purchase Lot 26 (Tax Id #31-9-5712-26), Lot 27 (Tax Id #31-9-5712-27), Lot 28 (Tax Id #31-9-5712-28) and Lot 29 (Tax Id #31-9-5712-29) Southpoint Commerce Park Plat No. 3 and Tax Id #31-9-5712-00, comprising a total of approximately 30.44 acres, at a purchase price of \$1,156,720.00 (\$38,000 per acre)

Attachments: [Hayden Properties LLC OTP Memo 10-13-21.pdf](#)

[Hayden Properties OTP 9-29-21.pdf](#)

[SouthpointCommerceParkMap SubjectParcel 10 2021.pdf](#)

[SPCP Deed Restrictions.pdf](#)

Alderperson Smith moved, seconded by Alderperson Fenton, that the Offer to Purchase 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

21-1418

Redistricting Ward/Aldermanic Plans

- Attachments:** [OptionA-Revised.pdf](#)
[OptionD.pdf](#)
[OptionE.pdf](#)
[OptionF.pdf](#)
[Van Zeeland Redistricting Statement 10-18-21.pdf](#)

Alderperson Smith moved, seconded by Alderperson Hartzheim, that the Redistricting Plan be amended by substitution to approve Option F. After much discussion Alderperson Smith withdrew his Motion and Hartzheim withdrew her second. No action was taken on the Motion to amend by substitution.

Alderperson Smith moved, seconded by Alderperson Firkus to approve Option E. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Chad Doran

Nay: 2 - Alderperson Joe Martin and Alderperson Michael Smith

Excused: 1 - Alderperson Joe Prohaska

Abstained: 1 - Mayor Jake Woodford

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderperson Fenton moved, Alderperson Van Zeeland 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

[21-1158](#)

Request from Grant Thompson Construction, Inc. for a street occupancy permit to place a dumpster in the Roosevelt Street right-of-way at 610 E. Roosevelt Street from August 6, 2021 through October 8, 2021.

Attachments: [Grant Thompson-610 E Roosevelt St.pdf](#)

This Report Action Item was approved.

[21-1354](#)

Request from Supreme Tattoo Society for a street occupancy permit to place a picnic table in the College Avenue beautification strip at 612 W. College Avenue.

Attachments: [Supreme Tattoo-street occupancy permi.pdf](#)

This Report Action Item was approved.

[21-1355](#)

Request from Brian Hodgkiss Injury Lawyers to install signage on the College Avenue Skywalk. This request is consistent with the College Avenue Skywalk Agreement.

Attachments: [Brian Hodgkiss Injury Lawyers-Signage.pdf](#)

This Report Action Item was approved.

[21-1364](#)

Request from Blue Sky Contractors for a street occupancy permit for their crane to extend 2 feet into the alley behind 322 W. College Avenue from October 7, 2021 through July 1, 2022.

Attachments: [Blue Sky Contractors.-318 W College-crane.pdf](#)

This Report Action Item was approved.

[21-1406](#)

Request from Security Luebke Roofing for a street occupancy permit to place a small crane on the corner of Douglas Street and 4th Street from October 7, 2021 through October 31, 2021.

Attachments: [Security Luebke-1635 W Spencer St.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE[21-1356](#)

"Class B" Liquor and Class "B" Beer Temporary Premise Amendment application for Dairyland Brew Pub, Dorri Schmidt, Agent, located at 1216 E Wisconsin Ave, contingent upon approval from all departments.

Attachments: [Dairyland Brew Pub-Lumberjack Day S&L.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION[21-1315](#)

Request to approve the Extraterritorial Preliminary Plat for Auburn Estates located in the Town of Grand Chute as shown on the attached maps

Attachments: [StaffReport AuburnEstates PrePlat For10-13-21.pdf](#)

This Report Action Item was approved.

[21-1350](#)

Request to approve the North Edgewood Estates 3 Final Plat as shown on the attached maps and subject to the conditions in the attached staff report

Attachments: [StaffReport NorthEdgewoodEstates3 FinalPlat For10-13-21.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE**5. MINUTES OF THE FINANCE COMMITTEE**[21-1370](#)

Request to award the City of Appleton Green Ramp Light Fixture Replacement purchase order to Crescent Electric Supply, Co in the amount of \$160,093.05

Attachments: [2021 Green Ramp Light Fixtures.pdf](#)

This Report Action Item was approved.

[21-1371](#)

Request approval of a construction contract for the DAF Conversion to Receiving Tank Project to Staab Construction Corporation in the amount of \$247,000 with a contingency of \$24,700 for a total not to exceed cost of \$271,700

Attachments: [utilities memo #3 RS Coating Contract Award 09-30-21.pdf](#)

This Report Action Item was approved.

[21-1386](#)

Request to award the City of Appleton's 2021 Police Station Security Fence project contract to IEI General Contractors, Inc in the amount of \$169,000 with a contingency of 12% for a project total not to exceed \$189,280 and approve the following 2021 budget adjustment:

Facilities Management Capital Projects Fund

Roof Replacement Project	- \$68,280
Police Department Security Fence Project	+\$68,280

to transfer funds to cover the additional costs due to manufacturing and tech equipment shortages (2/3 vote of Council required)

Attachments: [2021 Police Department Security Fence Project with Budget transfer.pdf](#)

This Report Action Item was approved.

[21-1387](#)

Request to Award Unit U-21 Apple Creek Court and Plamann Park Sewer & Water to Superior Sewer & Water Construction, Inc in the amount of \$3,899,181 with a 2.5% contingency of \$100,000 for a project total not to exceed \$3,999,181

Attachments: [Award of Contract - Unit U-21.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

[21-1378](#) Approve Wastewater Rate Increase of 4% to be effective January 1, 2022.

Attachments: [WW Rate Increase memo Oct 2021.pdf](#)
[Rate Sheet 2022.pdf](#)
[Comparison of Annual Wastewater Bills.pdf](#)

This Report Action Item was approved.

[21-1379](#) Request to Approve Change Order #1 for 2020G Stormwater Consulting Services Contract for Lightning Drive Culverts and Stormwater Practices 60% Preliminary Design with raSmith in an amount not to exceed \$20,000.

Attachments: [2020G Lightning 60% Design Contract CO1 Memo Util Cmte 10-06-2021.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[21-1403](#) Request to approve request to change Public Works table of organization between CEA and Parking Utility.

Attachments: [DPW TO change for CEA and Parking Utility.pdf](#)

This Report Action Item was approved.

[21-1404](#) Request to approve change to Human Resources table of organization.

Attachments: [HR table of organization change memo.pdf](#)
[Human Resources TO draft 10-7-21.pdf](#)

This Report Action Item was approved.

[21-1405](#) Request to approve USI as the City's fringe benefit consultant for 2022-2024

Attachments: [Fringe Benefits Consultant memo.pdf](#)

This Report Action Item was approved.

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

[21-1394](#) Authorization to Award Outagamie County Rural Service Contract to Running Inc.

Attachments: [OC Award Recommendation Memo.pdf](#)

This Report Action Item was approved.

[21-1395](#) Approval to Change Agency Ticket Rate

Attachments: [FCTC Approval to change Agency Ticket rate.pdf](#)

This Report Action Item was approved.

[21-1422](#) Authorization to award contract to SRF Consulting Group for Transit Service Planning Support

Attachments: [Award Recommendation Planning Services.pdf](#)

This Report Action Item was approved.

10. MINUTES OF THE BOARD OF HEALTH

11. MINUTES OF THE REDISTRICTING COMMITTEE

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[21-1443](#) Ordinance #70-21 City Boundaries & Wards (Redistricting)

Attachments: [Ord# 70-21 Ward Redistricting Ordinance -PlanE.pdf](#)

Aldersperson Fenton moved, seconded by Aldersperson Meltzer, that the Ordinance 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 Alheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

Excused: 1 - Aldersperson 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
- R. OTHER COUNCIL BUSINESS
- S. ADJOURN

Alderson Doran moved, seconded by Alderson Siebers, that the meeting be adjourned at 8:02 p.m. 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

Kami Lynch, City Clerk

PROCLAMATION



Office of the Mayor

WHEREAS, Distributive Education Clubs of American (DECA) enhance the co-curricular education of members through a comprehensive learning program that integrates into classroom instruction, applies learning, connects to business principles, and promotes competition; and

WHEREAS, DECA's activities assist in the development of academically prepared, community-oriented, professionally responsible future leaders; and

WHEREAS, the guiding principles of DECA are designed to demonstrate how the club fulfils its mission to prepare emerging leaders and entrepreneurs for marketing, finance, hospitality, and management professions; and

WHEREAS, DECA's attributes and values describe the club's priorities and standards, which include competence, innovation, integrity, and teamwork.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim November 1-7, 2021 as

Appleton High Schools DECA Week

and encourage residents, businesses, and organizations to become familiar with the services and benefits offered by Appleton's high school DECA chapters, and to support and participate in these programs to prepare students for college and professional careers.

Signed and sealed this 1st day of November 2021.



JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, the City of Appleton is built on the ancestral homelands of the Menominee Nation; and

WHEREAS, Menominee Nation ceded this territory to the United States in the Treaty of the Cedars in 1836, with Chief Oshkosh representing the Menominee; and

WHEREAS, during National Native American Heritage Month, we celebrate the rich tapestry of Indigenous Peoples and honor their sacrifices, which we recognize as inextricably woven into the history of this country; and

WHEREAS, Native American Awareness Week began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the entire month of November as National Native American Heritage Month; and

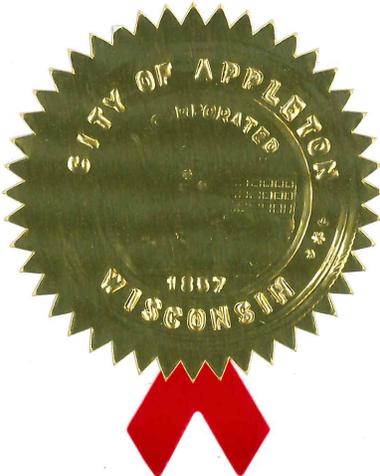
WHEREAS, to honor National Native American Heritage Month, community celebrations as well as numerous cultural, artistic, educational, and historical activities have been planned.

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

Native American Heritage Month

in Appleton and urge all residents to observe this month with appropriate programs, ceremonies, and activities.

Signed and sealed this 1st day of November 2021.



JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, November is National Runaway and Homeless Youth Prevention Month; and

WHEREAS, National Runaway Prevention Month began in 2002 and is presented each year by the National Runaway Safeline, the federally designated national communication system for runaway and homeless youth; and

WHEREAS, runaway youth are often expelled from their home, have experienced trauma, struggle to meet their own basic needs, and are at increased danger of falling into high-risk situations, including human trafficking; and

WHEREAS, effective community programming to support runaway and homeless youth and their families succeeds because of partnerships created among youth, families, and youth-centered service organizations, community-based human service agencies, law enforcement, schools, and local businesses; and

WHEREAS, Home Base along with the Boys & Girls Club of the Fox Valley is delivering its third annual Youth on the Move event to raise awareness, support, and resources for young people in the community.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim November 2021 as

Runaway & Homeless Youth Prevention Month

in Appleton and encourage all citizens to recognize the role we can all play in advocating for and providing safe alternatives to this vulnerable population of young people.

Signed and sealed this 12 day of November 2021.



JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, the City of Appleton celebrates our local small businesses and the contributions they make to our local economy and community; and

WHEREAS, support for small businesses directly impacts the local economy as \$.67 of every dollar spent at a local business is reinvested into our community; and

WHEREAS, supporting a local Fox Cities business supports jobs, boosts our local economy, and preserves our communities; small businesses employ nearly half of all private sector employees in the United States; and

WHEREAS, COVID-19 has negatively impacted the stability of small businesses in Appleton; more than half of our small businesses reported that they need consumer spending to return to pre-COVID-19 levels soon in order to stay in business; and

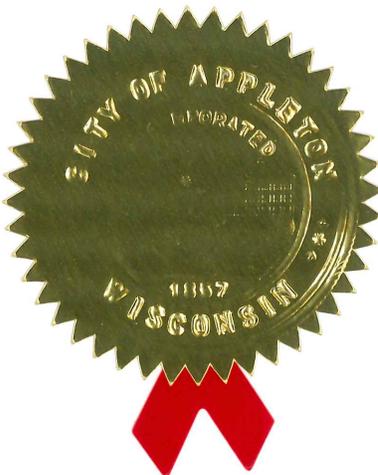
WHEREAS, local advocacy groups such as the Fox Cities Chamber of Commerce, Appleton Downtown Inc., and the Appleton Northside Business Association, along with private organizations across the country have endorsed the Saturday after Thanksgiving, November 27, as Small Business Saturday.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim November 27, 2021 as

Small Business Saturday

in Appleton and urge all Fox Cities residents to support small businesses and merchants on Small Business Saturday.

Signed and sealed this 15th day of November 2021.





JACOB A. WOODFORD
MAYOR OF APPLETON

RESOLUTION

Relating to Wards of the City of Appleton

As a result of 2021 Redistricting, the City of Appleton consists of forty-seven (47) Wards that contain the census track blocks as listed:

Ward 1:

550870101001000, 550870101001001, 550870101001002, 550870101001003, 550870101001004, 550870101001005, 550870101001006, 550870101001007, 550870101001008, 550870101001009, 550870101001011, 550870101001012, 550870101001013, 550870101001014, 550870101001015, 550870101001016, 550870101001017, 550870101001018, 550870101001019, 550870101001034, 550870101001035, 550870101002002, 550870101002003, 550870101002004, 550870101002005, 550870101002006, 550870101002007, 550870101002012, 550870101002013, 550870101002014, 550870101002015, 550870101002016, 550870101002017, 550870101002018, 550870101002019, 550870101002020, 550870101002021, 550870101002022, 550870101002024, 550870101002025, 550870101002026, 550870101002027, 550870101002028, 550870101003018, 550870101003019, 550870101003020, 550870103001000, 550870103001001, 550870103001002, 550870103001003, 550870103001004, 550870103001005, 550870103001006, 550870103001007, 550870103001008, 550870103001009, 550870103001010, 550870103001011, 550870103001012, 550870103001013, 550870103002030, 550870103002031, 550870103002032, 550870103002033, 550870103002034, 550870103002035, 550870103002036, 550870103002037, 550870103002038, 550870103002039

Ward 2:

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Ward 6:

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Ward 7:

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Ward 32:

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Ward 34:

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Ward 35:

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Ward 36:

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Ward 37:

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Ward 39:

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Ward 40:

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Ward 41:

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Ward 44:

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Ward 45:

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Ward 46:

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Ward 47:

550150203081042

Dated: November 3, 2020

Jacob A. Woodford, Mayor

Attest: Kami Lynch, City Clerk

Y = Keep it where it is. I = Indifferent N = Move it

Sculpture Valley Thank you all for your positive comments. For those of you with divergent opinions, you should also feel welcome to share them here. This is about community dialogue and the collective arts experience. Keep the conversations going and please share this post with others who have options about this work, we want to hear from everyone :)

I Jessy Glaser What is the artist trying to express through this sculpture? I live very close to this artwork and there's been a lot of discussion about it.

Sculpture Valley Jessy Glaser so, first I'll share some info that was posted by Lee Snodgrass about the sponsors and who the artwork is honoring;

My dear friend Jeni Moore and her dad, retired Dr. Brian Moore sponsored this as a tribute to her mom who passed away afte...See More



FINDAGRAVE.COM

Linda Kuplic Moore (1944-2006) - Find A Grave...

Lauren Gougeon Diedrich Who is the artist?

Sculpture Valley Lauren Gougeon Diedrich Paul Bobrowitz Jr.

Y Eric Stadler I love the sculpture at the west end of the College Avenue bridge! So cool. Nice work out there by you and your band of volunteers and sponsors.

Y Tinna R. Carper I love this sculpture. It sparked a conversation with my grandkids. Ages 3,7,10 and 13. Everyone had something to add. The most amazing thing is they all appreciated the piece.

Y Lisa Grosz I really love and appreciate this sculpture!

Y Shawn Van Deusen We loved this piece when we saw it the other day!!

Y John Nebel Worthy Work result ALEX ?

I Adrienne Fuhrmann Is there a statement or story that goes with it?

Sculpture Valley Adrienne Fuhrmann and then I'll share some insight into the artists inspiration and how we, the ACRE jury, thought it would say about our community.

The artist described the work as an amalgamation of the many voices that spoke to him as he works to come up with ideas for sculpture. A collection of divergent thoughts distilled into something more defined.

Y Kristi Lyn Thank you so much for this awesome piece of art. My kids and I loved every inch of it. The minute we seen it we had to stop and have a close look!!! My oldest loves his nose while I thought the eyes were very curious!!!!!! Thanks again!!!!



Y Judy Gaines I look forward to seeing this as I drive across the bridge. I haven't been able to look long enough so will soon walk over. Thanks for the gift.

Y Brian Leone Tracy I drove past it this weekend and it surprised me and made me smile. Happy to see this one make a home in Appleton, for a few years at least.

I Kimberly Ann I noticed it this morning on the way to work! Looking forward to getting a closer look at it this weekend.

Y Adrianna Thank you for making this happen! I'm so excited to see it in person. My mom would have absolutely loved it.

Y Jim Denney Knowing the name helps a lot with some understanding of the meaning. It is a beautiful piece and I enjoy driving past it a number of times each day.

Y Jeni Moore It's magnificent! She would have absolutely loved this. Can't wait to see it in person! Thank you Sculpture Valley and Acre of Art!

Chelsea Jean Judy Cahee

I Samantha Patterson I will be honest, this creeped me out when i saw it. I understand it is art, it is also creepy seeing all those faces staring back at you. I can only imagine how long it took the artist to make it. I do enjoy learning the history behind it and will be sharing this with my family and friends. Thank you

Kristi Ross-Clausen That is positively ugly - how fun!

Y Jeni Moore Linda Moore would have loved this. She would have found a way to photograph it, make it into amulets and silkscreen it on gift bags. It would have been our family holiday card (sent in February) and must-see destination for out-of-town guests. This year would have been her 75th birthday and my parents 50th wedding anniversary. A magnificent tribute indeed. #sculpturevalley #acreofart

Y Laurie Kuplic Love it...
yes she would

Y Patti Yugovich Beltz Beautiful

Y Trish Kuplic It is magnificent in person!

Abby SchmidtShelley Nulton Have you heard about this sculpture in Appleton? It was commissioned in honor of a local artist named Linda Moore.
<https://www.facebook.com/539622322790557/posts/2546947542058015?d=n&sfns=mo>

I Nulton kind of strange?

Y Linda Moore Priestap I think it's cool. Colorful. Evoking discussion. Obviously honoring a very special woman. (Linda was the #1 or #2 name for girls that year I think.)

I have received a lot of contacts about this sculpture between College Avenue and Green Bay Road on the southeast corner of District 2. In response to these contacts, I have requested that the location of this sculpture be returned to committee for more discussion. On December 9th at 4:30pm, the Municipal Services Committee will consider revoking the current location of the statue. The committee meeting is open to the public and will allow public comment. The meeting will be in Council Chambers at City Hall, on the 6th floor of City Center off Appleton Street.

Y Kathy Flores Encourage public art!!! Not everyone will like it or agree about art, but it's already doing what art does.....making people think and now discuss. ð

Y Christoph Wahl I suppose the immediate neighborhood should have some say in what is done with common public space, but I'd urge the neighbors to keep this where it is and enjoy it.

I Ronna Jean Swift I would like to see it in a park where folks can read and find out what it represents. I found it confusing and distracting to drive by. I agree that music and art feed the soul and lead to discussion.

Y Jennifer L. Arndt That is a great spot for it!

Y Dottie LeClair I love it - it speaks to diversity.

Lee Snodgrass Jeni Moore

I Donna Gasbarro This is near a property that once belonged to my great grandfathers family. Is this artwork included in a walking tour? Lovely neighborhood.

I Donna Gasbarro I'd like to see it up close & in person. Haven't had the chance yet.

Y Karen Bruno What have the complaints been about? I think it's great to have more public art and hope it can stay where it is for the predetermined time.

✍ Author

District 2 Alderperson in Appleton - Vered MeltzerSome say it scares their children. Complaints include that the installation generally feels invasive and disruptive in their neighbourhood; no one ever got their input or informed them of the committee approval process, it just appeared all of a sudden. One contact mentioned concern that it would lower their property value.

Y Becky Stahl I love public art and would encourage more of it. That being said, my first encounter with this sculpture was certainly a surprise. It is a giant head after all? But it's an interesting piece and we enjoy having art in this spot. I did initially worry that it may distract drivers from the pedestrian crossing however. I think it may just take a little time for the community to grow used to the piece.

District 2 Alderperson in Appleton - Vered MeltzerFrom a traffic engineering standpoint, attention-getting installations generally slow traffic down.

Y John Keller I think it looks awesome and should stay...can you lend some context to the referenced "contacts"

✍ Author

District 2 Alderperson in Appleton - Vered Meltzer I've received emails, phone calls, and text messages. Some say it scares their children. Generally feels invasive and disruptive in their neighbourhood. No one ever got their input or informed them of the committee approval process, it just appeared all of a sudden. One contact mentioned concern that it would lower their property value.

Y Mary Hatch What a cool piece! Each of us is the dna from all of our ancestors, and each of our descendants share our dna. Our face and bodies are a family tree. It's lovely!

Y Karon Sandberg What a beautiful tribute to Linda, thank you Moore family!

Y Matt Troge What are the complaints? It's a cool art piece that breathes some uniqueness to Appleton and it's in a spot where folks can see as they enter downtown. Why waste time talking about moving it? Personally, I'm gonna reach out with complaints if gets moved so might as well just

leave it be.

 Author

District 2 Alderperson in Appleton - Vered Meltzer I shared the input I've received in a couple other comments on this thread.

Y Emily Tseffos We live on the 800 block of College Ave and my two year old loves it! Hoping it will stay in our neighborhood ?

Y Amy Karner King I've been enjoying this piece! I discover additional unexpected details the more I experience it. Appreciate the public art displays in our city and the hard work from those who make it reality.

I Julie Keller My daughter saw it as we were driving home last week and we are taking a walk this morning to get a closer look!

Y Dean Wolf Awesome piece of art, leave it where it is.

Y Emily Reetz I love this. Right where it is, in my neighborhood.

Y Mary Beth Pritzl Not sure why the location needs to be changed. This is in our neighborhood and we like it.

Y Marsha Dawson It's public art, enjoy it and encourage more.

Y Jennifer Schneider We love it!!!! We live on the 900 block of East Franklin.

Y R.c. Mac I love it. It's amazing. What kind of asshole would complain about this and for what reason?

Y Tru Em Now that is a cool piece of art

Y William Baxter Nothing like disrespecting an amazing piece of artistic work and talent because certain members of the community don't understand its message. How would you feel as an artist to have your work approved and then later removed due to local politics? If you didn't think the location

through in the first place that should be the fault of the community planners.... not the artist!

 Author

District 2 Alderperson in Appleton - Vered Meltzer I can only speculate that the neighbours might have been more receptive and supportive of the installation if they had been informed of the proposal before the art was installed. In the future the city will notify adjacent property owners about propo...See

Isabel Fevola



Y Isabel Fevola I think it's awesome Clever how they made them metals tanks and made it in to a face. I seen other face sculptures and adults and kids like them so why is this one any different ?

Y Tara Firkus Jordana and I go passed this twice a day on the way to 4k. She loves it. Calls it "the Big Man".

I Sandi England Rohde What's the main concerns?

