



City of Appleton

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

Meeting Agenda - Final Common Council

Wednesday, May 18, 2022

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

[22-0644](#) Common Council Meeting Minutes of May 4, 2022

Attachments: [CC Minutes 5-4-22.pdf](#)

- G. BUSINESS PRESENTED BY THE MAYOR

[22-0681](#) Commission & Committee Reappointments & Appointments

Attachments: [5-18-22 Appt Memo to Council.pdf](#)

[22-0683](#) Public Works Director Recommendation

Attachments: [Public Works Director Recommendation to Council.pdf](#)

[22-0684](#)

Proclamations:

- American Legion Poppy Day
- Appleton Noon Lions Club Day
- Bee Day
- Lawrence University 175th Anniversary Day
- Police Week
- Public Works Week

Attachments: [Appleton Noon Lions Club Centennial Day Proclamation.pdf](#)

[American Legion Poppy Day Proclamation.pdf](#)

[Bee Day Proclamation.pdf](#)

[Lawrence University 175th Anniversary Day Proclamation.pdf](#)

[Police Week Proclamation.pdf](#)

[Public Works Week Proclamation.pdf](#)

[22-0685](#)

Presentation of Officer of the Year award

H. PUBLIC PARTICIPATION

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

[22-0686](#)

2022 General Obligation Promissory Notes Resolution

Attachments: [Appleton 2022 G.O. Promissory Notes - Award Resolution.pdf](#)

[22-0687](#)

2022 Sewer Revenue Bonds Resolution

Attachments: [Appleton 2022 Sewer Revenue Bonds - Award Resolution.pdf](#)

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. **MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**[22-0537](#)

Resolution #6-R-22 "Soldier Square Resolution"

Attachments: [Resolution #6-R-22.pdf](#)

[Memo #6-R-22.pdf](#)

Legislative History

4/25/22 Municipal Services held
 Committee
 Hold until May 9th meeting

5/9/22 Municipal Services recommended for denial
 Committee

[22-0605](#)

Approve Street Occupancy Permit Requests for the Library Project along Appleton Street, Franklin Street, Oneida Street and Washington as shown on the attached traffic control plans from April, 2022 through October, 2023.

Attachments: [Library Project-Street Occupancy Permit.pdf](#)

Legislative History

5/9/22 Municipal Services recommended for approval
 Committee

[22-0606](#)

Request from Creative Downtown Appleton for a Street Occupancy Permit for Street Music Week, June 13-21, 2022 in the College Avenue beautification strip between Drew Street and Badger Avenue.

Attachments: [Creative Downtown-Street Music Week.pdf](#)

Legislative History

5/9/22 Municipal Services recommended for approval
 Committee

[22-0607](#)

Approve Street Occupancy Permit Request for the Lawrence University pedestrian bridge over Drew Street to close Drew Street from May 9, 2022 through September 4, 2022.

Attachments: [Northeast Asphalt-Street Occupancy Permit.pdf](#)

Legislative History

5/9/22 Municipal Services recommended for approval
 Committee

[22-0629](#)

Request from Appleton Parade Committee for free parking on College Avenue from 4:30 p.m. to 6:00 p.m. on Saturday, June 11, 2022 for Cavalcade Car Show following the Flag Day Parade.

Attachments: [Appleton Parade request-email.pdf](#)

[FlagDayParade Cavalcade Post.pdf](#)

[FlagDayParade Cavalcade Staging.pdf](#)

[2022 Cavalcade Amendment.pdf](#)

Legislative History

5/9/22 Municipal Services recommended for approval
 Committee

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[22-0643](#) Operator License for Jacob A. Forward

Attachments: [Jacob A. Forward Application.pdf](#)
[JacobForwardDenial.pdf](#)

Legislative History

5/11/22 Safety and Licensing Committee recommended for denial
Mr. Forward attended the meeting and addressed the Committee.

[22-0646](#) Redistricting Modifications required by April 15, 2022 Wisconsin Supreme Court Ruling

Attachments: [5-6-22 Memo-Redistricting Updates Required.pdf](#)
[Senate Bill 621 - Option 1.pdf](#)
[Senate Bill 621 - Option 2.pdf](#)

Legislative History

5/11/22 Safety and Licensing Committee recommended for approval
The Motion to recommend Option 2 with 53 Wards, carried 5/0.

[22-0413](#) Pet Store License application for Wild Habitats, Choi Schake, applicant, located at 1350 W College Ave Suite B, contingent upon approval from the Inspections department.

Attachments: [Wild Habitats S&L.pdf](#)

Legislative History

5/11/22 Safety and Licensing Committee recommended for approval

[22-0589](#) Salvage Dealer License renewal application for Mr. C's Motorcycles LLC, Janet Ristau, applicant, located at 724 S Outagamie St.

Attachments: [Mr C's Motorcycles S&L.pdf](#)

Legislative History

5/11/22 Safety and Licensing Committee recommended for approval

[22-0590](#) Pet Store License renewal application for Just Pets, Craig Weborg, applicant, located at 2009 N Richmond St.

Attachments: [Just Pets S&L.pdf](#)

Legislative History

5/11/22 Safety and Licensing Committee recommended for approval

[22-0591](#) Class "B" Beer and "Class B" Liquor License Change of Agent application for Bark Entertainment LLC d/b/a Skyline Comedy Club, Zachery Wroblewski, New Agent, located at 1004 S Olde Oneida St.

Attachments: [Zachery Wroblewski S&L.pdf](#)

Legislative History

5/11/22 Safety and Licensing Committee recommended for approval

[22-0592](#) Cigarette License application for Smokin Glass II LLC, Justin Beese, applicant, located at 1107 W Wisconsin Ave.

Attachments: [Smoking Glass LLC S&L.pdf](#)

Legislative History

5/11/22 Safety and Licensing Committee recommended for approval

[22-0594](#) "Class A" Liquor License application for Oneida Street Mini Mart LLC d/b/a Oneida BP, Prabhu Dhungana, Agent, located at 1306 S Oneida St, contingent upon approval from the Inspections department.

Attachments: [Oneida BP.pdf](#)

Legislative History

5/11/22 Safety and Licensing Committee recommended for approval

[22-0599](#) Pet Store License Renewal application for HSA Corporation d/b/a Pet Supplies Plus, Angela DeHaan, applicant, located at 702 W Northland Ave, contingent upon approval from the Inspections department.

Attachments: [Pet Supplies Plus S&L.pdf](#)

Legislative History

5/11/22 Safety and Licensing Committee recommended for approval

[22-0600](#) Secondhand Article Dealer License application for Eroding Winds LLC, Adam Bartlett, applicant, located at 229 E College Ave, contingent upon approval from the City Sealer.

Attachments: [Eroding Winds LLC S&L.pdf](#)

Legislative History

5/11/22 Safety and Licensing Committee recommended for approval

[22-0647](#) 2022-2023 Additional Alcohol License Renewal applications, contingent upon approval from all departments by 12:00 p.m. on June 30, 2022.

Attachments: [2022-23 Alcohol License Renewals-2nd set.pdf](#)

Legislative History

5/11/22 Safety and Licensing Committee recommended for approval

3. MINUTES OF THE CITY PLAN COMMISSION

[22-0616](#) Request to approve the dedication of land for public right-of-way for N. Lightning Drive, generally located north of Edgewood Drive (C.T.H. JJ), as shown on the attached maps

Attachments: [StaffReport_LightningDrive_StreetDedication_For5-11-22.pdf](#)

Legislative History

5/11/22 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[22-0677](#) Request to approve a resolution authorizing and providing for the sale and issuance of \$15,530,000 General Obligation Promissory Notes, Series 2022 and all related details.

Attachments: [Appleton 2022 G.O. Promissory Notes - Award Resolution.pdf](#)

[22-0678](#) Request to approve a resolution authorizing and providing for the sale and issuance of \$11,460,000 Sewerage System Revenue Bonds, Series 2022 and all related details

Attachments: [Appleton 2022 Sewer Revenue Bonds - Award Resolution.pdf](#)

[22-0622](#) Request for Finance Director to sell \$15,530,000 of General Obligation Promissory Notes

Legislative History

5/9/22 Finance Committee recommended for approval

[22-0623](#) Request for Finance Director to sell \$11,460,000 Sewerage System Revenue Bonds

Legislative History

5/9/22 Finance Committee recommended for approval

[22-0624](#) Request to approve application for fiscal year 2022 Federal 5339(b) funds in the amount of \$18,000,000 for the Whitman Avenue facility renovation project

Attachments: [FCTC 5339 Grant application memo 2022.pdf](#)

Legislative History

5/9/22 Finance Committee recommended for approval

[22-0641](#) Request to approve purchase of CT cabinet and switchgear for the Appleton Public Library from Faith Technologies for a cost of \$156,075

Attachments: [2022 Library Electrical.pdf](#)

Legislative History

5/9/22 Finance Committee recommended for approval

[22-0642](#) Request to approve Amended Relocation Order

Attachments: [0938 - Memo & Amended Relocation Order.pdf](#)

Legislative History

5/9/22 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[22-0633](#) Request to approve two (2) Variances to the Deed Restrictions and Covenants to allow for: 1) a second expansion wall to be constructed of metal material on the north face of the building and 2) to allow for an overhead door facing the street on the south face of the building for Farrell Investments, LLC at 3920 E. Endeavor Drive and expansion on the adjacent lot (Lot 11) in Southpoint Commerce Park

Attachments: [Memo on Farrell Equipment Variance Request 5-11-22.pdf](#)

[Variance Request Letter for Farrell Equipment.pdf](#)

[Site Plan for Proposed Addition for Farrell Equipment.pdf](#)

[Landscape Plan for Farrell Equipment.pdf](#)

[SPCP Deed Restrictions.pdf](#)

[Subject Parcel Map for Farrell Equipment.pdf](#)

Legislative History

5/11/22 Community & Economic Development Committee recommended for approval

7. MINUTES OF THE UTILITIES COMMITTEE

[22-0627](#) Adopt Governmental Responsibility Resolution for Urban Nonpoint Source and Stormwater Grants.

Attachments: [RESPONSIBILITY RESOLUTION May 2022.pdf](#)

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[22-0682](#) Ordinance #41-22 & #42-22 - Redistricting Revisions: Option 2

Attachments: [Ordinances to Council 5-18-22.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

100 North Appleton Street
Appleton, WI 54911-4799
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Meeting Minutes - Final Common Council

Wednesday, May 4, 2022

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order by Council President Van Zeeland at 7:00 p.m.

B. INVOCATION

The Invocation was offered by Alderperson Thao.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 15 - Alderperson William Siebers, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Maiyoua Thao, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Sheri Hartzheim, Alderperson Chad Doran, Alderperson Christopher Croatt, Vered Meltzer, Denise Fenton and Nate Wolff

Excused: 1 - Mayor Jake Woodford

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

All Departments were represented.

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[22-0580](#)

Common Council Meeting Minutes of Organizational Meeting and Council Meeting on April 20, 2022

Attachments: [CC Minutes 4-20-22 Organizational.pdf](#)
[CC Minutes 4-20-22.pdf](#)

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

Alderpersons Meltzer, Fenton & Wolff voted Aye. Motion carried 15/0.

Aye: 12 - Alderperson William Siebers, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Maiyoua Thao, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Sheri Hartzheim, Alderperson Chad Doran and Alderperson Christopher Croatt

Excused: 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[22-0595](#)

Proclamations:

- Asian & Pacific Islander Heritage Month
- Hmong American Day
- Municipal Clerks Week
- Neurofibromatosis Awareness Day
- Nurses Month
- Teacher Appreciation Week

Attachments: [Asian and Pacific Islander Heritage Month Proclamation.pdf](#)
[Hmong American Day Proclamation.pdf](#)
[Municipal Clerks Week Proclamation.pdf](#)
[Neurofibromatosis Awareness Day Proclamation.pdf](#)
[Nurses Month Proclamation.pdf](#)
[Teacher Appreciation Week Proclamation.pdf](#)

H. PUBLIC PARTICIPATION

Russell Leary, Agent of Mill City Public House spoke regarding Item 22-0262

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[22-0262](#)

Class "B" Beer and "Class B" Liquor License application for Mill City Public House LLC d/b/a Mill City Public House, Russell T Leary, Agent, located at 1103 W College Ave, contingent upon approval from the Health and Inspections departments.

Attachments: [Mill City Public House.pdf](#)
 [SUP 8-95 Liquor License Final Report 3-2022 Mill City.pdf](#)
 [Resolution Mill City Public House SUP#5-22 SIGNED.pdf](#)

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

Alderspersons Meltzer, Fenton & Wolff voted Aye. Motion carried 15/0.

Aye: 12 - Aldersperson William Siebers, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Maiyoua Thao, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Sheri Hartzheim, Aldersperson Chad Doran and Aldersperson Christopher Croatt

Excused: 1 - Mayor Jake Woodford

[22-0517](#)

2022-2023 Alcohol License Renewal applications, contingent upon approval from all departments by 12:00 p.m. on June 30, 2022.

Attachments: [2022-23 Alcohol License Renewals.pdf](#)

Aldersperson Hartzheim moved, seconded by Aldersperson Croatt, that the Alcohol License Renewals be approved. Roll Call. Motion carried by the following vote:

Alderspersons Meltzer, Fenton & Wolff voted Aye. Motion carried 14/0.

Aye: 11 - Aldersperson William Siebers, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Sheri Hartzheim, Aldersperson Chad Doran and Aldersperson Christopher Croatt

Excused: 1 - Mayor Jake Woodford

Abstained: 1 - Aldersperson Maiyoua Thao

[22-0558](#)

Request to approve Valley Transit Contract Amendment request by Lamers Bus Lines

Aldersperson Hartzheim moved, seconded by Aldersperson Firkus, that the Contract Amendment, including Item 22-0514 (VT Minutes) be approved. Roll Call. Motion carried by the following vote:

Alderspersons Meltzer, Fenton & Wolff voted Aye. Motion carried 11/4.

Aye: 8 - Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Maiyoua Thao, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Vaya Jones and Alderperson Kristin Alfheim

Nay: 4 - Alderperson William Siebers, Alderperson Sheri Hartzheim, Alderperson Chad Doran and Alderperson Christopher Croatt

Excused: 1 - Mayor Jake Woodford

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

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

Aye: 15 - Alderperson William Siebers, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Maiyoua Thao, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Sheri Hartzheim, Alderperson Chad Doran, Alderperson Christopher Croatt, Vered Meltzer, Denise Fenton and Nate Wolff

Excused: 1 - Mayor Jake Woodford

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[22-0532](#)

Request from Kurt Redlin for a variance to Section 19-91 (c) to park his RV Camper (longer than 26 feet) in the front yard and Section 19-91 (f)(3) to extend driveway greater than twelve feet wide at 5500 N. Providence Avenue.

Attachments: [5500 Providence Ave.pdf](#)

The recommendation to deny the variance was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[22-0499](#)

Resolution #2022-04 - A Resolution Adopting the Winnebago County Natural Hazards Mitigation Plan: 2022-2026 (5 Year Update)

Attachments: [Memo for Appleton Hazard Mitigation Plan Resolution_Winnebago.pdf](#)
[Winnebago County Hazard Mitigation Plan Resolution.pdf](#)

This Report Action Item was approved.

[22-0500](#)

Resolution #2022-05 - A Resolution Adopting the Calumet County Hazard Mitigation Plan

Attachments: [Memo for Appleton Hazard Mitigation Plan Resolution_Calumet.pdf](#)
[Calumet County Hazard Mitigation Plan Resolution.pdf](#)

This Report Action Item was approved

[22-0549](#)

Fire Department Table of Organization Change

Attachments: [04-11-22 AFD TO Change.pdf](#)
[Public Education Specialist_Civilian Fire Inspector.pdf](#)

This Report Action Item was approved.

[22-0479](#)

"Class A" Liquor License application for Swami LLC d/b/a Northland Citgo, Kanu B Patel, Agent, located at 800 E Northland Ave, contingent upon approval from the Inspections department.

Attachments: [Northland Citgo.pdf](#)

This Report Action Item was approved.

[22-0480](#)

Class "B" Beer and "Class B" Liquor License Change of Agent application for Chester's Pub LLC d/b/a Chester's Pub, Tiffani Daul, New Agent, located at 2611 N Richmond St.

Attachments: [Tiffani Daul S&L.pdf](#)

This Report Action Item was approved.

[22-0482](#)

"Class A" Liquor License application for Kavya Gas Inc d/b/a Badger Mobil, Jayant Patel, Agent, located at 1201 N Badger Ave, contingent upon approval from the Fire and Inspections departments.

Attachments: [Badger Mobil.pdf](#)

This Report Action Item was approved.

[22-0483](#)

Class "B" Beer License application for Appleton Axe LLC (previously known as Breakout Green Bay LLC) d/b/a Appleton Axe, Patrick Van Abel, Agent, located at 1400 W College Ave Suite B1.

Attachments: [Appleton Axe.pdf](#)

This Report Action Item was approved.

3. **MINUTES OF THE CITY PLAN COMMISSION**
4. **MINUTES OF THE PARKS AND RECREATION COMMITTEE**
5. **MINUTES OF THE FINANCE COMMITTEE**

[22-0550](#)

Request to approve a resolution authorizing the City Mayor and City Clerk to execute the Principal Forgiven Financial Assistance Agreement that contains the terms and conditions of the Safe Drinking Water Loan Program and award of \$505,000 for the Project

Attachments: [DNR Resolution.pdf](#)

This Report Action Item was approved.

[22-0551](#)

Request to award Unit D-22 Sidewalk Construction to Al Dix Concrete, Inc in an amount not to exceed \$368,000

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

This Report Action Item was approved.

[22-0552](#)

Request to award Unit E-22 Miscellaneous Concrete & Street Excavation Repairs to Al Dix Concrete, Inc in the amount of \$452,850 with a 2.2% contingency of \$10,000 for a project total not to exceed \$462,850

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

This Report Action Item was approved.

[22-0553](#)

Request to award Unit Y-22 Lead/Galvanized Water Service Replacement to VanRite Plumbing, Inc in the amount of \$443,550 with a 12.7% contingency of \$56,450 for a project total not to exceed \$500,000

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

This Report Action Item was approved.

[22-0557](#)

Request to approve change to the Valley Transit Table of Organization (appears on the Human Resources/Information Technology Committee agenda as well)

Attachments: [Memo to Modify TO by adding a Safety and Compliance Specialist.pdf](#)

This Report Action Item was approved.

[22-0559](#)

Request to award the 2022 Ellen Kort Peace Park River Trail project contract to Triple P Inc d/b/a Peters Concrete Company in the amount of \$464,131 with a 10% contingency of \$46,413 for a project not to exceed \$510,544

Attachments: [Ellen Kort Peace Park Trail Project Finance Memo_.pdf](#)

This Report Action Item was approved.

[22-0560](#)

Request to approve the following 2022 Budget amendment:

Water Utility Fund

Lead Service Replacement	+\$255,000
Other Reimbursement Revenue	+\$505,000
Water Utility Fund Balance	+\$250,000

to allow for acceptance of the Principal Forgiveness Safe Drinking Water Loan and to increase funding for the contract to be issued to VanRite Plumbing to complete lead service replacements (2/3 vote of Council required)

Attachments: [Budget Adjustment Lead Service Line Replacement Memo.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

[22-0556](#)

Approve the acceptance of the Department of Natural Resources Safe Drinking Water Loan Program Grant of \$505,000 for replacement of private lead service lines in Appleton.

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[22-0562](#)

Request to approve to add a Safety and Compliance Specialist position to the table of Organization at Valley Transit.

Attachments: [VT Safety Officer Memo.pdf](#)
[VT Safety and Compliance Specialist JD.pdf](#)
[Valley Transit Draft TO 4-21-22.pdf](#)

This Report Action Item was approved.

[22-0564](#)

Request to approve the Fire department to change the Civilian Fire Protection Engineer to a Public Education Specialist/Civilian Fire Inspector.

Attachments: [Fire Memo TO Change 4.27.22.pdf](#)
[Public Education Specialist Civilian Fire Inspector.pdf](#)

This Report Action Item was approved.

[22-0570](#)

Request to approve the addition of .20 FTE HR/IT Administrative Support Assistant in the Information Technology Department.

Attachments: [2022 Request for IT Administrative Support Assistant.pdf](#)
[2022 HR IT Admin JD.pdf](#)
[2022 Information Technology TO Draft 4-27-22.pdf](#)

This Report Action Item was approved.

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

[22-0514](#)

Valley Transit Contract Amendment Request by Lamers Bus Lines

This Report Action Item was approved.

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[22-0579](#)

Ordinances #34-22 to #40-22

Attachments: [Ordinances to Council 5-4-22.pdf](#)

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

Alderspersons Meltzer, Fenton & Wolff voted Aye. Motion carried 15/0.

Aye: 12 - Aldersperson William Siebers, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Maiyoua Thao, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Sheri Hartzheim, Aldersperson Chad Doran and Aldersperson Christopher Croatt

Excused: 1 - Mayor Jake Woodford

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

[22-0597](#)

Request to withdraw Resolution #4-R-22 Clean Water & Treaty Rights

Attachments: [#4-R-22 Clean Water & Treaty Rights.pdf](#)
[Resolution 4-R-22 Withdrawal Memo.pdf](#)

Aldersperson Schultz moved, seconded by Aldersperson Firkus, that the Withdrawal of Resolution #4-R-22 be approved. Roll Call. Motion carried by the following vote:

Alderspersons Meltzer, Fenton & Wolff voted Aye. Motion carried 12/3.