Vered Meltzer People don't want it to be there. Some say it scares their children. Generally feels invasive and disruptive in their neighbourhood. No one ever got their input or informed them of the committee approval process, it just appeared all of a sudden. One contact mentioned concern that it would lower their property value.

Lee Snodgrass Vered Meltzer ?

Y Julie Haurykiewicz I saw it in person for the first time yesterday and think it is awesome!

Y Nora Johnston I love this sculpture! I was pleasantly surprised to see it when I came over the bridge. I find it curious, somewhat whimsical and oddly charming.

Y Nate Wolff I think it's really cool and is in a good spot.

Y Ann Gain For what is worth I live in this neighborhood and I really like it. And it's only there for 2 years if I understand correctly

Y Polly Snodgrass Put it in my yard!

Y Helen Kramer i'd love it in front of my house.

Y Matt Lederer My first reaction was basically, "What the heck is that scary thing?" Followed by a closer look. Then I drove by a few times and was intrigued. And now, the more I look at this sculpture, the more I like it.

I hope it isn't moved, but if it is, I hope it'll be somewhere with high visibility.

Y Matt Lederer Also, as the "owner operator" of 2 kids (aged almost 9 and almost 6), they are decidedly not scared by it. They like that "there are faces that make a face, and all the faces are funny and strange."

I Trisha Fischer Kostelny Coming off the bridge you have to be careful because you want to look at it, but need to keep your eyes on the road- especially with the curve.

Y Babette Doll I think it's really cool! I hope it does not get moved out of my neighborhood!!!

Y Emily Tseffos We live a block from the sculpture and love it ?
Manage

N Christina Marie Rappel Thank goodness! Unfortunately, art is not always beautiful. That said, the city should try to focus on beautification. This is rather an eyesore.

John De Bruin <https://www.prageru.com/video/why-is-modern-art-so-bad/>
Manage

Y Julie Keller My daughter saw it as we were driving home last week and we are going to walk this morning to get a closer look as she thought it was "super cool". So that's the feedback from a 16 year old!

Y John Nebel Grt PC of Art ? Art serves all as inviting human response to biggest tent in each viewer/participant ?

Matt Troge

Y This is so quintessentially the mindset of a majority of Appleton. One tiny little change is

complained about because it's change and instead of being able to enjoy something like an art installation that brings some unique character to our community, now the local government has to take time to discuss where it could go and if they should move it. ? super frustrating

Sculpture Valley Thanks Matt Troge, we share your sentiments and are looking forward to a robust and lively discussion about public art and placement of it on the 9th. Art should stimulate discussion, I think this piece has ?

Y Matt Troge It's a super interesting piece and while a tad strange, it made my wife and I really happy to see something pop up like that! I hope it stays

Y Chris Burns I am a fan of community art projects like this one. However, 100% confident that people will complain about anything if given a soapbox to voice their opinion. #NoTimeForNegativity

Brad Knapp

Y This first time I saw this sculpture I said outloud to everyone in the car (I was alone) "that thing is badass".

Y Terry Phelan I was coming across bridge about three weeks ago and saw this for first time. Needless to say I almost took the curb out in awe!

Y Michelle Eilers I love this installation. I hope it gets to stay in its current location.

N Jared Huber It's grotesque!!! ?

Y Mandy Holm Love it! I drive past it twice a day, and think that it adds unique character to that location. I hope it stays also.

Y Jeni Moore I can't be at this meeting can I be present via FaceTime?!?

Y Adrianna I would also like to be present via phone or facetime, if possible.

Concerned citizens have asked their district alderperson, Vered Meltzer, to introduce a reconsideration of the approved placement of The Collective, the 2019 Jury's Choice for ACREofART III at this Municipal Services meeting.

Whether you support the idea of relocation or are in favor of leaving it in place, it is important that we hear from the public, particularly from those residents who live in the neighborhood or in close proximity to it. We welcome all perspectives as it brings about a healthy discussion of the merits of our public art program and the boundaries it operates in.



MON, DEC 9 AT 4:30 PM

Vote to rescind approved placement of The Collective

Sculpture Valley From a Private property-owner standpoint, a piece of public artwork at this location is introducing a significant feature into what have always been an open green space. Particularly for the few properties adjacent to the site, that space is ostensibly ...See More

Y Deb Forslund Sculpture Valley I see nothing wrong with the placement; as stated, it's a gateway into and out of the downtown area. And unless adjacent property owners, who consider this space an extension of their yards, are paying property taxes on this parcel, t...See More

Sculpture Valley This is a discussion about the appropriateness of the location and we can see both sides of this unique public / private site. From a public standpoint, the location is a highly visible gateway sculpture opportunity which gets a significant amount of traffic into and out of the downtown. It's an ideal location, which is why an ACRE work has been placed there.

Y Rachel Pieper We love it! We look for it every time we pass off Er bridge.

Y Sara Duroy I admit the first time I saw it I jumped cuz it scared me but its cool... I always see something new in it... I like it and vote for it stays

Y Molly Trochta-Van Landghen Wait people are upset about the placement of this?

Y Cody Bob-Los Deisenroth Molly Trochta-Van Landghen lol that's what I'm confused about

N Nikki Jackson That thing is so ugly!

Y Jennifer Feagans Thompson I love this..

N Ian Keberlein Def move that stupid thing

N J Robert Oliver YES !!!!

Y Rochelle Isaacson Max and I have named this piece "Schnozzle"



Professional Service Industries, Inc.
608 N. Stanton Street, Ripon, Wisconsin 54971
Phone: (920) 745-2200
Fax: (920) 745-2222

October 8, 2021

Mr. Ross Buetow
City of Appleton
100 North Appleton Street
Appleton, Wisconsin 54911

RE: Request to install groundwater monitoring well
306 West Washington Street
Appleton, Wisconsin

Dear Mr. Buetow,

PSI was retained by Gannett Satellite Information Network, LLC, Ms. Kathleen Hennessey, to do some environmental work for the Crescent Lofts Apartments (306 West Washington Avenue, Appleton, Wisconsin). We are requesting to perform a monitoring well installation in the alleyway between the Post Crescent parcel and the Hoersch Appliances property. The well will be approximately 15 feet deep. We are hoping to install the well in the next couple weeks, currently proposed for October 18th and take samples this month and in the winter. We will contact Diggers Hotline prior to drilling. Attached is a map with the proposed location.

Please don't hesitate to call if you have any questions (920) 745-2200.

Respectfully submitted,
PROFESSIONAL SERVICE INDUSTRIES, INC.

David Egerton
Staff Geologist

Rebecca Zahn
Project Specialist

Jeffery Fischer
Branch Manager



Paula Vandehey

From: David Egerton <david.egerton@intertek.com>
Sent: Tuesday, October 12, 2021 5:48 PM
To: Paula Vandehey
Cc: Ross Buetow
Subject: RE: request to install monitoring well
Attachments: Map for Request to Appleton2.pdf

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

Hi, Paula;

Attached is the new map with the proposed monitoring wells. The contractor says there is about 3 feet between the building and the sidewalk, so we should be able to install the well in that space.

David Egerton, Staff Geologist
Building & Construction
Intertek-PSI

Mobile +1 509-589-0928
Email david.egerton@intertek.com
www.intertek.com/building

From: Paula Vandehey <Paula.Vandehey@Appleton.org>
Sent: Monday, October 11, 2021 5:18 PM
To: David Egerton <david.egerton@intertek.com>
Cc: Ross Buetow <Ross.Buetow@Appleton.org>
Subject: [External] Re: request to install monitoring well

No problem. I'll wait for updated map.

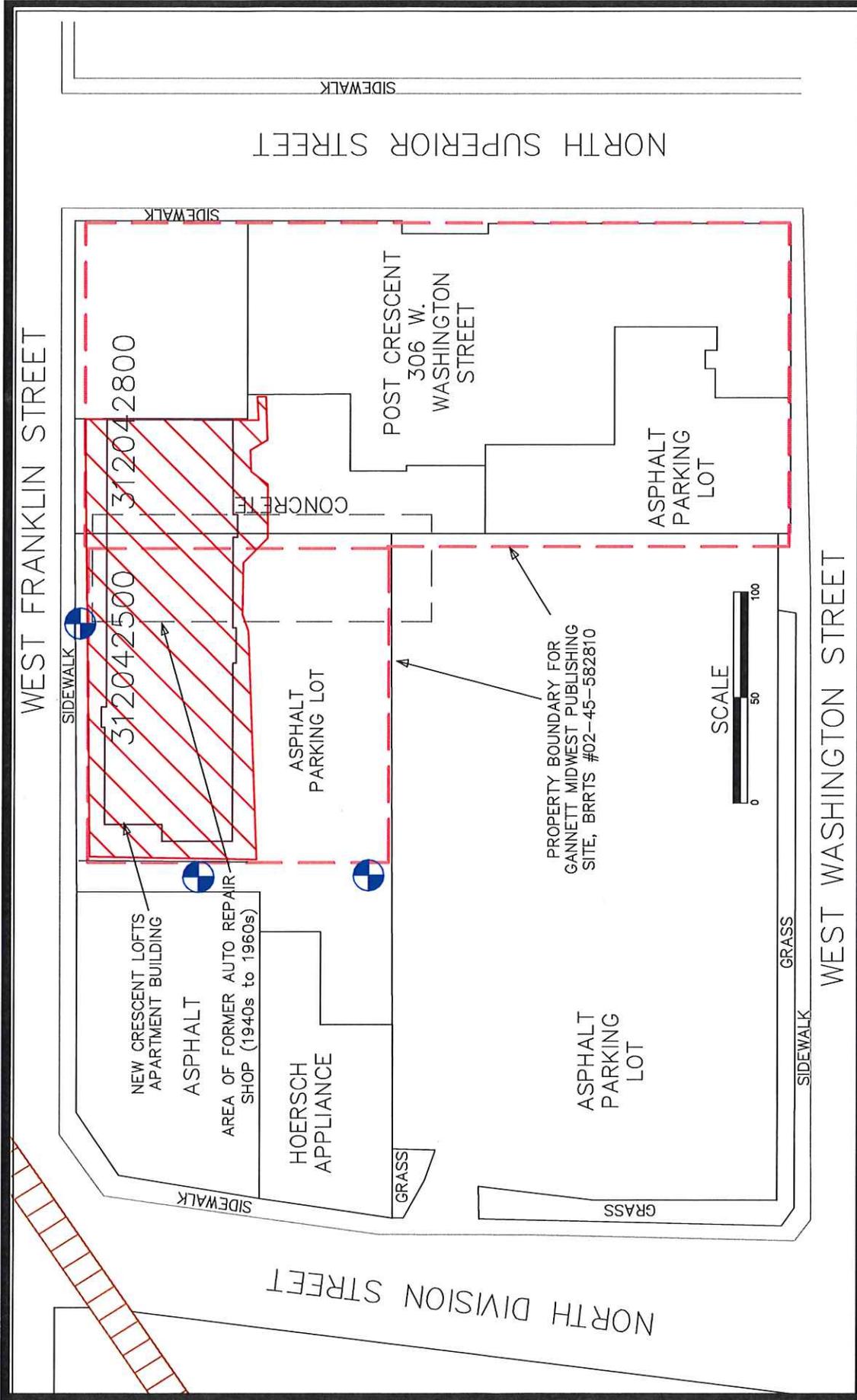
Paula

Sent from my iPhone

On Oct 11, 2021, at 5:15 PM, David Egerton <david.egerton@intertek.com> wrote:

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

The DNR actually wants two monitoring wells. There will be another proposed about 50' to the north along with the one that I sent to you. I will send you a map with that one on hopefully tomorrow once approved. Sorry for jumping the gun. Thanks!



Proposed Groundwater Monitoring Wells	
Gannett Midwest Publishing, Inc. Appleton, WI	
<i>Environmental Services</i> 608 N. Stanton St. Ripon, WI 54971 Phone (920) 745-2200 Fax (920) 745-2222	
Revised: 10/11/21	Drawn by: de

- LEGEND**
- PROPOSED NEW MONITORING WELL LOCATION
 - AREA OF EXCAVATION
 - PROPERTY BOUNDARY

Note: Information based on available data. Actual conditions may differ



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

REQUEST for

Alcohol License Premise Amendment

FEES ARE NON-REFUNDABLE		Date Recv'd <u>10/11/21</u>
License Fee	\$10.00/event	Acct: CLCAGP
Receipt	<u>2694-2</u>	

SECTION 1 – LICENSE INFORMATION

Name of Establishment	River Tyme Bistro		
Address of Establishment	425 W Water Street, Appleton 54915		
Name of Agent	Candice Mortara	Phone Number	

SECTION 2 – PREMISE AMENDMENT

Please describe the change in premises:
A drawing/diagram of the proposed area must also be submitted with this application
 Due to instability of the ground under the patio, and subsequent closing of our current patio, we would like to extend our liquor license to the ground level area to the West, East and South of the patio. (The area highlighted in green) This allows us to offer our customers outdoor dining with the option of cocktails, as well as allows us the flexibility of accommodating private event customers who need outdoor seating. Once the patio is stabilized, it will allow for much sought after additional outdoor seating. The closing of the patio has cut our revenue in half. Also, we request to extend to the rest of Unit 1. Again, we have private event requests for that room, and being able to accommodate them would help immensely. We greatly appreciate your consideration.

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

Please list the date(s) and time(s) that this temporary premise amendment will be utilized:

SECTION 3 – PENALTY NOTICE

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

FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				
Police				

WATER

RIGHT-OF-WAY

C.S.M. LOT 1

NO. 7627

RETAINING WALL

CONCRETE SIDEWALK
LANDSCAPE 118.50'

STAIRS
SEE SHEETS 2 AND 3
FOR DETAIL
53.89'

CONCRETE

CONCRETE

BITUMINOUS

UNIT 2
FIRST FLOOR
DIMENSIONS SHOWN

UNIT 1
FIRST FLOOR
DIMENSIONS SHOWN

LCE UNIT 2
CONCRETE
SEAWALL

LCE UNIT 1
CONCRETE
SEAWALL

S49°41'03"W
(S49°54'37"W)

FOX

1°40'24"E

35°2'11"E

05°(W)
0'31"W

4.09'
SIDEWALK

BUILDING

WAY

S39°59'09"E
(S39°45'35"E)

11.93'

N75°19'56"W
(N75°06'22"W)

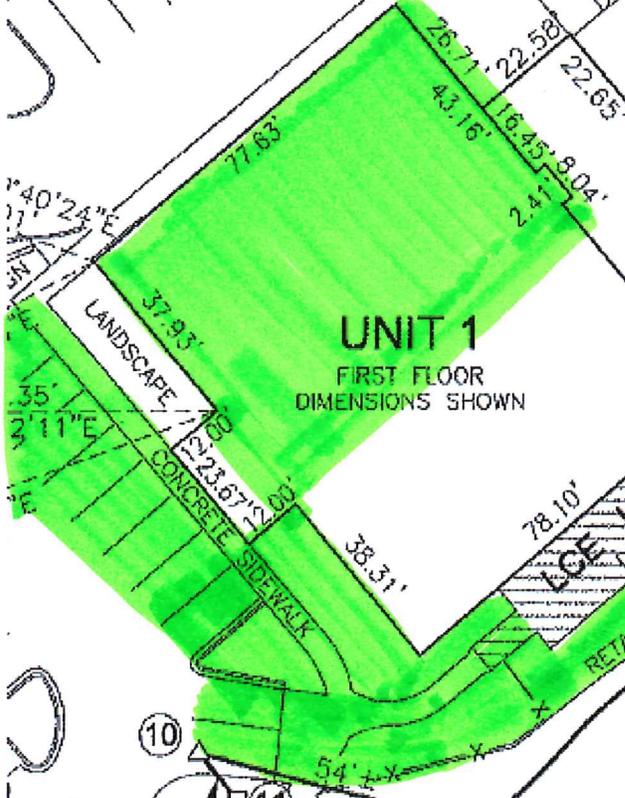
76.50'

22'±

9

10

11





REPORT TO SAFETY AND LICENSING COMMITTEE

Meeting Date: October 27, 2021

Premise Amendment Request Received from City Clerk's Office:
October 11, 2021

Item: Reserve "Class B" Liquor and Class "B" Beer License Permanent Premise Amendment Application for Fox River Boat Holdings Co. d/b/a River Tyme Bistro, Candice Mortara, Agent, Located at 425 W. Water Street Unit 100

From: Don Harp, Principal Planner

Pursuant to Section 9-77 of the Municipal Code and Section V. Procedures of the current General Policy Statement on Beer/Liquor Licensing, the Community and Economic Development Department investigation determines the following:

Outdoor Dining Request With or Without Alcohol Service

1. Currently, the site has 128 off-street parking spaces to accommodate customer and employee parking for the Atlas Mill building and Fratello's Riverfront Restaurant. In accordance with Sections 23-42(c) and 23-172(m) of the Zoning Ordinance, all existing off-street parking spaces shall be maintained as parking spaces. The proposed expansion of the outdoor dining into the 10 off-street parking spaces (highlighted green) located on the west side of the building will cause a deficiency of 10 parking spaces on the site.
2. The proposed expansion of the outdoor dining into the interior parking lot landscape island (highlighted green) located on the west side of the building will cause a deficiency in the required amount of interior parking lot landscape islands. In accordance with Section 23-172(f)(1)a. of the Zoning Ordinance, the interior parking lot landscape islands shall be maintained as is for their intended purpose.

Recommendation: Based on the above findings, staff recommends the request for alcohol license permanent premise amendment for the expansion of the outdoor dining with or without alcohol service within the 10 off-street parking spaces and the interior parking lot landscape islands (highlighted green) be ***DENIED*** because request causes the property to be ***NOT*** in compliance with Section(s) 23-42(c), 23-172(m) and 23-172(f)(1)a. of the Zoning Ordinance as specified above.

Interior Expansion Within Unit 1

3. Special Use Permit #01-06 was transferred to River Tyme Bistro on January 20, 2020 (see attached). Condition Number 2 of said transfer states, " Any future expansions into any area of building/property not part of this approval for the purpose of serving and/or consumption of

alcohol will require a *new Special Use Permit* application or a minor amendment request to be applied for and approved.”

Note: A new Special Use Permit has not been applied for by the owner/applicant. Approval of a new Special Use Permit for a restaurant with alcohol sales is required prior to the issuance of the amended liquor license.

Section III of the General Policy Statement on Beer/Liquor Licensing states, “Where required, no corporation, partnership or individual will be issued a beer/liquor license for the premises until a Special Use Permit application has been submitted. This would allow for the Community and Economic Development Department to review and determine whether or not the applicant must apply for and receive approval of a Special Use Permit pursuant to the current Zoning Code.”

Recommendation: Based on the above findings, the owner/applicant shall apply for and receive approval of a new Special Use Permit from the Common Council prior to the issuance of the request to expand alcohol service into the remaining area of Unit 1 located inside the building and the expanded outdoor premises area in compliance with all applicable Municipal Codes.

We recommend applicant/owner contact the Community and Economic Development Department at (920) 832-6468 to discuss the Special Use Permit approval process and assist with working out a solution to develop a proposal that satisfies the applicable Municipal Code regulations regarding the outdoor dining area.



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

REQUEST for

Alcohol License Premise Amendment

FEES ARE NON-REFUNDABLE		Date Recv'd <u>10/11/21</u>
License Fee	\$10.00/event	Acct: CLCAGP
Receipt	<u>2694-2</u>	

SECTION 1 – LICENSE INFORMATION				
Name of Establishment	River Tyme Bistro			
Address of Establishment	425 W Water Street, Appleton 54915			
Name of Agent	Candice Mortara			
Phone Number	920-209-7789			
SECTION 2 – PREMISE AMENDMENT				
<p>Please describe the change in premises: *A drawing/diagram of the proposed area must also be submitted with this application* Due to instability of the ground under the patio, and subsequent closing of our current patio, we would like to extend our liquor license to the ground level area to the West, East and South of the patio. (The area highlighted in green) This allows us to offer our customers outdoor dining with the option of cocktails, as well as allows us the flexibility of accommodating private event customers who need outdoor seating. Once the patio is stabilized, it will allow for much sought after additional outdoor seating. The closing of the patio has cut our revenue in half. Also, we request to extend to the rest of Unit 1. Again, we have private event requests for that room, and being able to accommodate them would help immensely. We greatly appreciate your consideration.</p>				
<p>Is this change Permanent?</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p>If this is temporary please specify the reason for the amendment:</p>			
<p>Please list the date(s) and time(s) that this temporary premise amendment will be utilized:</p>				
SECTION 3 – PENALTY NOTICE				
<p>I certify that I am familiar with Section 9-52 of the Municipal Code of the City of Appleton and agree that any license granted under this application may be suspended for cause at any time by the Common Council. Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge and belief.</p> <p>Signature of Applicant: <u>Candice L Mortara</u></p>				
FOR OFFICE USE ONLY				
Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				
Police				

WATER

RIGHT-OF-WAY

C.S.M. LOT 1

NO. 7627

RETAINING WALL

CONCRETE SIDEWALK

BITUMINOUS

LANDSCAPE 118.50'

STAIRS
SEE SHEETS 2 AND 3
FOR DETAIL
53.89'

CONCRETE

CONCRETE

UNIT 2
FIRST FLOOR
DIMENSIONS SHOWN

UNIT 1
FIRST FLOOR
DIMENSIONS SHOWN

LCE UNIT 2

LCE UNIT 1

S49°41'03"W
(S49°54'37"W)

FOX

1°40'24"E

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05°(W)
0°31'W

4.09'

BUILDING

WAY

S39°59'09"E
(S39°45'35"E)

11.93'

N75°19'56"W
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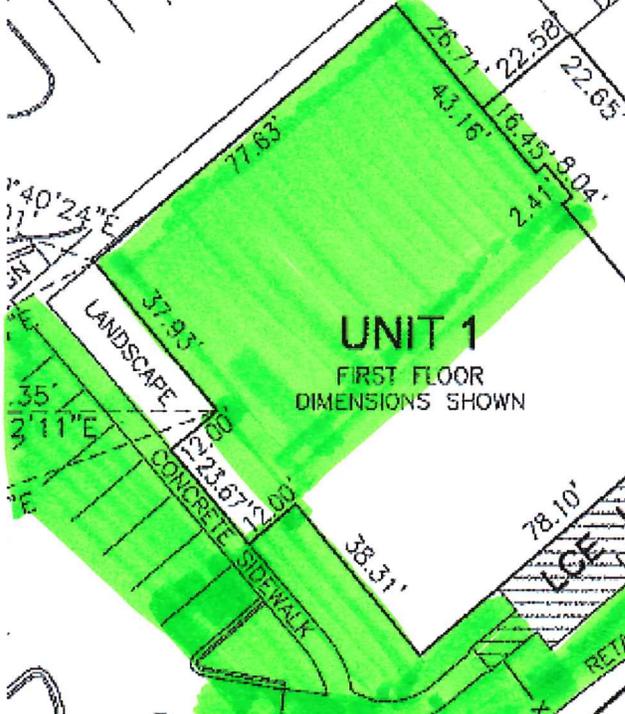
76.50'

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10

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22'±



Special Use Permit #01-06
Restaurant/Outdoor Deck with onsite alcohol sales and consumption
425 West Water Street, Suite #100

The previous tenant (Atlas Coffee Mill & Cafe) was allowed to operate a restaurant with alcohol sales and consumption, including the use of the deck (outside space) on the south side of the building located at 425 West Water Street, Suite #100 per Special Use Permit #01-06.

Conditions of Special Use Permit #01-06:

1. The applicant shall apply for and receive a Liquor License from the City Clerk prior to serving alcohol on the subject site and shall conform to the standards established in Chapter 9, Article III, Alcoholic beverages, of the Appleton Municipal Code.
2. Any future expansions into any area of building/property not part of this approval for the purpose of serving and/or consumption of alcohol will require a new Special Use Permit application or a minor amendment request to be applied for and approved.
3. The applicant shall install a building code compliant emergency exit gate between the existing level #2 outside dining deck and future level #1 outside dining deck prior to the City Clerk issuing the Liquor License for the level #2 and #3 outside dining decks. *(Building Permit B10-0186 was reviewed and approved for single level deck located on the south side of the building. Deck levels #2 and #3 have not been constructed)*
4. The applicant shall install a building code compliant emergency exit gate, a minimum 42" inch high railing to enclose the level #1 outside dining deck, and install the landscape areas (barberry species) as shown on the development plan prior to the City Clerk issuing the Liquor License for the level #1 outside dining deck.

Analysis:

The Plan of Operation/Floor Plan submitted for River Tyme Bistro, appears to meet the general intent and character of previously approved Special Use Permit #01-06. Therefore, Special Use Permit #01-06 can be transferred from Atlas Coffee Mill & Cafe to the owner of River Tyme Bistro for the operation of a restaurant with alcohol sales and consumption, including the use of the deck (outside space) on the south side of the building located at 425 West Water Street, Suite #100 within the highlighted area shown on the attached floor plan Sheet A-2, provided the above listed conditions are complied with.

Contact the Community and Economic Development Department at (920)832-6468 to discuss the amendment approval, if alcohol sales and consumption is being proposed outside of the highlighted area shown on the attached floor plan Sheet A-2.

January 20, 2020

**ONSITE ALCOHOL CONSUMPTION
PLAN OF OPERATION AND LOCATIONAL INFORMATION**

Business information:

Name of Business: River Tyme Bistro

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

Restaurant Bar/Night Club Wine Bar Microbrewery Other event space

Provide detailed explanation of the type of business occupying the building or tenant space:

Coffee shop, breakfast + lunch items, meeting + event space. Liquor license for liquor, wine + beer for events

Any planned remodeling of the building or tenant space proposed (please describe):

Kitchen being moved from current location to location on architectural drawing

Proposed Hours of Operation for Indoor Space:

Day	From	To
Week Days: Monday thru Thursday	7 am	3pm (midnight if events)
Friday	7 am	3 pm (midnight if events)
Saturday	8 am	3 pm (midnight if events)
Sunday	9 am	2pm (midnight if events)

Building capacity and area:

Anticipated maximum number of persons occupying the building or tenant space: 150 persons.

Gross floor area of the existing building or tenant space the business will occupy: 4325 sq.ft.

Describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all equipment/amplified music.

dishwasher noise (minimum)
amplified music (will be contained within walls)

B. How will the noise be controlled to comply with the Municipal Code Regulations?

It will not be loud enough to not be
(contained in walls)

Outdoor Space uses:

(Check applicable proposed area)

None Patio Sidewalk Café Deck Other _____

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

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

If yes, describe how will the noise be controlled: will not be loud enough to leave
property - acoustic only)

Is there any food service incorporated in the outdoor space? Yes No ___

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.

Proposed Hours of Operation for the Outdoor Space:

Day	From	To
Week Days: Monday thru Thursday	7 AM	3pm (midnight if event)
Friday	7 AM	3pm (midnight if event)
Saturday	8 AM	3pm (midnight if event)
Sunday	9 AM	2pm (midnight if event)

Number of Employees:

Number of Proposed Employees: max. 6

Number of employees scheduled to work on the largest shift: max. 6

Number of off-street parking spaces:

Total Number of off-street parking space located on-site: 170

Sup # 01-06

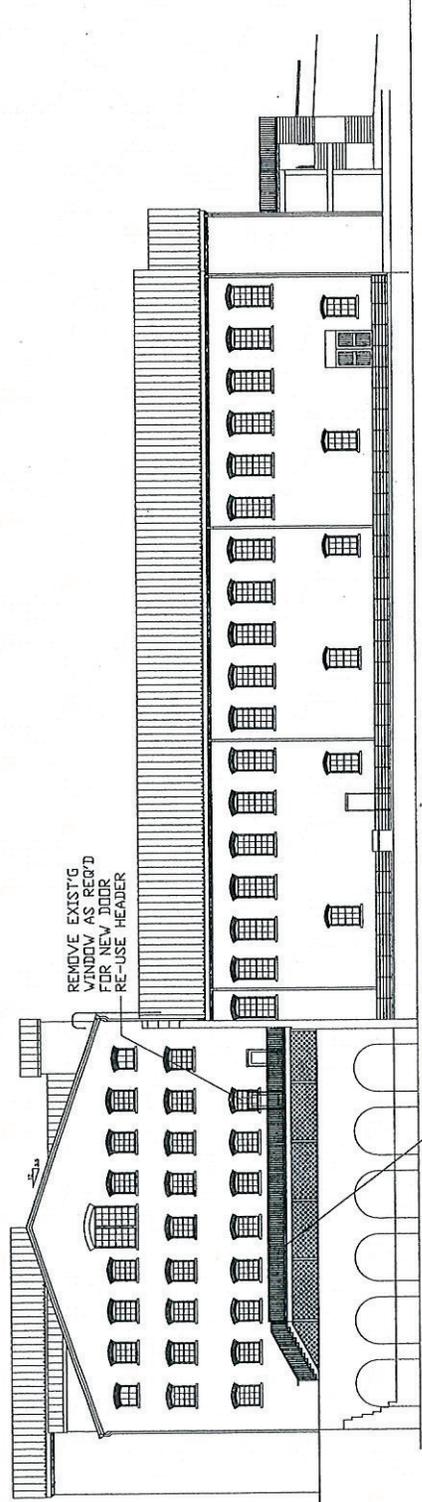
REVISIONS
SEE SHEET A2.0
FOR REVISION

PHONE: (920) 886-8700
FAX: (920) 886-8703
EMAIL: info-ca@new.r.com

CONTRACTING SPECIALISTS INC.
333 N. COMMERCIAL STREET
SUITE 175
NEENAH, WI 54956

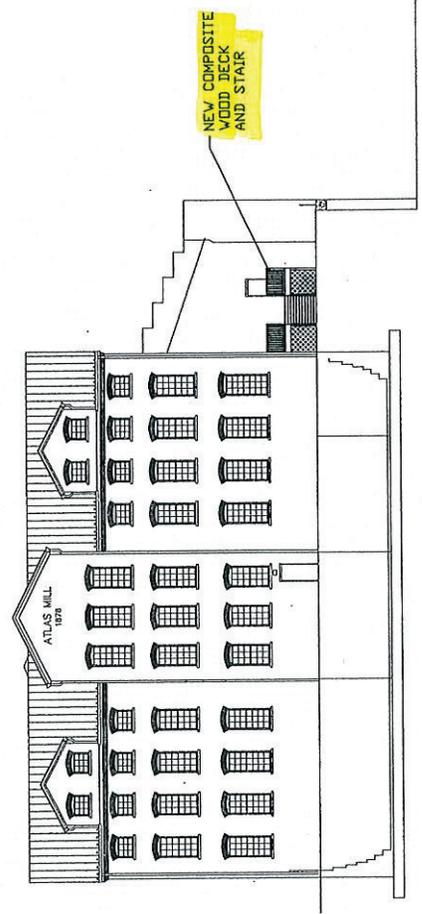
PROPOSED TENANT BUILD-OUTS & DECK FOR:
ATLAS MILL
425 W. WATER ST/885F
APPLETON, WI 54911

DATE: 05 APR 10
PROJECT NUMBER: 2010-01
SHEET: A-5



NEW COMPOSITE WOOD DECK AND STAIR

SOUTH ELEVATION
SCALE: 1/16" = 1'



NEW COMPOSITE WOOD DECK AND STAIR

WEST ELEVATION
SCALE: 1/16" = 1'

Building permit: B10-0186

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 05/01/2021 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 checked="" type="checkbox"/> Class A beer	\$ <u>500</u>
<input type="checkbox"/> Class B beer	\$ _____
<input type="checkbox"/> Class C wine	\$ _____
<input checked="" type="checkbox"/> Class A liquor	\$ <u>300</u>
<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>
TOTAL FEE	\$ <u>560</u>

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
TEE TEES NACHOS 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	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Thornton</u>	<u>Timasha</u>	<u>F</u>	<u>500 S Pierce Ave, Appleton WI 54914</u>
<u>Unitna</u>	<u>Lewis</u>	<u>L</u>	<u>311 S Kools St Apt 1 Appleton WI 54914</u>
<u>Purnell</u>	<u>Jasmonique</u>	<u>D</u>	<u>500 S Pierce Ave Appleton WI 54914</u>
<u>James</u>	<u>Thornton</u>	<u>D</u>	<u>500 S Pierce Ave Appleton WI 54914</u>
<u>Thornton</u>	<u>Timasha</u>	<u>F</u>	<u>500 S Pierce Ave, Appleton WI 54914</u>
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name TEE TEES NACHOS LLC Business Phone Number 920-515-5520
 2. Address of Premises 550 N Morrison St #2 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.)
It would be kept in the building and the back room of the offices, stack on top of the shelves. In a cooler in suite C. Suite C is 12 on the Diagram.

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
yes I take the online course on Security Alcohol Inc - Wisconsin Alcohol Seller/Server 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 WI and date 05-13-2021 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>Thornton Timasha F</u>	Title/Member <u>President</u>	Date <u>09-29-21</u>
Signature <u>Timasha Thornton</u>	Phone Number <u>[REDACTED]</u>	Email Address <u>[REDACTED]</u>

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>9-24-2021</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: N/A Unsure

(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?

N/A months ago.

10. Seating capacity: Inside 30 Outside 15

11. Operating hours (Inside the building): Monday - Saturday 9am - 9pm
Operating hours (Outdoor seating areas): Monday - Saturday 9am - 6pm

12. Employees/Staff

Number of floor personnel 2 Number of door checkers —

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

- a. Gross floor building area of the premises to be licensed: _____ 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:

In Suite C is were we going have
Nachos Bar, Candy, Soda, and etc. In suite
D were we going have Painting/Craft studio,
Selling wine and beer in Suite C.

Amish
Signature

09-29-21
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 TEE TEE'S Nachos 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
TEE TEE'S Nachos LLC
(Trade Name)

located at 550 N Morrison St Appleton WI 54911

appoints Timasha Thornton
(Name of Appointed Agent)

500 S pierce Ave Appleton WI 54914
(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? 44 years

Place of residence last year 500 S pierce Ave Appleton WI 54914

For: TEE TEE'S Nachos LLC
(Name of Corporation / Organization / Limited Liability Company)

By: *Timasha Thornton*
(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, Timasha Thornton, 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.

Timasha Thornton 9/23/2021
(Signature of Agent) (Date)

Agent's age

500 S pierce Ave Appleton WI 54914
(Home Address of Agent)

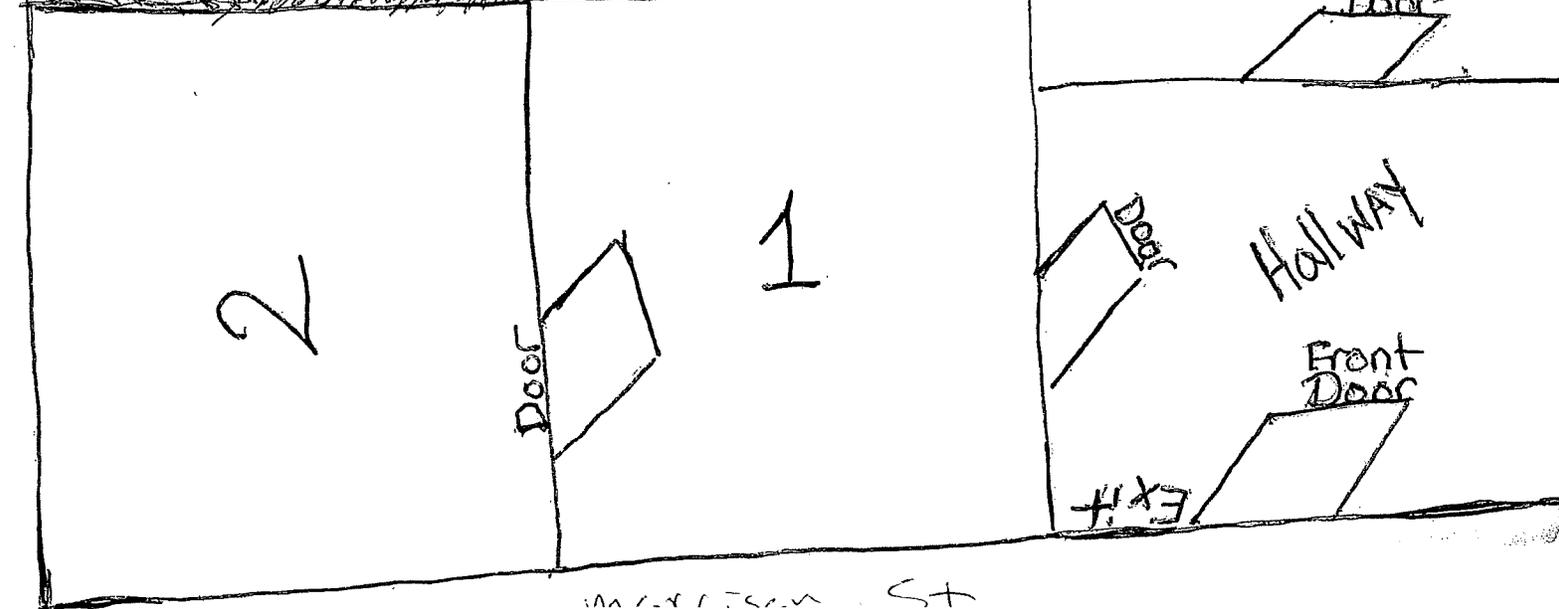
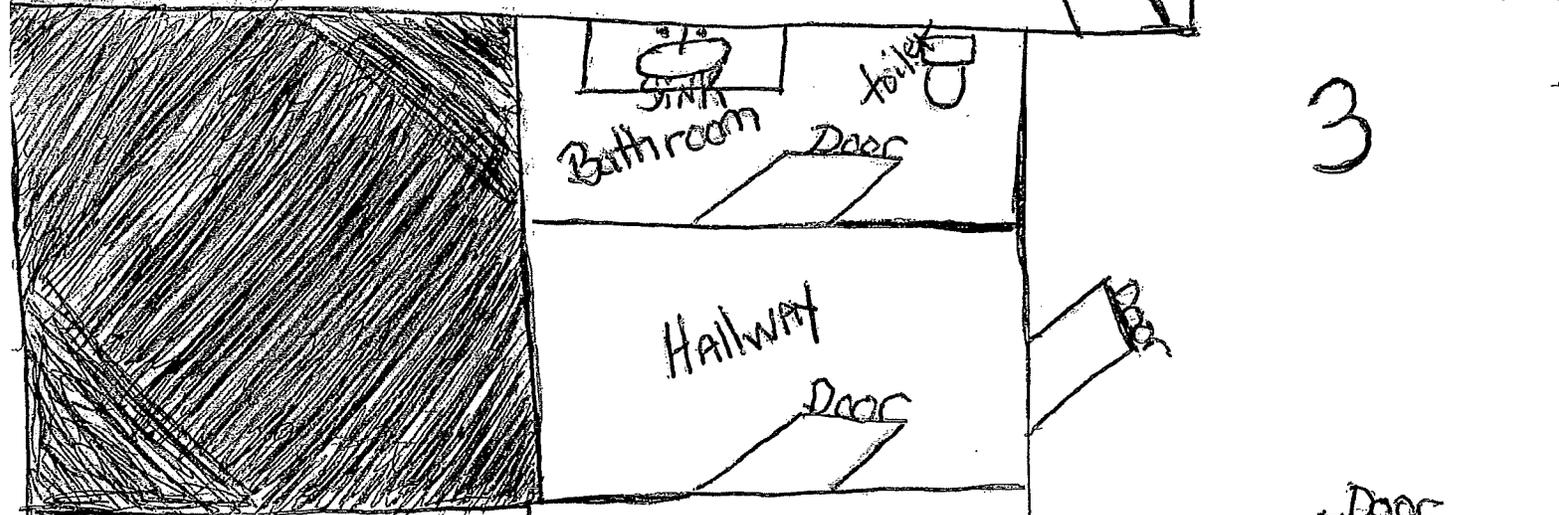
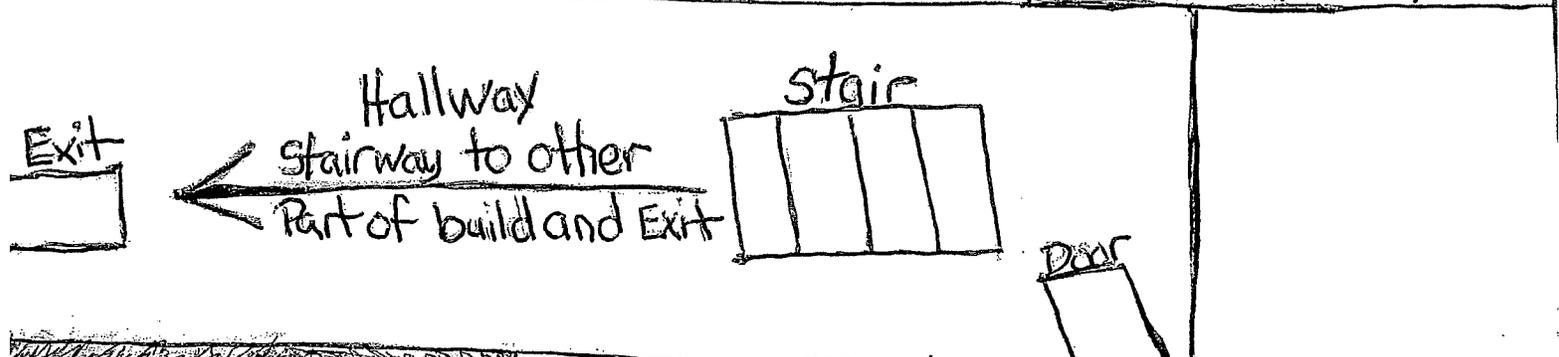
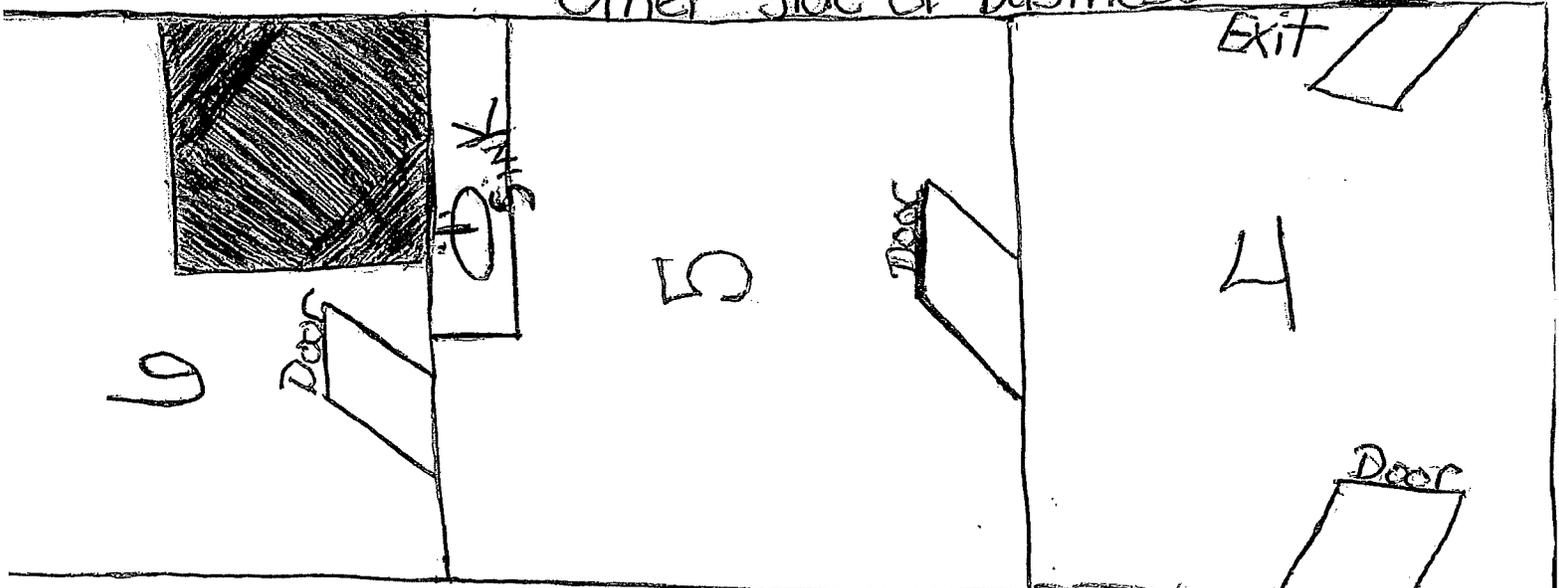
Date of birth

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)

Other side of business



Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: JULY 1, 2021 ending: JUNE 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 checked="" type="checkbox"/> Class A beer	\$ <u>200</u>
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input checked="" 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>
TOTAL FEE	\$ <u>260</u>

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
TRUE NORTH ENERGY, 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	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
LYDEN	MARK	E.	18 COUNTRY PEPPER LN, PEPPER PIKE, OH 44124
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)
LYDEN	PATRICIA	G	2740 CONSEAR ROAD, LAMBERTVILLE, MI 48144
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
NIESE	DANIEL	J.	10203 WOODVIEW WAY, BRECKSVILLE, OH 44141
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
PAMPERIN	DANIEL	J.	396 TALUS CT., DE PERE, WI 54115
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name TRUE NORTH #822 Business Phone Number 440-792-4200
 2. Address of Premises 3411 N BALLARD RD APPLETON 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.)
CONVENIENCE STORE WITH COOLERS. MANAGER'S OFFICE FOR STORE RECORDS, BEER
AND ALCOHOL IS SOLD AT FRONT COUNTER.

4. Legal description (omit if street address is given above): SEE ATTACHED

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? BALLARD GCS LLC DBA BALLARD GRAND CENTRAL

Legal Description

For

3411 N. Ballard Rd., Appleton, WI 54911

LOT 1 OF CERTIFIED SURVEY MAP NO. 6590 RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR OUTAGAMIE COUNTY, WISCONSIN ON FEBRUARY 04, 2013, IN VOLUME 39, PAGE 6590 AS DOCUMENT NO. 1974904, BEING ALL OF LOTS 2 AND 3 AND PART OF LOT 1 OF STEINMAN COMMERCIAL PLAT, BEING PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 21 NORTH, RANGE 17 EAST, IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

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
SEE ATTACHED

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.) Howard, Ryan D.	Title/Member COO	Date 10-18-21
Signature 	Phone Number 	Email Address 

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk 10-18-21	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

Airport Shell, Inc

GCS Operations, LLC
dba GCS Bellevue Crossing
dba GCS Menasha
dba Stadium Shell
dba Bellevue Grand Central
dba Lineville Travel Mart
dba Ledgeview
dba Riverside
dba 21 Shell
dba College
dba Winneconne Shell
dba East Troy Shell

C&D Shell LLC, dba Bay Beach

Depere Shell, Inc

Grand Central LLC
dba Grand East
dba Famous Dave's

Ballard GCS LLC

University Shell LLC

Voyageur Shell LLC dba Landing

GCS Holdings of Depere LLC
dba Scheuring



City of Appleton

Alcohol License Questionnaire

1. Name of Applicant: True North Energy, LLC

2. Name of Business: True North Energy, LLC

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

- Restaurant
- Tavern/Night Club/Wine Bar
- Microbrewery/Brewpub
- Painting/Craft Studio
- Other (describe) Convenience store /gas station

3. Address of Business: 3411 N Ballard Rd, 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 below:

See attached

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.