Aye: 9 - Aldersperson William Siebers, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Maiyoua Thao, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Vaya Jones and Aldersperson Kristin Alfheim

Nay: 3 - Aldersperson Sheri Hartzheim, Aldersperson Chad Doran and Aldersperson Christopher Croatt

Excused: 1 - Mayor Jake Woodford

R. OTHER COUNCIL BUSINESS

[22-0598](#)

Request to Suspend the Council Rules to cancel the July 6, 2022 Common Council meeting.

Hartzheim moved, Thyssen seconded to approve the suspension of the Council Rules to cancel the July 6, 2022 Common Council meeting.

Roll Call. Motion carried by the following vote:

Aye: 15 - Alderperson William Siebers, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Maiyoua Thao, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Sheri Hartzheim, Alderperson Chad Doran, Alderperson Christopher Croatt, Vered Meltzer, Denise Fenton and Nate Wolff

Excused: 1 - Mayor Jake Woodford

S. ADJOURN

Alderperson Hartzheim moved, seconded by Alderperson Siebers, that the meeting be adjourned at 7:56 p.m. Roll Call. Motion carried by the following vote:

Alderpersons Meltzer, Fenton & Wolff voted Aye. Motion carried 15/0.

Aye: 12 - Alderperson William Siebers, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Maiyoua Thao, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Sheri Hartzheim, Alderperson Chad Doran and Alderperson Christopher Croatt


Excused: 1 - Mayor Jake Woodford

Kami Lynch, City Clerk



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

OFFICE OF THE MAYOR
Jacob A. Woodford
100 North Appleton Street
Appleton, Wisconsin 54911-4799
Phone: (920) 832-6400
Email: Mayor@Appleton.org

TO: Members of the Common Council
FROM: Mayor Jacob A. Woodford 
DATE: May 13, 2022
RE: Confirmation of Appointments and Reappointments

It is with pleasure that I present the following appointments and reappointments for your confirmation at the May 18, 2022, Common Council meeting.

POLICE & FIRE COMMISSION – Reappointment

Ernesto Gonzalez, Jr.	5-year Term	Term Expires May 2027
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APPLETON PUBLIC ART COMMITTEE – Chair Appointment


Elyse-Krista Mische	3-year Term	Current Term Expires December 2024
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"...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: Common Council
FROM: Mayor Jacob A. Woodford 
DATE: May 13, 2022
RE: Public Works Director Recommendation

A search for a new Public Works Director for the City of Appleton was initiated in December 2021 in anticipation of a June 2022 retirement.

We engaged the Employment Resource Group (ERG) in February 2022 to recruit qualified candidates on our behalf. As a result of ERG's recruitment efforts, I am pleased to bring forward an outstanding candidate for your consideration.

This candidate comes to us from the Village of Kimberly where she has served as the Village Administrator since 2017. As an experienced public administrator and professional engineer, she brings a unique perspective and special qualification for the role of Public Works Director. Prior to her work with the Village of Kimberly she worked for the Wisconsin Department of Transportation for over ten years. Her responsibilities included project management, community sensitive design coordination, environmental impact research, budget management and design delivery. This candidate earned her master's degree in Public Administration from the University of Wisconsin – Oshkosh in 2019 and her bachelor's degree in Civil Engineering from the University of Wisconsin – Madison 2005. She is certified as a Public Manager through the University of Wisconsin – Madison Continuing Education program and a Professional Engineer since 2009 by the State of Wisconsin. She also serves on the Whitburn Center UWO MPA Alumni Board and the Heart of the Valley YMCA Board of Directors.

It is my honor to recommend Danielle Block, MPA, PE, to serve as the City of Appleton's next Public Works Director. Her resume is attached for your reference.

Please be in contact should you have any questions or concerns.

PROCLAMATION



Office of the Mayor

WHEREAS, the Appleton Noon Lions Club is celebrating its 100th anniversary with an event to honor and recognize its commitment and achievements; and

WHEREAS, since 1922, the Appleton Noon Lions Club has served the Appleton community through service and direct financial support; and

WHEREAS, the service and support of the Appleton Noon Lions Club includes funds raised to establish the Appleton High School Band, the Appleton High School sports banquets, and sponsorship of Appleton High School representatives to the Badger Boys State event; and

WHEREAS, the Lions also provide vision screenings across the Appleton school district, financial assistance to community non-profits, playground equipment, park benches, and handicap accessible grilling areas for Appleton Noon Lions Park, gaga pits in Appleton parks and school playgrounds, and dictionaries for Appleton School District 3rd graders; and

WHEREAS, the contributions and commitment of the Appleton Noon Lions Club enrich and enliven our community.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, do hereby proclaim Sunday, May 22, 2022, as

Appleton Noon Lions Club Centennial Day

in Appleton and call upon all citizens to join in the celebration of the 100th anniversary of the Appleton Noon Lions Club, explore membership, and thank a Lion.

Signed and sealed this 10th day of May 2022.



JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, the annual distribution of poppies by the American Legion of the United States has been officially recognized; and

WHEREAS, those who have sacrificed their lives, their health, or their livelihood in service to our country are owed a debt of gratitude by all citizens; and

WHEREAS, the annual distribution of poppies by the American Legion offers an opportunity for the people of this community to express appreciation for those who have paid more than their share of the cost of freedom; and

WHEREAS, American Legion poppies are assembled by disabled veterans, and the proceeds of this worthy fundraising campaign are used exclusively for the benefit of disabled and needy veterans, along with the widows and orphans of deceased veterans; and

WHEREAS, the purpose of the annual distribution of poppies by the American Legion is eloquently reflected in the desire to "Honor the Dead by Helping the Living."

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, do hereby proclaim Friday, May 27, 2022, as

American Legion Poppy Day

in Appleton and call upon all citizens to join in the observance through the wearing of poppies.



Signed and sealed this 10th day of May 2022.


JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, the United Nations launched the international celebration of World Bee Day in 2018 after beekeeper Peter Kozmos petitioned them to acknowledge the role of bees and other pollinators for the ecosystem; and

WHEREAS, bees are critical pollinators in Wisconsin, responsible for pollinating major agricultural crops including cranberries, apples, and cherries, and there are over 100 species of bees in the Fox Cities and 500 species of bees throughout the state; and

WHEREAS, Appleton's recent efforts to protect pollinators and pollinator habitat have inspired growth of a national No Mow May movement; and

WHEREAS, the City of Appleton is recognized as a Bird City, a Bee City, and a Monarch City, and has expanded beekeeping options for its residents as well as hosting the first designated Bee Campus in Wisconsin at Lawrence University.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, do hereby proclaim Friday, May 20, 2022, as

Bee Day

in Appleton and invite you to join in the celebration of Bee Day 2022 as we highlight efforts to protect bees and enhance pollinator biodiversity in Appleton.

Signed and sealed this 10th day of May 2022.




JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, in late 1845, Amos Adams Lawrence, a Boston textiles merchant and philanthropist, would initiate the founding of an institution of learning with the vision of “improving the morals and the standard of education in [the] vicinity” of the Fox River Valley with a \$10,000 grant; and

WHEREAS, Lawrence’s commissioned representatives ultimately selected the location of Lawrence University along the “Grand Chute” of the Fox River on land purchased from the Menominee tribe, located on the ancestral homelands of the Menominee and Ho-Chunk people and home to the present-day City of Appleton; and

WHEREAS, upon selecting the site for the new institution, Henry Colman wrote Lawrence saying, “In beauty of scenery, fertility of soil, and the opportunity offered for fine farming country around the institution, it exceeds by far any other site on the river;” and

WHEREAS, chartered by the Wisconsin Territorial Legislature in 1847, the Lawrence Institute of Wisconsin – one of the first co-educational colleges in the United States – quickly became a driver of significant growth and activity in the area that would become the City of Appleton, which was named for the family of Amos Lawrence’s wife, Sarah Appleton Lawrence; and

WHEREAS, the City of Appleton and Lawrence University share an inextricable connection; neither would exist in its present form without the other, and Lawrence University has contributed to the development, culture, education, and quality of the City of Appleton in myriad ways through its comprehensive liberal arts and sciences curriculum, conservatory of music, and the extracurricular engagements of its students, faculty, and staff.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, and proud Lawrence University alumnus, do hereby proclaim Saturday, May 14, 2022, as

Lawrence University 175th Anniversary Day

in Appleton and encourage residents to celebrate the benefits of being home to the institution Amos Lawrence called “a great and good work,” and to look forward to generations of partnerships to come.



Signed and sealed this 10th day of May 2022.

JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, the week of May 15-21, 2022, marks National Police Week; and

WHEREAS, members of the Appleton Police Department play an essential role in maintaining a peaceful community and ensuring the safety and security of the people of Appleton; and

WHEREAS, the Police Officers of the City of Appleton approach their work with compassion, integrity, and courage; and

WHEREAS, the Appleton Police Department is an innovative agency that promotes leadership throughout; and

WHEREAS, the Appleton Police Department continuously and professionally provides a vital public service through its policing efforts.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, do hereby proclaim the week of May 15-21, 2022, as

Police Week

in Appleton and call upon citizens of Appleton and upon all civic organizations to observe this week with appropriate ceremonies commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their community.

Signed and sealed this 18th day of May 2022.



JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, Public Works services provided in our community are an integral part of our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of Public Works systems and services such as forestry, water, sewers, streets, storm water, engineering, parking, erosion control, equipment maintenance, building inspection, solid waste collection, sidewalks, and bike lanes; and

WHEREAS, the health, safety, and comfort of this community's residents and businesses greatly depend on these facilities and services; and

WHEREAS, the quality, safety, and effectiveness of the services, as well as the planning, design, and construction of facilities, is vitally dependent upon the efforts and skill of Public Works employees; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff Public Works departments is materially influenced by peoples' attitude and understanding of the importance of the work they perform.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, do hereby proclaim the week of May 15-21, 2022, as

Public Works Week

in Appleton and call upon citizens and civic organizations to acquaint themselves with the challenges involved in providing our Public Works services, and to recognize the contributions Public Works employees make every day to our health, safety, comfort, and quality of life.



Signed and sealed this 10th day of May 2022.

JACOB A. WOODFORD
MAYOR OF APPLETON

**COMMON COUNCIL
OF THE
CITY OF APPLETON, WISCONSIN**

May 18, 2022

Resolution No.: None

**A Resolution Authorizing and Providing for the Sale and Issuance of
\$15,530,000 General Obligation Promissory Notes, Series 2022,
and All Related Details**

RECITALS

The Common Council (the “**Governing Body**”) of the City of Appleton, Wisconsin (the “**Issuer**”) makes the following findings and determinations:

1. The Issuer needs funds to finance improvements to bridges; improvements to safety camera, asphalt, concrete, grade and gravel, sidewalk, storm water, water main, and sanitary sewer programs for the Public Works Department; improvements to municipal buildings and grounds; enterprise resource planning improvements for the IT Department; the purchase of a fire truck and landfill and snow removal equipment; and improvements to parks and public grounds (collectively, the “**Project**”).
2. The Issuer now wishes to borrow the funds needed for the Project by selling and issuing its \$15,530,000 General Obligation Promissory Notes, Series 2022 (the “**Obligations**”) pursuant to the provisions of Section 67.12 (12) of the Wisconsin Statutes.
3. The Issuer has taken all actions required by law and has the power to sell and issue the Obligations.
4. The Governing Body is adopting this resolution to sell the Obligations and provide for their issuance upon the terms and conditions set forth in this resolution.

RESOLUTIONS

The Governing Body resolves as follows:

Section 1. Definitions.

In addition to the capitalized terms defined in the recitals above, capitalized terms not otherwise defined in this resolution shall have the meanings set forth below unless the context requires another meaning.

“**Book-Entry System**” means a system in which no physical distribution of certificates representing ownership of the Obligations is made to the owners of the Obligations

but instead all outstanding Obligations are registered in the name of a securities depository appointed by the Issuer, or in the name of such a depository's nominee, and the depository and its participants record beneficial ownership and effect transfers of the Obligations electronically.

“**Code**” means the Internal Revenue Code of 1986, as amended.

“**Continuing Disclosure Agreement**” means the Continuing Disclosure Agreement, dated as of the Original Issue Date, to be executed by the Issuer and delivered on the closing date of the Obligations.

“**Debt Service Fund**” means the fund created by the Issuer pursuant to Section 67.11 of the Wisconsin Statutes to provide for the payment of debt service on its general obligations.

“**Debt Service Fund Account**” has the meaning set forth in Section 16 of this resolution.

“**Depository**” means DTC or any successor appointed by the Issuer and acting as securities depository for the Obligations.

“**Director of Finance**” means the Issuer's Director of Finance.

“**DTC**” means The Depository Trust Company, New York, New York.

“**Fiscal Agent**” means the Director of Finance, or any successor fiscal agent appointed by the Issuer to act as authentication agent, paying agent, and registrar for the Obligations pursuant to Section 67.10 (2) of the Wisconsin Statutes.

“**Governing Body**” has the meaning set forth in the recitals to this resolution.

“**Issuer**” means the City of Appleton, Wisconsin.

“**Municipal Officers**” means the Mayor and the Clerk of the Issuer. These are the officers required by law to execute general obligations on the Issuer's behalf.

“**Obligations**” means the \$15,530,000 City of Appleton, Wisconsin General Obligation Promissory Notes, Series 2022, which will be issued pursuant to this resolution.

“**Original Issue Date**” means June 15, 2022.

“**Project**” has the meaning set forth in the recitals to this resolution.

“**Purchase Agreement**” means the purchase agreement signed and presented by the Purchaser to evidence the purchase of the Obligations.

“**Purchase Price**” means \$_____, plus payment by the Purchaser on behalf of the Issuer of \$_____ for the costs of issuing the Obligations.

“**Purchaser**” means Robert W. Baird & Co. Incorporated, or a group that it leads.

“**Record Date**” means the 15th day (whether or not a business day) of the calendar month just before a regularly scheduled interest payment date for the Obligations.

“**Recording Officer**” means the Issuer’s Clerk.

“**Register**” means the register maintained by the Fiscal Agent at its designated office, in which the Fiscal Agent records:

- (i) The name and address of the registered owner of each Obligation.
- (ii) All transfers of each Obligation.

Section 2. Exhibits.

The attached exhibits are also a part of this resolution as though they were fully written out in this resolution:

- (i) *Exhibit A* — Form of Obligation.
- (ii) *Exhibit B* — Notice to Electors of Sale.

Section 3. Purposes of Borrowing; Issuance of Obligations.

The Governing Body authorizes the Obligations and orders that they be prepared, executed, and issued. The Obligations will be fully registered, negotiable, general obligation promissory notes of the Issuer in the principal amount of \$15,530,000. The Obligations will be issued pursuant to the provisions of Section 67.12(12) of the Wisconsin Statutes to pay the costs of the Project and issuing the Obligations (including, but not limited to, printing costs and fees for underwriting, financial consultants, bond counsel, fiscal agent, rating agencies, bond insurance, and registration, as applicable).

Section 4. Terms of Obligations.

The Obligations will be named “City of Appleton, Wisconsin General Obligation Promissory Notes, Series 2022.” The Obligations will be dated the Original Issue Date, even if they are actually issued or executed on another date. Each Obligation will also be dated the date on which it is authenticated by the Fiscal Agent. That date is its registration date.

The face amount of each Obligation will be \$5,000 or any multiple thereof up to the principal amount authorized for that maturity.

The Obligations will bear interest from the Original Issue Date. Interest will be due and payable on each April 1 and October 1, beginning on October 1, 2022, until the principal of the Obligations has been paid. Interest on each Obligation will be (i) computed on the basis of a 360-day year of twelve 30-day months and (ii) payable to the entity or person in whose name the Obligation is registered on the Register at the end of the day on the applicable Record Date. The Issuer and the Fiscal Agent may treat the entity or person in whose name any Obligation is registered on the Register as the absolute owner of the Obligations for all purposes whatsoever

under this resolution. The Obligations will be numbered consecutively as may be required to comply with any applicable rules or customs or as determined by the Municipal Officers executing the Obligations. The following table shows when the Obligations will mature and the rate of interest each maturity will bear:

<u>Maturity Date</u> <u>(April 1)</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2024	\$1,260,000	.00
2025	1,650,000	.00
2026	1,945,000	.00
2027	2,395,000	.00
2028	1,500,000	.00
2029	1,580,000	.00
2030	1,660,000	.00
2031	1,735,000	.00
2032	1,805,000	.00

The principal of, and interest on, the Obligations will be payable in lawful money of the United States of America.

Section 5. Fiscal Agent.

The Issuer appoints the Fiscal Agent to act as authentication agent, paying agent, and registrar for the Obligations. Among other things, the Fiscal Agent shall maintain the Register.

Section 6. Appointment of Depository.

The Issuer appoints DTC to act as securities depository for the Obligations. An authorized representative of the Issuer has previously executed a blanket issuer letter of representations with DTC on the Issuer's behalf, and the Issuer ratifies and approves that document.

Section 7. Book-Entry System.

On the date of their initial delivery, the Obligations will be registered in the name of DTC or its nominee and maintained in a Book-Entry System. If the Issuer's relationship with DTC is terminated, then the Issuer may appoint another securities depository to maintain the Book-Entry System.

If on any date the Obligations are not being maintained in a Book-Entry System, then the Issuer will do the following:

- (i) At its expense, the Issuer will prepare, authenticate, and deliver to the beneficial owners of the Obligations fully-registered, certificated Obligations in the denomination of \$5,000 or any multiple thereof in the

aggregate principal amount then outstanding. The beneficial owners will be those shown on the records of the Depository and its direct and indirect participants.

- (ii) The Issuer will appoint a fiscal agent to act as authentication agent, paying agent, and registrar for the Obligations under Section 67.10 (2) of the Wisconsin Statutes.

Section 8. Redemption.

The Obligations maturing on and after April 1, 2030 are subject to redemption before their stated maturity dates, at the Issuer's option, in whole or in part, in the order of maturity selected by the Issuer, on April 1, 2029 and on any date thereafter. The redemption price will be 100% of the principal amount redeemed, plus accrued interest to the redemption date, and no premium will be paid. If payment of an Obligation called for redemption has been made or provided for, then interest on the Obligation stops accruing on the stated redemption date. If less than all outstanding Obligations are redeemed, then the Obligations will be redeemed in \$5,000 multiples in accordance with Sections 9 and 10 hereof.

Section 9. Manner of Payment/Transfers/Redemption Notices Under Book-Entry System.

So long as the Obligations are being maintained in a Book-Entry System, the following provisions apply:

Payment. The Fiscal Agent is directed to pay the principal of, and interest on, the Obligations by wire transfer to the Depository or its nominee in accordance with the Depository's rules that are then in effect.

Transfers. The Obligations are transferable, only upon the Register and only if the Depository ceases to act as securities depository for the Obligations and the Issuer appoints a successor securities depository. If that happens, then upon the surrender of the Obligations to the Fiscal Agent, the Issuer will issue new fully registered Obligations in the same aggregate principal amount to the successor securities depository, and the Obligations will be recorded as transferred to the successor securities depository in the Register.

The Fiscal Agent will not be required to make any transfer of the Obligations (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Obligations, or (ii) with respect to any particular Obligation, after such Obligation has been called for redemption.

Partial Redemption. If less than all the Obligations of a particular maturity are to be redeemed, then the Depository and its direct and indirect participants will select the beneficial owners of the Obligations to be redeemed. If less than all the principal amount of a specific maturity is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Obligation, the Issuer will issue one or more new Obligations in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Obligations will be sent to the Depository, in the manner required by the Depository, not less than 30, and not more than 60, days prior to the proposed redemption date. A notice of optional redemption may be revoked by sending notice to the Depository, in the manner required by the Depository, not less than 15 days prior to the proposed optional redemption date.

Section 10. Manner of Payment/Transfers/Redemption Notices Not Under Book-Entry System.

If on any date the Obligations are not being maintained in a Book-Entry System, then the following provisions apply:

Payment. The Fiscal Agent will pay the principal of each Obligation upon its presentation and surrender on or after its maturity or earlier redemption date at the designated office of the Fiscal Agent, and the Fiscal Agent will pay, on each interest payment date, the interest on each Obligation by wire or other electronic funds transfer or by check of the Fiscal Agent sent by first class mail to the person or entity in whose name the Obligation is registered on the Register at the end of the day on the applicable Record Date.

Transfers. Each Obligation is transferable, only upon the Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of \$5,000 or any multiple thereof. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Obligation shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Issuer will issue one or more new fully registered Obligations in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Obligations and upon the payment of a charge sufficient to reimburse the Issuer or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Obligations (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Obligations, or (ii) with respect to any particular Obligation, after the Obligation has been called for redemption.

Partial Redemptions. If less than all the Obligations of a particular maturity are to be redeemed, then the Issuer or the Fiscal Agent will randomly select the Obligations to be redeemed. If an Obligation has been called for redemption but less than the entire principal amount thereof is redeemed, then on or after the redemption date and upon surrender of the Obligation to the Fiscal Agent, the Issuer will issue a new Obligation in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Obligations shall be sent by first class mail, not less than 30, and not more than 60, days before the redemption date to the registered owners of the Obligations to be redeemed at the respective addresses set forth in the Register. A notice of optional redemption may be revoked by sending a notice, by

first class mail, not less than 15 days prior to the proposed optional redemption date to the registered owners of the Obligations which have been called for optional redemption.

Section 11. Form of Obligations.

The Obligations shall be in substantially the form shown in Exhibit A. Omissions, insertions, or variations are permitted if they are deemed necessary or desirable and are consistent with this resolution or any supplemental resolution. The Issuer may cause the approving opinion of bond counsel to be printed or reproduced on the Obligations.