True North Holdings, Inc			/ /
First name	M.I.	Last name	Date of Birth
Equilon Enterprises, LLC			/ /
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: Ballard GCS, LLC (business) Grand Central Appleton, LLC (real estate)

First name Middle Initial Last name

Address: 3411 N. Ballard Rd. Appleton WI 54911

City State ZIP

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

Name: Ballard GCS LLC d/b/a Ballard Grand Central

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

- Restaurant
- Tavern/Night Club/Wine Bar
- Microbrewery/Brewpub
- Painting/Craft Studio
- Other (describe) convenience store/gas station

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?

n/a months ago.

10. Seating capacity: Inside n/a Outside n/a

11. Operating hours (Inside the building): 24/7
Operating hours (Outdoor seating areas): n/a

12. Employees/Staff

Number of floor personnel n/a Number of door checkers n/a

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

a. Gross floor building area of the premises to be licensed: 4864 square feet.

b. Gross outdoor seating areas of the premises to be licensed: n/a square feet.

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

Gas Station/Convenience store

[Signature]
Signature

10-13-01
Date

Mark E. Lyden

01/25/1993 – Erie, Ohio
Offense: Reckless Operation of watercraft
Plea: NC/Guilty
Offense Code 1547.07

09/02/1993 – Erie, Ohio
Case Number: CRB9302757
Offense: Water Skier Observer
Plea: Guilty
Offense Code: 1547.15

07/20/1999 – Erie, Ohio
Offense: Under Age Operation watercraft
Case Number: CRB9903104
Plea: Guilty
Offense Code: 1547.41

11/18/2004 – Erie, Ohio
Offense: Reckless Operation
Case No.: TRC0404442
Plea: NOC
Disposition: Found Guilty
Offense Code 4510.15

6/9/2000 – Mahoning, Ohio
Offense: Speeding
Disposition: (AJ) Bond forfeiture
Offense Code: 4511.21_C

1/4/2012 – Cuyahoga, Ohio
Offense: Speeding
Pleas: Guilty-Waived
Disposition: Guilty
Offense Code 434.03

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 Brown Outagamie
 City

The undersigned duly authorized officer/member/manager of True North Energy, 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
True North #822
(Trade Name)

located at 3411 N Ballard Rd Appleton, WI 54911

appoints Daniel J. Pamperin
(Name of Appointed Agent)

396 Talus Ct., 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?

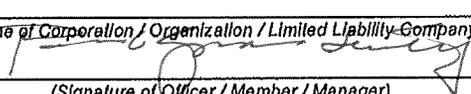
Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).
 See attached

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? 61 years

Place of residence last year 396 Talus Ct., De Pere, WI 54115

For: True North Energy, LLC
(Name of Corporation / Organization / Limited Liability Company)

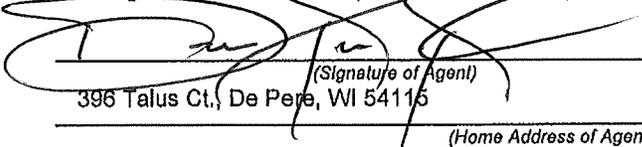
By: 
(Signature of Officer / Member / Manager)

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, Daniel J. Pamperin, 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.

 10/13/2021
(Signature of Agent) *(Date)*
396 Talus Ct., De Pere, WI 54115
(Home Address of Agent)

Agent's age 61 years

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)*

Attachment to Schedule of Appointment of Agent by Corporation / Nonprofit Organization
or Limited Liability Company

Green Bay, WI
De Pere, WI
East Troy, WI
Green Bay, WI
Appleton, WI
Neenah, WI
Winneconne, WI
Oshkosh, WI



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: October 13, 2021

Common Council Meeting Date: November 3, 2021

Anticipated Date Annexation Effective: November 9, 2021 at 12:01 a.m.

Item: Petition for Direct Annexation by Unanimous Approval Where Owners/Electors Reside – Ziegler Mackville Road & EE Annexation

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner(s)/Elector(s): Philip C. and Beverly M. Ziegler

Address/Town Where Property is Located: N2883 County Road EE - Town of Center

Parcel Number: 040097800 - Town of Center

Petitioner's Request: The Owner(s)/Elector(s) are requesting direct annexation by unanimous approval where they reside pursuant to Section 66.0217(2), Wisconsin State Statutes of land currently located in the Town of Center, Outagamie County.

Purpose for Annexation: To allow the existing single-family residence to be connected to the City water system.

Population of Such Territory: 2

Annexation Area: 1.4407 acres m/l

BACKGROUND

The annexation petition for direct annexation by unanimous approval where owners and electors reside was filed with the City Clerk's office on September 15, 2021. State Statutes does require that the Department of Administration (DOA) review all annexation petitions within a county having a population of 50,000 or more to determine if the petition is in the public interest. The City must allow a 20-day statutory review period, which starts when the Wisconsin Department of Administration (DOA) receives the annexation application materials and fee. The DOA received the annexation application materials and fee on September 17, 2021, so this requirement will be satisfied prior to Common Council taking action at their November 3, 2021 meeting.

STAFF ANALYSIS

City staff completed the Annexation Feasibility Study for this annexation request and identified the following:

- The City of Appleton does not have a boundary agreement with the Town of Center.
- In the absence of a boundary agreement, property tax payment to the Town of Center is required. In accordance with Wisconsin State Statute Section 66.0217(14), the City of Appleton is required to pay annually to the town, for 5 years, an amount equal to the amount of property taxes that the town levied on the annexed territory, as shown by the tax roll under Wisconsin State Statute Section 70.65, in the year in which the annexation is final.
- The subject property is developed with the single-family residence.
- The subject property is located within City's Growth Area Boundary.
- The City can provide necessary City services, including but not limited to water, police, fire, garbage/recycling to the subject property. However, City sanitary sewer and storm sewer main extensions would be required to serve this property. The City currently does not have these utility extensions included in the 5-year plan or budget. The subject property will continue to use its on-site private septic system (in-ground gravity system).
- The City has a 16-inch water main already installed along the west side of Ballard Road. Approval of the annexation is required before the subject property could connect to the City water.
- The area proposed for annexation is contiguous to the existing City boundary located to the east of the annexation area. The subject property connects to the City of Appleton at the Ballard Road right-of-way.
- The owner is requesting the City Plan Commission initiate a rezoning application for the annexation area from temporary AG Agricultural District to a zoning classification of R-1B Single-Family District.

Surrounding Zoning Classification and Land Uses:

North: Town of Center. General Agricultural District, the adjacent land use to the north is currently agricultural land.

South: Town of Center. General Agricultural District, the adjacent land use to the south is currently developed as single-family residential.

Ziegler Mackville Road & EE Annexation
October 13, 2021
Page 3

West: Town of Center. General Agricultural District, the adjacent land use to the west is currently developed as single-family residential.

East: City of Appleton. R-1B Single-family District, the adjacent land use to the east is currently undeveloped but subdivided for single-family residential.

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future One/Two-Family residential. The proposed annexation is consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

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

OBJECTIVE 5.3 Housing and Neighborhoods:

Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.

Policy 5.3.3 Plan for a supply of developable land suitable for residential development.

OBJECTIVE 10.1 Land Use:

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

Technical Review Group (TRG) Report: This item appeared on the September 21, 2021 TRG Agenda. No negative comments were received from participating departments.

Fire Department Comments: Projected response capability to this address will become similar with adjacent development, across Ballard Road, sometimes referred to as Apple Hill Farms. Also, note that Appleton and Grand Chute have a mutual aid agreement, so if this property comes into Appleton, Grand Chute might also respond, depending on circumstances. Appleton Fire recommends to this property owner, because of potential for long emergency response times (due to travel distance), either a monitored smoke alarm system or residential fire sprinklers, similar as with Apple Hill Farms. Appleton Fire will not require that.

City Clerk Comments: Under the advice of the Legislative Technology Services Bureau, it is advised to wait on this annexation until after the redistricting process is complete and a new ward plan is in place. Therefore, the annexation ordinance will appear on the November 3, 2021 Common Council meeting agenda.

FUTURE ACTIONS

- Per Section 23-65(e) of the Municipal Code, a temporary zoning classification of AG Agricultural District is assigned to newly annexed territory, with the rezoning process taking place after the subject site has been annexed to the City. All territory annexed to the City is assigned a zoning classification as recommended by Plan Commission.
- The Plan Commission shall consider the following criteria in selection of an appropriate zoning district for the annexed land:
 - The existing land uses within the territory to be annexed;
 - The surrounding land uses that exist on adjacent properties regardless of municipal boundary lines;
 - The Comprehensive Plan of the City.
- The owners are requesting that Plan Commission initiate a rezoning for the subject property from temporary AG Agricultural District to zoning classification of R-1B Single-Family District. A rezoning initiated directly by Plan Commission will be processed in accordance with Section 23-65(d), Zoning Map Amendments, which includes review and action by the Common Council. This request is anticipated to be scheduled for an informal public hearing at the October 27, 2021 Plan Commission meeting.

RECOMMENDATION

Staff recommends that the Ziegler Mackville Road & EE Annexation, as shown on the attached maps, **BE APPROVED** with the following stipulation:

1. The Plan Commission initiate the rezoning for the subject property from temporary AG Agricultural District to the zoning classification of R-1B Single-Family District, pursuant to Section 23-65(d)(1) of the Municipal Code.



TONY EVERS

GOVERNOR

JOEL BRENNAN

SECRETARY

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Voice (608) 264-6102 Fax (608) 264-6104

Email: wimunicipalboundaryreview@wi.gov

Web: <http://doa.wi.gov/municipalboundaryreview>

October 04, 2021

PETITION FILE NO. 14442

KAMI LYNCH, CLERK
CITY OF APPLETON
100 N APPLETON ST
APPLETON, WI 54911-4702

AMY L OLSON, CLERK
TOWN OF CENTER
N3990 STATE ROAD47
APPLETON, WI 54913-8484

Subject: ZIEGLER MACKVILLE ROAD & EE ANNEXATION

The proposed annexation submitted to our office on September 17, 2021, has been reviewed and found to be in the public interest. In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city...." so as, to ensure the resulting boundaries are rational and compact. The statute also requires the Department to consider whether the annexing city or village can provide needed municipal services to the territory. The subject petition is for territory that is reasonably shaped and contiguous to the **CITY OF APPLETON**, which is able to provide needed municipal services.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of administration a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Department of Administration. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please include your MBR number 14442 with your ordinance.** Ordinance filing checklist available at <http://mds.wi.gov/>, click on "Help on How to Submit Municipal Records". Email scanned copy of required materials (color scan maps with color) to mds@wi.gov or mail to: Wisconsin Department of Administration, Municipal Boundary Review, PO Box 1645, Madison WI 53701-1645.

The petition file is available for viewing at: <http://mds.wi.gov/View/Petition?ID=2516>
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

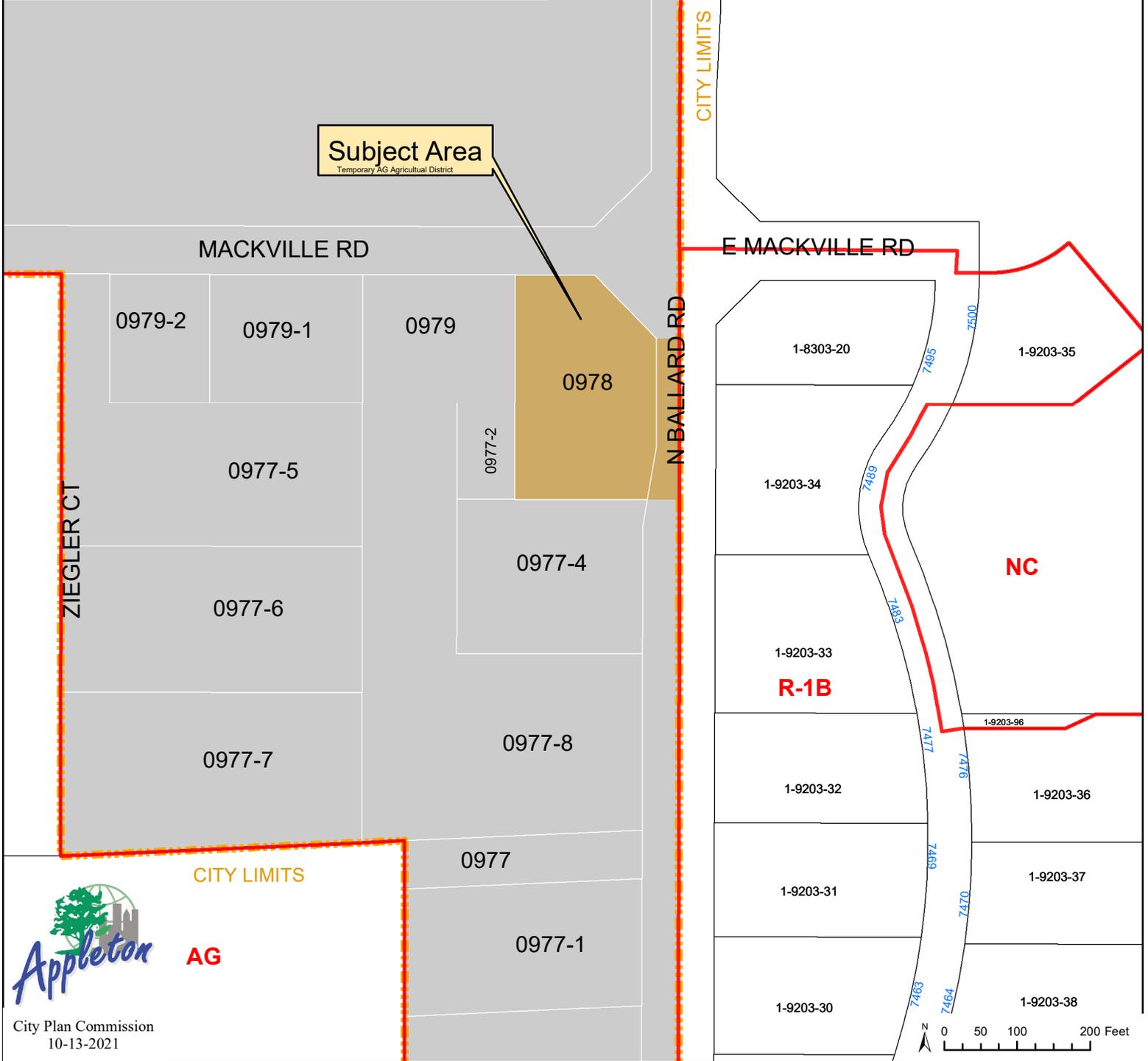
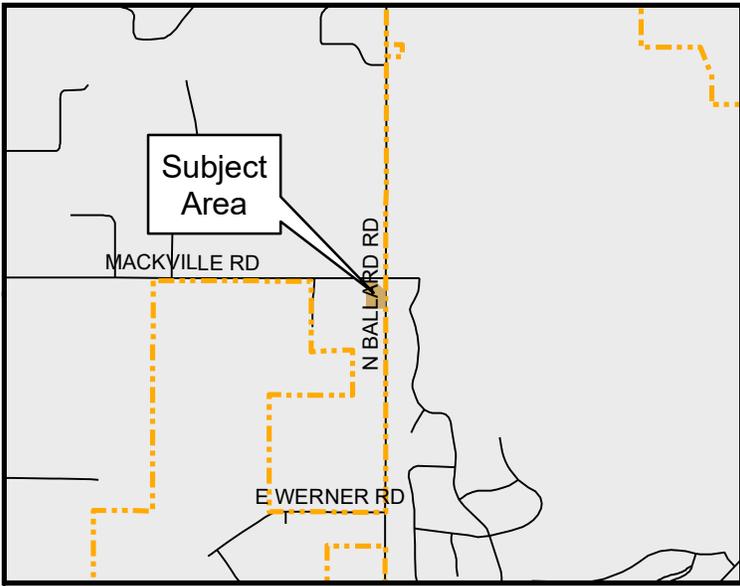
Sincerely,

A handwritten signature in black ink, appearing to read "Erich Schmidtke". The signature is fluid and cursive.

Erich Schmidtke, Municipal Boundary Review

cc: petitioner

Annexation
Ziegler Mackville Road & EE
Town of Center
Zoning Map
Temporary AG Agricultural



Subject Area
Temporary AG Agricultural District



Annexation
Ziegler Mackville Road & EE
Town of Center
Aerial Map

MACKVILLE RD

E MACKVILLE RD

CITY LIMITS

0979

Subject Area

0978

0977-2

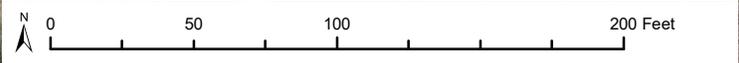
N BALLARD RD

1-920

0977-4



City Plan Commission
10-13-2021





**PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL
PURSUANT TO SECTION 66.0217(2), WISCONSIN STATUTES
WHERE ELECTORS RESIDE IN TERRITORY**

We, the undersigned, constituting all of the owners of the real property and all of the electors that reside in the following territory of the Town of Center, Outagamie County, Wisconsin, lying contiguous to the City of Appleton petition the Common Council of the City of Appleton to annex the territory described below and shown on the attached scaled map to the City of Appleton, Outagamie County, Wisconsin.

A part of the Northeast ¼ of the Northeast ¼ of Section 36, Township 22 North, Range 17 East, Town of Center, Outagamie County, Wisconsin, containing 62,759 Square Feet 1.4407 acres of land and being further described as follows:

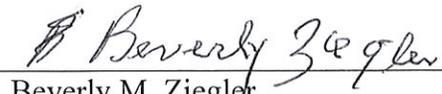
Commencing at the Northeast corner of said Section 36;
 Thence South 00°06'21" West 117.18 feet coincident with the East line of the Northeast ¼ of said Section 36 to the point of beginning;
 Thence continue South 00°06'21" West 222.82 feet coincident with the East line of the Northeast ¼ of said Section 36 to the South line of lands described in Warranty Deed Document No.679131 of the Outagamie County Register of Deeds Office;
 Thence North 89°51'03" West 225.00 feet coincident with the South line of lands described in Warranty Deed Document No.679131 of the Outagamie County Register of Deeds Office;
 Thence North 00°06'21" East 307.00 feet coincident with the West line of lands described in Warranty Deed Document No.679131 and then the West line of lands described in Warranty Deed Document No.544576 to the South line of Mackville Road.
 Thence South 89°51'03" East 107.95 feet coincident with the South line of Mackville Road to a highway vision corner;
 Thence South 44°49'45" East 119.00 feet coincident with said highway vision corner to the West line of Ballard Road (aka C.T.H. "EE");
 Thence South 89°51'03" East 33.00 feet to the point of beginning.

Town of Center Tax Parcel to be annexed: 040097800.

The current population of such territory is 2. The number of electors that reside on the land to be annexed is 2.

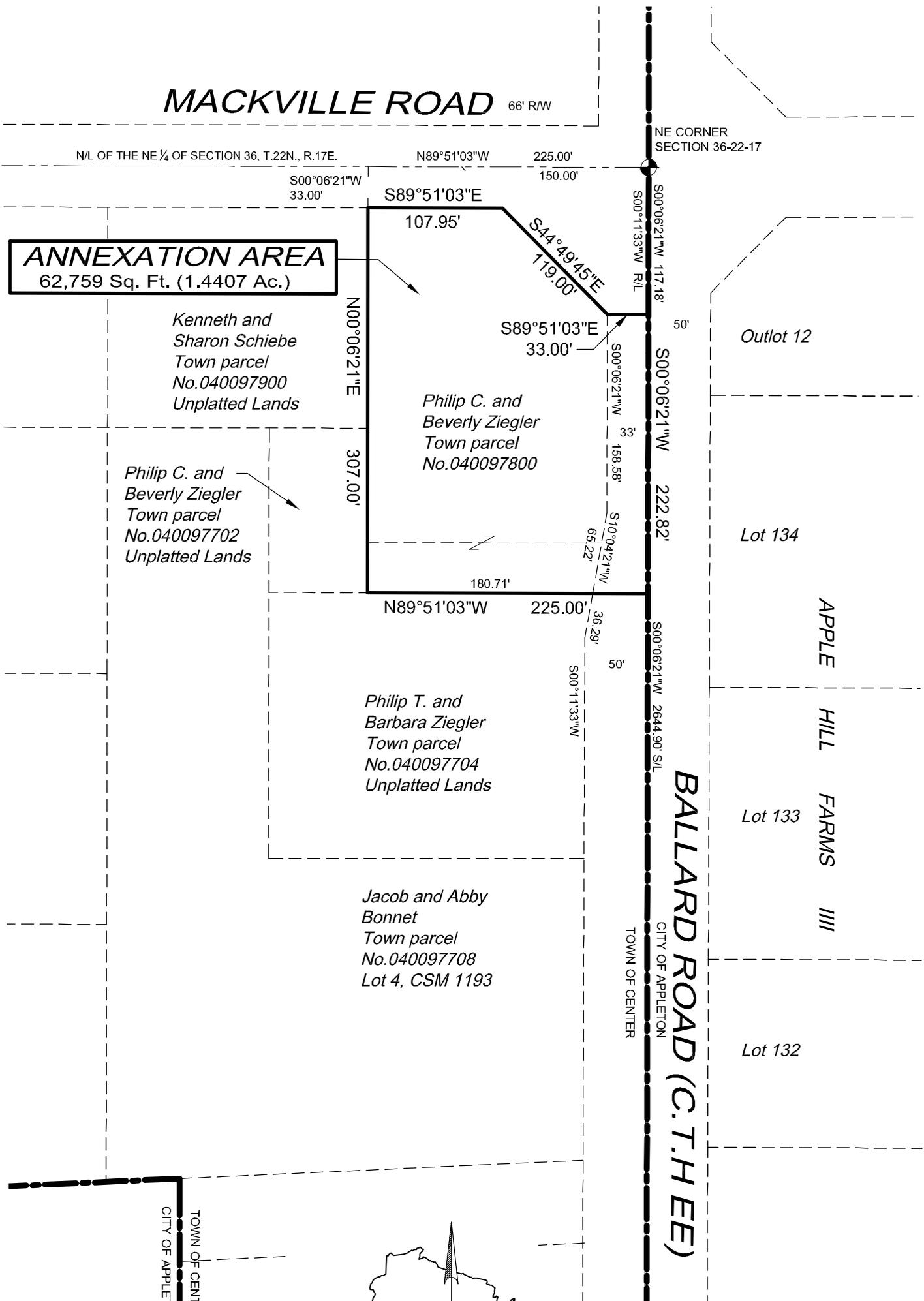
We, the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexation, incorporation, or consolidation proceedings, if any.

We further respectfully request that the City Plan Commission initiate a rezoning for the subject property from temporary AG Agricultural District to a zoning classification of R-1B Single-family District.

Signature of Petitioner	Owner/Elector	Date of Signing	Address of Petitioner (Include Zip Code)
 Philip C. Ziegler	Owner/Elector	9/14/21	N2883 County Rd EE Appleton, WI 54913
 Beverly M. Ziegler	Elector	9/14/21	N2883 County Rd EE Appleton, WI 54913

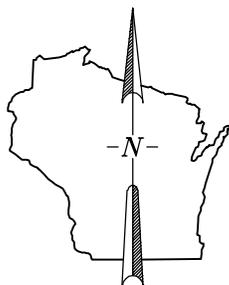
ANNEXATION EXHIBIT

A part of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 36, Township 22 North, Range 17 East, Town of Center, Outagamie County, Wisconsin.



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, NORTH LINE OF NE $\frac{1}{4}$ SECTION 36, T.22N., R.17E.; recorded to bear N89°51'03"W

H:\Acad\Annex\2021\Ziegler_Mackville_EE_0830_2021



SCALE IN FEET



CITY OF APPLETON

DEPT. OF PUBLIC WORKS
ENGINEERING DIVISION
100 NORTH APPLETON STREET
APPLETON, WI 54911

920-832-6474

DRAFTED BY: T. KROMM



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: October 13, 2021

Common Council Meeting Date: November 3, 2021

Anticipated Date Annexation Effective: November 9, 2021 at 12:01 a.m.

Item: Petition for Direct Annexation by Unanimous Approval Where No Electors Reside – Lightning Drive & C.T.H JJ (Right-of-Way) Annexation

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: City of Appleton

Initiated by: Department of Public Works - Engineering Division

Town Where Property is Located: Town of Grand Chute

Parcel Numbers: Part of 101157000 and 101158200 - Town of Grand Chute

Petitioner's Request: The Owner is requesting direct annexation by unanimous approval where no electors reside pursuant to Section 66.0217(2), Wisconsin State Statutes of land currently located in the Town of Grand Chute, Outagamie County.

Purpose for Annexation: To allow the City of Appleton to extend a public street, utilities and construct a stormwater pond within the territory proposed for annexation.

Population of Such Territory: 0

Annexation Area: 12.6622 acres m/l

BACKGROUND

Officially mapped Lightning Drive from East Edgewood Drive to Broadway Drive went into effect on October 23, 2001.

The annexation petition for direct annexation by unanimous approval where no electors reside was filed with the City Clerk's office on September 17, 2021. State Statutes does require that the Department of Administration (DOA) review all annexation petitions within a county having a population of 50,000 or more to determine if the petition is in the public interest. The City must allow a 20-day statutory review

Lightning Drive & C.T.H JJ (Right-of-Way) Annexation
October 13, 2021
Page 2

period, which starts when the Wisconsin Department of Administration (DOA) receives the annexation application materials and fee. The DOA received the annexation application materials and fee on September 21, 2021, so this requirement will be satisfied prior to Common Council taking action at their November 3, 2021 meeting.

STAFF ANALYSIS

The Community and Economic Development Department staff has reviewed the annexation petition and identifies the following:

- The City of Appleton does have a boundary agreement with the Town of Grand Chute.
- The subject property is undeveloped agricultural land and developed with a stormwater pond, public roads, and underground utilities.
- The subject property is located within the City's Growth Area Boundary.
- The City is planning to install sanitary sewer, storm sewer, and water infrastructure, extend Lightning Drive to the north, and construct a stormwater pond within the annexation area. This will be a multiyear project starting in 2022.
- The area proposed for annexation is contiguous to the existing City boundary on all sides of the annexation area.
- Future Lightning Drive is classified as a collector street on the City's Arterial/Collector Plan.
- The owner is requesting the City Plan Commission initiate a rezoning application for the annexation area from temporary AG Agricultural District to a zoning classification of P-I Public Institutional District.

Surrounding Zoning Classification and Land Uses:

North: Town of Grand Chute. AGD – General Agricultural District, the adjacent land use to the north is currently agricultural land.

South: City of Appleton. P-I Public Institutional District, the adjacent land use to the south is currently developed as single-family residential, agricultural buildings, and undeveloped land.

West: City of Appleton. C-2 General Commercial District and R-1B Single-family District, the adjacent land use to the west is currently undeveloped commercial and single-family residential land.

Lightning Drive & C.T.H JJ (Right-of-Way) Annexation
October 13, 2021
Page 3

West: Town of Grand Chute. AGD – General Agricultural District, the adjacent land use to the west is currently agricultural land.

East: Town of Grand Chute. AGD – General Agricultural District, the adjacent land use to the east is currently agricultural land.

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the annexation area as Officially Mapped Lightning Drive, Ponds/Water, Public Institutional, One/Two Family Residential and Agricultural/Private Open Space. The proposed annexation is consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030*. The next time staff initiates amendments to the future land use map, the City limit line will be amended to reflect the exterior boundary line of this annexation.

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 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.

OBJECTIVE 6.1 Transportation:

Plan for the safe and efficient movement of vehicles on local and regional roads.

OBJECTIVE 6.8 Transportation:

Implement transportation improvements which also support the City's desired land use, housing and neighborhood goals, objectives, and policies.

OBJECTIVE 7.5 Utilities and Community Facilities:

Implement effective stormwater management practices.

Technical Review Group (TRG) Report: This item appeared on the August 31, 2021 TRG Agenda. No negative comments were received from participating departments.

City Clerk Comments: Under the advice of the Legislative Technology Services Bureau, it is advised to wait on this annexation until after the redistricting process is complete and a new ward plan is in place. Therefore, the annexation ordinance will appear on the November 3, 2021 Common Council meeting agenda.

Lightning Drive & C.T.H JJ (Right-of-Way) Annexation

October 13, 2021

Page 4

FUTURE ACTIONS

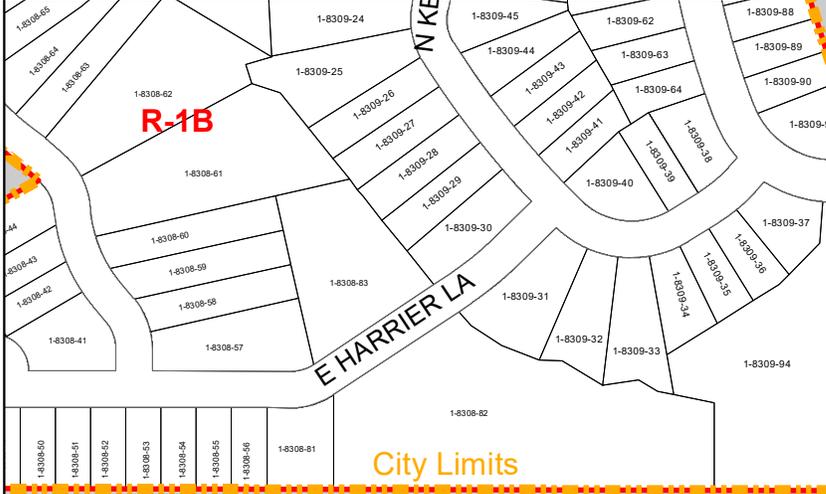
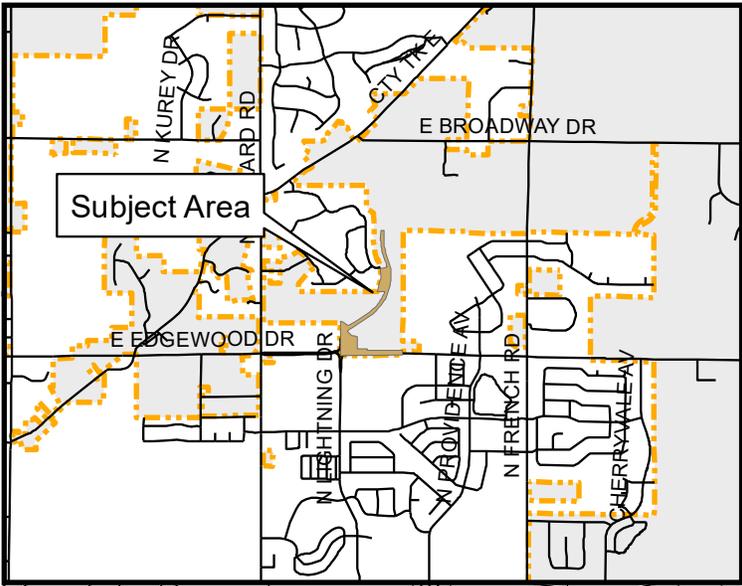
- Per Section 23-65(e) of the Municipal Code, a temporary zoning classification of AG Agricultural District is assigned to newly annexed territory, with the rezoning process taking place after the subject site has been annexed to the City. All territory annexed to the City is assigned a zoning classification as recommended by Plan Commission.
- The Plan Commission shall consider the following criteria in selection of an appropriate zoning district for the annexed land:
 - The existing land uses within the territory to be annexed;
 - The surrounding land uses that exist on adjacent properties regardless of municipal boundary lines;
 - The Comprehensive Plan of the City.
- The owner is requesting that Plan Commission initiate a rezoning for the subject property from temporary AG Agricultural District to the zoning classification of P-I Public Institutional District. A rezoning initiated directly by Plan Commission will be processed in accordance with Section 23-65(d), Zoning Map Amendments, which includes review and action by the Common Council. This request is anticipated to be scheduled for an informal public hearing at the October 27, 2021 Plan Commission meeting.

RECOMMENDATION

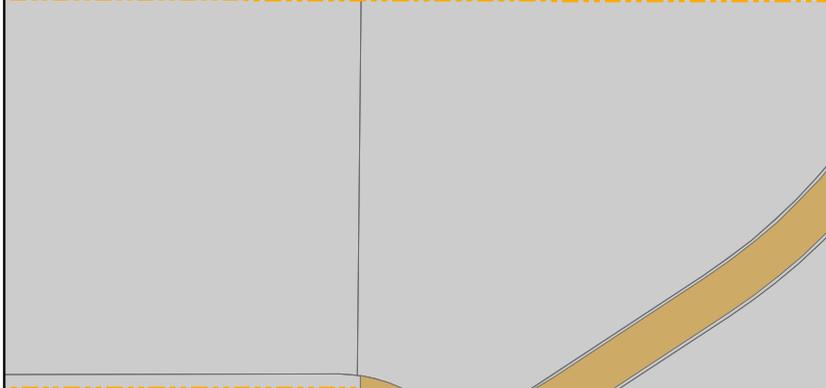
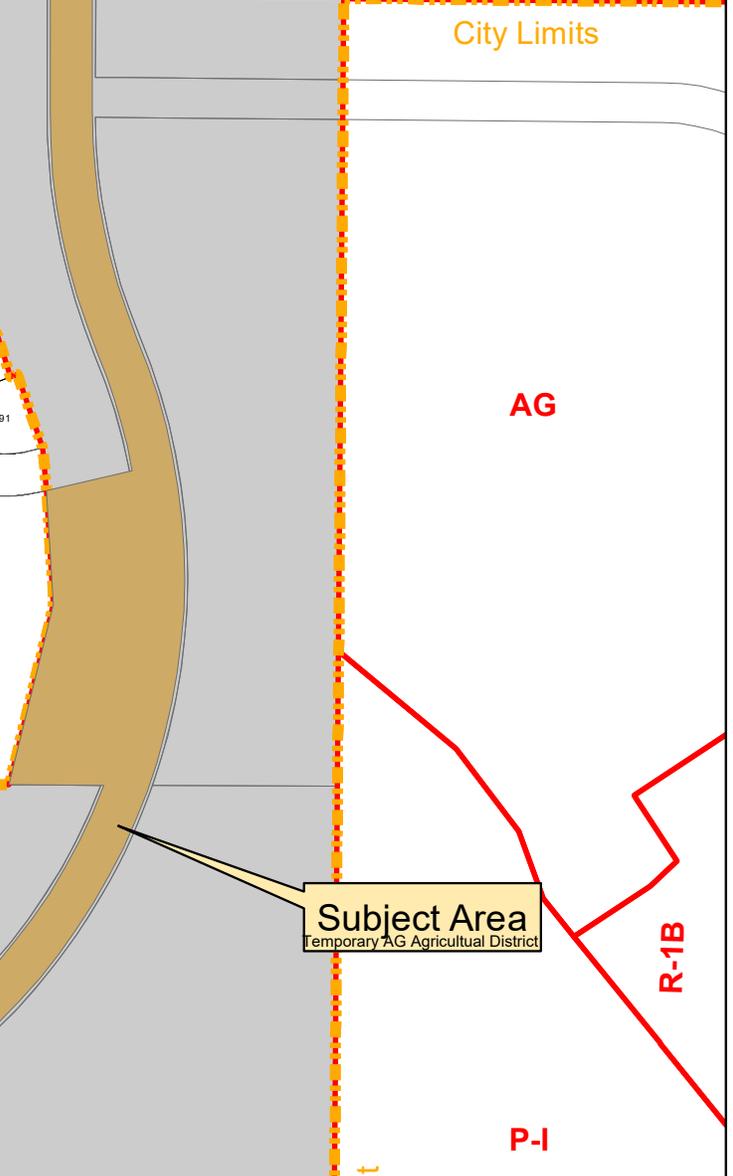
Staff recommends that the Lightning Drive & C.T.H JJ (Right-of-Way) Annexation, as shown on the attached maps, **BE APPROVED** with the following stipulation:

1. The Plan Commission initiate the rezoning for the subject property from temporary AG Agricultural District to the zoning classification of P-I Public Institutional District, pursuant to Section 23-65(d)(1) of the Municipal Code.

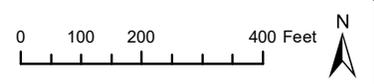
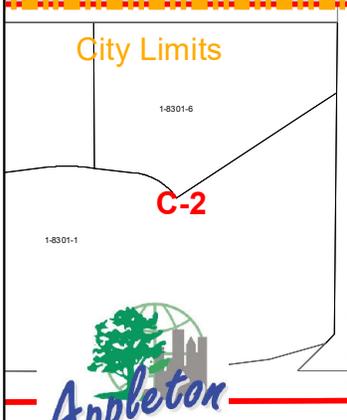
Annexation Lightning Drive & C.T.H. JJ (Right-of-Way) Town of Grand Chute Zoning Map



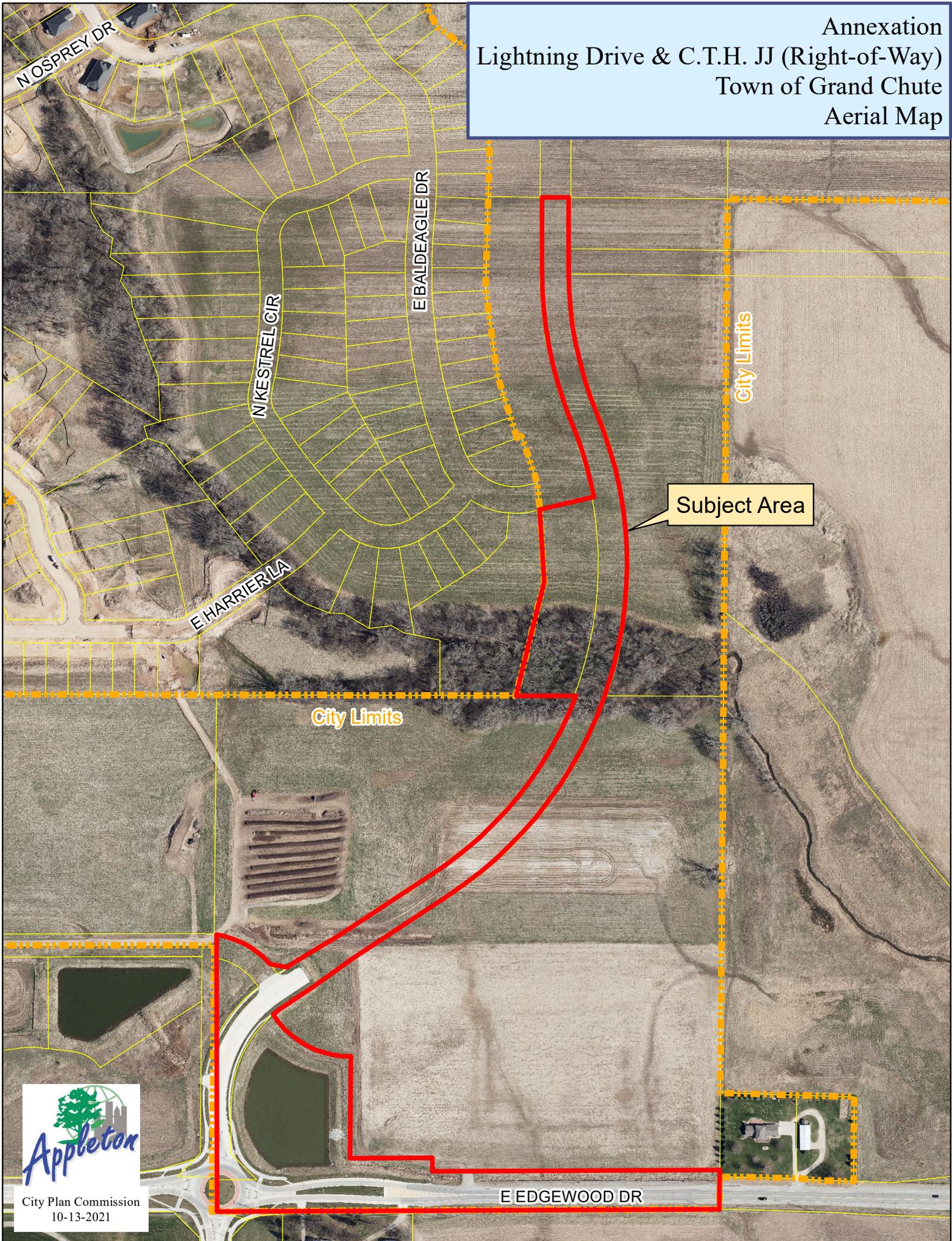
Temporary AG Agricultural District



Subject Area
Temporary AG Agricultural District



Annexation
Lightning Drive & C.T.H. JJ (Right-of-Way)
Town of Grand Chute
Aerial Map



NOSPREY DR

NKESTREL CIR

E BALDEAGLE DR

City Limits

Subject Area

E HARRIER LN

City Limits

E EDGEWOOD DR



City Plan Commission
10-13-2021



**PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL
PURSUANT TO SECTION 66.0217(2), WISCONSIN STATUTES
WHERE NO ELECTORS RESIDE IN TERRITORY**

I, the undersigned, constituting all of the owners of the real property in which no electors reside in the following territory of the Town of Grand Chute, Outagamie County, Wisconsin, lying contiguous to the City of Appleton, petition the Common Council of the City of Appleton to annex the territory described below and shown on the attached scaled map to the City of Appleton, Outagamie County, Wisconsin.

A part of the Fractional Southwest $\frac{1}{4}$ of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 551,568 Square Feet 12.6622 acres of land and being further described as follows:

Commencing at the South $\frac{1}{4}$ corner of said Section 6;

Thence South $00^{\circ}15'22''$ West 41.25 feet coincident with the current City of Appleton corporate limits;

Thence South $89^{\circ}44'38''$ West 1,312.94 feet coincident with the current City of Appleton corporate limits;

Thence North $00^{\circ}09'19''$ West 695.75 feet coincident with the current City of Appleton corporate limits to the Westerly boundary of Transportation Project Plat No: 0000-0G-17-4.02;;

Thence North $00^{\circ}27'27''$ East 27.61 feet coincident with said Westerly boundary of Transportation Project Plat No: 0000-0G-17-4.02 to a North line thereof;

Thence Southeasterly 162.67 feet along the arc of a curve to the right having a radius of 230.00 feet and the chord of which bears South $61^{\circ}16'46''$ East 159.30 feet coincident with the boundary of Transportation Project Plat

No: 0000-0G-17-4.02;

Thence South $79^{\circ}18'14''$ East 46.36 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02;

Thence North $56^{\circ}36'28''$ East 28.01 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02;

Thence North $58^{\circ}51'13''$ East 127.60 feet;

Thence North $56^{\circ}36'28''$ East 300.63 feet;

Thence Northeasterly 602.86 feet along the arc of curve to the left having a radius of 965.00 feet and the chord of which bears North $38^{\circ}42'38''$ East 593.11 feet;

Thence North $89^{\circ}51'14''$ West 156.83 feet to the Southeast corner of Outlot 10 of Apple Ridge 2;

Thence North $13^{\circ}52'54''$ East 307.18 feet coincident with the East line of Outlot 10 of Apple Ridge 2;

Thence North $03^{\circ}30'35''$ West 188.39 feet coincident with the East line of Outlot 10 of Apple Ridge 2 to the Southerly line of Baldeagle Drive;

Thence North $76^{\circ}55'16''$ East 145.11 feet;

Thence Northwesterly 201.39 feet along the arc of curve to the left having a radius of 965.00 feet and the chord of which bears North $16^{\circ}31'22''$ West 201.02 feet;

Thence Northerly 408.87 feet along the arc of a curve to the right having a radius of 1,035.00 feet and the chord of which bears North $11^{\circ}11'03''$ West 406.21 feet;

Thence North $00^{\circ}07'58''$ East 192.71 feet to the North line of the Fractional SW $\frac{1}{4}$ of said Section 6;

Thence South $89^{\circ}27'19''$ East 70.00 feet coincident with the North line of the Fractional SW $\frac{1}{4}$ of said Section 6;

Thence South 00°07'58" West 192.20 feet;
 Thence Southerly 381.21 feet along the arc of curve to the left having a radius of 965.00 feet and the chord of which bears South 11°11'03" East 378.74 feet;
 Thence Southerly 1,429.04 feet along the arc of a curve to the right having a radius of 1,035.00 feet and the chord of which bears South 17°03'12" West 1,318.20 feet;
 Thence South 56°36'28" West 300.63 feet;
 Thence South 54°21'43" West 127.60 feet;
 Thence South 56°36'28" West 85.86 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02;
 Thence Southwesterly 41.28 feet along the arc of a curve to the left having a radius of 310.00 feet and the chord of which bears South 52°49'13" West 41.25 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02;
 Thence Southeasterly 241.12 feet along the arc of a curve to the left having a radius of 238.50 feet and the chord of which bears South 61°43'30" East 230.98 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02;
 Thence South 00°28'26" West 266.19 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02;
 Thence North 89°44'38" East 214.97 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02;
 Thence South 00°28'26" West 35.00 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02;
 Thence North 89°44'38" East 751.25 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02 to the East line of the Fractional SW ¼ of said Section 6;
 Thence South 00°27'14" West 61.25 feet coincident with the East line of the Fractional SW ¼ of said Section 6 to the point of beginning.

Part of Tax Parcel numbers of lands to be annexed: #101157000 and #101158200.

I, the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexation, incorporation, or consolidation proceedings, if any.

I further respectfully request that the City Plan Commission initiate a rezoning for the subject property from temporary AG Agricultural District to the zoning classification of P-I Public Institutional District.