Section 12. Execution of Obligations.

The Obligations shall be signed by the persons who are the Municipal Officers on the date on which the Obligations are signed. The Obligations shall be sealed with the Issuer's corporate seal (or a facsimile), if the Issuer has one, and the Obligations shall also be authenticated by the manual signature of the Fiscal Agent.

The Obligations will be valid and binding even if before they are delivered any person whose signature appears on the Obligations is no longer living or is no longer the person authorized to sign the Obligations. In that event, the Obligations will have the same effect as if the person were living or were still the person authorized to sign the Obligations.

A facsimile signature may be used as long as at least one signature of a Municipal Officer is a manual signature or the Fiscal Agent's certificate of authentication has a manual signature. If a facsimile signature is used, then it will be treated as the officer's own signature.

Section 13. Continuing Disclosure.

The appropriate officers of the Issuer are directed to sign the Continuing Disclosure Agreement, and the Issuer agrees to comply with all its terms.

Section 14. Sale of Obligations.

The Issuer awards the sale of the Obligations to the Purchaser at the Purchase Price, plus any accrued interest from the Original Issue Date to the date of delivery of the Obligations. The Issuer approves and accepts the Purchase Agreement. The Municipal Officers are directed (i) to sign the Purchase Agreement in the Issuer's name and (ii) to take any additional actions needed to complete the sale of the Obligations.

The Municipal Officers are directed to sign the Obligations and to arrange for delivery of the Obligations to the Purchaser through the facilities of DTC in accordance with the Purchase Agreement and this resolution. The Obligations may be delivered to the Purchaser upon payment by the Purchaser of the Purchase Price, plus any accrued interest, as required by this resolution.

Unless waived by the Purchaser, the delivery of the Obligations is conditioned upon the Issuer furnishing the following items to the Purchaser:

- (i) The Obligations, together with the written, unqualified approving opinion of the law firm of Foley & Lardner LLP, bond counsel, evidencing the legality of the Obligations and that interest on the Obligations will be excluded from gross income for federal income tax purposes.
- (ii) A transcript of the proceedings relating to the issuance of the Obligations.
- (iii) A certificate showing that no litigation has been threatened or is pending that would affect the legality of the Obligations or the right of the Issuer to issue them at the time of their delivery.

Section 15. General Obligation Pledge; Tax Levy.

For the prompt payment of the principal of, and interest on, the Obligations, the Issuer irrevocably pledges its full faith and credit. The Issuer hereby levies upon all taxable property in its territory a direct, annual, and irrevocable tax in an amount sufficient to pay, and for the express purpose of paying, the interest on the Obligations as it falls due and also to pay and discharge the principal of the Obligations on their maturity dates.

This tax shall be carried from year to year into the Issuer’s tax roll. It shall be collected in addition to all other taxes and in the same manner and at the same time as all other taxes. The amount of this tax that is carried into the Issuer’s tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account available to pay debt service on the Obligations for such year. The tax for each year the levy is made will be in the following amounts:

<u>Levy Year</u>	Debt Service Amount Due in Following Year	<u>Levy Year</u>	Debt Service Amount Due in Following Year
2022	\$.00	2027	\$.00
2023	.00	2028	.00
2024	.00	2029	.00
2025	.00	2030	.00
2026	.00	2031	.00

Taking into account any accrued interest received on the date of delivery of the Obligations and any premium paid to the Issuer by the Purchaser in excess of the stated principal amount of the Obligations that has been deposited into the Debt Service Fund Account as provided in Section 16 hereof, the Issuer hereby appropriates from its tax levy made in the year 2021 an amount sufficient to pay the remaining amount, if any, needed for the interest payment coming due on

the Obligations in 2022. As a result of the foregoing, the Issuer does not need to levy a tax for the interest payment on the Obligations to be made in 2022.

Section 16. Debt Service Fund Account.

The Issuer shall create a separate account within the Debt Service Fund solely for the Obligations (the “**Debt Service Fund Account**”), which shall be maintained and administered as provided in Section 67.11 of the Wisconsin Statutes. The Director of Finance is directed to keep the proceeds of the taxes levied under this resolution, when they are collected, in the Debt Service Fund Account. Any accrued interest received on the Original Issue Date and the premium, if any, paid to the Issuer by the Purchaser in excess of the stated principal amount of the Obligations shall be deposited into the Debt Service Fund Account and used to pay interest on the Obligations. If the money in the Debt Service Fund Account is insufficient to make a payment of principal of, or interest on, the Obligations on a date on which such a payment is due, then the Issuer will promptly provide the necessary funds to make the payment from other available sources.

Section 17. Borrowed Money Fund.

The sale proceeds of the Obligations (not including any accrued interest or premium received) shall be deposited in and kept by the Director of Finance in a separate fund. The fund shall be designated with both the name of the Obligations and the name Borrowed Money Fund (the “**Borrowed Money Fund**”). Money in the Borrowed Money Fund, including any earnings, shall be (a) used to pay the costs of the Project and issuing the Obligations, or (b) transferred to the Debt Service Fund Account as provided by law.

Section 18. Official Statement.

The Issuer ratifies and approves the preliminary offering document prepared and distributed in connection with the sale of the Obligations, and the Issuer authorizes and directs the final version of such document (the “**Official Statement**”) to be prepared prior to the issuance of the Obligations; *provided, however*, that the Official Statement shall be substantially in the form submitted to this meeting, with such modifications as the Municipal Officers approve. The Municipal Officers are directed to deliver copies of the Official Statement to the Purchaser and, if the Purchaser requests, execute one or more copies on behalf of the Issuer. Execution and delivery of the Official Statement will conclusively evidence the approval of the Municipal Officers.

Section 19. Publication of Notice.

The Recording Officer is directed to publish notice that the Issuer has agreed to sell the Obligations. The notice shall be published in the Issuer’s official newspaper as a class 1 notice under Chapter 985 of the Wisconsin Statutes promptly after the execution of the Purchase Agreement. The notice shall be in substantially the form shown in Exhibit B. The Recording Officer shall obtain proof, in affidavit form, of the publication, and shall compare the notice as published with the attached form to make sure that no mistake was made in publication.

Section 20. Authorization of Officers.

The appropriate officers of the Issuer are directed to prepare and furnish the following items to the Purchaser and the attorneys approving the legality of the Obligations:

- (i) Certified copies of proceedings and records of the Issuer relating to the Obligations and to the financial condition and affairs of the Issuer.
- (ii) Other affidavits, certificates, and information that may be required to show the facts about the legality of the Obligations, as such facts appear on the books and records under the officer's custody or control or as are otherwise known to the officer.

All certified copies, affidavits, certificates, and information furnished for such purpose will be representations of the Issuer as to the facts they present.

Section 21. Tax Law Covenants.

The Issuer covenants that it will comply with all requirements of the Code and the Treasury Regulations promulgated thereunder, that must be satisfied so that interest on the Obligations will be excluded from gross income for federal income tax purposes.

Section 22. Further Authorization.

The Issuer authorizes its officers, attorneys, and other agents or employees to do all acts required of them to carry out the purposes of this resolution.

Section 23. Conflict with Prior Acts.

In case any part of a prior action of the Governing Body conflicts with this resolution, that part of the prior action is hereby rescinded.

Section 24. Severability of Invalid Provisions.

If a court holds any provision of this resolution to be illegal or invalid, then the illegality or invalidity shall not affect any other provision of this resolution.

Section 25. Effective Date.

This resolution takes effect upon its adoption and approval in the manner provided by law.

* * * * *

Adopted: May 18, 2022

Approved: May ____, 2022

Mayor

Clerk

EXHIBIT A

FORM OF OBLIGATION

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation (“DTC”), to the issuer or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

STATE OF WISCONSIN
CITY OF APPLETON

Registered

No. R-___

\$_____

GENERAL OBLIGATION PROMISSORY NOTE, SERIES 2022

<u>Interest</u> <u>Rate</u>	<u>Maturity</u> <u>Date</u>	<u>Original</u> <u>Issue Date</u>	<u>CUSIP</u>
_____%	April 1, 20__	June 15, 2022	038105 ____

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

THE CITY OF APPLETON, WISCONSIN (herein called the “**Issuer**”), hereby acknowledges itself to owe and for value received promises to pay the Principal Amount to the Registered Owner on the Maturity Date, and to pay interest on the Principal Amount from the Original Issue Date at the annual rate of the Interest Rate. Interest is due and payable on each April 1 and October 1, beginning on October 1, 2022, until the Principal Amount has been paid. Interest is computed on the basis of a 360-day year of twelve 30-day months.

This Obligation is one of a duly authorized issue of notes (the “**Obligations**”) of the Issuer of an aggregate principal amount of \$15,530,000, all of like tenor, except as to denomination, interest rate, maturity date, and redemption provisions, issued by the Issuer pursuant to the provisions of Section 67.12(12) of the Wisconsin Statutes, and is authorized by the resolution duly adopted by the governing body of the Issuer on May 18, 2022, entitled: “A Resolution Authorizing and Providing for the Sale and Issuance of \$15,530,000 General Obligation Promissory Notes, Series 2022, and All Related Details” (the “**Resolution**”). The Obligations are issuable only in the form of fully registered notes.

On the date of their initial delivery, the Obligations will be maintained in a system in which no physical distribution of certificates representing ownership of the Obligations is made to the owners of the Obligations but instead all outstanding Obligations are registered in the name of a securities depository appointed by the Issuer (a “**Depository**”), or in the name of the Depository’s nominee, and the Depository and its participants record beneficial ownership and effect transfers of the Obligations electronically (a “**Book-Entry System**”). So long as the Obligations are maintained in a Book-Entry System, then the principal of, and interest on, this Obligation will be paid by wire transfer to the Depository or its nominee in accordance with the Depository’s rules that are then in effect by the Director of Finance of the Issuer, or any successor fiscal agent appointed by the Issuer under Section 67.10 (2) of the Wisconsin Statutes (the “**Fiscal Agent**”), which will act as authentication agent, paying agent, and registrar for the Obligations.

If on any date the Obligations are *not* being maintained in a Book-Entry System, then (i) the principal of this Obligation will be paid by the Fiscal Agent upon its presentation and surrender on or after its maturity date or earlier redemption date at the designated office of the Fiscal Agent, and (ii) the interest on this Obligation will be paid by the Fiscal Agent, on each interest payment date, by wire or other electronic money transfer or by check of the Fiscal Agent sent by first class mail to the person or entity in whose name this Obligation is registered on the register (the “**Register**”) maintained by the Fiscal Agent at the end of the day on the 15th day (whether or not a business day) of the calendar month just before each regularly scheduled interest payment date (the “**Record Date**”). The Issuer and the Fiscal Agent may treat the entity or person in whose name this Obligation is registered on the Register as the absolute owner of this Obligation for all purposes.

The principal of, and interest on, this Obligation is payable in lawful money of the United States of America. For the prompt payment of the principal of and interest on this Obligation, the Issuer has irrevocably pledged its full faith and credit. The Issuer has levied upon all taxable property in its territory a direct, annual, and irrevocable tax sufficient in amount to pay, and for the express purpose of paying, the interest on this Obligation as it falls due and the principal of this Obligation on the Maturity Date.

The Obligations maturing on or after April 1, 2030 are subject to redemption before their stated maturity dates, at the Issuer’s option, in whole or in part, in the order of maturity selected by the Issuer, on April 1, 2029 and on any date thereafter. The redemption price will be 100% of the principal amount redeemed, plus accrued interest to the redemption date, and no premium will be paid. If payment of an Obligation called for redemption has been made or provided for, then interest on the Obligation stops accruing on the stated redemption date. If less than all outstanding Obligations are redeemed, then such Obligations will be redeemed in multiples of \$5,000 as set forth below.

So long as the Obligations are being maintained in a Book-Entry System, the following provisions apply:

Transfers. The Obligations are transferable, only upon the Register and only if the Depository ceases to act as securities depository for the Obligations and the Issuer appoints a successor securities depository. If that happens, then upon the

surrender of the Obligations to the Fiscal Agent, the Issuer will issue new fully registered Obligations in the same aggregate principal amount to the successor securities depository and the Obligations will be recorded as transferred to the successor securities depository in the Register.

The Fiscal Agent will not be required to make any transfer of the Obligations (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Obligations, or (ii) with respect to any particular Obligation, after such Obligation has been called for redemption.

Partial Redemption. If less than all the Obligations of a particular maturity are to be redeemed, then the Depository and its direct and indirect participants will select the beneficial owners of the Obligations to be redeemed. If less than all the principal amount of a specific maturity is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Obligation, the Issuer will issue one or more new Obligations in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Obligations will be sent to the Depository, in the manner required by the Depository, not less than 30, and not more than 60, days prior to the proposed redemption date. A notice of optional redemption may be revoked by sending notice to the Depository, in the manner required by the Depository, not less than 15 days prior to the proposed optional redemption date.

If on any date the Obligations are *not* being maintained in a Book-Entry System, then the following provisions apply:

Transfers. Each Obligation is transferable, only upon the Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of \$5,000 or any multiple thereof. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Obligation shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Issuer will issue one or more new fully registered Obligations, in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Obligations and upon the payment of a charge sufficient to reimburse the Issuer or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Obligations (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Obligations, or (ii) with respect to any particular Obligation, after such Obligation has been called for redemption.

Partial Redemption. If less than all the Obligations of a particular maturity are to be redeemed, then the Issuer or the Fiscal Agent will randomly select the Obligations to be redeemed. If an Obligation has been called for redemption but less than the entire principal amount thereof is redeemed, then on or after the redemption date and upon surrender of the Obligation to the Fiscal Agent, the Issuer will issue a new Obligation in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Obligations shall be sent by first class mail, not less than 30, and not more than 60, days before the redemption date, to the registered owners of any Obligations to be redeemed, at the respective addresses set forth in the Register. A notice of optional redemption may be revoked by sending a notice by first class mail, not less than 15 days prior to the proposed optional redemption date, to the registered owners of the Obligations which have been called for optional redemption.

The Issuer certifies, recites, and declares that all acts, conditions, and procedures required by law to exist, to have happened, and to be performed, leading up to and in the issuing of this Obligation and of the issue of which it is a part, do exist, have happened, and have been performed in regular and due form, time, and manner as required by law; that the indebtedness of the Issuer, including this Obligation and the issue of which it is a part, does not exceed any limitation, general or special, imposed by law; and that a valid, direct, annual and irrevocable tax has been levied by the Issuer sufficient to pay the interest on this Obligation when it falls due and also to pay and discharge the principal of this Obligation at maturity.

IN WITNESS WHEREOF, the Issuer, by its governing body, has caused this Obligation to be executed in its name and on its behalf by the manual or facsimile signatures of its Mayor and Clerk and to be sealed with its corporate seal (or a facsimile thereof), if any, all as of the Original Issue Date.

CITY OF APPLETON, WISCONSIN

By: _____
Mayor

[SEAL]

And: _____
Clerk

CERTIFICATE OF AUTHENTICATION

Dated: June 15, 2022

This Obligation is one of the Obligations
described in the Resolution.

By: _____
Director of Finance,
as Fiscal Agent

ASSIGNMENT

For value received, the undersigned hereby sells, assigns, and transfers unto

PLEASE INSERT SOCIAL SECURITY OR
OTHER IDENTIFYING NUMBER OF ASSIGNEE

(Please Print or Type Name and Address of Assignee)

the within-mentioned Obligation and all rights thereunder and does hereby irrevocably constitute and appoint _____ attorney-in-fact, to transfer the same on the books of the registry in the office of the Fiscal Agent, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed

NOTICE: Signatures must be guaranteed by an “eligible guarantor institution” meeting the requirements of the Fiscal Agent. Those requirements include membership or participation in the Securities Transfer Association Medallion Program (“STAMP”) or such other “signature guarantee program” as may be determined by the Fiscal Agent in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

Note: The signature to this assignment must correspond with the name as written on the face of the within Obligation in every particular, without any alteration or change. When assignment is made by a guardian, trustee, executor or administrator, an officer of a corporation, or anyone in a representative capacity, proof of the person’s authority to act must accompany this Obligation.

EXHIBIT B

NOTICE TO THE ELECTORS OF THE
CITY OF APPLETON, WISCONSIN
RELATING TO NOTE SALE

On May 18, 2022, pursuant to Section 67.12(12) of the Wisconsin Statutes, a resolution was offered, read, approved, and adopted whereby the City of Appleton, Wisconsin authorized the borrowing of money and entered into a contract to sell general obligation promissory notes in the principal amount of \$15,530,000. It is anticipated that the closing of this note financing will be held on or about June 15, 2022. A copy of all proceedings had to date with respect to the authorization and sale of said notes is on file and may be examined in the office of the City Clerk, at 100 North Appleton Street, Appleton, Wisconsin between the hours of 9:00 a.m. and 4:30 p.m. on weekdays.

This notice is given pursuant to Section 893.77 of the Wisconsin Statutes, which provides that an action or proceeding to contest the validity of such financing, for other than constitutional reasons, must be commenced within 30 days after the date of publication of this notice.

Publication Date: May ____, 2022

/s/ Kami Lynch
City Clerk

CERTIFICATIONS BY CLERK

I, Kami Lynch, certify that I am the duly qualified acting Clerk of the City of Appleton, Wisconsin (the “**Municipality**”), and as such I have in my possession, or have access to, the complete corporate records of the Municipality and of its Common Council (the “**Governing Body**”), and that attached to this certificate is a true, correct, and complete copy of the resolution (the “**Resolution**”) entitled:

**A Resolution Authorizing and Providing for the Sale and Issuance of
\$15,530,000 General Obligation Promissory Notes, Series 2022,
and All Related Details**

I further certify as follows:

1. **Meeting Date.** On May 18, 2022, a meeting of the Governing Body was held beginning at _____ p.m.
2. **Posting.** On May ____, 2022 (and not less than 24 hours prior to the meeting), I posted, or caused to be posted, at the Municipality’s offices in Appleton, Wisconsin a notice setting forth the date, time, location, and subject matter of said meeting. The notice specifically referred to the Resolution.
3. **Notification of Media.** On May ____, 2022 (and not less than 24 hours prior to the meeting), I communicated or caused to be communicated, the date, time, location, and subject matter of said meeting to those news media that have filed a written request for such notice and to the official newspaper of the Municipality, if any. The communication specifically referred to the Resolution.
4. **Open Meeting Law Compliance.** The meeting was a regular meeting of the Governing Body that was held in open session in compliance with Subchapter V of Chapter 19 of the Wisconsin Statutes and any other applicable local rules and state statutes.
5. **Members Present.** The meeting was duly called to order by the Mayor (the “**Presiding Officer**”), who chaired the meeting. Upon roll call, I noted and recorded that there were ____ members of the Governing Body present at the meeting, such number being a quorum of the Governing Body.
6. **Consideration of and Roll Call Vote on Resolution.** Various matters and business were taken up during the course of the meeting without intervention of any closed session. One of the matters taken up was the Resolution. A proper quorum of the Governing Body was present for the consideration of the Resolution, and each member of the Governing Body had received a copy of the Resolution. All rules of the Governing Body that interfered with the consideration of the Resolution, if any, were suspended by a two-thirds vote of the Governing Body. The Resolution was then introduced, moved, and seconded, and after due consideration, upon roll call, ____ of the Governing Body members voted Aye, ____ voted Nay, and ____ Abstained.

7. **Adoption of Resolution.** The Resolution was supported by the affirmative vote of a majority of a quorum of the members of the Governing Body in attendance. The Presiding Officer then declared that the Resolution was adopted, and I recorded the adoption of the Resolution.

8. **Approval of Presiding Officer.** The Resolution was approved by the Presiding Officer on May ____, 2022, and I have recorded the approval. The approval is evidenced by the signature of the Presiding Officer on the copy of the Resolution to which this certificate is attached.

9. **Publication of Notice.** I have caused the Notice to Electors, in the form of Exhibit B to the Resolution, to be published in the place specified in the Resolution.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of the Municipality, if any, on this certificate on May ____, 2022.

Clerk

[SEAL]

**COMMON COUNCIL
OF THE
CITY OF APPLETON, WISCONSIN**

May 18, 2022

Resolution No.: None

**A Resolution Authorizing and Providing for the Sale and Issuance of
\$11,460,000 Sewerage System Revenue Bonds, Series 2022,
and All Related Details**

RECITALS

The Common Council (the “**Governing Body**”) of the City of Appleton, Wisconsin (the “**Municipality**”) makes the following findings and determinations:

1. The Municipality currently owns and operates a municipal sewerage system (the “**System**”, as more fully defined below), which is a “public utility” (within the meaning of Section 66.0621 (1)(b) of the Wisconsin Statutes).

2. Under the provisions of Section 66.0621 of the Wisconsin Statutes, as amended (the “**Act**”), the Municipality may, by action of the Governing Body, provide for purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating, or managing the System, and the refunding of municipal obligations issued for such purposes, from the proceeds of obligations that are payable only from the income and revenues derived from the operation of the System.

3. On September 21, 2005, the Governing Body adopted a resolution, which was amended on October 5, 2005 (together, the “**2005 Resolution**”), authorizing the issuance of the Municipality’s \$4,735,000 Sewerage System Revenue Refunding Bonds, Series 2005, dated October 15, 2005 (the “**Series 2005 Bonds**”). The Series 2005 Bonds were retired on May 1, 2010.