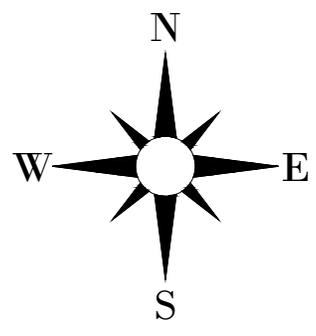
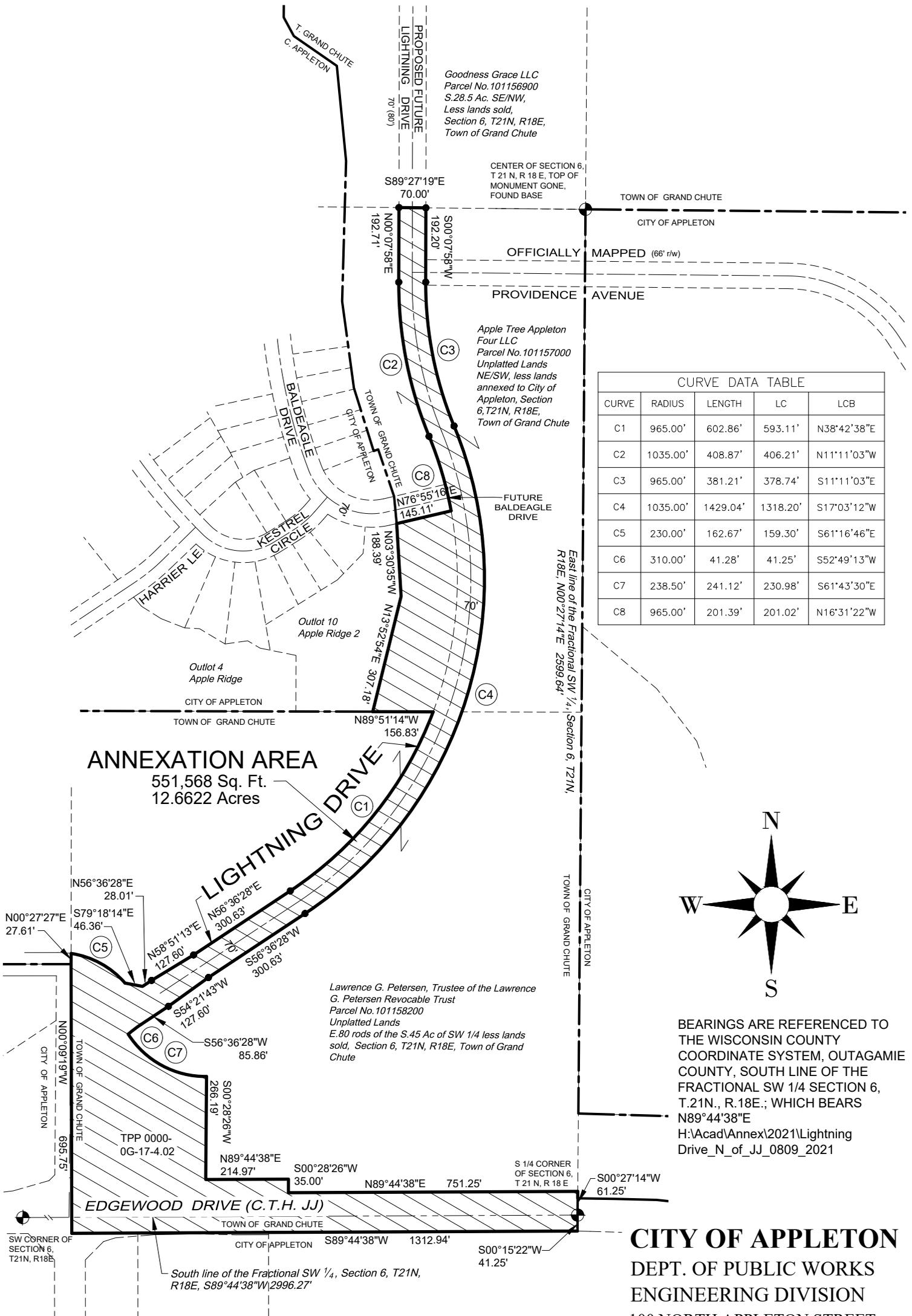
Area of lands to be annexed contains 12.6622 acres.

The current population of such territory is 0.

Signature of Petitioner	Owner	Date of Signing	Address of Petitioner (Include Zip Code)
	City of Appleton	9.9.2021	100 N. Appleton Street Appleton, WI 54911
Jacob A. Woodford, Mayor City of Appleton			

ANNEXATION EXHIBIT

Part of the Fractional Southwest 1/4 of Section 6, Township 21 North,
Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin.



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



TONY EVERS

GOVERNOR

JOEL BRENNAN

SECRETARY

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Voice (608) 264-6102 Fax (608) 264-6104

Email: wimunicipalboundaryreview@wi.gov

Web: <http://doa.wi.gov/municipalboundaryreview>

October 20, 2021

PETITION FILE NO. 14443

KAMI LYNCH, CLERK
CITY OF APPLETON
100 N APPLETON ST
APPLETON, WI 54911-4702

ANGIE CAIN, CLERK
TOWN OF GRAND CHUTE
1900 GRAND CHUTE BLVD
GRAND CHUTE, WI 54913-9613

Subject: LIGHTNING DRIVE & CTH JJ ANNEXATION

The proposed annexation submitted to our office on September 21, 2021, has been reviewed and found to be in the public interest. In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city..." so as, to ensure the resulting boundaries are rational and compact. The statute also requires the Department to consider whether the annexing city or village can provide needed municipal services to the territory. The subject petition is for territory that is reasonably shaped and contiguous to the **CITY OF APPLETON**, which is able to provide needed municipal services.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of administration a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Department of Administration. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please include your MBR number 14443 with your ordinance.** Ordinance filing checklist available at <http://mds.wi.gov/>, click on "Help on How to Submit Municipal Records". Email scanned copy of required materials (color scan maps with color) to mds@wi.gov or mail to: Wisconsin Department of Administration, Municipal Boundary Review, PO Box 1645, Madison WI 53701-1645.

The petition file is available for viewing at: <http://mds.wi.gov/View/Petition?ID=2517>

Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

A handwritten signature in black ink, appearing to read "Erich Schmidtke". The signature is fluid and cursive.

Erich Schmidtke, Municipal Boundary Review

cc: petitioner



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: October 27, 2021

Common Council Meeting Date: November 3, 2021

Item: Spartan Drive Annexation

Case Manager: Jessica Titel, Principal Planner

GENERAL INFORMATION

Owner/Applicant: City of Appleton

Address/Parcel: Part of Tax Id #101006900 in the Town of Grand Chute. The subject property is located west of North Meade Street, connecting existing East Spartan Drive right-of-way to the west and east.

Petitioner's Request: Owner is requesting direct annexation by unanimous approval pursuant to Section 66.0217(2), Wisconsin State Statutes of land currently located in the Town of Grand Chute, Outagamie County.

Purpose for Annexation: Future construction of a street officially mapped as Spartan Drive and an associated stormwater pond is anticipated.

Population of Such Territory: 0

Annexation Area: 3.9468 acres m/l

BACKGROUND

On March 16, 1992, the City of Appleton and the Town of Grand Chute agreed to and entered into an Intermunicipal Boundary Agreement pursuant to Section 66.027 and 66.30 of the Wisconsin State Statutes for the purpose of defining and expanding the provision of governmental services, including water and sewer services, by establishing the City's growth area and establishing provisions for annexation of land within the Town of Grand Chute to the City of Appleton.

On March 5, 2008, Common Council adopted Ordinance 51-08, which amended the City's Official Map to officially map the location of an east-west roadway to be known as Spartan Drive.

On February 3, 2021 Common Council approved a Relocation Order for the subject area, with the purpose to construct officially mapped Spartan Drive and an associated stormwater pond. The property needed for the project was acquired in subsequent months and is included in this annexation request. Before Common Council approves the annexation ordinance, the City must allow a 20-day statutory review period, which starts when the Wisconsin Department of Administration (DOA) receives the annexation application materials and fee. The DOA received the annexation application materials and fee

Spartan Drive Annexation

October 27, 2021

Page 2

on October 8, 2021, so this requirement will be satisfied prior to Common Council taking action at their November 3, 2021 meeting.

STAFF ANALYSIS

The Community and Economic Development Department staff has reviewed the annexation petition and identifies the following:

- The area proposed for annexation is contiguous to the existing City boundary. The subject property connects to the City of Appleton at the east and west portions of Spartan Drive right-of-way.
- Annexation of the site in question is consistent with the Intermunicipal Boundary Agreement with the Town of Grand Chute.
- City water, sanitary and storm sewer infrastructure is already installed along the western portion of Spartan Drive that will connect to the subject area. It is anticipated that public utility infrastructure will be included with the future construction of Spartan Drive.
- Currently, the subject property consists of vacant, undeveloped land.
- The owner is requesting that the City Plan Commission initiate a rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of P-I Public Institutional District. The temporary zoning classification must be made permanent in accordance with Section 23-65(d), Zoning Map Amendments, within 90 days, or the zoning will revert to AG Agricultural District.

Surrounding Zoning Classification and Land Uses:

North: Town of Grand Chute. The adjacent land use to the north is currently agriculture.

South: R-3 Multi-Family District & Town of Grand Chute. The adjacent land uses to the south are currently a mix of multi-family residential uses, including a community-based residential facility, and agriculture.

East: P-I Public Institutional District. The adjacent land use to the east is currently undeveloped and planned for a future City-owned stormwater management facility.

West: R-1B Single-Family District. The adjacent land use to the west is currently single-family residential (Clearwater Creek Subdivision).

Appleton Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future One and Two-Family Residential uses. The proposed annexation is consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030*.

Spartan Drive Annexation

October 27, 2021

Page 3

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 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.

OBJECTIVE 6.1 Transportation:

Plan for the safe and efficient movement of vehicles on local and regional roads.

OBJECTIVE 6.8 Transportation:

Implement transportation improvements which also support the City's desired land use, housing and neighborhood goals, objectives, and policies.

OBJECTIVE 7.5 Utilities and Community Facilities:

Implement effective stormwater management practices.

Technical Review Group (TRG) Report: This item was discussed at the October 5, 2021 Technical Review Group meeting. No negative comments were received from participating departments.

FUTURE ACTIONS

Per Section 23-65(e) of the Municipal Code, a temporary zoning classification is assigned to newly annexed territory, with permanent zoning taking place following the annexation process. All territory annexed to the City is assigned a zoning classification as recommended by Plan Commission. The Plan Commission shall consider the following criteria in selection of an appropriate zoning district for the annexed land:

- The existing land uses within the territory to be annexed;
- The surrounding land uses that exist on adjacent properties regardless of municipal boundary lines;
- The comprehensive plan of the City.

The owner is requesting that Plan Commission initiate a rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of P-I Public Institutional District. A rezoning initiated directly by Plan Commission will be processed in accordance with Section 23-65(d), Zoning Map Amendments, which includes review and action by the Common Council.

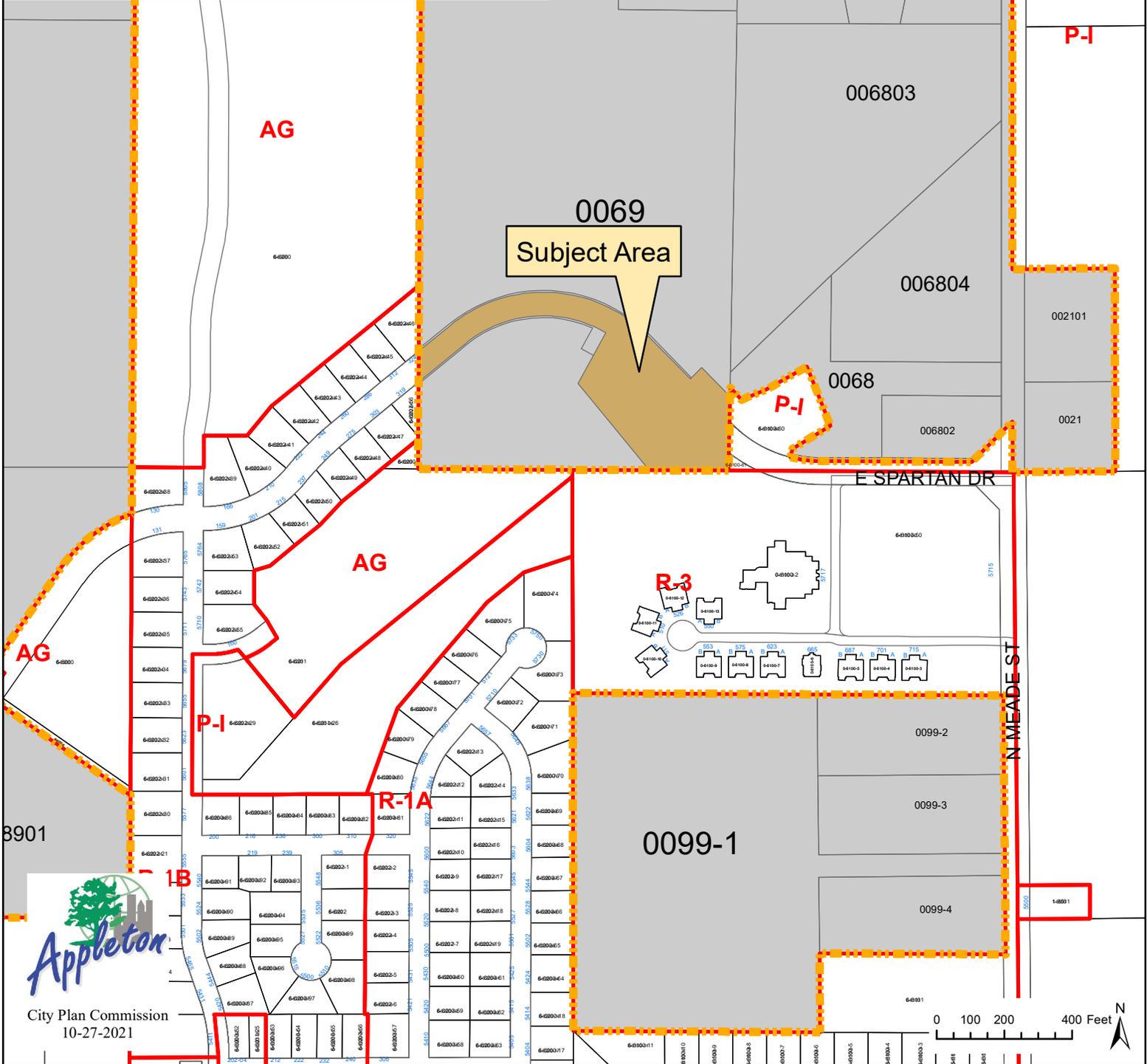
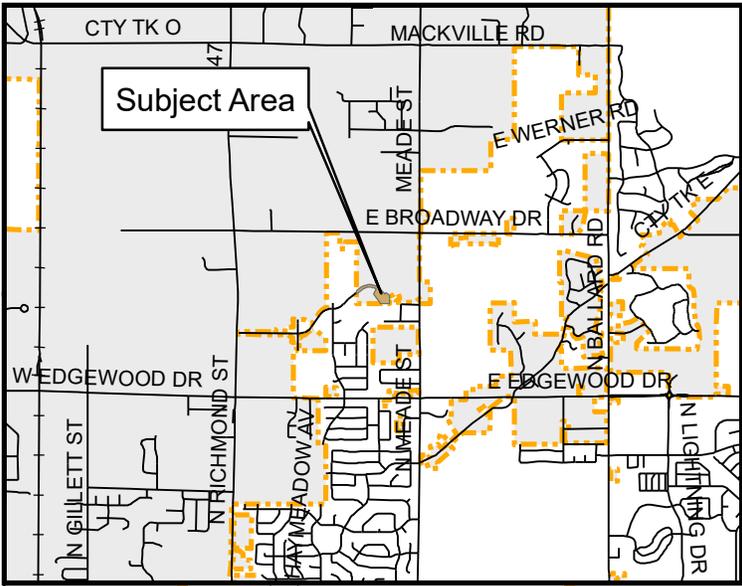
It is anticipated that a Certified Survey Map (CSM) will be prepared to reconfigure lot lines and dedicate public right-of-way. The dedication of land for public right-of-way for Spartan Drive requires action by Plan Commission and Common Council. CSMs are administratively reviewed and approved by City staff.

RECOMMENDATION

Staff recommends that the Spartan Drive Annexation, as shown on the attached maps, **BE APPROVED** with the following stipulation:

1. The Plan Commission initiate the rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of P-I Public Institutional District, pursuant to Section 23-65(d)(1) of the Municipal Code.

Annexation Spartan Drive (Right-of-Way) Town of Grand Chute Zoning Map



City Plan Commission
10-27-2021

Annexation
Spartan Drive (Right-of-Way)
Town of Grand Chute
Aerial Map

Subject Area



City Plan Commission
10-27-2021



**PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL
PURSUANT TO SECTION 66.0217(2), WISCONSIN STATUTES
WHERE NO ELECTORS RESIDE IN TERRITORY**

I, the undersigned, constituting all of the owners of the real property in which no electors reside in the following territory of the Town of Grand Chute, Outagamie County, Wisconsin, lying contiguous to the City of Appleton, petition the Common Council of the City of Appleton to annex the territory described below and shown on the attached scaled map to the City of Appleton, Outagamie County, Wisconsin.

A part of Lot 1 of Certified Survey Map No. 4027, located in and being a part of the South $\frac{1}{2}$ the Fractional Northeast $\frac{1}{4}$ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 171,926 Square Feet (3.9468 Acres) of land and described as follows:

Commencing at the East $\frac{1}{4}$ corner of said Section 2;
Thence North $89^{\circ}40'21''$ West 839.03 feet along the South line of the Fractional NE $\frac{1}{4}$ of said Section 2 and being coincident with the South line of Certified Survey Map No.4431 to the point of beginning;
Thence continue North $89^{\circ}40'21''$ West 234.71 feet along the South line of the Fractional NE $\frac{1}{4}$ of said Section 2
Thence North $39^{\circ}21'44''$ West 331.88 feet;
Thence North $28^{\circ}42'55''$ East 170.75 feet;
Thence Westerly 443.68 feet along the arc of a curve to the left having a radius of 365.00 feet and the chord of which bears South $85^{\circ}27'40''$ West 416.86 feet;
Thence South $50^{\circ}38'16''$ West 177.69 feet to the West line of Lot 1 of Certified Survey Map No.4027;
Thence North $00^{\circ}19'45''$ East 90.97 feet along the West line of Lot 1 of Certified Survey Map No.4027;
Thence North $50^{\circ}38'16''$ East 119.60 feet;
Thence Easterly 644.99 feet along the arc of a curve to the right having a radius of 435.00 feet and the chord of which bears South $86^{\circ}53'06''$ East 587.51 feet;
Thence South $44^{\circ}24'28''$ East 175.81 feet;
Thence North $45^{\circ}35'32''$ East 47.78 feet;
Thence South $44^{\circ}24'28''$ East 119.08 feet to the East line of Lot 1 of Certified Survey Map No.4027;
Thence South $01^{\circ}03'01''$ West 219.70 feet along the East line of Lot 1 of Certified Survey Map No.4027 to the Point of Beginning.

Part of Tax Parcel number of land to be annexed: #101006900

I, the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexation, incorporation, or consolidation proceedings, if any.

I further respectfully request that the City Plan Commission initiate a rezoning for the subject property from temporary AG Agricultural District to the zoning classification of P-I Public Institutional District.

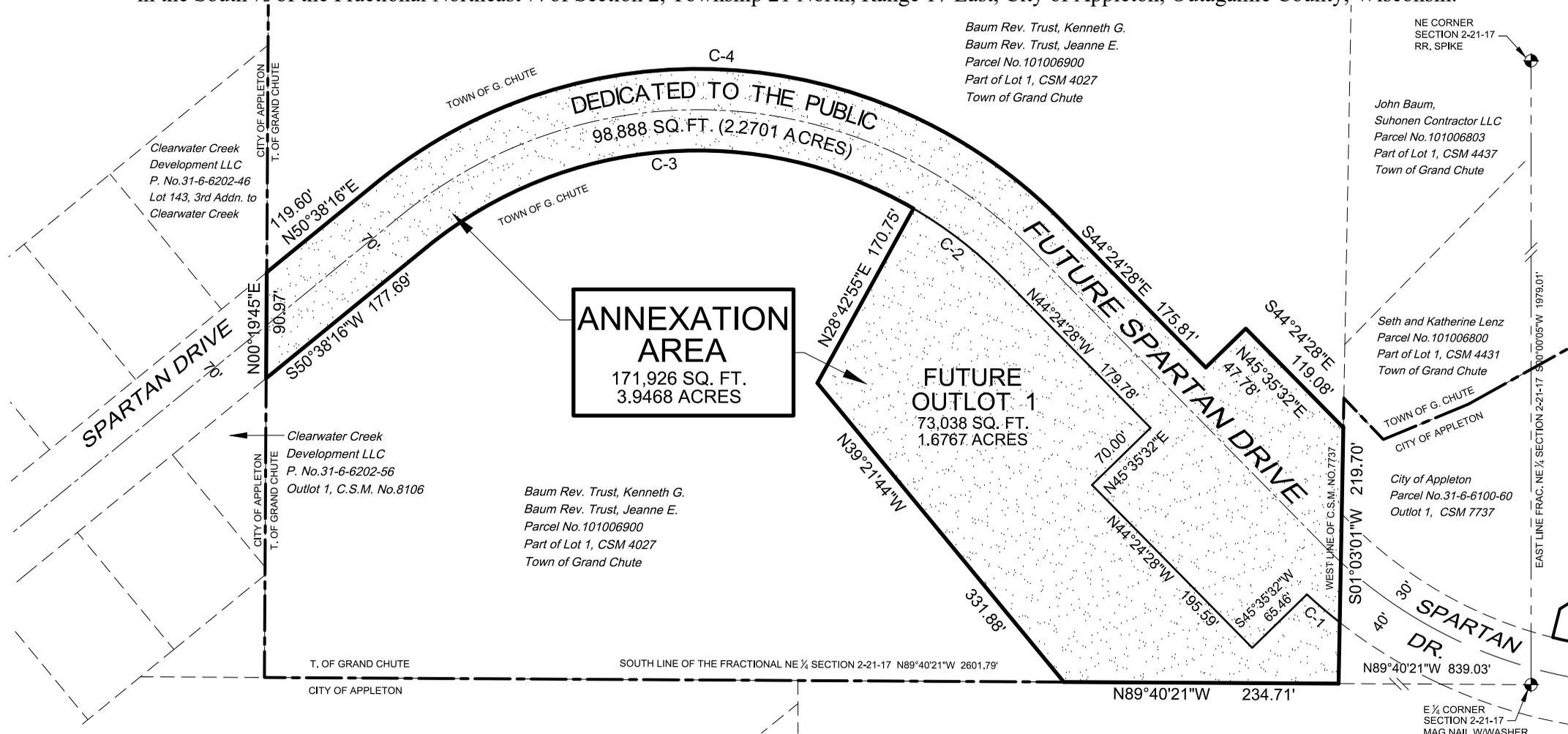
Area of lands to be annexed contains 3.9468 acres.

The current population of such territory is 0.

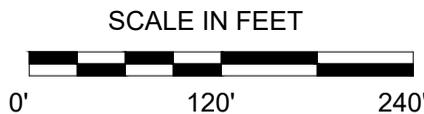
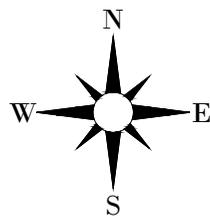
Signature of Petitioner	Owner	Date of Signing	Address of Petitioner (Include Zip Code)
 Jacob A. Woodford, Mayor City of Appleton	City of Appleton	9/22/21	100 N. Appleton Street Appleton, WI 54911

ANNEXATION EXHIBIT

Part of Lot 1 of Certified Survey Map No. 4027 filed in Volume 22 of Certified Survey Maps on Page 4027 as Document No.1402877, being located in the South ½ of the Fractional Northeast ¼ of Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.