4. On September 5, 2018, the Governing Body adopted a resolution (the “**2018 Resolution**”), authorizing the issuance of the Municipality’s \$5,245,000 Sewerage System Revenue Refunding Bonds, Series 2018, dated October 9, 2018 (the “**Series 2018 Bonds**”). The Series 2018 Bonds are currently outstanding in the aggregate principal amount of \$3,180,000.

5. On July 15, 2020, the Governing Body adopted a resolution (the “**2020 Resolution**”), authorizing the issuance of the Municipality’s \$10,850,000 Sewerage System Revenue Refunding Bonds, Series 2020, dated August 6, 2020 (the “**Series 2020 Bonds**”). The Series 2020 Bonds are currently outstanding in the aggregate principal amount of \$9,790,000.

6. On July 21, 2021, the Governing Body adopted a resolution (the “**2020 Resolution**”), authorizing the issuance of the Municipality’s \$8,845,000 Sewerage System

Revenue Refunding Bonds, Series 2021, dated August 11, 2021 (the “**Series 2021 Bonds**”). The Series 2021 Bonds are currently outstanding in the aggregate principal amount of \$8,435,000.

7. No other outstanding obligations are payable from the income and revenues derived from the operation of the System.

8. The Municipality needs funds to finance certain additions, extensions, and improvements to the System, including, but not limited to, construction of and improvements to sewer mains and laterals, and equipment and building improvements at the wastewater treatment facility (collectively, the “**Project**”).

9. The Governing Body wishes to finance the costs of the Project by authorizing, selling, and issuing its \$11,460,000 Sewerage System Revenue Bonds, Series 2022 (the “**Bonds**”). The Bonds will be issued pursuant to the provisions of the Act, on the terms and conditions described in this resolution, and will be secured by and payable from the income and revenues derived and to be derived from the operation of the System. The Bonds will be issued on a parity and equality of rank with the Series 2018 Bonds, the Series 2020 Bonds, and the Series 2021 Bonds (collectively, the “**Outstanding Bonds**”).

10. Section 21 of the 2005 Resolution (the “**Additional Bonds Test**”), which section is continued under each of the resolutions authorizing the issuance of the Outstanding Bonds, authorizes the issuance of additional bonds on a parity and equality of rank with the Outstanding Bonds upon compliance with the conditions set forth under the Additional Bonds Test. All conditions set forth under the Additional Bonds Test have been or will be satisfied prior to the issuance of the Bonds.

11. In accordance with the provisions of Section 66.0621 (4)(a)2 of the Wisconsin Statutes and this resolution (i) interest on the Bonds will be payable at least annually, and (ii) payment of principal of the Bonds will commence not later than 3 years after the date of issuance of the Bonds. The requirement each year to pay both principal of and interest on the Bonds will be reasonable and in accordance with prudent municipal utility management practices.

12. Robert W. Baird & Co. Incorporated (the “**Bond Purchaser**”), or a group that it represents, has offered to purchase the Bonds for \$_____, plus payment by the Bond Purchaser on behalf of the Municipality of \$_____ for the costs of issuing the Bonds (the “**Purchase Price**”).

13. The Municipality has taken all actions required by law and has the power to sell and issue the Bonds.

14. The Governing Body will adopt this resolution to sell and issue the Bonds.

RESOLUTIONS

The Governing Body resolves as follows:

Section 1. Definitions.

In addition to the capitalized terms defined in the recitals above, capitalized terms not otherwise defined in this resolution shall have the meanings set forth below unless the context requires another meaning.

“**Act**” means Section 66.0621 of the Wisconsin Statutes, as amended.

“**Bond Counsel**” means (i) as of the Original Issue Date, Foley & Lardner LLP, and (ii) after the Original Issue Date, either Foley & Lardner LLP or any other nationally recognized firm of attorneys, employed by the Municipality, experienced in municipal finance whose legal and tax opinions are generally accepted by purchasers of municipal obligations.

“**Bonds**” means the \$11,460,000 City of Appleton, Wisconsin Sewerage System Revenue Bonds, Series 2022, which will be issued pursuant to this resolution.

“**Bond Purchase Agreement**” means the purchase agreement signed and presented by the Bond Purchaser to evidence the purchase of the Bonds.

“**Bond Purchaser**” has the meaning given in the recitals to this resolution.

“**Bond Register**” means the register maintained by the Fiscal Agent at its designated office, in which the Fiscal Agent records:

- (i) the name and address of the owner of each Bond.
- (ii) all transfers of each Bond.

“**Book-Entry System**” means a system in which no physical distribution of certificates representing ownership of the Bonds is made to the owners of the Bonds but instead all outstanding Bonds are registered in the name of a securities depository appointed by the Municipality, or in the name of such a depository’s nominee, and the depository and its participants record beneficial ownership and transfers of the Bonds electronically.

“**Code**” means the Internal Revenue Code of 1986, as amended.

“**Continuing Disclosure Agreement**” means the Continuing Disclosure Agreement, dated as of the Original Issue Date, to be executed by the Municipality and delivered on the closing date of the Bonds.

“**Current Expenses**” means the reasonable and necessary cost of operating, maintaining, administering, insuring, and repairing the System as determined in accordance with generally accepted accounting principles and shall include, but not be limited to, salaries, premiums for insurance, wages, cost of materials and supplies, insurance, and audits but shall exclude allowances for depreciation, debt service on obligations of the System, tax equivalents, capital expenditures, and accumulations of reserves.

“**Depository**” means DTC or any successor appointed by the Municipality and acting as securities depository for the Bonds.

“**DTC**” means The Depository Trust Company, New York, New York.

“**Financial Officer**” means the Municipality’s Director of Finance.

“**Fiscal Agent**” means the Municipality’s Director of Finance, or any successor fiscal agent appointed by the Municipality to act as authentication agent, paying agent, and registrar for the Bonds pursuant to Section 67.10 (2) of the Wisconsin Statutes.

“**Fiscal Year**” means the twelve-month period beginning on January 1 of each year and ending on December 31 of each year. The Municipality may change the Fiscal Year of the System if the Original Purchasers consent to the change. If the Original Purchasers consent to the change, then the change will not constitute a modification, change, amendment, or alteration of this resolution for purposes of Section 24 of this resolution.

“**Governing Body**” means the Municipality’s Common Council.

“**Gross Revenues**” means the gross revenues of the System from all sources, excluding (i) customer deposits, (ii) collected taxes imposed by other governmental entities, and (iii) earnings on amounts held in the Special Redemption Fund, the Depreciation Fund, and any construction or proceeds fund created under this resolution or under a resolution authorizing the issuance of Parity Bonds.

“**Independent Consultant**” means a recognized engineer or firm of engineers or a recognized certified public accountant or firm of certified public accountants who or which is not an officer or regular employee of the Municipality or the System and who or which is not devoting substantially all of his, her or its time and efforts to the affairs of the System.

“**Minimum Reserve Amount**” means the maximum annual debt service coming due in any future year on the Bonds and Parity Bonds then outstanding.

“**Municipal Officers**” means the Mayor and Clerk of the Municipality. These are the officers required by law to execute revenue obligations on the Municipality’s behalf.

“**Municipality**” means the City of Appleton, Wisconsin.

“**Net Revenues**” means Gross Revenues after deduction of Current Expenses, plus earnings on moneys held in the Special Redemption Fund.

“**Original Issue Date**” means June 15, 2022.

“**Original Purchasers**” means the Bond Purchaser and the initial purchaser of each issue of Parity Bonds (including the Outstanding Bonds), so long as the issue of Parity Bonds remains outstanding.

“**Outstanding Bonds**” has the meaning given in the recitals to this resolution.

“**Parity Bonds**” means all other obligations payable from the revenues of the System (including the Outstanding Bonds) other than the Bonds, but issued on a parity and equality with the Bonds and the Outstanding Bonds pursuant to the restrictive provisions of the applicable sections of the Prior Resolutions and of Section 21 of this resolution.

“**Prior Resolutions**” means the 2018 Resolution, the 2020 Resolution, and the 2021 Resolution, each as defined in the recitals to this resolution.

“**Project**” has the meaning given in the recitals to this resolution.

“**Purchase Price**” has the meaning given in the recitals to this resolution.

“**Record Date**” means the 15th day (whether or not a business day) of the calendar month just before each regularly scheduled interest payment date for the Bonds.

“**Recording Officer**” means the Municipality’s Clerk.

[“**Redemption Agent**” means Associated Trust Company, National Association.]

“**Reserve Account**” means the Reserve Account of the Special Redemption Fund.

“**Special Redemption Fund**” means the fund designated as such and described in Section 18 of this resolution.

“**System**” means the sewer utility of the Municipality, which shall include all property of every nature now or hereafter owned by the Municipality for the collection, treatment, storage, metering, transmission, and disposal of domestic, industrial, and public sewage, including all improvements and extensions thereto made by the Municipality while any of the Bonds or Parity Bonds remain outstanding and including all appurtenances, contracts, leases, franchises, and other intangibles.

[“**Term Bonds**” means the Bonds maturing on May 1 in the years 20__ and 20__.]

Section 2. Exhibits.

The attached exhibits are also a part of this resolution as though they were fully written out in this resolution:

- (i) *Exhibit A* - Form of Bond.
- (ii) *Exhibit B* - Notice to Electors of Sale.

Section 3. Purposes of Borrowing; Issuance of Bonds.

The Governing Body authorizes the Bonds and orders that they be prepared, executed, and issued. The Bonds will be fully registered, negotiable, sewerage system revenue bonds of the Municipality in the aggregate principal amount of \$11,460,000. The Bonds will be issued pursuant to the Act to pay the costs of the Project, the Refunding, and issuing the Bonds

(including, but not limited to, printing costs and fees for underwriting, financial consultants, bond counsel, fiscal agent, rating agencies, bond insurance, and registration, as applicable).

Section 4. Terms of Bonds.

The Bonds will be named “City of Appleton, Wisconsin Sewerage System Revenue Bonds, Series 2022.” The Bonds will be dated the Original Issue Date, even if they are actually issued or executed on another date. Each Bond will also be dated the date on which it is authenticated by the Fiscal Agent. That date is its registration date.

The face amount of each Bond will be \$5,000 or any multiple thereof up to the principal amount authorized for that maturity.

The Bonds will bear interest from the Original Issue Date. Interest on the Bonds will be payable on each May 1 and November 1, beginning on November 1, 2022, until the principal of the Bonds has been paid. Interest on each Bond will be (i) computed on the basis of a 360-day year of twelve 30-day months and (ii) payable to the entity or person in whose name the Bond is registered on the Bond Register at the end of the day on the applicable Record Date. The Municipality and the Fiscal Agent may treat the entity or person in whose name any Bond is registered on the Bond Register as the absolute owner of the Bonds for all purposes whatsoever under this resolution. The Bonds will be numbered consecutively as may be required to comply with any applicable rules or customs or as determined by the Municipal Officers executing the Bonds.

The following table shows when the Bonds will mature and the rate of interest each maturity will bear:

<u>Principal Maturity Date (May 1)</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Principal Maturity Date (May 1)</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2023	\$355,000	.00%	2033	\$570,000	.00%
2024	375,000	.00	2034	595,000	.00
2025	395,000	.00	2035	620,000	.00
2026	415,000	.00	2036	650,000	.00
2027	435,000	.00	2037	675,000	.0
2028	460,000	.00	2038	705,000	.00
2029	480,000	.00	2039	735,000	.00
2030	505,000	.00	2040	770,000	.00
2031	525,000	.00	2041	805,000	.00
2032	550,000	.00	2042	840,000	.00

The principal of, and interest on, the Bonds will be payable in lawful money of the United States of America.

Section 5. Fiscal Agent; Redemption Agent.

The Municipality appoints the Fiscal Agent to act as authentication agent, paying agent, and registrar for the Bonds. Among other things, the Fiscal Agent shall maintain the Bond Register.

[The Municipality appoints the Redemption Agent to act as redemption agent for the Bonds, which includes giving notice of redemption on behalf of the Municipality for the Term Bonds as described in Section 8. The appropriate officers of the District are directed to enter into a redemption agent agreement with the Redemption Agent on behalf of the Municipality. Such agreement may provide for the Municipality to pay the reasonable and customary charges of the Redemption Agent for its services.]

Section 6. Appointment of Depository.

The Municipality appoints DTC to act as securities depository for the Bonds. An authorized representative of the Municipality has previously executed a blanket issuer letter of representations with DTC on the Municipality's behalf, and the Municipality ratifies and approves that document.

Section 7. Book-Entry System.

On the date of their initial delivery, the Bonds will be registered in the name of DTC or its nominee and maintained in a Book-Entry System. If the Municipality's relationship with DTC is terminated, then the Municipality may appoint another securities depository to maintain the Book-Entry System.

If on any date the Bonds are not being maintained in a Book-Entry System, then the Municipality will do the following:

- (i) At its expense, the Municipality will prepare, authenticate, and deliver to the beneficial owners of the Bonds fully-registered, certificated Bonds in the denomination of \$5,000 or any multiple thereof in the aggregate principal amount then outstanding. The beneficial owners will be those shown on the records of the Depository and its direct and indirect participants.
- (ii) The Municipality will appoint a fiscal agent to act as authentication agent, paying agent, and registrar for the Bonds under Section 67.10 (2) of the Wisconsin Statutes.

Section 8. Redemption.

The Bonds maturing on and after May 1, 2031 are subject to redemption before their stated maturity dates, at the Municipality’s option, in whole or in part, in the order of maturity selected by the Municipality, on May 1, 2030 and on any date thereafter. The redemption price will be 100% of the principal amount redeemed, plus accrued interest to the redemption date, and no premium will be paid. If payment of a Bond called for redemption has been made or provided for, then interest on the Bond stops accruing on the stated redemption date. If less than all outstanding Bonds are redeemed, then the Bonds will be redeemed in \$5,000 multiples in accordance with Sections 9 and 10 hereof[, and if a portion, but not all, of a maturity that is subject to mandatory partial redemptions by operation of a sinking fund (as described below) is being redeemed, then the Municipality will select the amounts to be redeemed on future Sinking Fund Redemption Dates (as defined below) that are reduced as a result of the partial redemption].

[The Term Bonds are also subject to mandatory partial redemptions prior to their stated maturity dates by operation of a sinking fund. On the following redemption dates (each a “**Sinking Fund Redemption Date**”), the Municipality will redeem the following principal amounts (subject to reduction as provided in the immediately preceding paragraph) of the Term Bonds:]

<u>Term Bonds Maturing May 1, 20</u>	
Sinking Fund Redemption Date (May 1)	Principal Amount To be Redeemed
_____	_____
20	\$,000
20 (Stated Maturity)	,000

Term Bonds Maturing May 1, 20

Sinking Fund Redemption Date (May 1)	Principal Amount To be Redeemed
20	\$,000
20	,000
20 (Stated Maturity)	,000

[The redemption price will be 100% of the principal amount redeemed, plus accrued interest thereon to the Sinking Fund Redemption Date, and no premium will be paid. The particular Term Bonds to be redeemed will be selected in accordance with Sections 9 and 10 hereof, and the Municipality will give notice of the redemption in the manner stated in this resolution.]

Section 9. Manner of Payment/Transfers/Redemption Notices Under Book-Entry System.

So long as the Bonds are being maintained in a Book-Entry System, the following provisions apply:

Payment. The Fiscal Agent is directed to pay the principal of, and interest on, the Bonds by wire transfer to the Depository or its nominee in accordance with the Depository's rules that are then in effect.

Transfers. The Bonds are transferable, only upon the Bond Register and only if the Depository ceases to act as securities depository for the Bonds and the Municipality appoints a successor securities depository. If that happens, then upon the surrender of the Bonds to the Fiscal Agent, the Municipality will issue new fully registered Bonds in the same aggregate principal amount to the successor securities depository, and the Bonds will be recorded as transferred to the successor securities depository in the Bond Register.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after such Bond has been called for redemption.

Partial Redemption. If less than all the principal amount of a specific maturity is to be redeemed, then the Depository and its direct and indirect participants will select the beneficial owners of the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount of a specific maturity is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds will be sent to the Depository, in the manner required by the Depository, not less than 30, and not more than 60, days prior to the proposed redemption date. A notice of optional redemption may be revoked

by sending notice to the Depository, in the manner required by the Depository, not less than 15 days prior to the proposed optional redemption date.

Section 10. Manner of Payment/Transfers/Redemption Notices Not Under Book-Entry System.

If on any date the Bonds are *not* being maintained in a Book-Entry System, then the following provisions apply:

Payment. The Fiscal Agent will pay the principal of each Bond upon its presentation and surrender on or after its maturity or earlier redemption date at the designated office of the Fiscal Agent, and the Fiscal Agent will pay, on each interest payment date, the interest on each Bond by wire or other electronic funds transfer, or by check of the Fiscal Agent sent by first class mail, to the person or entity in whose name the Bond is registered on the Bond Register at the end of the day on the applicable Record Date.

Transfers. Each Bond is transferable, only upon the Bond Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of \$5,000 or any multiple thereof. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Bond shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Municipality will issue one or more new fully registered Bonds in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Bonds and upon the payment of a charge sufficient to reimburse the Municipality or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after the Bond has been called for redemption.

Partial Redemptions. If less than all the principal amount of a specific maturity is to be redeemed, then the Municipality or the Fiscal Agent will randomly select the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount thereof is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds shall be sent by first class mail not less than 30, and not more than 60, days before the redemption date to the registered owners of the Bonds to be redeemed at the respective addresses set forth in the Bond Register. A notice of optional redemption may be revoked by sending a notice by first class mail not less than 15 days prior to the proposed optional redemption date to the registered owners of the Bonds which have been called for redemption.

Section 11. Form of Bonds.

The Bonds shall be in substantially the form shown in Exhibit A hereto. Omissions, insertions, or variations are permitted if they are deemed necessary or desirable and are consistent with this resolution or any supplemental resolution. The Municipality may cause the approving opinion of bond counsel to be printed or reproduced on the Bonds.

Section 12. Execution of Bonds.

The Bonds shall be signed by the persons who are the Municipal Officers on the date on which the Bonds are signed. The Bonds shall be sealed with the Municipality's corporate seal (or a facsimile thereof), if the Municipality has one, and the Bonds shall also be authenticated by the manual signature of the Fiscal Agent.

The Bonds will be valid and binding even if before they are delivered any person whose signature appears on the Bonds is no longer living or is no longer the person authorized to sign the Bonds. In that event, the Bonds will have the same effect as if the person were living or were still the person authorized to sign the Bonds.

A facsimile signature may be used as long as at least one signature of a Municipal Officer is a manual signature or the Fiscal Agent's certificate of authentication has a manual signature. If a facsimile signature is used, then it will be treated as the officer's own signature.

Section 13. Continuing Disclosure.

The appropriate officers of the Municipality are directed to sign the Continuing Disclosure Agreement, and the Municipality agrees to comply with all its terms.

Section 14. Payable Only From Special Redemption Fund.

The Bonds and any Parity Bonds, together with interest thereon, will be payable only out of the Special Redemption Fund as provided in the Prior Resolutions and in this resolution. The registered owners of the Bonds and any Parity Bonds will have a valid claim only against the Special Redemption Fund and the revenues pledged to such fund.

Section 15. Pledge.

The Municipality pledges sufficient revenues of the System to the Special Redemption Fund to pay the principal of and interest on the Bonds and any Parity Bonds as provided in this resolution. Such revenues will be used for no purpose other than to pay the principal of and interest on the Bonds and any Parity Bonds on the dates on which such amounts are due. The Bonds and any Parity Bonds, together with the interest thereon, shall not constitute an indebtedness of the Municipality within the meaning of any constitutional or statutory limitation or provision and shall not constitute a general obligation of the Municipality or a charge against its general credit or taxing power. The Municipality will not be liable for the payment of the principal of and interest on the Bonds, except as provided in this resolution.

Section 16. Equality of Lien.

All Bonds and any Parity Bonds, regardless of issue dates, maturity dates, or series designations, will be secured equally by the pledge of the Net Revenues of the System and all amounts in the Special Redemption Fund.

Section 17. Parity Bonds.

Except as permitted by Section 21(a) of this resolution, the Municipality will issue no bonds or other obligations payable from the revenues of the System, or enjoying a lien on the revenues or property of the System, that have a priority over the Outstanding Bonds and the Bonds with respect to their payment or security. The Municipality may issue Parity Bonds on the terms and conditions set forth in the applicable section of each Prior Resolution and Section 21 of this resolution.

Section 18. Funds and Accounts.

(a) **Funds and Accounts.**

The Municipality affirms and continues or creates, as applicable, the following funds and accounts of the System, some of which were originally created under the 2005 Resolution (collectively, the “**Funds and Accounts**”), to provide for the collection, distribution, and use of the Gross Revenues and the proceeds of the Bonds:

- (1) Sewerage System Revenue Fund (the “**Revenue Fund**”), into which the entire Gross Revenues shall be deposited as received.
- (2) Sewerage System Operation and Maintenance Fund (the “**Operation and Maintenance Fund**”), which shall be used to hold amounts expected to be used for the payment of the reasonable and necessary expenses of operating and maintaining the System, including salaries, wages, materials, supplies, and insurance, and for the purposes described in Section 19(c)(1) of this resolution.
- (3) Sewerage System Special Redemption Fund, which will be divided into the following three accounts: (i) the “**Interest and Principal Account**”, (ii) the “**Earnings Account**”, and (iii) the “**Reserve Account.**” Amounts held in the Interest and Principal Account and the Earnings Account will be used only to pay interest on and principal of the Bonds and Parity Bonds as provided in this resolution. Amounts held in the Reserve Account will be used to pay principal of or interest on the Bonds or any Parity Bonds at any time when amounts in the Interest and Principal Account and the Earnings Account are insufficient to make those payments.
- (4) Sewerage System Depreciation Fund (the “**Depreciation Fund**”), which will be used to hold amounts expected to be used to pay for repairs, replacements, extensions, or additions to the System, provided that

amounts in the Depreciation Fund can be used for any such purpose only if such amounts are not needed to make up any deficiency in the Interest and Principal Account or the Reserve Account.