CURVE DATA TABLE				
CURVE	RADIUS	LENGTH	LC	LCB
C1	440.00'	36.89'	36.88'	N49°24'52"W
C2	365.00'	97.52'	97.27'	N52°03'42"W
C3	365.00'	443.68'	416.86'	S85°27'40"W
C4	435.00'	644.99'	587.51'	S86°53'06"E



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, SOUTH LINE OF THE FRACTIONAL NE 1/4 SECTION 2, T.21N., R.17E.; WHICH BEARS N89°40'21"W
Cloud:\Acad\Annex\2021\Spartan_Baum_0915_2021

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



TONY EVERS

GOVERNOR

JOEL BRENNAN

SECRETARY

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Voice (608) 264-6102 Fax (608) 264-6104

Email: wimunicipalboundaryreview@wi.gov

Web: <http://doa.wi.gov/municipalboundaryreview>

October 28, 2021

PETITION FILE NO. 14451

KAMI LYNCH, CLERK
CITY OF APPLETON
100 N APPLETON ST
APPLETON, WI 54911-4702

ANGIE CAIN, CLERK
TOWN OF GRAND CHUTE
1900 GRAND CHUTE BLVD
GRAND CHUTE, WI 54913-9613

Subject: SPARTAN DRIVE ANNEXATION

The proposed annexation submitted to our office on October 08, 2021, has been reviewed and found to be in the public interest. In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city..." so as, to ensure the resulting boundaries are rational and compact. The statute also requires the Department to consider whether the annexing city or village can provide needed municipal services to the territory. The subject petition is for territory that is reasonably shaped and contiguous to the **CITY OF APPLETON**, which is able to provide needed municipal services.

Note: 1) It appears that City of Appleton should be changed to Town of Grand Chute in the general location description under the annexation scale map heading, because currently the territory lies within the Town.
2) It appears that this annexation will create a town island contrary to s. 66.0221, Wis. Stats. However, the City and Town have developed a boundary agreement between themselves, which is an exception to the statutory prohibition.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states that the clerk of a city or village which has annexed shall file immediately with the secretary of administration a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district.

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Department of Administration. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please include your MBR number 14451 with your ordinance.** Ordinance filing checklist available at <http://mds.wi.gov/>, click on "Help on How to Submit Municipal Records". Email scanned copy of required materials (color scan maps with color) to mds@wi.gov or mail to: Wisconsin Department of Administration, Municipal Boundary Review, PO Box 1645, Madison WI 53701-1645.

The petition file is available for viewing at: <http://mds.wi.gov/View/Petition?ID=2525>
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

Erich Schmidtke, Municipal Boundary Review

cc: petitioner



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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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

TO: Parks & Recreation Committee

FROM: Dean R. Gazza, Director of Parks, Recreation and Facilities Management

DATE: October 25, 2021

RE: Action Item: Award Mead Pool Condition Analysis Project to GRAEF for a contract amount of \$44,975.00.

The 2021 Parks, Recreation and Facilities Management Department Capital Projects Fund includes \$50,000 for the Mead Pool Condition Analysis.

The Mead Aquatic Facility opened in 1962 at its current location and in 1992 an aquatics renovation was completed. The admissions and bath house building is original from 1962 with no major updates to date besides routine maintenance and roof replacements. The existing pool, concessions building, and mechanical building were built in 1992.

Two requests for proposals (RFP) were submitted for the Mead Pool Condition Analysis. Firms were evaluated on project team and experience, total hours, project understanding, and project schedule. Below is the pricing received from the RFP.

<u>Company</u>	<u>Proposal Costs</u>
GRAEF	\$44,975.00
MSA	\$43,875.00

GRAEF has allotted more time to the project, placing a higher emphasis on electrical, plumbing, structural, and aquatic mechanical. GRAEF also offers a platform for applying ratings to equipment and systems based on severity, probability of occurrence, criticality, lifespan, energy efficiency, and redundancy.

GRAEF was determined to be the responsible proposal for the Mead Pool Condition Analysis Project. It is the recommendation of the Parks, Recreation and Facilities Management Department to execute a contract with GRAEF in the amount of \$44,975.00.

Please feel free to contact me at 832-5572 or by email at dean.gazza@appleton.org with any questions or comments.



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

OFFICE OF THE MAYOR

Jacob A. Woodford
100 North Appleton Street
Appleton, Wisconsin 54911
Phone: (920) 832-6400
Email: Mayor@Appleton.org

TO: Finance Committee & Common Council
FROM: Mayor Jacob A. Woodford & Finance Director Tony Saucerman
DATE: October 8, 2021
RE: ARPA

The American Rescue Plan Act (ARPA), a \$1.9 trillion economic stimulus package passed in March 2021, included substantial aid to local governments including the City of Appleton. Considered a "metropolitan city" by the U.S. Department of the Treasury, Appleton stands to directly receive approximately \$14.9 million through the Coronavirus State and Local Fiscal Recovery Fund. Initially, there was limited information about how much each community would receive, and little guidance on applicable uses. The Treasury Department issued an Interim Final Rule in May 2021, which outlined allowable uses and program priorities for the ARPA funds as follows:

Public Health: Support public health initiatives by funding COVID-19 mitigation efforts, medical expenses, behavioral health care, and certain public health and safety staff costs.

Economy: Address negative economic impacts caused by the public health emergency including economic harm to workers, households, small businesses, impacted industries, and the public sector.

Hardest Hit: Serve the hardest-hit population and families by addressing health disparities and social determinants of health, investing in housing and neighborhoods, addressing educational disparities, and promoting healthy childhood environments.

Public Sector: Replace lost public sector revenue due to the pandemic and use this funding to provide government services.

Essential Workers: Provide premium pay for essential workers to support those who have borne and will bear the greatest health risk because of their service in critical infrastructure sectors.

Infrastructure: Invest in water, sewer, stormwater, and broadband infrastructure making necessary expenditures to ensure access to clean drinking water, support vital wastewater and stormwater infrastructure, and expand access to broadband.

Unlike many grant programs, ARPA relies on the grantees to organize their own use of funds within the framework laid out in the Interim Rule rather than rigidly defining projects through an application review process. This means that there are nearly as many approaches to determining allocations and managing

use of the funds as there are communities receiving them. Even in our immediate region, there are numerous and varied approaches and philosophies guiding use of ARPA dollars.

Here in Appleton, we set out with some guiding principles as our process got underway in May:

- ARPA funds are taxpayer dollars and must be stewarded transparently and with care
- Community input will serve as a guiding force in our use of the funds
- Established budget policies and practices will be used to govern the allocation of funds – this means the Common Council will approve final allocations
- ARPA represents an opportunity to both support City operations and community needs – we will seek to strike a balance between these in the recommendations we develop
- ARPA funds will not be used to hire new City employees
- Compliance with the Interim and Final Rules must be maintained
- Collaboration and coordination with neighboring municipalities and other levels of government is essential to avoid duplication of effort and to maximize use of funds to serve residents

Between May 2021 and the end of August 2021, we undertook a process of understanding community and organizational needs. We did so by establishing an internal ARPA allocation working group and discussing needs with every Department Director; gathering input from community stakeholders; holding discussions with local school districts, governments (municipal and county), and partner organizations; soliciting feedback internally; reviewing current funding opportunities to identify areas of need; and calculating lost revenue per regulatory guidance.

Through this process, two broad categories of uses have emerged:

Determined Initiatives (Category 1) – these are initiatives and uses that are largely defined, within the City’s control, where rapid deployment is manageable and/or necessary. This category is being brought to the Finance Committee for recommendation as a 2021 budget amendment to facilitate immediate use of funds.

Priorities Needing Definition (Category 2) – these are priorities that surfaced through the input gathering, but that need further definition, process development, and proposals for specific projects and uses. This category is outlined in the 2022 Executive Budget and Service Plan and is expected to take shape through additional community input, staff program development and strategies, and Common Council reviews and approvals in the coming months.

For purposes of the October 11 Finance Committee meeting, this memo will focus on the Category 1-Determined Initiatives, to be brought forward as a 2021 budget amendment. To that end, **staff recommends the following allocations and spending authorization for a portion of the total ARPA allocation:**

COVID-19 Response	<i>With nearly all of the previous funding for COVID response allocated and/or spent, this portion will ensure the City can continue to effectively respond to the pandemic in areas similar to CARES Act activities and costs, such as personal protective equipment; contact investigation; disease mitigation; testing and vaccination operations; and personnel expenses for public health, safety, and other staff responding to the pandemic. Excess balance of this line at the end of the ARPA spending period would be allocated to lost revenue.</i>	\$1,991,841
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Lost Revenue	<i>Municipalities are allowed to use ARPA funds to supplement lost revenue in accordance with a formula provided by the Treasury Department. Appleton would be eligible for just over \$10M in lost revenue based on the formula, however, this recommendation covers only the lost revenue most affecting City operations: Parking Utility Revenue. This estimates a portion of the lost revenue over the eligible ARPA spending period.</i>	\$1,500,000
Lead Service Line Abatement & Sewer/Water Infrastructure	<i>Appleton has been making progress on removing and replacing known public lead water service lines in the City through a multi-decade effort. Staff believes this allocation would enable abatement of all known remaining public lead service lines in the City of Appleton. If there are any remaining funds after lead service lines are addressed, those funds would be directed to eligible sewer/water infrastructure projects.</i>	\$1,000,000
Broadband Access & Information Infrastructure	<i>Broadband access and information infrastructure is a priority of ARPA. Appleton proposes to use this portion of funds to leverage and enhance an existing project, the Library renovation and expansion, to provide better internet and information access to our residents through that facility as a hub.</i>	\$2,000,000
Short-Term Direct Community Partner Support	<i>While much of the support for community partners and initiatives will be handled within Category 2 priorities, there are immediate needs from community partners on a variety of fronts. This support will focus on not-for-profit organizations that bolster the local economy, community wellness, and pandemic recovery. Development of a simple grant application and compliance criteria will be necessary for this allocation.</i>	\$250,000
Consulting & Administration Support	<i>Category 2 initiatives will require significant process development, community input facilitation, coordination with other ARPA funding recipients, performance documentation, Common Council reporting, and ongoing compliance activity to accomplish. These funds will support administration of those activities.</i>	\$150,000

Total \$6,891,841

The City of Appleton will follow established budget policies and procedures, including detailed reporting, in using these funds. Furthermore, the City, as an ARPA recipient, is required to submit regular reports to the Treasury Department on funding use and will be required to do so for many years to come.

The total of this recommendation amounts to just under half of the City's total ARPA allocation of \$14,891,841. The second category is outlined on pages 69-73 in the 2022 Executive Budget and Service Plan. Initiatives described in that portion of the plan covering \$8 million of the City's allocation cover the

range of community suggestions and known needs, however, they do not detail projects as further process will be required to bring forward specific recommendations. Additionally, following further definition of the priorities, potential collaborations in that set of initiatives will take time to develop.

Ultimately, all ARPA-related spending will be merged and tracked in the Budget and Service Plan in the years to come. The initial approach of 2021 Budget amendment/2022 Executive Budget recommendations reflects the need to immediately use a portion of the funds, while allowing additional time for the planning and process development required for the other portion of the funds.

CITY OF APPLETON
Department of Public Works
MEMORANDUM

TO: **Finance Committee**
 Municipal Services Committee
 Utilities Committee

SUBJECT: Award of Contract

The Department of Public Works recommends that the following described work:
Unit O-21 Stormwater Pond Sediment Removal and Disposal

Be awarded to:

Name: Veit & Company, Inc.
Address: 2445 S. 179th Street, Suite E
New Berlin, WI 53146

In the amount of : \$87,000.00

With a 5.8 % contingency of : \$5,000.00

For a project total not to exceed : \$92,000.00

**** OR ****

In an amount Not To Exceed : _____

Budget: \$95,000.00
Estimate: \$60,000.00
Committee Date: 10/25/21
Council Date: 11/03/21

Bid Tabulation
Unit O-21 Stormwater Pond Sediment Removal and Disposal
10/18/2021

Bid Item	Item Description	Unit	Qty	Veit & Company, Inc.		Radtke Contractors Inc.		Advance Construction Inc.		Highway Landscapers, Inc.	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	AHF Pond 4 Sediment Removal, Disposal, and Restoration	Lump Sum	1	\$38,000.00	\$38,000.00	\$64,636.23	\$64,636.23	\$77,000.00	\$77,000.00	\$97,250.00	\$97,250.00
2	AHF High Pond Sediment Removal, Disposal, and Restoration	Lump Sum	1	\$49,000.00	\$49,000.00	\$71,328.96	\$71,328.96	\$77,000.00	\$77,000.00	\$122,350.00	\$122,350.00
Base Bid Total:					\$87,000.00	\$135,965.19	\$154,000.00	\$219,600.00			



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**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 10/25/2021

RE: Action: Approve transfer of funding from the David & Rita Nelson River Crossing Capital Improvement Plan to fund Phase I of the Ellen Kort Peace Park development for a total of \$750,645.

The 2021 Capital Improvement Plan includes \$650,000 to fund the design and start of construction for the David & Rita Nelson River Crossing. In addition, the 2021 carryover requests approved \$267,102 for permitting and design of the crossing. The unallocated portion of these funds leaves a balance of \$750,645.

Design of the David & Rita Nelson River Crossing was stopped due to Neenah Papers notifying the City that they are selling their properties. As a result this defers the project until such time the property is sold and the new owner agrees to amend their Federal Energy Regulatory Commission Permit to include the new bridge crossing within their authorized basin of the Fox River.

This request to transfer funds seeks to not stall, but to continue to make progress toward implementation of the Trail and Comprehensive Park Master Plans. With Jones Park being completed, terms reached with WE Energies to utilize their property for construction of the Ellen Kort Peace Park, DNR approval of the plans, and phase one design completed, we are positioned to move forward with the development of the Ellen Kort Peace Park. Phase one includes civil work to establish site elevations and grading of the park and construction of the riverfront trail. This project will connect Jones Park to the future David & Rita Nelson River Crossing bridge and the future trail boardwalk that will eventually stretch from Vulcan Heritage Park to Lutz Park/Appleton Yacht Club.

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



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**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 10/25/2021

RE: Action: Approve balance transfer of \$40,000 from the roof replacement capital improvement plan to the Municipal Services Building office space reallocation project.

The 2022 budget seeks to reallocate funding within the Department of Public Works budget to hire a new position that will work at the Municipal Services Building. To provide a productive work space for this employee and others currently working in ineffective spaces, this memo requests reallocating funding to pay for these updates.

The roof replacement capital improvement plan has a positive variance that will be able to fund this need without seeking an additional funding source now or in the future. The majority of the funding will pay for workstations and modifications to the HVAC system to allow a large room to be divided into two spaces where both will be used for offices.

In conclusion, Facilities Management has been working hard to upgrade work environments to ensure employees have the proper space, ergonomics, lighting, etc. to fulfill their responsibilities. Many spaces are original and Facilities Management has been able to adjust these spaces with mainly in-house staffing for significantly less money. This minor update accomplishes the same goals.

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



MEMORANDUM

TO: Community and Economic Development Committee (CEDC)

FROM: Karen Harkness, Director of Community & Economic Development

DATE: October 27, 2021

RE: Request Approval of the Development Agreement between the City of Appleton and MF Housing Partners, LLC in TIF #11

MF Housing Partners, LLC (Developer) is requesting assistance to support a proposed 43-unit WHEDA Sec. 42 apartment project (RISE).

The proposed project would be on the following parcels, all zoned CBD Central Business District: 31-2-0441-00, 31-2-0443-00, 31-2-0437-00, 31-2-0536-00, 31-2-0534-00, and 31-2-0529-00.

Thirty-six (36) of the forty-three (43) units will be available to low-income persons with the rents restricted for an estimated thirty (30) years.

The proposed project will include separate buildings and parking areas divided by E. Harris Street. The northern parcel will have 5 three-bedroom townhouses and 3 two-bedroom townhouses with attached garages. The southern parcel will include 4 three-bedroom townhouses, 5 one-bedroom apartments, 25 two-bedroom apartments, and 1 three-bedroom apartment. This building will also include a community service facility and lobby.

The proposed project would include 38 surface parking spaces, 30 covered parking spaces, and 13 attached garages.

No building plans were submitted, and the square footage of each apartment living space is unknown.

The cost to develop the project is stated at \$10.5 million. The Developer and Assessor estimate the assessed value of the project once completed to be approximately \$3.4 million.

Developer requests a Pay-As-You-Go TIF support at 20% (\$611,920).

Based on the analysis of current value of the property, projected value of the property, and review of proposed expenses, TIF District #11 would invest the lesser of twenty percent (20%) or \$611,920 of the Tax Increment Value as of January 1, 2024, plus interest thereon to support the construction work for MF Housing Partners, LLC.

Staff Recommendation:

The Development Agreement between the City of Appleton and MF Housing Partners, LLC **BE APPROVED.**

TAX INCREMENT DISTRICT NO. 11 DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the "Agreement") is dated as of the ___ day of _____, 2021, by and among MF Housing Partners LLC, a Wisconsin limited liability company ("Developer") and the City of Appleton, a Wisconsin municipal corporation (the "City").

RECITALS

Developer and the City acknowledge the following:

A. Developer owns or will acquire the real property located at North Oneida Street, East Harris Street, and North Appleton Street, (Parcel Nos. 31-2-0441-00, 31-2-0443-00, 31-2-0437-00, 31-2-0536-00, 31-2-0534-00, and 31-2-0529-00, Appleton, WI more particularly described in Exhibit A, attached hereto (collectively the "Property").

B. The Property is located within the City in Tax Increment District #11 (the "District") which was created in 2017 pursuant to Section 66.1105, Wis. Stats. along with a plan for the redevelopment of the District (the "District Plan") that provides for, among other things, the financial assistance set forth in this Agreement.

C. Subject to obtaining the financial assistance set forth herein, Developer has proposed improvements to the Property to create an approximately 43 rental apartments (the "Project"). All references to the Project include the Property.

D. The City has determined that the Project will spur economic development, expand the City's tax base and create new jobs; that such financial assistance is a Project Cost under the Tax Incremental Law; that the amount of financial assistance provided pursuant to this Agreement is the amount necessary to induce development of the Project; and, that the Project will not proceed without the financial assistance set forth in this Agreement.

E. Subject to obtaining financial assistance as set forth herein, Developer intends to undertake a redevelopment of the property that will increase the value of the Property and provide other tangible benefits to the surrounding neighborhoods and to the City as a whole, consistent with the District Plan. The City finds that this redevelopment of the Property and the fulfillment, generally, of the terms and conditions of this Agreement are in the vital and best interests of the City and its residents and serves a public purpose in accordance with state and local law.

F. The City, pursuant to Common Council Action dated on or about November 3, 2021 approved this Agreement and authorized the execution of this Agreement by the proper City officers on the City's behalf.

G. The Developer has approved this Agreement and authorized the appropriate officers to execute this Agreement on the Developer's behalf.

H. The base value of the Property for purposes of this Agreement, including calculating increment generated by the Project, is \$340,400. The Developer estimates the project will create up to an additional \$3,059,600 in incremental value.

I. All terms that are capitalized but not defined in this Agreement and that are defined under the Tax Increment Law shall have the definitions assigned to such terms by the Tax Increment Law.

AGREEMENT

NOW, THEREFORE, in consideration of the Recitals and the promises and undertakings set forth herein, the parties mutually agree and covenant as follows:

ARTICLE I UNDERTAKINGS OF THE DEVELOPER

1.1 Developer's Project shall include improvements to, and development of, the Property as set forth in Exhibit B that will result in an increase in the Property's assessed value. All aspects of the Project shall be in accordance with all applicable City zoning and building codes, ordinances and regulations.

1.2 Project Costs shall include, without limitation, costs incurred after approval of this agreement for the construction of improvements (including infrastructure improvements), environmental remediation costs, demolition, interior remodeling and development of the project.

1.3 Developer warrants and represents to the City that but for the assistance provided by the City under Article II, herein, Developer would not be able to proceed with the Project.

1.4 Developer and City acknowledge that several of the specific undertakings of the parties may require approvals from directors, boards or the City Council as applicable. The parties' agreements are conditioned upon the obtaining of all such approvals in the manner required by law. The parties cannot assure that all such approvals will be obtained; however, they agree to use their best good faith efforts to obtain them on a timely basis.

ARTICLE II UNDERTAKINGS OF THE CITY

2.1 The City shall appropriate sufficient funds for the performance of the City's obligations under this Agreement.

2.2 City shall cooperate with Developer throughout the Project and shall promptly review and/or process all submissions and applications in accordance with applicable City ordinances.

2.3 Subject to all of the terms, covenants and conditions of this Agreement and applicable provisions of law, and as an inducement by the City to Developer to carry out the Project, upon completion of the Project (which shall be defined as issuance of occupancy permits for all units/floors of the Project (hereafter "completion")) the City will provide payments to Developer solely from future Tax Increments (derived from both real and personal property) to assist with Developer's Project Costs. The City's total payment of Tax Increment Revenue to the Developer shall not exceed the lesser of i) \$611,920 or ii) twenty percent (20%) of the Tax

Increment Value as of January 1, 2024, plus interest thereon (the "Contribution"). The Contribution will be paid to Developer as follows:

2.3.1 As the sole source for payment of the Contribution, the City agrees to pay the Developer an amount equal to ninety percent (90%) of the Tax Increment Revenue attributable to, and actually received from, the Property during the calendar year.

2.3.2 The first payment shall be made on August 15 of the year immediately after the Project's completion. This first payment shall be based on the Property's assessed value on January 1 of the year of completion. Thereafter payments under this Agreement shall be due in annual installments, on August 15, for a period of time described in Sec. 4.2

2.3.3 Interest on the Contribution shall begin to accrue upon completion of the Project. The interest rate on the Contribution shall be the lesser of 1) the interest rate paid by the Developer to the primary lender for the Project, as evidenced by the note indicating the loan amount; or, 2) four percent (4%).

2.3.4 The Contribution shall be a special and limited obligation of the City and not a general obligation. Payments shall first apply to accrued interest and then to the principal balance of the Contribution. Unpaid interest in any year shall be added to the principal balance of the Contribution and accrue interest. The City may prepay the Contribution, in its sole discretion, at any time, with no prepayment penalty.

2.4 This Agreement fully evidences the City's obligation to pay the Contribution. No separate instrument will be prepared to evidence the City's obligation to pay the Contribution. The Contribution shall not be included in the computation of the City's statutory debt limitation because the Contribution is limited and conditional and no taxes will be levied or pledged for its payment. Nothing in this Agreement shall be deemed to change the nature of the City's obligation from a limited and conditional obligation to a general obligation.

2.5 The City covenants to Developer that until the Contribution plus interest thereon has been paid in full, the City shall not close the District prior to its statutory expiration date.

2.6 The City shall, upon Developer's request, provide to Developer an accounting of the status of the District including, but not limited to, the outstanding principal balance of the Contribution and annual Tax Increments received from the District.

2.7 Developer hereby acknowledges that, as a result of the special and limited nature of the City's obligation to pay the Contribution, Developer's recovery of the full amount of the Contribution depends on factors including, but not limited to, future mill rates, changes in the assessed value of the Property, the failure of the Property to generate the Tax Increments at the rate expected by Developer, reduction in Tax Increments caused by revenue-sharing, changes in the Tax Increment Law, and other factors beyond the City's and/or Developer's control.

ARTICLE III PAYMENT OF TAXES

3.1 As long as the District is in existence, the Property and all buildings and improvements thereon shall be owned and taxable for real estate tax and special assessment

purposes. The City may waive any or all of the restrictions upon execution of a payment in lieu of taxes (PILOT) agreement on a form acceptable to the City.

3.2 Throughout the duration of this agreement, all ad valorem property taxes properly assessed against the Property will be paid timely and in full.