- (5) Sewerage System Surplus Fund (the “**Surplus Fund**”), amounts in which will be used for the purposes described in Section 19(c)(4) of this resolution.
- (6) 2022 Sewerage System Construction Fund (the “**2022 Construction Fund**”), amounts in which will be used to pay (i) the costs of issuing of the Bonds (including fees for any bond insurance policies securing the Bonds) and the costs of the Project, or (ii) interest on the Bonds at any time when there shall be insufficient money in the Special Redemption Fund for that purpose. Any balance remaining in the 2022 Construction Fund after completion of the Project shall be transferred to the Earnings Account.

(b) **Limitation on the Use of Amounts in the Funds and Accounts.**

Amounts held in the Funds and Accounts shall be used only for the purposes described in this resolution.

(c) **Requirement to Maintain the Special Redemption Fund as a Separate Fund.**

The Special Redemption Fund shall be maintained as a separate fund in the treasury of the Municipality. The other Funds and Accounts may be combined in a single investment or bank account.

(d) **Investment of Amounts held in Funds and Accounts.**

Amounts in the Funds and Accounts may be invested in any manner permitted by the laws of Wisconsin, subject to the following limitations:

- (1) The investments in each Fund or Account shall be sold whenever necessary to provide funds for the purposes for which the Fund or Account was created.
- (2) In particular, amounts in the Reserve Account shall be invested so that sufficient funds will be available on each interest payment date for the Bonds and any Parity Bonds to make the required interest and principal payments in the event amounts in the Interest and Principal Account and the Earnings Account are insufficient to make the payments.
- (3) No investment may be purchased or retained if the purchase of the investment or its retention would cause any Bond to be an “arbitrage bond” (within the meaning of Section 148 of the Code or the Treasury Regulations promulgated thereunder).

(4) All investments held in the Funds and Accounts shall be secured to the fullest extent required by the laws of Wisconsin.

(e) **Required Transfers of Earnings on Certain Funds and Accounts.**

All income from the investment of amounts in the Special Redemption Fund shall be transferred to the Earnings Account. All income from the investment of amounts in the 2022 Construction Fund shall be retained in the 2022 Construction Fund. All income from the investment of amounts in the Depreciation Fund shall be retained in the Depreciation Fund. All income from the investment of amounts in all other Funds and Accounts shall be deposited in the Revenue Fund and regarded as revenues of the System.

(f) **Rebate Matters.**

To comply with the rebate requirements of Section 148(f) of the Code and the related Treasury Regulations:

- (1) The Municipality shall cause a determination to be made, by engaging Bond Counsel or another qualified rebate determination provider, of the amount, if any, of rebate required to be paid with respect to the Bonds to the United States Treasury at least every five years (as of the anniversary date of the issuance of the Bonds) and upon the retirement of the last Bond. The Municipality may pay reasonable compensation to the rebate determination provider for the performance of such services.
- (2) The Municipality shall make required rebate payments to the United States Treasury with respect to the Bonds at such times and in such amounts and manner as are required by the Code and the related Treasury Regulations.
- (3) The Municipality shall keep records of the rebate determinations prepared and rebate payments made until three years after the April 15th following the retirement of the last Bond.

Section 19. Application of Revenues.

(a) **Deposits to Revenue Fund and Transfers From Revenue Fund.**

Until all Bonds and Parity Bonds, if any, have been retired, or until there is on deposit in the Special Redemption Fund an amount sufficient to provide for the payment of the principal of all outstanding Bonds and Parity Bonds, if any, together with the interest thereon to maturity, the Gross Revenues shall, to the extent permitted by law, be deposited as collected in the Revenue Fund and shall be transferred from the Revenue Fund and deposited in the Operation and Maintenance Fund, the Special Redemption Fund, the Depreciation Fund and the Surplus Fund in the following order:

- (1) A sum sufficient of the money in the Revenue Fund for the purposes of the Operation and Maintenance Fund shall be deposited in the Operation and Maintenance Fund.

- (2) A sum sufficient of the money in the Revenue Fund for the purposes of the Special Redemption Fund shall be deposited in the Special Redemption Fund.
- (3) A sum sufficient of the money in the Revenue Fund for the purposes of the Depreciation Fund shall be deposited in the Depreciation Fund.
- (4) The remainder of the money in the Revenue Fund shall be deposited in the Surplus Fund.

Transfers from the Revenue Fund to the Operation and Maintenance Fund, the Special Redemption Fund, the Depreciation Fund, and the Surplus Fund shall be made in the order indicated above, at such times as are necessary to carry out the purposes of the respective funds.

(b) **Transfers to the Special Redemption Fund.**

The Governing Body intends that the amount of money deposited in the Special Redemption Fund from all sources will be sufficient to (i) pay the interest on the Bonds and any Parity Bonds as the same becomes due, (ii) retire the principal amounts of the Bonds and any Parity Bonds at maturity, and (iii) provide for any required monthly deposits to the Reserve Account.

(c) **Transfers Among Certain Funds and Accounts; Uses of Amounts in Funds and Accounts.**

Amounts deposited in the following Funds and Accounts shall be held, used or transferred as follows:

- (1) *Operation and Maintenance Fund.* Amounts deposited in the Operation and Maintenance Fund shall be used for the purposes described in Section 18(a)(2) of this resolution, unless the balance in the Operation and Maintenance Fund exceeds the estimated operating and maintenance expenses of the System for the next succeeding sixty days, in which case (i) the excess amount shall be transferred to the Special Redemption Fund to remedy any deficiency in the Special Redemption Fund or, (ii) if or to the extent that no such deficiency exists, then the remaining excess amount shall be transferred to the Surplus Fund.
- (2) *Interest and Principal Account and Earnings Account.* Amounts deposited in the Special Redemption Fund shall first be used to deposit each month into the Interest and Principal Account an amount equal to one-sixth (1/6) of the next installment of interest due on the Bonds and Parity Bonds then outstanding, plus an amount equal to one-twelfth (1/12) of the next installment of principal of the Bonds and Parity Bonds coming due, until the full amount of such installments is on deposit in the Interest and Principal Account. The deposits shall be made first from the Earnings Account until it is depleted, and all moneys in the Earnings Account will

be deemed to have been used first in payment of interest on the Bonds and Parity Bonds. Any funds remaining in the Earnings Account after each such transfer shall first be transferred to the Interest and Principal Account until there is on hand in the Interest and Principal Account an amount equal to the full amount of interest and principal coming due on the Bonds and any Parity Bonds then outstanding during the 12 months following the date of such transfer and after that either (i) be used to retire the Bonds or Parity Bonds in advance of maturity by redemption or by purchase of such bonds on the open market or an invitation and receipt of tenders of the lowest dollar price or prices obtainable, but not exceeding the lowest price at which such bonds could be redeemed on the next succeeding redemption date or (ii) be invested so as to restrict the yield thereon to avoid the Bonds or Parity Bonds being classified as "arbitrage bonds" within the meaning of Section 148 of the Code or any Treasury Regulations promulgated thereunder. Notwithstanding the foregoing, unless the Municipality is provided with an opinion of Bond Counsel that the action specified below will not adversely affect the exclusion of interest on the Bonds or the applicable issue of Parity Bonds from gross income for federal income tax purposes (i) moneys in the Earnings Account that are allocable to "proceeds" (within the meaning of Treas. Reg. § 1.148-1(b)) of the Bonds or any issue of Parity Bonds may only be deposited in the Interest and Principal Account if such moneys will be used to pay interest on or principal of the issue to which such proceeds are allocable, and (ii) no moneys that are allocable to proceeds of the Bonds or any issue of Parity Bonds may be used to pay interest on or principal of obligations that are not part of the issue to which the proceeds are allocable.

- (3) *Reserve Account.* The next available amounts in the Special Redemption Fund shall be used to make monthly transfers to the Reserve Account until there is on hand in the Reserve Account an amount equal to the Minimum Reserve Amount. Amounts in the Reserve Account shall be used whenever necessary to pay principal of or interest on the Bonds and Parity Bonds whenever the Interest and Principal Account and the Earnings Account are insufficient for that purpose. Any amounts in the Reserve Account in excess of the Minimum Reserve Amount shall be transferred to the Earnings Account. For the purpose of computing the Minimum Reserve Amount, all investments in the Reserve Account shall be valued semiannually, on each interest payment date, at then current market value. In the event that amounts are withdrawn from the Reserve Account or amounts on deposit in the Reserve Account on any valuation date are less than the Minimum Reserve Amount, the Municipality, from revenues of the System, shall restore any amounts so withdrawn or any shortfall so that 12 months following such withdrawal or shortfall the amount on deposit in the Reserve Account equals the Minimum Reserve Amount. If, 12 months following any withdrawal from the Reserve Account, the amount on deposit in the Reserve Account is less than the Minimum

Reserve Amount, then the Financial Officer shall certify to the Governing Body the amount necessary to restore the Reserve Account to the Minimum Reserve Amount. Recognizing its moral obligation to do so, the Governing Body expresses its expectation and aspiration that, if presented with such a certification, it will make an appropriation of funds sufficient to restore the Reserve Account to the Minimum Reserve Amount. The Governing Body determines that the System and any appropriation of funds pursuant to this moral obligation pledge serves a public purpose by safeguarding the health and welfare of its citizens.

- (4) *Surplus Fund.* Amounts in the Surplus Fund shall first be used whenever necessary to pay principal of or interest on the Bonds and Parity Bonds when the Special Redemption Fund is insufficient for that purpose, and thereafter to remedy any deficiency in any of the Funds or Accounts, or if at the close of any Fiscal Year there is no such deficiency, then such amounts may be disbursed as follows:
- (i) to retire Bonds or Parity Bonds in advance of maturity by redemption or by purchase of such bonds on the open market or an invitation and receipt of tenders at the lowest dollar price or prices obtainable, but not exceeding the lowest price at which such bonds could be redeemed on the next succeeding redemption date; or
 - (ii) to rebate payments made by customers of the System pursuant to any plan adopted by the Governing Body of the Municipality; or
 - (iii) to the general fund of the Municipality.

All transfers and deposits within any Fund or Account or to any other Fund or Account required or permitted by this section shall be made at such times as are necessary to carry out the purposes of the applicable Fund or Account.

Section 20. Agreements and Covenants Regarding the Operation of the System.

The Municipality agrees and covenants with each and every registered owner of the Bonds and Parity Bonds as follows:

- (a) The reasonable cost and value of any service rendered to the Municipality by the System by furnishing utility services, including, but not limited to, fire, police, safety, and health protection, will, to the extent permitted by law, be charged against the Municipality and be paid by it monthly as the service accrues out of the current revenues of the Municipality collected or in process of collection, but not from Gross Revenues, and, if necessary, out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses.

- (b) The Municipality will faithfully and punctually perform all duties concerning the System required by the constitution and statutes of the State of Wisconsin, including the making and collecting of reasonable, lawful, and sufficient rates for services rendered by the System and the segregation and application of the revenues of the System as provided in this resolution.
- (c) The Municipality will not sell, lease, or in any manner dispose of all or any part of the System, or any additions or extensions that may be made to the System, until all Bonds and Parity Bonds have been paid in full, both principal and interest, or until provision has been made for the payment in full of all Bonds and Parity Bonds, both principal and interest, unless the property to be sold, leased or otherwise disposed of has been found by the Governing Body not to be necessary or useful in the operation of the System. The proceeds received from any sale, lease, or disposal of any such property of the System shall be paid into (i) the Earnings Account of the Special Redemption Fund, if the property sold was acquired or improved with proceeds of the Bonds or any Parity Bonds that are tax-exempt obligations, or (ii) the Revenue Fund, in all other cases but shall not be permitted to reduce the amount otherwise required to be paid into said funds.
- (d) The Municipality will: (i) operate and maintain the System in good condition; (ii) charge and collect such lawfully established rates and charges for the service rendered by the System so that the Gross Revenues of the System will be sufficient to make the payments into the Funds and Accounts created or continued by this resolution and provide for Net Revenues at least equal to 1.20 times the highest combined annual interest and principal requirements on all Bonds and Parity Bonds then outstanding; and (iii) promptly take such actions as are necessary to adopt and enforce increased rates whenever such increase shall be necessary to fulfill any covenant of this resolution.
- (e) The Municipality will keep proper books and accounts relating to the System separate from all other records of the Municipality and will cause such books and accounts to be audited annually by a recognized independent firm of certified public accountants and will make available to the owners of any of the Bonds or Parity Bonds the latest balance sheet and the profit and loss statement of the System as certified by such accountants. The registered owners of any Bonds or Parity Bonds will have the right to inspect the System and the records, accounts and data of the Municipality relating to the System at all reasonable times. Each audit of the books and accounts of the System, in addition to whatever matters may be thought proper by the accountants to be included therein, shall include the following: (i) a statement in detail of the revenues and expenditures of the System for the Fiscal Year; (ii) a statement of the Net Revenues as herein defined for the Fiscal Year; (iii) a balance sheet as of

the end of the Fiscal Year; (iv) the accountants' comment regarding the manner in which the Municipality has carried out the requirements of this resolution and the accountants' recommendation for any changes or improvements in the operation of the System; (v) a list of the insurance policies in force at the end of the Fiscal Year setting out as to each policy the amount of the policy, the risks covered, the name of the insurer and the expiration date of the policy; and (vi) the number and types of connections at the end of the Fiscal Year.

- (f) The Municipality will carry, for the benefit of the registered owners of the Bonds and Parity Bonds, insurance of a kind and in such amounts as would usually be carried by private companies or other public bodies engaged in operating a similar utility system. All amounts received for losses under any of such insurance policies, except public liability, shall be used in repairing the damage or in replacing the property destroyed, unless the Governing Body finds that it is not advisable to repair such damage or replace such property and that the operation of the System will not be impaired if such property is not repaired or such property is not replaced, in which case such amounts shall be deposited in the Earnings Account, provided that any amounts deposited in the Earnings Account shall not reduce the amounts otherwise required to be paid into the Special Redemption Fund.
- (g) The Municipality will grant no franchise for the operation of another System (or any part thereof) within the geographic limits of the Municipality, unless the denial of such franchise would be in violation of any law.
- (h) The Municipality will by resolution of its Governing Body require all buildings in the Municipality used for human habitation and located adjacent to service from the System, or located in a block through which service from the System extends, to be connected with service from the System.
- (i) The Municipality will not enter into any contract with any person or persons which would cause any Outstanding Bonds, that were issued with the intent that interest on the issue would be excluded from gross income for federal income tax purposes, or Bonds to become "private activity bonds," within the meaning of Section 141(a) of the Code or any Treasury Regulations promulgated thereunder.
- (j) The Municipality will comply with all requirements of the Code that shall be satisfied subsequent to the issuance of the Bonds in order that interest thereon be (or continue to be) excluded from gross income for federal income tax purposes, including, but not limited to, the rebate requirements set forth in the Code and the Treasury Regulations. The Municipality will

comply with the provisions of the Tax Certificate delivered in connection with the issuance of the Bonds relating to these requirements.

Section 21. Additional Bonds.

The Municipality will issue no notes, bonds, or any other obligations of any kind or nature payable from or enjoying a lien on the Gross Revenues, the Special Redemption Fund or properties of the System on a parity with or having a priority over the Outstanding Bonds or the Bonds, except as provided in this Section:

- (a) Notes (including bond anticipation notes) or bonds may be issued having a priority over the Bonds and Parity Bonds if either (i) such notes or bonds are issued, wholly or in part, for the purpose of paying, and will provide an amount sufficient, together with the earnings thereon and all other funds legally available therefor to pay, the entire principal of and all interest on the Bonds and Parity Bonds to their maturity or early redemption; or (ii) immediately upon the issuance of such notes or bonds, the Municipality has discharged all Bonds and Parity Bonds in the manner provided in Section 23 of this resolution.
- (b) Additional notes (including bond anticipation notes) or bonds may be issued on a parity with the Bonds and Parity Bonds if such notes or bonds are issued for the purpose of refunding any of the Bonds or Parity Bonds which either (i) have matured or (ii) will mature not later than 90 days after the date of delivery of such refunding notes or bonds if there is insufficient amounts in the Special Redemption Fund to provide for the required payments.
- (c) Additional notes (including bond anticipation notes) or bonds may be issued on a parity with the Bonds and Parity Bonds if all of the following conditions have been satisfied:
 - (1) Either (A) the Net Revenues of the System for the last completed Fiscal Year were at least 1.20 times the highest combined annual interest and principal requirements on all bonds and notes then outstanding payable from the Gross Revenues of the System (other than bonds being refunded) and the bonds or notes so proposed to be issued for any succeeding Bond Year in which there will be a principal maturity on such outstanding bonds or notes; provided, however, that if, prior to the authorization of such additional bonds or notes, the Municipality has adopted and put into effect a revised schedule of rates, then the Net Revenues of the System for the last completed Fiscal Year which would, in the written opinion of an Independent Consultant employed for that purpose, have resulted from such rates had they been in effect for such period, may be used in lieu of the actual net income for the last completed Fiscal Year; or (B) the need for such financing is evidenced by a certificate or certificates of an Independent Consultant with recognized expertise in utility ratemaking

before the Public Service Commission of Wisconsin employed for that purpose, giving a detailed description of the proposed projects to be financed, an estimate of the cost of the proposed projects including proposed capitalized interest, if any, and an estimate of the time of completion of the proposed projects, and showing the feasibility of such financing with reference to projected Net Revenues based on rates and charges projected to be in effect upon completion of such projects; provided, that such feasibility shall not be deemed shown unless the projected Net Revenues for each of the two full Fiscal Years next succeeding the estimated date of completion of such projects shall be equal to at least equal to 1.20 times the highest combined annual interest and principal requirements on all bonds and notes then outstanding payable from the Gross Revenues of the System (other than bonds being refunded) and the bonds or notes so proposed to be issued for any succeeding Fiscal Year in which there shall be a principal maturity on such outstanding bonds or notes. For purposes of this subsection, actual Net Revenues for any Fiscal Year will be the Net Revenues shown in the audit of the System's books and accounts for the Fiscal Year required by Section 20(e) of this resolution.

- (2) The payments required to be made into the Funds and Accounts created or continued pursuant to Section 18 of this resolution shall be current.
- (3) There shall be on hand in the Reserve Account, immediately upon the issuance of such additional bonds or notes, an amount not less than the Minimum Reserve Amount.
- (4) The additional bonds or notes shall be payable as to principal on May 1 of each year and as to interest on May 1 and November 1 of each year.
- (5) The proceeds of the additional bonds or notes shall be used solely to refund Bonds or Parity Bonds, or to provide for purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating, or managing the System.

In the case of bond anticipation notes, the provisions of the Act shall govern with respect to all matters relating to the lien and sources of payment of such notes.

Section 22. Resolution a Contract; Remedies of Bondholders.

The provisions of this resolution constitute a contract between the Municipality and the registered owners of the Bonds. After the issuance of the Bonds no change or alteration in the provisions of this resolution may be made, except as provided in Section 24 of this resolution and in the definition of "Fiscal Year" in Section 1 of this resolution, until all Bonds have been paid in full as to both principal and interest.

The registered owners of any of the Bonds will have the right, in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to

enforce their rights against the Municipality, the Governing Body, and any and all officers and agents thereof, including, but not limited to, the right to require the Municipality, the Governing Body, and any other authorized body to fix and collect rates and charges fully adequate to carry out all provisions and agreements contained in this resolution, and the right to have a receiver appointed for the System in the event of a default in the payment of principal of or interest on the Bonds.

Section 23. Discharge and Satisfaction of Bonds and Covenants.

The agreements, covenants, liens and pledges entered into, created, or imposed pursuant to this resolution may be fully discharged and satisfied with respect to any or all of the Bonds in any one or more of the following ways:

- (a) By paying the Bonds when they become due and payable, or upon their prior redemption in the manner provided in this resolution;
- (b) By depositing with the appropriate fiscal agent(s) for the Bonds funds in the amount necessary, without consideration of any reinvestment thereof, to pay the principal of and interest on the Bonds until their maturity or earlier redemption; provided that if the Bonds are to be redeemed prior to their stated maturities, then (i) the Bonds shall have been irrevocably called for redemption by the Governing Body, and (ii) provision shall have been made for the required notice of the redemption in the manner provided in this resolution; or
- (c) By depositing with a trustee or an escrow agent, in trust for such purpose, on or before the date of maturity or redemption, money or direct obligations of, or obligations the principal of and interest on which are fully guaranteed by the United States of America, in such amount as, together with the income or increment to accrue thereon without consideration of any reinvestment thereof, will be fully sufficient to pay or redeem (when redeemable) the Bonds at or before their respective maturity dates; *provided, that* if a Bond is to be redeemed prior to its stated maturity date, then (i) the Bond shall have been irrevocably called for redemption by the Governing Body, and (ii) provision shall have been made for the required notice of the redemption in the manner provided in this resolution; *provided, further,* that any such deposit can only be made if the deposit will not adversely affect the exclusion of interest on the Bonds from gross income of the owners thereof for federal income tax purposes.

Upon a payment or a deposit of money or investments in the amount and manner required by this section, all liability of the Municipality with respect to the relevant Bonds will cease, determine, and be completely discharged, and the registered owners of any Bonds that are not then retired will be entitled only to payment out of the money and investments deposited as required by this section.