3.3 In the event that any property owned by Developer within the District becomes exempt from ad valorem property taxes during the life of the District, then for the remaining life of the District, the Developer will make (or cause to be made) annual payments in lieu of taxes in amounts equal to what the ad valorem property taxes would have been for such other property had it not been exempt. If the Developer conveys the Property within the District to any party (related or unrelated), the terms of such sale shall impose as a covenant upon all successor owners of the property the foregoing obligation for payments in lieu of taxes during the life of the District. The City shall be a beneficiary of such covenant and entitled to enforce same against the successor owners.

ARTICLE IV CONDITIONS TO PAYMENT; TERMINATION OF AGREEMENT

4.1 The City shall have no obligation to pay any portion of the Contribution to Developer unless and until all of the following conditions shall have been met:

4.1.1 The Project's completion on or before December 31, 2024, subject to extension for Force Majeure or upon mutual written agreement of the City and Developer.

4.1.2 The Property's assessed value is no less than \$3,400,000 on or before January 1, 2025.

4.2 This Agreement, and the City's obligation to make, or continue, any payments of the Contribution, shall terminate when any of the following shall have occurred:

4.2.1 The conditions in Section 4.1 are not met.

4.2.2 The Contribution is paid in full or August 15, 2039, whichever occurs first.

ARTICLE V CONFLICT OF INTEREST

5.1 No member, officer or employee of the City, during his/her tenure or for one year thereafter, will have or shall have had any interest, direct or indirect, in this Agreement or any proceeds thereof.

ARTICLE VI WRITTEN NOTICES

6.1 Any written notice required under this Agreement shall be sent to the following individuals:

FOR THE CITY:

City of Appleton
Community and Economic Development Department
100 North Appleton Street
Appleton, WI 54911-4799
Attention: Director

With a copy to:

City of Appleton
City Attorney's Office
100 North Appleton Street
Appleton, WI 54911-4799
Attn: City Attorney

FOR DEVELOPER:

MF Housing Partners LLC
100 West Lawrence Drive, Suite 214
Appleton, WI 54911
Attn: Tom Klister

ARTICLE VII ASSIGNMENT

7.1 No party to this Agreement may assign any of its interest or obligations hereunder without first obtaining the written consent of the other party.

ARTICLE VIII NO PARTNERSHIP OR VENTURE

8.1 Developer and its contractors or subcontractors shall be solely responsible for the completion of the Project. Nothing contained in this Agreement shall create or effect any partnership, venture or relationship between the City and Developer or any contractor or subcontractor employed by Developer in the construction of the Project.

ARTICLE IX MISCELLANEOUS

9.1 Under no circumstances shall any officer, official, director, member, manager, commissioner, agent, or employee of City or Developer have any personal liability arising out of this Agreement, and no party shall seek or claim any such personal liability.

9.2 The laws of the State of Wisconsin shall govern this Agreement.

9.3 This Agreement may be signed in any number of counterparts with the same effect as if the signatures thereto and hereto were upon the same instrument.

9.4 No modification, alteration, or amendment of this Agreement shall be binding upon any party until such modification, alteration, or amendment is reduced to writing and executed by all parties to this Agreement.

9.5 Any captions or headings in this Agreement are for convenience only and in no way define, limit, or describe the scope or intent of any of the provisions of this Agreement.

9.6 If any provisions of this Agreement shall be held or deemed to be inoperative or unenforceable as applied in any particular case in any jurisdiction because it conflicts with any other provision or provisions of this Agreement or any constitution or statute or rule of public policy, or for any other reason, then such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative, or unenforceable to any extent whatever. To the maximum extent possible, this Agreement shall be construed in a manner consistent with the powers of the City, including but not limited to, the City's powers under the Blight Elimination and Slum Clearance Law and the Tax Increment Law, to achieve its intended purpose. Reference is made to Section 66.1333(17) of the Wisconsin Statutes and Chapter 105, Laws of 1975 § 4, which provide that the Blight Elimination and Slum Clearance Law and the Tax Increment Law should be construed liberally to effectuate their purposes.

[Signatures on following pages]

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

CITY OF APPLETON:

By: _____
Jacob A. Woodford, Mayor

ATTEST:

By: _____
Kami L. Lynch, City Clerk

STATE OF WISCONSIN)
 : ss.
OUTAGAMIE COUNTY)

Personally came before me this ____ day of _____, 2021, Jacob A. Woodford, Mayor and Kami L. Lynch, City Clerk, of the City of Appleton respectively, to me known to be the persons who executed the foregoing instrument and acknowledged the same in the capacity and for the purposes therein intended.

Printed Name: _____
Notary Public, State of Wisconsin
My commission is/expires: _____

PROVISION HAS BEEN MADE TO PAY FOR
OBLIGATIONS INCURRED PURSUANT TO
THIS AGREEMENT:

Anthony Saucerman, Finance Director

APPROVED AS TO FORM:

Christopher R. Behrens, City Attorney

Dated: October 18, 2021
By: Christopher R. Behrens
City Law A21-0718

DEVELOPER:

MF HOUSING PARTNERS LLC

By: _____, a member

By: _____, a member

By: _____, a member

STATE OF WISCONSIN)
 : ss.
OUTAGAMIE COUNTY)

Personally came, before me this ____ day of _____, 2021, [*insert Member names here*] each a member of the LLC, to me known to be the persons who executed the foregoing instrument and acknowledged the same in the capacity and for the purposes therein intended.

Printed Name: _____
Notary Public, State of Wisconsin
My commission is/expires: _____

SCHEDULE OF EXHIBITS

- A. Legal Description of Property
- B. Proposed Improvements

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

Parcel 1:

All of Lot One (1) and the West 45.23 feet of Lot Two (2) in Block Fifty Two (52), APPLETON PLAT, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City, less the south eighty nine (89) feet thereof, and less the parcels described in Jacket 8884, Image 12, as Document No. 946963 and in Document No. 1559788.

Parcel 2:

The North thirty eight (38) feet of the South one hundred twenty eight (128) feet of the East one hundred (100) feet of Block Fifty Two (52), APPLETON PLAT, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City, being part of Lots Two (2) and Three (3) of said Block Fifty Two (52).

AND

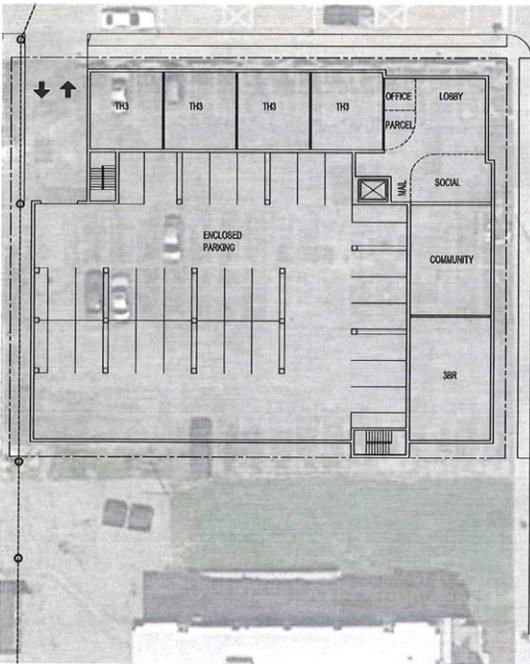
The South ninety (90) feet of Lot Three (3), the South ninety (90) feet of the East five and 6/100 (5.06) feet of Lot Two (2), and the West forty four and 48/100 (44.48) of the East forty nine and 54/100 (49.54) feet of the South one hundred five (105) feet of Lot Two (2), all in Block Fifty Two (52), APPLETON PLAT, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City.

Parcel 3:

The North fifty (50) feet of the East one hundred sixty four and 1/3 (164 1/3) feet of Lots Two (2) and Three (3), the South ninety (90) feet of the North one hundred forty (140) feet of Lot Three (3) and the South ninety (90) feet of the North one hundred forty (140) feet of the East 69 and 54/100 (69.54) feet of Lot Two (2), all in Block Forty One (41), APPLETON PLAT, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City.

Parcel Nos.: 31-2-052900; 31-2-053400; 31-2-053600; 31-2-043700; 31-2-044300; and 31-2-044100

EXHIBIT B
PROPOSED IMPROVEMENTS



PROJECT SUMMARY

Northwest Parcel
38 Surface Parking Spaces

Northeast Parcel
5 Townhouses with 3 Br and attached 2 car garage
3 Townhouses with 2 Br and attached 1 car garage

Southwest Parcel
4 Three Bedroom Townhouses
5 One Bedroom
25 Two Bedroom
1 Three Bedroom
1 Community Service Facility
35 Total Units
30 Covered Parking Spaces

Project Totals
43 Units
81 Parking Stalls

ONEIDA STREET TEST FIT
1"=30'-0"
2 DECEMBER 2020



71-21

AN ORDINANCE RELATING TO ALDERMANIC DISTRICTS OF THE GENERAL ORDINANCES OF THE CITY OF APPLETON, RELATING TO REDISTRICTING

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

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

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

- (1) Aldermanic district 1 shall consist of wards 1 and 2.
- (2) Aldermanic district 2 shall consist of wards 3, 4, 5, and 6.
- (3) Aldermanic district 3 shall consist of wards 7, 8, and 9.
- (4) Aldermanic district 4 shall consist of wards 10, 11, and 12.
- (5) Aldermanic district 5 shall consist of wards 13, 14, 15, and 16.
- (6) Aldermanic district 6 shall consist of wards 17, 18, and 19.
- (7) Aldermanic district 7 shall consist of wards 20, 21, and 22.
- (8) Aldermanic district 8 shall consist of wards 23, 24, and 25.
- (9) Aldermanic district 9 shall consist of wards 26, and 27.
- (10) Aldermanic district 10 shall consist of wards 28, 29, and 30.
- (11) Aldermanic district 11 shall consist of wards 31, 32, 33, and 34.
- (12) Aldermanic district 12 shall consist of wards 35, 36, and 37.
- (13) Aldermanic district 13 shall consist of wards 38, 39, 40, and 41.
- (14) Aldermanic district 14 shall consist of wards 42 and 43.
- (15) Aldermanic district 15 shall consist of wards 44, 45, 46, and 47.

Section 2: This Ordinance shall be effective on January 1, 2022.

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

72-21

**AN ORDINANCE ANNEXING TERRITORY
TO THE CITY OF APPLETON, WISCONSIN.**

(Ziegler Mackville Road & EE Annexation)
MBR Number: 14442

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

Section 1. Territory Annexed. In accordance with §66.0217 of the Wisconsin Statutes for 2019 – 2020 and the *Unanimous Petition for Direct Annexation* filed with the City Clerk on September 15, 2021, the following described territory in the Town of Center, Outagamie County, Wisconsin, lying contiguous to the City of Appleton, is hereby annexed to the City of Appleton, Wisconsin:

*A part of the Northeast ¼ of the Northeast ¼ of Section 36, Township 22 North, Range 17 East, Town of Center, Outagamie County, Wisconsin, containing 62,759 Square Feet 1.4407 acres of land and being further described as follows:
Commencing at the Northeast corner of said Section 36;
Thence South 00°06'21" West 117.18 feet coincident with the East line of the Northeast ¼ of said Section 36 to the point of beginning;
Thence continue South 00°06'21" West 222.82 feet coincident with the East line of the Northeast ¼ of said Section 36 to the South line of lands described in Warranty Deed Document No.679131 of the Outagamie County Register of Deeds Office;
Thence North 89°51'03" West 225.00 feet coincident with the South line of lands described in Warranty Deed Document No.679131 of the Outagamie County Register of Deeds Office;
Thence North 00°06'21" East 307.00 feet coincident with the West line of lands described in Warranty Deed Document No.679131 and then the West line of lands*

described in Warranty Deed Document No.544576 to the South line of Mackville Road.

Thence South 89°51'03" East 107.95 feet coincident with the South line of Mackville Road to a highway vision corner;

Thence South 44°49'45" East 119.00 feet coincident with said highway vision corner to the West line of Ballard Road (aka C.T.H. "EE");

Thence South 89°51'03" East 33.00 feet to the point of beginning.

Town of Center Tax Parcel: 040097800.

The current population of such territory is 2 people.

Section 2. Effect of Annexation. From and after the date of this ordinance, the territory described in Section 1 shall be a part of the City of Appleton for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Appleton.

Section 3. Ward Designation. The territory described in Section 1 of this ordinance is hereby made a part of the existing Forty-first (41st) Ward, attached to the Thirteenth (13th) Aldermanic District of the City of Appleton, Outagamie County, subject to the ordinances, rules and regulations of the City governing wards. As a result of redistricting, effective January 1, 2022, this territory will hereby be a part of the Thirty-eighth (38th) Ward, attached to the Thirteenth (13th) Aldermanic District.

Section 4. Zoning Classification. The territory described in Section 1 is hereby zoned as follows, pursuant to §66.0217(7)(a), Stats., and §23-65(e), Appleton Municipal Code:

Temporary AG District (Temporary Agricultural District)

Section 5. Statutory Payments. Subject to the requirements of Wis. Stats. §66.0217(14), the Finance Director will pay annually to the Town of Center, for 5 years, an amount equal to the amount of property taxes that the town levied on the annexed territory, as shown by the tax roll under Wis. Stats. §70.65, in the year in which the annexation is final.

Section 6. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance, which can be given without the invalid or unconstitutional provision or application.

Section 7. Effective Date. This ordinance shall take effect upon passage and publication.

73-21

**AN ORDINANCE ANNEXING TERRITORY
TO THE CITY OF APPLETON, WISCONSIN.**

(Lightning Drive & C.T.H. JJ (Right-of-Way) Annexation)
MRB No.: 14443

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

Section 1. Territory Annexed. In accordance with §66.0217 of the Wisconsin Statutes for 2019 – 2020 and the *Unanimous Petition for Direct Annexation* filed with the City Clerk on September 17, 2021, the following described territory in the Town of Grand Chute, Outagamie County, Wisconsin, lying contiguous to the City of Appleton, is hereby annexed to the City of Appleton, Wisconsin:

*A part of the Fractional Southwest ¼ of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 551,568 Square Feet 12.6622 acres of land and being further described as follows:
Commencing at the South ¼ corner of said Section 6;
Thence South 00°15'22" West 41.25 feet coincident with the current City of Appleton corporate limits;
Thence South 89°44'38" West 1,312.94 feet coincident with the current City of Appleton corporate limits;
Thence North 00°09'19" West 695.75 feet coincident with the current City of Appleton corporate limits to the Westerly boundary of Transportation Project Plat No: 0000-0G-17-4.02;
Thence North 00°27'27" East 27.61 feet coincident with said Westerly boundary of Transportation Project Plat No: 0000-0G-17-4.02 to a North line thereof;
Thence Southeasterly 162.67 feet along the arc of a curve to the right having a radius of 230.00 feet and the chord of which bears South 61°16'46" East 159.30 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02;
Thence South 79°18'14" East 46.36 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02;
Thence North 56°36'28" East 28.01 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02;
Thence North 58°51'13" East 127.60 feet;
Thence North 56°36'28" East 300.63 feet;
Thence Northeasterly 602.86 feet along the arc of curve to the left having a radius of 965.00 feet and the chord of which bears North 38°42'38" East 593.11 feet;
Thence North 89°51'14" West 156.83 feet to the Southeast corner of Outlot 10 of Apple Ridge 2;
Thence North 13°52'54" East 307.18 feet coincident with the East line of Outlot 10 of Apple Ridge 2;
Thence North 03°30'35" West 188.39 feet coincident with the East line of Outlot 10 of Apple Ridge 2 to the Southerly line of Baldeagle Drive;
Thence North 76°55'16" East 145.11 feet;
Thence Northwesterly 201.39 feet along the arc of curve to the left having a radius of 965.00 feet and the chord of which bears North 16°31'22" West 201.02 feet;
Thence Northerly 408.87 feet along the arc of a curve to the right having a radius of 1,035.00 feet and the chord of which bears North 11°11'03" West 406.21 feet;
Thence North 00°07'58" East 192.71 feet to the North line of the Fractional SW ¼ of said Section 6;
Thence South 89°27'19" East 70.00 feet coincident with the North line of the Fractional SW ¼ of said Section 6;
Thence South 00°07'58" West 192.20 feet;*

Thence Southerly 381.21 feet along the arc of curve to the left having a radius of 965.00 feet and the chord of which bears South 11°11'03" East 378.74 feet;
Thence Southerly 1,429.04 feet along the arc of a curve to the right having a radius of 1,035.00 feet and the chord of which bears South 17°03'12" West 1,318.20 feet;
Thence South 56°36'28" West 300.63 feet;
Thence South 54°21'43" West 127.60 feet;
Thence South 56°36'28" West 85.86 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02;
Thence Southwesterly 41.28 feet along the arc of a curve to the left having a radius of 310.00 feet and the chord of which bears South 52°49'13" West 41.25 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02;
Thence Southeasterly 241.12 feet along the arc of a curve to the left having a radius of 238.50 feet and the chord of which bears South 61°43'30" East 230.98 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02;
Thence South 00°28'26" West 266.19 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02;
Thence North 89°44'38" East 214.97 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02;
Thence South 00°28'26" West 35.00 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02;
Thence North 89°44'38" East 751.25 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02 to the East line of the Fractional SW ¼ of said Section 6;
Thence South 00°27'14" West 61.25 feet coincident with the East line of the Fractional SW ¼ of said Section 6 to the point of beginning.
Part of tax parcels: 101157000 and 101158200.

The current population of such territory is 0 people.

Section 2. Effect of Annexation. From and after the date of this ordinance, the territory described in Section 1 shall be a part of the City of Appleton for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Appleton.

Section 3. Ward Designation. The territory described in Section 1 of this ordinance is hereby made a part of the Thirty-eighth (38th) Ward, attached to the thirteenth (13th) Aldermanic District of the City of Appleton, Outagamie County, subject to the ordinances, rules and regulations of the City governing wards. As a result of redistricting, effective January 1, 2022, this territory will hereby be a part of the Thirty-ninth (39th) Ward, attached to the Thirteenth (13th) Aldermanic District.

Section 4. Zoning Classification. The territory described in Section 1 is hereby zoned as follows, pursuant to §66.0217(7)(a), Stats., and §23-65(e), Appleton Municipal Code:

Temporary AG District (Temporary Agricultural District)

Section 5. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance, which can be given without the invalid or unconstitutional provision or application.

Section 6. Effective Date. This ordinance shall take effect upon passage and publication.

74-21

**AN ORDINANCE ANNEXING TERRITORY
TO THE CITY OF APPLETON, WISCONSIN.**
(Spartan Drive (Right-of-Way) Annexation)
MBR Number: 14451

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

Section 1. Territory Annexed. In accordance with §66.0217 of the Wisconsin Statutes for 2019 – 2020 and the *Unanimous Petition for Direct Annexation* filed with the City Clerk on October 5, 2021, the following described territory in the Town of Grand Chute, Outagamie County, Wisconsin, lying contiguous to the City of Appleton, is hereby annexed to the City of Appleton, Wisconsin:

A part of Lot 1 of Certified Survey Map No. 4027, located in and being a part of the South ½ the Fractional Northeast ¼ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 171,926 Square Feet (3.9468 Acres) of land and described as follows:

Commencing at the East ¼ corner of said Section 2;

Thence North 89°40'21" West 839.03 feet along the South line of the Fractional NE ¼ of said Section 2 and being coincident with the South line of Certified Survey Map No.4431 to the point of beginning;

Thence continue North 89°40'21" West 234.71 feet along the South line of the Fractional NE ¼ of said Section 2

Thence North 39°21'44" West 331.88 feet;

Thence North 28°42'55" East 170.75 feet;

Thence Westerly 443.68 feet along the arc of a curve to the left having a radius of 365.00 feet and the chord of which bears South 85°27'40" West 416.86 feet;

Thence South 50°38'16" West 177.69 feet to the West line of Lot 1 of Certified Survey Map No.4027;

Thence North 00°19'45" East 90.97 feet along the West line of Lot 1 of Certified Survey Map No.4027;

Thence North 50°38'16" East 119.60 feet;

Thence Easterly 644.99 feet along the arc of a curve to the right having a radius of 435.00 feet and the chord of which bears South 86°53'06" East 587.51 feet;

Thence South 44°24'28" East 175.81 feet;

Thence North 45°35'32" East 47.78 feet;

Thence South 44°24'28" East 119.08 feet to the East line of Lot 1 of Certified Survey Map No.4027;

Thence South 01°03'01" West 219.70 feet along the East line of Lot 1 of Certified Survey Map No.4027 to the Point of Beginning.

The current population of such territory is 0 people.

Section 2. Effect of Annexation. From and after the date of this ordinance, the territory described in Section 1 shall be a part of the City of Appleton for any and all purposes provided

by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Appleton.

Section 3. Ward Designation. The territory described in Section 1 of this ordinance is hereby made a part of the Twentieth (20th) Ward, attached to the seventh (7th) Aldermanic District of the City of Appleton, Outagamie County, subject to the ordinances, rules and regulations of the City governing wards. As a result of redistricting, on January 1, 2022 this territory will hereby be a part of the Twentieth (20th) Ward, attached to the Seventh (7th) Aldermanic District.

Section 4. Zoning Classification. The territory described in Section 1 is hereby zoned as follows, pursuant to §66.0217(7)(a), Stats., and §23-65(e), Appleton Municipal Code:

Temporary Agricultural District (Temporary AG)

Section 5. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance, which can be given without the invalid or unconstitutional provision or application.

Section 6. Effective Date. This ordinance shall take effect upon passage and publication.

75-21

AN ORDINANCE AMENDING ORDINANCE NO. 70-21, REVISING SECTION 2-3 OF THE GENERAL ORDINANCES OF THE CITY OF APPLETON, RELATING TO BOUNDARIES AND WARDS.

(Common Council / Redistricting 2021)

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

Section 1: The City of Appleton shall be divided into forty-seven (47) wards (Descriptions are based on centerlines of streets, centerline of intersections of two streets, centerline of the Fox River and railroads and exact boundary of the City of Appleton Corporate Limit Line, unless otherwise noted). That Section 2-3 (Ordinance No. 70-21) is hereby amended by making changes to the following wards:

THE TWELFTH WARD

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

THE SIXTEENTH WARD

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

THE THIRTY-FIRST WARD

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

THE THIRTY-NINTH WARD

The thirty-ninth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Meade Street and Broadway Drive and being the point of beginning; thence East on Broadway Drive to Ballard Road; thence East along the South line of the SW $\frac{1}{4}$ of Section 31, T.22N., R.18E. to the corporate limits at a point on the South line of Lot 33, Apple Hill Farms; thence Southeasterly and continue in a clockwise direction along the corporate limits to Edgewood Drive along the South line of the SW $\frac{1}{4}$ of Section 5, T.21N., R.18E.; thence West on Edgewood Drive to French Road; thence South on French Road to Ashbury Drive; thence West on Ashbury Drive to Ballard Road; thence North on Ballard Road to the intersection of Melody Lane and the corporate limits; thence West on Melody Lane and the corporate limits in a clockwise direction along the corporate limits to Edgewood Drive at the South line of the SW $\frac{1}{4}$ of Section 1, T.21N., R.17E., thence West on Edgewood Drive to Meade Street; thence North on Meade Street to its intersection with Spartan Drive and the corporate limits; thence East along the corporate limits and continue in a clockwise direction along the corporate limits and then Meade Street to the point of beginning. Excepting all that land within the afore described area that is not currently within the corporate limits.

And

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

THE FORTY-FIRST WARD

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

Section 2: This Ordinance shall be effective on January 1, 2022 and shall govern the adjustment of aldermanic districts for the purpose of elections subsequent to January 1, 2022.

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