Section 24. Amendment of Resolution.

Amendment Without the Consent of the Owners. This resolution may be amended from time to time without the consent of the registered owners of the Bonds to make any change that does not adversely affect the registered owners of the Bonds, including, without limitation, to cure any ambiguities, inconsistencies, or typographical errors that may be contained in this resolution.

Amendment With the Consent of the Owners. This resolution may also be amended from time to time with the written consent of the registered owners of not less than two-thirds in outstanding principal amount of the Bonds and any Parity Bonds (not including any Bonds or Parity Bonds that are held or owned by or for the account of the Municipality) if such amendment affects the owners of any Parity Bonds; however this resolution may be amended only with the unanimous written consent of:

- (a) The registered owners of the Bonds (not including any Bonds that are held or owned by or for the account of the Municipality):
 - (i) To make any change in the stated maturity date of or interest rate on any Bond; to modify the terms of payment of principal of or interest on any Bond; or to impose any conditions with respect to payment of principal of or interest on any Bond;
 - (ii) To materially affect the rights of the owners of less than all Bonds then outstanding; or
 - (iii) To reduce the required outstanding principal amount of the Bonds for which consent shall be given to effect any future amendments to this resolution; and
- (b) The registered owners of any series of Parity Bonds (not including any Parity Bonds of the series that are held or owned by or for the account of the Municipality):
 - (i) To make any change in the stated maturity date of or interest rate on any Parity Bond of the series; to modify the terms of payment of principal of or interest on any Parity Bond of the series; or to impose any conditions with respect to payment of principal of or interest on any Parity Bond of the series;
 - (ii) To materially affect the rights of the owners of less than all Parity Bonds of the series then outstanding; or
 - (iii) To reduce the required outstanding principal amount of Parity Bonds of the series for which consent shall be given to effect any future amendments to this resolution.

Notice. If the Municipality proposes to amend this resolution under any provision of this section, then the Municipality shall cause notice of the proposed amendment (the “**Amendment Notice**”) and, if consent is required, a form of consent to the proposed amendment (the “**Consent**”) to be (i) sent by certified mail to all registered owners of the Bonds and, if appropriate, any Parity Bonds, and (ii) filed with the Bond Purchaser. The Amendment Notice shall briefly describe the nature of the proposed amendment and shall state that a copy of the proposed amendment is on file for public inspection in the office of the Recording Officer. The Consent shall refer to the proposed amendment, specifically evidence consent to and approval of the proposed amendment, and be dated by the owner of the Bonds and, if appropriate, any Parity Bonds, upon execution of the Consent. The Amendment Notice and Consent may be one instrument.

If, on any date prior to one year after the date of the sending of the Amendment Notice and Consent, the Recording Officer receives Consents executed by the owners of the Bonds and Parity Bonds owning not less than the required outstanding principal amount to approve the amendment, then the Governing Body may adopt a resolution effecting the proposed amendment and, upon the adoption of the resolution effecting the proposed amendment, the proposed amendment will become effective and binding upon the registered owners of all of the Bonds and any Parity Bonds issued after the Bonds.

Any Consent given by the registered owner of a Bond or Parity Bond pursuant to the provisions of this section will be irrevocable for a period of six months from the date of the Consent and will be conclusive and binding upon all future registered owners of the same Bonds or Parity Bonds during the six-month period. A Consent may be revoked on any date after the six-month period by the registered owner who gave the Consent or by a successor in title by filing notice of such revocation with the Recording Officer; provided that a revocation will not be effective if the Recording Officer has already received Consents from registered owners of the Bonds and Parity Bonds owning not less than the required outstanding principal amount to approve the amendment, evidencing their consent to and approval of the proposed amendment that was the subject of the Consent.

Section 25. Sale of Bonds.

The Municipality awards the sale of the Bonds to the Bond Purchaser at the Purchase Price, plus any accrued interest from the Original Issue Date to the date of delivery of the Bonds. The Municipality approves and accepts the Bond Purchase Agreement. The Municipal Officers are directed (i) to sign the Bond Purchase Agreement in the Municipality’s name and (ii) to take any additional actions needed to complete the sale of the Bonds, including arranging for a specific date, time, and location of closing of the sale.

The Municipal Officers are directed to sign the Bonds and to deliver the Bonds to the Bond Purchaser through the facilities of DTC in accordance with the Bond Purchase Agreement and this resolution. The Bonds may be delivered to the Bond Purchaser upon payment by the Bond Purchaser of the Purchase Price, plus any accrued interest, as required by this resolution.

Unless waived by the Bond Purchaser, the delivery of the Bonds is conditioned upon the Municipality furnishing the following items to the Bond Purchaser:

- (a) The Bonds, together with the written, unqualified approving opinion of Bond Counsel, evidencing the legality of the Bonds and that interest on the Bonds will be excluded from gross income for federal income tax purposes.
- (b) A transcript of the proceedings relating to the issuance of the Bonds.
- (c) A certificate showing that no litigation has been threatened or is pending that would affect the legality of the Bonds or the right of the Municipality to issue them at the time of their delivery.

Section 26. Disposition of Bond Proceeds; Transfers.

The proceeds from the sale of the Bonds shall be disbursed as follows:

- (a) Any accrued interest shall be deposited into the Interest and Principal Account of the Special Redemption Fund.
- (b) \$_____ of the sale proceeds of the Bonds shall be deposited in the Reserve Account of the Special Redemption Fund.
- (c) The remaining proceeds from the sale of the Bonds shall be deposited into the 2022 Construction Fund and used as described in Section 18(a)(6).

Section 27. Official Statement.

The Municipality ratifies and approves the preliminary offering document prepared and distributed in connection with the sale of the Bonds, and the Municipality authorizes and directs the final version of such document (the “**Official Statement**”) to be prepared and distributed prior to the issuance of the Bonds; *provided, however*, that the Official Statement shall be substantially in the form submitted to this meeting, with such modifications as the Municipal Officers approve. The Municipal Officers are directed to deliver copies of the Official Statement to the Bond Purchaser and, if the Bond Purchaser requests, execute one or more copies on behalf of the Municipality. Execution and delivery of the Official Statement will conclusively evidence the approval of the Municipal Officers.

Section 28. Publication of Notice.

The Recording Officer is directed to publish notice that the Municipality has agreed to sell the Bonds. The notice shall be published in the Municipality’s official newspaper as a class 1 notice under Chapter 985 of the Wisconsin Statutes promptly after the execution of the Bond Purchase Agreement. The notice shall be in substantially the form shown in Exhibit B hereto. The Recording Officer shall obtain proof, in affidavit form, of the publication and shall compare the notice as published with the attached form to make sure that no mistake was made in publication.

Section 29. Authorization of Officers.

The appropriate officers of the Municipality are directed to prepare and furnish the following items to the Bond Purchaser and the attorneys approving the legality of the Bonds:

- (i) Certified copies of proceedings and records of the Municipality relating to the Bonds and to the financial condition and affairs of the Municipality.
- (ii) Other affidavits, certificates, and information as may be required to show the facts about the legality of the Bonds as such facts appear on the books and records under the officer's custody or control or as are otherwise known to the officer.

All certified copies, affidavits, certificates, and information furnished for such purpose are representations of the Municipality as to the facts they present.

Section 30. Tax Law Covenants.

The Municipality covenants that it will comply with all requirements of the Code, and the Treasury Regulations promulgated thereunder, that shall be satisfied so that interest on the Bonds will be excluded from gross income for federal income tax purposes.

Section 31. Further Authorization.

The Municipality authorizes its officers, attorneys, and other agents or employees to do all acts required of them to carry out the purposes of this resolution.

Section 32. Conflict with Prior Acts.

In case any part of a prior action of the Governing Body conflicts with this resolution, that part of the prior action is hereby rescinded, except that this section shall not be interpreted as rescinding any part of the Prior Resolutions.

Section 33. Severability of Invalid Provisions.

If a court holds any provision of this resolution to be illegal or invalid, then the illegality or invalidity shall not affect any other provision of this resolution.

Section 34. Effective Date.

This resolution takes effect upon its adoption and approval in the manner provided by law.

* * * * *

Adopted: May 18, 2022

Approved: May __, 2022

Mayor

Clerk

EXHIBIT A
FORM OF BOND

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation (“DTC”), to the issuer or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA
STATE OF WISCONSIN
CITY OF APPLETON

No. R- _____ Registered
\$ _____

SEWERAGE SYSTEM REVENUE BOND, SERIES 2022

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Original Issue Date</u>	<u>CUSIP</u>
_____ %	May 1, 20__	June 15, 2022	038132 ____

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

THE CITY OF APPLETON, WISCONSIN (herein called the “**Municipality**”) hereby acknowledges itself to owe and for value received promises to pay the Principal Amount to the Registered Owner, only from the income and revenues hereinafter specified, on the Maturity Date, and interest on the Principal Amount from the Original Issue Date at the annual rate of the Interest Rate. Interest is payable on each May 1 and November 1, beginning on November 1, 2022, until the Principal Amount has been paid. Interest is computed on the basis of a 360-day year of twelve 30-day months.

This Bond is one of a duly authorized issue of revenue bonds (the “**Bonds**”) of the Municipality of an aggregate principal amount of \$,000, all of like tenor, except as to denomination, interest rate, maturity date, and redemption provisions, issued by the Municipality pursuant to Article XI, Section 3 of the Wisconsin Constitution and Section 66.0621 of the Wisconsin Statutes, and acts supplementary thereto.

This Bond, together with interest hereon, is payable in lawful money of the United States of America, together with the Municipality’s outstanding (i) \$5,245,000 Sewerage System Revenue Refunding Bonds, Series 2018, dated October 9, 2018, (ii) \$10,850,000

Sewerage System Revenue Refunding Bonds, Series 2020, dated August 6, 2020, and (iii) \$8,845,000 Sewerage System Revenue Refunding Bonds, Series 2021, dated August 11, 2021 (collectively, the “**Outstanding Bonds**”), only from the income and revenues to be derived from the operation of the Municipality’s sewer utility (the “**System**”) and set aside in the “Sewerage System Special Redemption Fund,” which was created by a resolution adopted by the governing body of the Municipality on September 21, 2005, and affirmed and continued by subsequent resolutions, including a resolution adopted by the governing body of the Municipality on May 18, 2022 (the “**2022 Resolution**”). The 2022 Resolution is entitled “A Resolution Authorizing and Providing for the Sale and Issuance of \$11,460,000 Sewerage System Revenue Bonds, Series 2022 and All Related Details”. Reference is hereby made to the 2022 Resolution for a more complete statement of the revenues from which and conditions under which this Bond is payable, the provisions pursuant to which this Bond has been issued, and the conditions under which bonds may hereafter be issued on a parity with this Bond. The Bonds rank on a parity with the Outstanding Bonds. This Bond does not constitute an indebtedness of the Municipality within the meaning of any constitutional or statutory limitation or provision.

This Bond is a valid claim of the registered owner hereof only against the Sewerage System Special Redemption Fund and the revenues of the System pledged to the Sewerage System Special Redemption Fund. Sufficient revenues of the System have been pledged to the Sewerage System Special Redemption Fund and will be used for no other purpose than to pay the principal of and interest on the Bonds and all other obligations payable from the revenues of the System (including the Outstanding Bonds) that are issued on a parity and equality with the Bonds and the Outstanding Bonds, as the same becomes due.

On the date of their initial delivery, the Bonds will be maintained in a system in which no physical distribution of certificates representing ownership of the Bonds is made to the owners of the Bonds but instead all outstanding Bonds are registered in the name of a securities depository appointed by the Municipality (a “**Depository**”), or in the name of the Depository’s nominee, and the Depository and its participants record beneficial ownership and effect transfers of the Bonds electronically (a “**Book-Entry System**”). So long as the Bonds are maintained in a Book-Entry System, the principal of, and interest on, this Bond will be paid by wire transfer to the Depository or its nominee in accordance with the Depository’s rules that are then in effect by the Director of Finance of the Municipality or any successor fiscal agent appointed by the Municipality (hereinafter, the “**Fiscal Agent**”), which will act as authentication agent, paying agent, and registrar for the Bonds.

If on any date the Bonds are *not* being maintained in a Book-Entry System, then (i) the principal of this Bond will be paid by the Fiscal Agent upon its presentation and surrender on or after its maturity date or prior redemption date at the designated office of the Fiscal Agent, and (ii) the interest on this Bond will be paid by the Fiscal Agent, on each interest payment date, by wire or other electronic funds transfer, or by check of the Fiscal Agent sent by first class mail to the person or entity in whose name this Bond is registered in the register (the “**Register**”) maintained by the Fiscal Agent at the end of the day on the 15th day (whether or not a business day) of the calendar month just before each regularly scheduled interest payment date (the “**Record Date**”). The Municipality and the Fiscal Agent may treat the entity or person in whose name this Bond is registered on the Register as the absolute owner of this Bond for all purposes.

The Bonds maturing on or after May 1, 2031 are subject to redemption prior to their stated maturity dates, at the Municipality’s option, in whole or in part, in the order of maturity selected by the Municipality, on May 1, 2030 and on any date thereafter. The redemption price will be 100% of the principal amount redeemed plus accrued interest to the redemption date, and no premium will be paid. If payment of a Bond called for redemption has been made or provided for, then interest on the Bond stops accruing on the stated redemption date. If less than all outstanding Bonds are redeemed, then the Bonds will be redeemed in \$5,000 multiples as described below[, and if a portion, but not all, of a maturity that is subject to mandatory partial redemptions by operation of a sinking fund (as described below) is being redeemed, then the Municipality will select the amounts to be redeemed on future Sinking Fund Redemption Dates (as defined below) that are reduced as a result of the partial redemption].

[The Bonds maturing on May 1 in the years 20__ and 20__ (the “**Term Bonds**”) are also subject to mandatory partial redemptions prior to their stated maturity dates, by operation of a sinking fund. On the following redemption dates (each a “**Sinking Fund Redemption Date**”) the Municipality will redeem the following principal amounts (subject to reduction as provided in the immediately preceding paragraph) of the Term Bonds:]

Term Bonds Maturing May 1, 20

Sinking Fund Redemption Date (May 1)	Principal Amount To be Redeemed
20	\$,000
20 (Stated Maturity)	,000

Term Bonds Maturing May 1, 20

Sinking Fund Redemption Date (May 1)	Principal Amount To be Redeemed
20	\$,000
204	,000
20 (Stated Maturity)	,000

[The redemption price will be 100% of the principal amount so redeemed, plus accrued interest thereon to the Sinking Fund Redemption Date, and no premium will be paid. The particular Term Bonds to be redeemed will be selected in the manner described below, and the Municipality will give notice of the redemption in the manner described below.]

So long as the Bonds are being maintained in a Book-Entry System, the following provisions apply:

Transfers. The Bonds are transferable, only upon the Register and only if the Depository ceases to act as securities depository for the Bonds and the Municipality appoints a successor securities depository. If that happens, then upon the surrender of the Bonds to the Fiscal Agent, the Municipality will issue new fully registered Bonds in the same aggregate principal amounts to the successor securities depository and the Bonds will be recorded as transferred to the successor securities depository in the Register.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after such Bond has been called for redemption.

Partial Redemption. If less than all the principal amount of a specific maturity is to be redeemed, then the Depository and its direct and indirect participants will select the beneficial owners of the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount of a specific maturity is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds will be sent to the Depository, in the manner required by the Depository, not less than 30, and not more than 60, days prior to the proposed redemption date. A notice of optional redemption may be revoked by sending notice to the Depository, in the manner required by the Depository, not less than 15 days prior to the proposed optional redemption date.

If on any date the Bonds are not being maintained in a Book-Entry System, then the following provisions apply:

Transfers. Each Bond is transferable, only upon the Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of \$5,000 or any multiple thereof. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Bond shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Municipality will issue one or more new fully registered Bonds, in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Bonds and upon the payment of a charge sufficient to reimburse the Municipality or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after such Bond has been called for redemption.

Partial Redemption. If less than all the principal amount of a specific maturity is to be redeemed, then the Municipality or the Fiscal Agent will randomly select the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount thereof is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds shall be sent by first class mail not less than 30, and not more than 60, days before the redemption date to the registered owners of any Bonds to be redeemed, at the respective addresses set forth in the Register. A notice of optional redemption may be revoked by sending a notice by first class mail not less than 15 days prior to the proposed optional redemption date to the registered owners of the Bonds which have been called for redemption.

The Municipality certifies, recites, and declares that all acts, conditions, and procedures required by law to exist, to have happened, and to be performed, leading up to and in the issuing of this Bond and of the issue of which it is a part, do exist, have happened, and have been performed in regular and due form, time, and manner as required by law; and that a sufficient amount of the income and revenue to be received by the Municipality from the operation of the System has been pledged to and will be set aside into a special fund for the payment of the principal of, and interest on, this Bond.

IN WITNESS WHEREOF, the Municipality, by its governing body, has caused this Bond to be executed in its name and on its behalf by the manual or facsimile signatures of its Mayor and Clerk, and to be sealed with its corporate seal (or a facsimile thereof), if any, all as of the Original Issue Date.

CITY OF APPLETON, WISCONSIN

By: _____
Mayor

[SEAL]

And: _____
Clerk

CERTIFICATE OF AUTHENTICATION:

Dated: June 15, 2022

This Bond is one of the Bonds described in the within-mentioned Resolution.

Director of Finance, as Fiscal Agent

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY OR
OTHER IDENTIFYING NUMBER OF ASSIGNEE

(Please Print or Type Name and Address of Assignee)

the within-mentioned Bond and all rights thereunder and does hereby irrevocably constitute and appoint _____ attorney-in-fact, to transfer the same on the books of the registry in the office of the Fiscal Agent, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed

NOTICE: Signatures must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Fiscal Agent, which requirements include membership or participation in the Securities Transfer Association Medallion Program ("STAMP") or such other "signature guarantee program" as may be determined by the Fiscal Agent in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

Note: The signature to this assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration or enlargement or change whatsoever. When assignment is made by a guardian, trustee, executor or administrator, an officer of a corporation, or anyone in a representative capacity, proof of such person's authority to act must accompany this Bond.

EXHIBIT B

NOTICE TO THE ELECTORS OF THE
CITY OF APPLETON, WISCONSIN
RELATING TO
SEWERAGE SYSTEM REVENUE BOND SALE

On May 18, 2022, pursuant to Section 66.0621 of the Wisconsin Statutes, a resolution was offered, read, approved and adopted whereby the City of Appleton, Wisconsin authorized the borrowing of money and entered into a contract to sell sewerage system revenue bonds in the principal amount of \$11,460,000. It is anticipated that the closing of this bond financing will be held on or about June 15, 2022. A copy of all proceedings had to date with respect to the authorization and sale of said bonds is on file and may be examined in the office of the City Clerk at 100 North Appleton Street, Appleton, Wisconsin between the hours of 9:00 a.m. and 4:30 p.m. on weekdays.

This notice is given pursuant to Section 893.77 of the Wisconsin Statutes, which provides that an action or proceeding to contest the validity of such financing, for other than constitutional reasons, must be commenced within 30 days after the date of publication of this notice.

Publication Date: May __, 2022

/s/ Kami Lynch

City Clerk

CERTIFICATIONS BY CLERK

I, Kami Lynch certify that I am the duly qualified Clerk of the City of Appleton, Wisconsin (the “**Municipality**”), and as such I have in my possession, or have access to, the complete corporate records of the Municipality and of its Common Council (the “**Governing Body**”), and that attached to this certificate is a true, correct, and complete copy of the resolution (the “**Resolution**”) entitled:

A Resolution Authorizing and Providing for the Sale and Issuance of \$11,460,000 Sewerage System Revenue Bonds, Series 2022, and All Related Details

I further certify as follows:

1. **Meeting Date.** On May 18, 2022, a meeting of the Governing Body was held beginning at _____ p.m.
2. **Posting.** On May ____, 2022 (and not less than 24 hours prior to the meeting), I posted, or caused to be posted, at the Municipality’s offices in Appleton, Wisconsin a notice setting forth the date, time, location, and subject matter of said meeting. The notice specifically referred to the Resolution.
3. **Notification of Media.** On May ____, 2022 (and not less than 24 hours prior to the meeting), I communicated or caused to be communicated, the date, time, location, and subject matter of said meeting to those news media who have filed a written request for such notice and to the official newspaper of the Municipality. The communication specifically referred to the Resolution.
4. **Open Meeting Law Compliance.** The meeting was a regular meeting of the Governing Body that was held in open session in compliance with Subchapter V of Chapter 19 of the Wisconsin Statutes and any other applicable local rules and state statutes.
5. **Members Present.** The meeting was duly called to order by the Mayor (the “**Presiding Officer**”), who chaired the meeting. Upon roll call, I noted and recorded that there were ____ members of the Governing Body present at the meeting, such number being a quorum of the Governing Body.
6. **Consideration of and Roll Call Vote on Resolution.** Various matters and business were taken up during the course of the meeting without intervention of any closed session. One of the matters taken up was the Resolution. A proper quorum of the Governing Body was present for the consideration of the Resolution, and each member of the Governing Body had received a copy of the Resolution. All rules of the Governing Body that interfered with the consideration of the Resolution, if any, were suspended by a two-thirds vote of the Governing Body. The Resolution was then introduced, moved, and seconded, and after due consideration, upon roll call, ____ of the Governing Body members voted Aye, ____ voted Nay, and ____ Abstained.

7. **Adoption of Resolution.** The Resolution was supported by the affirmative vote of a majority of a quorum of the members of the Governing Body in attendance. The Presiding Officer then declared that the Resolution was adopted, and I recorded the adoption of the Resolution.

8. **Approval of Presiding Officer.** The Resolution was approved by the Presiding Officer on May ____, 2022, and I have recorded the approval. The approval is evidenced by the signature of the Presiding Officer on the copy of the Resolution to which this certificate is attached.

9. **Publication of Notice.** I have caused the Notice to Electors, in the form of Exhibit B to the Resolution, to be published in the place specified in the Resolution.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of the Municipality, if any, on this certificate on May ____, 2022.

Clerk

[SEAL]

Summary of intent for RESOLUTION #6-R-22

RESOLUTION #6-R-22 calls for the immediate addition of a “Revitalization of Soldier's Square” project to the 5-year CIP and asks that the City move with reasonable speed to initiate an RFP process, once resolution is approved.

It does NOT identify nor request any specific sources of funding for the project.

RESOLUTION #6-R-22

Adding the Revitalization of Soldier's Square project to the 5-year CIP

Submitted By: Alderperson Schultz – District 9, Alderperson Del Toro – District 4

Date: April 20, 2022

Referred To: Municipal Services Committee

WHEREAS; Resolution #5-R-19, passed by Common Council in January of 2020, called for the City of Appleton to commit to an effort to revitalize Soldier's Square and recapture the former function of the hallowed space without prohibiting any future ancillary development and without unduly impacting present parking and traffic movement in the Square; and

WHEREAS; The passage of that resolution also approved the restoration delay and potential relocation of the Spanish-American War Memorial, currently in Pierce Park, in any foreseeable future redevelopment plans of Soldier's Square, as well as affording the opportunity to have more recent conflicts memorialized without any direct cost to the City of Appleton, and

WHEREAS; the City approved and partially completed the full restoration of the Civil War memorial in Soldier's Square in 2021, with the scheduled completion in 2022, and has acquired and possesses, in partnership with Sculpture Valley, replacement cannon and an original USS Maine plaque, essential components of a full restoration of the Spanish American War Memorial; and

WHEREAS; the recovery of the previously occupied space by the former parking structure has now visually separated the utilitarian garbage and recycle enclosure from the new YMACA ramp, visually positioning it and an island the heart of newly adjusted and recovered space of Soldier's Square, and

WHEREAS; an evaluation of the Soldier's Square area with City staff and stakeholders in late 2021 initiated conversations about potential improvements to the layout to create a partially revitalized Soldier's Square which might affect only a bare minimum number of exiting parking stalls while allowing for the relocation of the Spanish-American War memorial; and

WHEREAS; Soldier's Square, was meant to provide a place of solace and contemplation, where our memorials could be appreciated for their aesthetic and symbolic value beyond their intrinsic commemorative purpose, and complement the mission of the civic spaces in which they reside by connecting us and causing us to reflect on something larger than ourselves;

NOW THEREFORE, BE IT RESOLVED;

That “Soldier's Square”, for the purposes of this Resolution, shall be defined as that portion of right of way approximately 80' by 365' in size, bounded by the following: South of College Avenue, West of Morrison Street, North of Lawrence Street, and East of Oneida Street; and

BE IT FURTHER RESOLVED;

That the City of Appleton immediately add the “Revitalization of Soldiers Square” project to the 5YR CIP and move with reasonable speed to initiate the RFP process to begin the design phase for revitalizing Soldier's Square.



MEMO

TO: Municipal Services Committee

FROM: Paula Vandehey, Director of Public Works

DATE: May 3, 2022

SUBJECT: **Resolution #6-R-22 regarding Soldiers Square.**

City staff was directed to develop estimates for a possible short-term Soldiers Square Plan (Option 1) and a possible long-term Soldiers Square Plan (Option 3). Below are rough estimates and assumptions for each potential option. A more refined cost estimate will be developed after Council approves a design through the public design hearing process.

Possible Short-Term Plan (Option 1)

Assumptions:

- YMCA installs sidewalk adjacent to new parking ramp as part of their project.
- Cost estimate includes a combination of grass area and colored/stamped concrete.

Cost Estimate:

- \$25,000

Possible Long-Term Plan (Option 3)

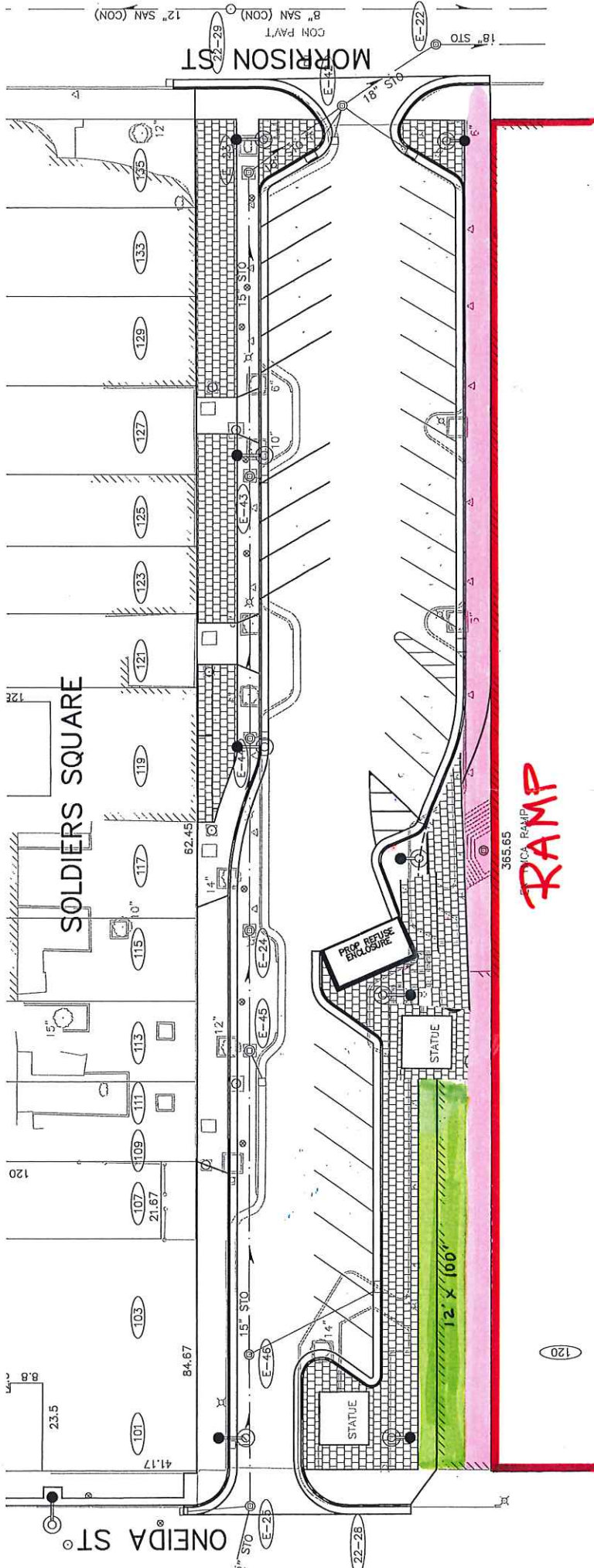
Assumptions:

- Cost estimate does not include bricks as staff does not support the use of bricks as a pavement/sidewalk surface within a street right-of-way. Other options such as a brick wall could be considered (see attached example).
- Cost estimate does not include relocating other monuments to this site.
- Cost estimate includes a combination of grass area and colored/stamped concrete.
- Cost estimate includes construction of new dumpster enclosure.

Cost Estimate:

- \$210,000

Attachments

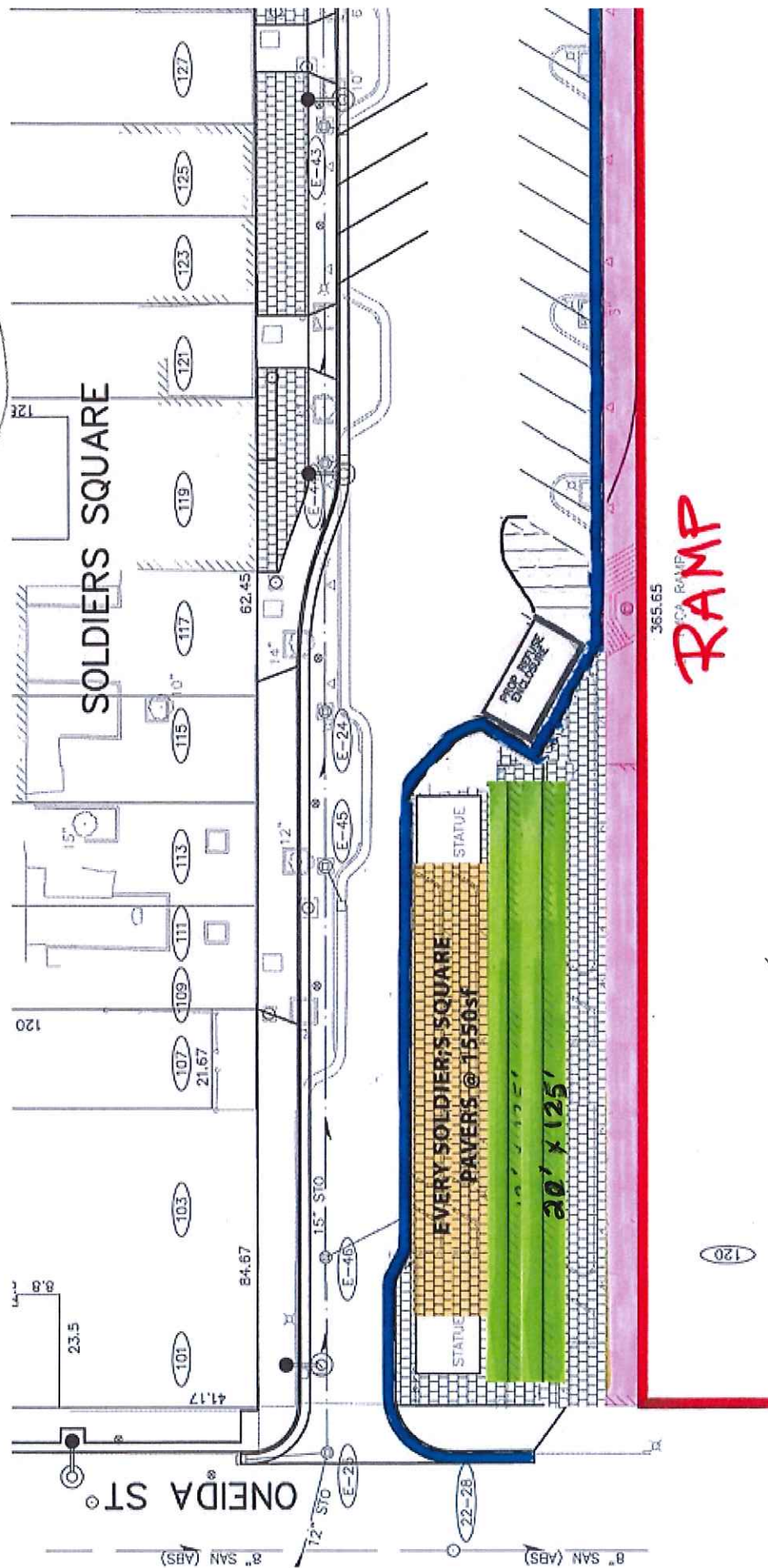


Currently
32 stalls

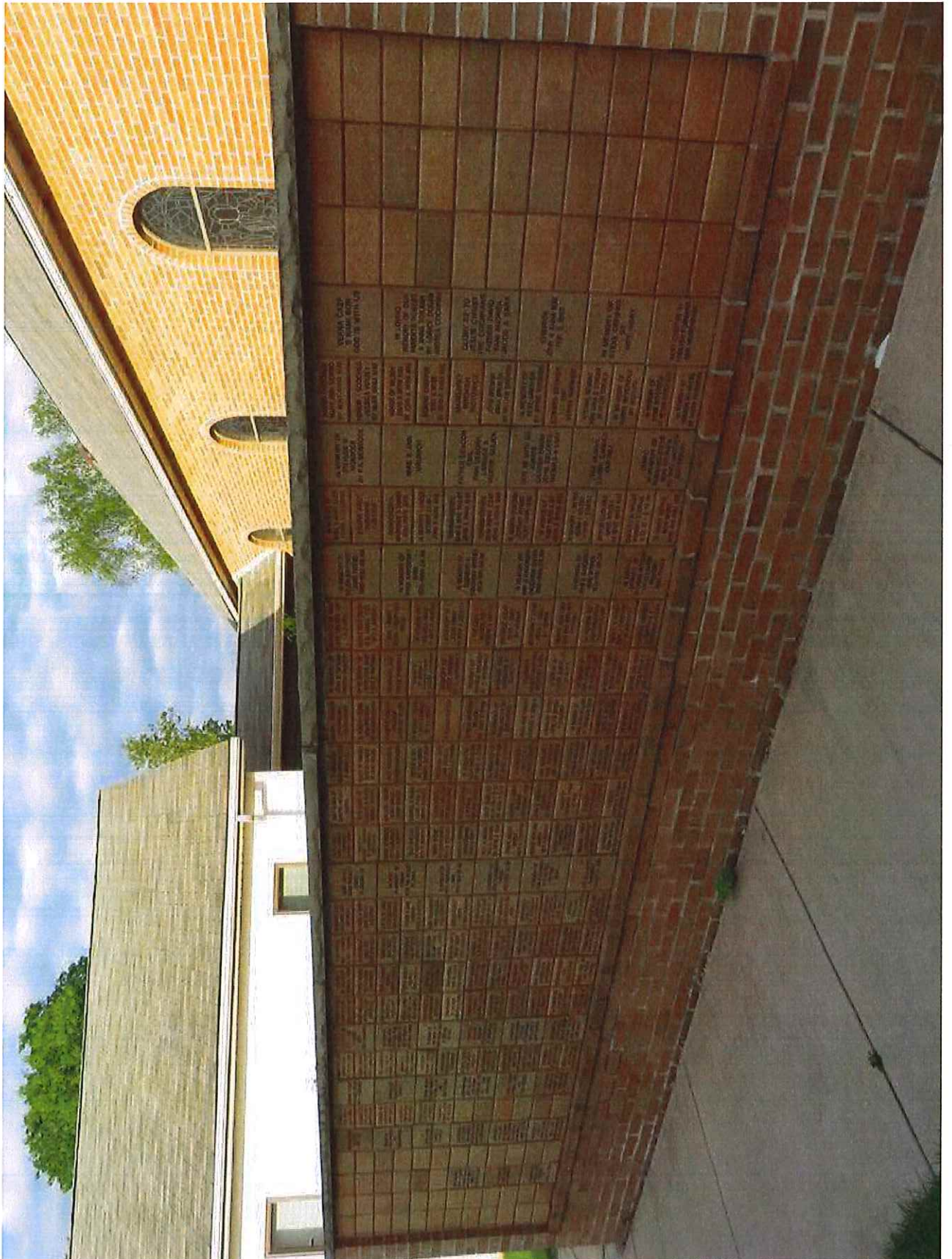
RAMP

Option 1 (0 lost stalls)

currently 32 stalls



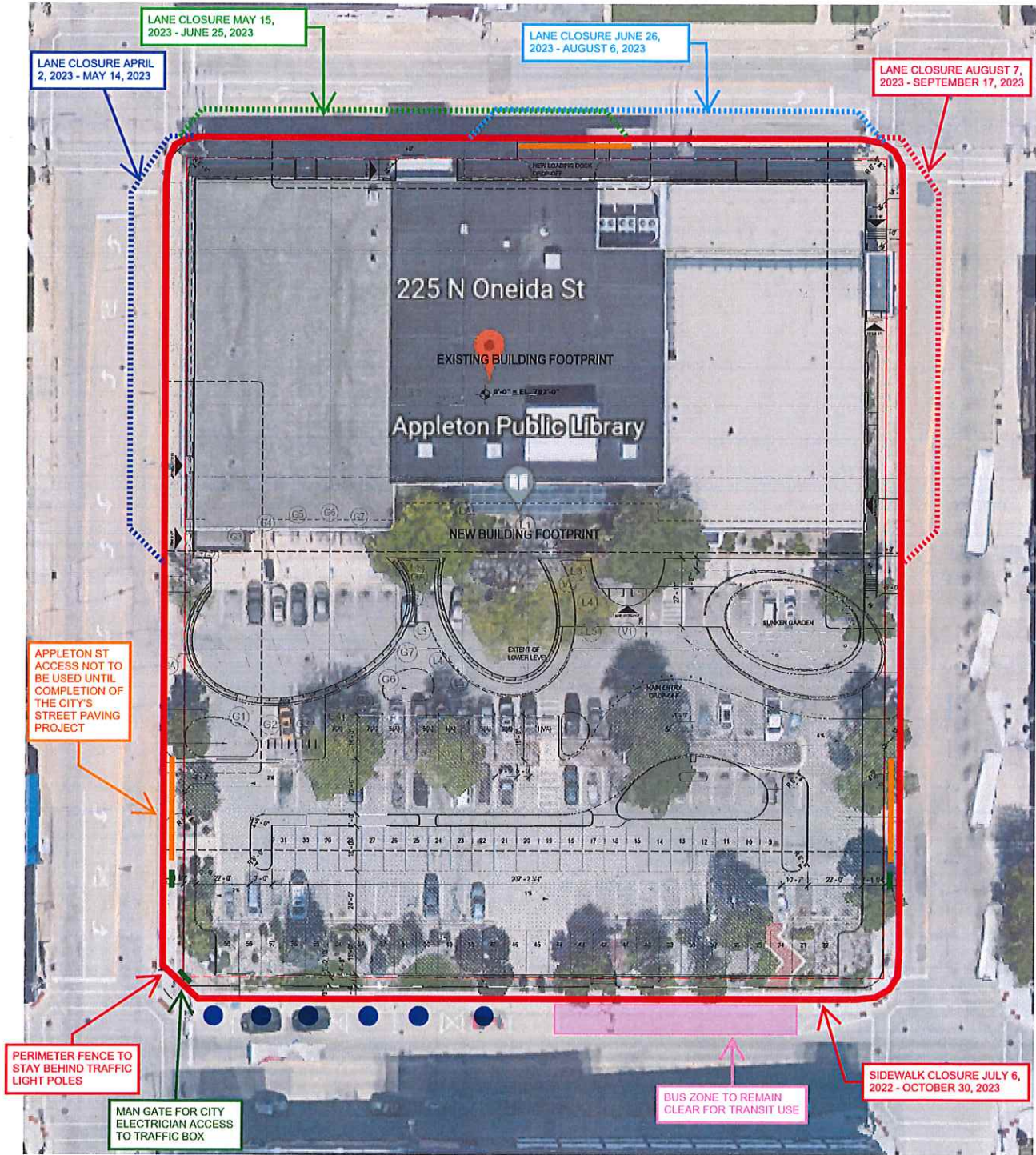
Option 3 (11 lost stalls)



Appleton Public Library - Proposed Street & Sidewalk Closure Plans

May 2, 2022

**** ALL DATES ARE TENTATIVE AND SUBJECT TO CHANGE, DURATIONS SHOULD BE CLOSE ****



- 6' TALL PERIMETER SITE FENCE
- 30' ROLLING GATE
- 4' MAN GATE
- METERS BAGGED BY CITY OF APPLETON, NO PARKING HERE, NO PARKING SIGNAGE TBD



PERMIT TO OCCUPY THE PUBLIC RIGHT-OF-WAY

Permit #: _____
 Effective Date: _____
 Expiration Date: _____
 Fee: _____
 Paid (yes or no): _____

Rev. 04-10-15

Applicant Information

Name (print): Sandra Storch Company: Creative Downtown Appleton
 Address: 333 W College Ave Telephone: 920-954-9112 FAX: _____
Appleton, WI 54911 e-mail: sandy@appletondowntown.org
 Applicant Signature: *Sandra Storch* Date: 4/26/2022

Occupancy Information

General Description: Free Event offered on College Ave. Solo & duo acts will perform on colored concrete
Street Music week

Street Address: _____ Tax Key No.: _____
 - or -
 Street: College Ave From: 900 W College Ave To: 300 E College
 Multiple Streets: _____

(Department use only)

Occupancy Type	Sub-Type	Location
<input type="checkbox"/> Permanent (\$40)	<input type="checkbox"/> Sandwich Board	<input checked="" type="checkbox"/> Sidewalk
<input type="checkbox"/> Temporary - max. 35 days (\$40)	<input type="checkbox"/> Tables / Chairs	<input type="checkbox"/> Terrace
<input checked="" type="checkbox"/> Amenity/Annual (\$40)	<input type="checkbox"/> Dumpster	<input type="checkbox"/> Roadway
<input type="checkbox"/> Blanket/Annual (\$250)	<input type="checkbox"/> POD / Container	
<input type="checkbox"/> Block Party (\$15)	<input type="checkbox"/> Obstruction / Other	

Additional Requirements

Plan/Sketch Certificate of Insurance Bond
 Other: _____

Traffic Control Requirements N/A

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

<input type="checkbox"/> Arterial/CBD	<input type="checkbox"/> City Manual Page(s)
<input type="checkbox"/> Collector	<input type="checkbox"/> State Manual Page(s)
<input type="checkbox"/> Local	<input type="checkbox"/> Other (attach plan)

Approved by: _____ Date: _____

Additional Requirements:

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

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

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

APPROVED BY: _____ DATE: _____
 (Department of Public Works)



PERMIT TO OCCUPY THE PUBLIC RIGHT-OF-WAY

Permit #: _____
 Effective Date: _____
 Expiration Date: _____
 Fee: _____
 Paid (yes or no): _____

Rev. 04-10-15

Applicant Information

Name (print): Fran Letter Company: Northeast Asphalt, Inc.
 Address: W6380 Design Drive Telephone: 920-757-2900 FAX: _____
Greenville, WI 54942 e-mail: fletter@walbecgroup.com
 Applicant Signature: FWL Digitally signed by FWL
Date: 2022.04.11 16:14:05 -05'00' Date: 04/11/2022

Occupancy Information

General Description: Replacement of Lawrence University's pedestrian bridge over Drew Street including relocation of steam, condensate, medium voltage power, and communications packages.
 Street Address: _____ Tax Key No.: 311050600
 - or -
 Street: Drew Street From: Kimball Alley To: 700' S of College Ave
 Multiple Streets: _____

(Department use only)

Occupancy Type	Sub-Type	Location
<input checked="" type="checkbox"/> Permanent (\$40)	<input type="checkbox"/> Sandwich Board	<input checked="" type="checkbox"/> Sidewalk
<input type="checkbox"/> Temporary - max. 35 days (\$40)	<input type="checkbox"/> Tables / Chairs	<input checked="" type="checkbox"/> Terrace
<input type="checkbox"/> Amenity/Annual (\$40)	<input type="checkbox"/> Dumpster	<input checked="" type="checkbox"/> Roadway
<input type="checkbox"/> Blanket/Annual (\$250)	<input type="checkbox"/> POD / Container	
<input type="checkbox"/> Block Party (\$15)	<input checked="" type="checkbox"/> Obstruction / Other	

Additional Requirements

Plan/Sketch Certificate of Insurance Bond
 Other: _____

Traffic Control Requirements N/A

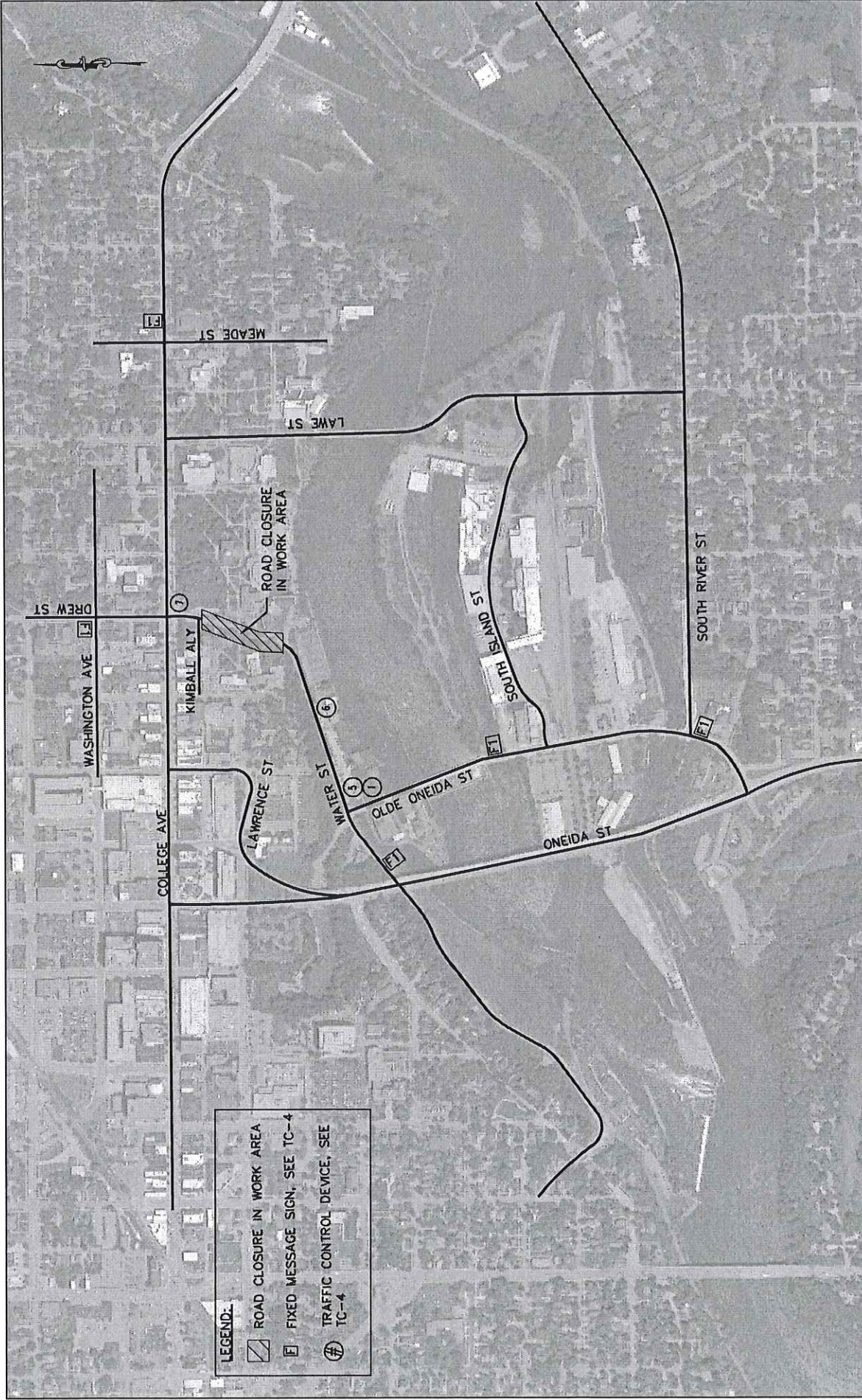
<p><u>Type of Street:</u></p> <input type="checkbox"/> Arterial/CBD <input type="checkbox"/> Collector <input type="checkbox"/> Local <p><u>Proposed Traffic Control:</u></p> <input type="checkbox"/> City Manual Page(s) <input type="checkbox"/> State Manual Page(s) <input type="checkbox"/> Other (attach plan) <p>Approved by: _____ Date: _____</p>	<p><input type="checkbox"/> Contact Traffic Division (832-2379) 1 business day prior to any lane closure, or 2 business days prior to a full road closure.</p> <p>Additional Requirements: _____</p>
---	--

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




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

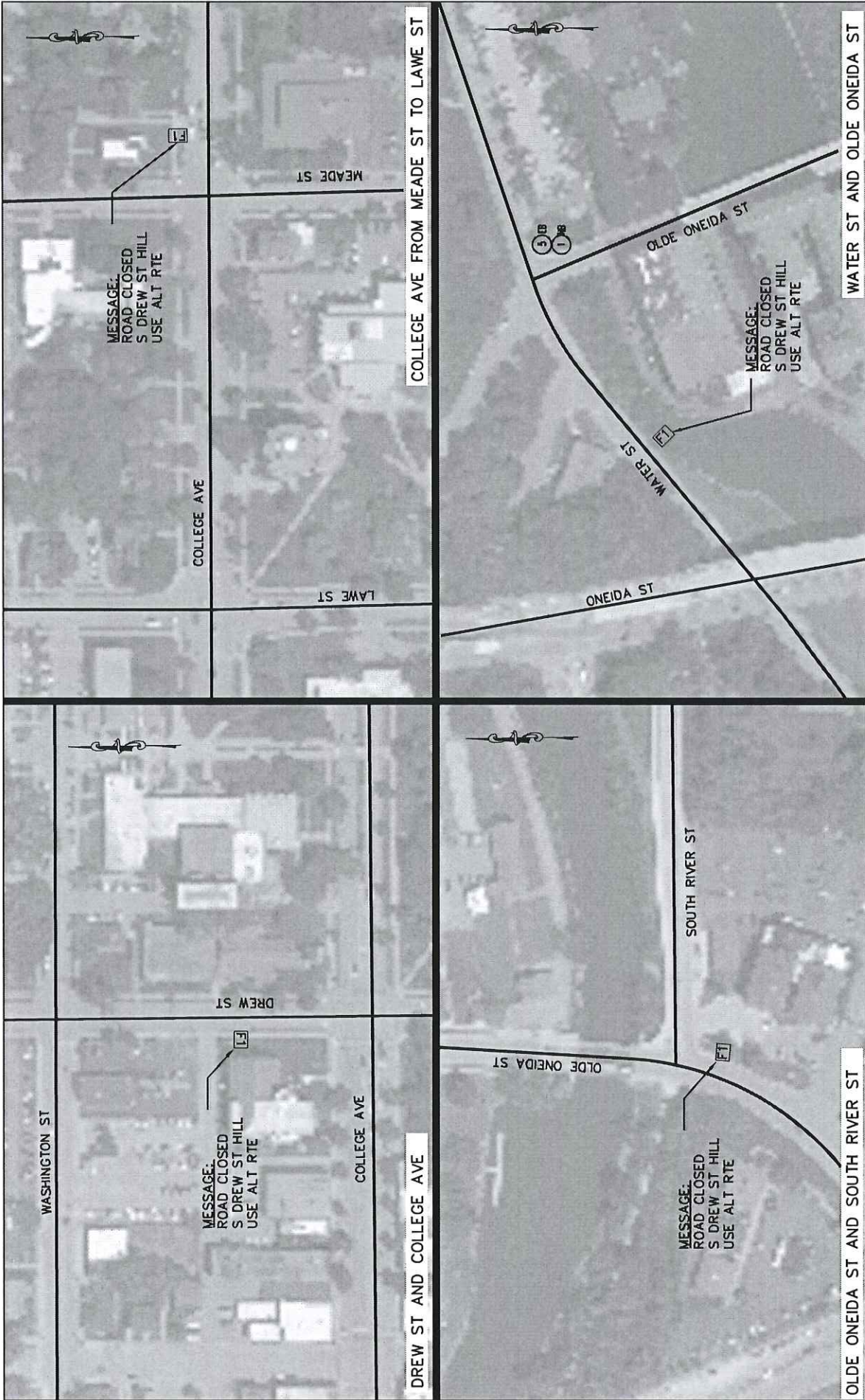
The Grantee shall guarantee at their expense, the repair or replacement of pavement, sidewalk and any other facilities within the public right-of-way damaged or destroyed by the Grantee or any sub-contractor working for them. The Grantee shall assume complete and full liability and responsibility, in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

APPROVED BY: _____ DATE: _____
(Department of Public Works)



LEGEND:

-  ROAD CLOSURE IN WORK AREA
-  FIXED MESSAGE SIGN, SEE TC-4
-  TRAFFIC CONTROL DEVICE, SEE TC-4



WASHINGTON ST
 DREW ST AND COLLEGE AVE
 COLLEGE AVE FROM MEADE ST TO LAWE ST
 DREW ST
 COLLEGE AVE
 MEADE ST
 LAW E ST
 WATER ST
 ONEIDA ST
 OLDE ONEIDA ST
 SOUTH RIVER ST
 WATER ST AND OLDE ONEIDA ST

ADVANCED SIGNAGE PLAN
 COUNTY: OUTAGAMIE
 SHEET: TC-2
 E

FILE NAME : S:\DESIGN & CONSTRUCTION SERVICES\080-C30-LAWRENCE UNIVERSITY\DRAW STREET PED BRIDGE\030-SHEETS\PLAN\DETOUR PLAN.DWG
 PLOT DATE : 4/8/2022
 PLOT BY : JMJ
 PLOT NAME :

Cathy Kromm

From: Ross Buetow
Sent: Wednesday, May 4, 2022 2:44 PM
To: Cathy Kromm
Cc: Paula Vandehey
Subject: FW: May 9 MSC: Flag Day Cavalcade Parking
Attachments: FlagDayParade Cavalcade Post.pdf; FlagDayParade Cavalcade Staging.pdf; 2022 Cavalcade Amendment.pdf

Cathy,

This will need to be added to the MSC agenda. I'll stop by to discuss.

Ross

From: OTIS, COREY <OTISCOREY@aasd.k12.wi.us>
Sent: Wednesday, May 4, 2022 2:20 PM
To: Paula Vandehey <Paula.Vandehey@Appleton.org>
Cc: Mark Moderson <Mark.Moderson@Appleton.org>; Eric Stadler <estadler@trustwf.com>; Meghan Warner <Meghan@appletondowntown.org>; William Siebers <siebersw@yahoo.com>; Ross Buetow <Ross.Buetow@Appleton.org>
Subject: May 9 MSC: Flag Day Cavalcade Parking

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

Ms. Vandehey,

The Appleton Parade Committee recently submitted an amendment to its special event permit for **Saturday, June 11**. **This email is to request free parking on College Avenue between State St. and Durkee St.** We estimate that College Avenue will re-open to public traffic no earlier than 4:30 p.m. after the Flag Day Parade and Cavalcade (see below); paid parking typically ends at 6:00 p.m. on Saturdays. Approval of this request would extend free parking on College Avenue for a maximum of 90 minutes on June 11. We ask for our request to be added to the May 9 Municipal Services Committee meeting agenda.

The 71st Appleton Flag Day Parade begins at 2:00 p.m. on Saturday, June 11. The "Flag Day Cavalcade of Cars," a new addition to the traditional event, will directly follow the parade. Car enthusiasts are encouraged to register online, line up their vehicles in the designated staging area, and drive their cars behind the last unit of the Flag Day Parade. They will travel the parade route at parade pace (approximately 4-5 m.p.h.) and be expected to follow parade policies. Please see the [2022 Flag Day Cavalcade FAQ document](#) and [Flag Day Parade website](#) for more information.

After all Cavalcade cars complete the parade route and exit College Ave. at Drew St., the Appleton Police Department will provide participating vehicles preferred access to College Avenue, so they can park downtown Appleton for an informal auto show. (Please see the attached staging and re-entry maps.) Once all participating vehicles are in place, the Appleton Police Department will reopen College Ave. to public traffic. Enthusiasts will be encouraged to walk up and down the avenue on the sidewalks and patronize the downtown businesses, restaurants, and bars. Car owners are forbidden from "popping hoods," performing "unlawful displays of power," or impeding traffic on College Ave. Cavalcade cars stay in the parking stalls, and people stay on the sidewalk.

College Avenue parking is already free before the Flag Day Parade on June 11 and obviously unavailable during it. **We are asking the Municipal Services Committee and Common Council to extend free parking on College Avenue for 90 minutes (maximum)**. This extension will not only entice Cavalcade participants to park on College but also families and consumers to visit downtown businesses and restaurants. Parking ramps downtown will operate as normal on June 11 -- and may see more cars thanks to the Parade and Cavalcade. The Parade Committee has communicated and collaborated with the Appleton Police Department on plans for these events.

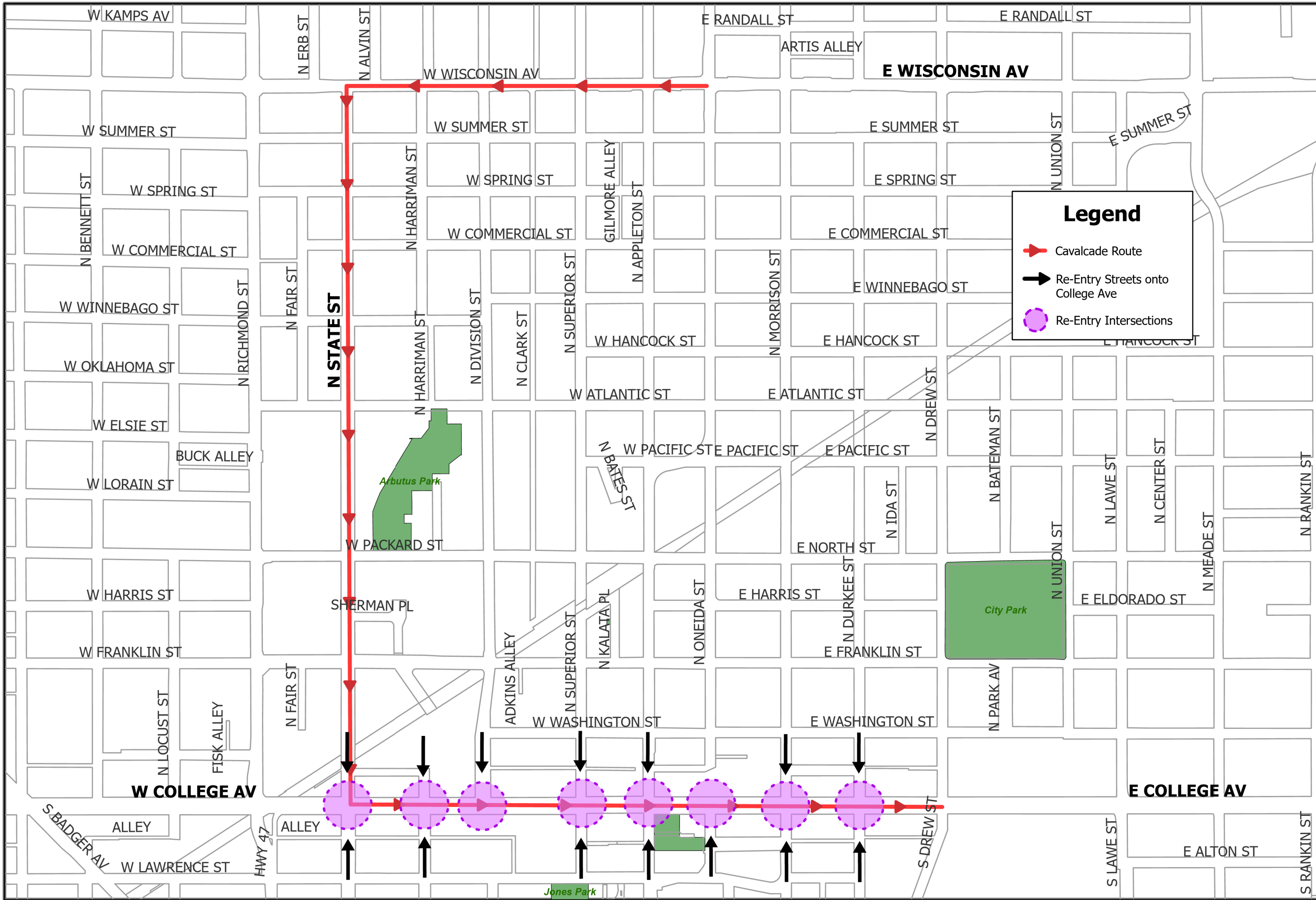
We appreciate your consideration of our request. Please reach out via email or phone (920.277.3534) with any questions or concerns.

Respectfully,

Corey Otis

Appleton Parade Committee, Chair

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



Cavalcade of Cars Show

Flag Day Parade
6/11/2022

City of Appleton
Special Events Committee

Legend

- Vehicle Staging Parking
- ← Vehicle Staging Route
- ★ Enter Staging Route

Participating vehicles should enter "Staging" area from Meade St and proceed along arrows





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

April 27, 2022

City of Appleton – Clerk's Office
Kami Lynch
Re: Special Event Amendment – Flag Day Parade
100 N. Appleton Street
Appleton, WI 54911

Ms. Lynch:

Please accept this letter of request to amend our Special Event permit for the Appleton Flag Day Parade. After filling out the paperwork, I was made aware of a few changes that had been discussed previously. If you would prefer that I re-submit my application; as opposed to making the amendment, please let me know.

Section 3 – EVENT INFORMATION

Please see attached for the Cavalcade of Cars to immediately follow the 71st Appleton Flag Day Parade on Saturday, June 11th, 2022. Registered vehicles, led by APD and WNCY Y100, will travel the entire parade route (at parade pace). Basically, the Cavalcade is an extension of the Flag Day Parade. After the Cavalcade completes the parade route, these cars are invited to park along College Ave. Cavalcade cars will have "first dibs" on parking stalls; once cars are parked, APD will open College Ave. to normal traffic.

EVENT END TIME

We listed 5:00pm as the end time but we would like to change that to 7:00pm. There will be music played in Houdini Plaza post parade.

Thank you for your time and consideration.

Meghan Warner
Event Director
Appleton Downtown Inc.
meghan@appletondowntown.org
(920) 954-9112



New Applicant
 Renewal License
 #: _____

FEES ARE NON-REFUNDABLE Date Rec'd 2/1/22
 Operator License -\$67.00 Operator License plus a provisional- \$82.00
 Total fee paid \$: 82 Receipt #: 3137-4

SECTION 1 – Applicant Information

Your Name (First name, MI, Last name) Jacob A Forward Maiden or Previous _____
 Street Address 311 E North St. City Appleton State WI Zip 54911
 Driver's License #: F663 4218 7449 09 State WI
 Date of Birth: [REDACTED] Email: _____ Contact Phone #: [REDACTED] Gender: M

Name of establishment you will be selling alcohol: Durty Lephaeon

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

Have you EVER had an Operator's (Bartender's) License? YES NO

If Yes; in what Municipality and what year? _____

Have you ever been convicted of a felony? YES NO

If Yes; when, where and what type of violation? (Please be specific) peace to officer

Have you ever been convicted of a misdemeanor or ordinance violation? YES NO

If Yes; when, where and what type of violation? (Example: speeding, OWI) owI

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

Have you been convicted of a felony since last license application? YES NO

If Yes; when, where and what type of violation? (Please be specific) _____

Have you been convicted of a misdemeanor or ordinance violation since last license application? YES NO

If Yes; when, where and what type of violation? (Example: speeding, OWI) _____

SECTION 4 – Responsible Beverage Server Course

Proof of an approved Responsible Beverage Server Course is required to be included with this application.

SECTION 5 – Penalty Notice

I certify under penalty of law that this application is true and correct to the best of my knowledge and belief.

Signature: [Signature]

FOR OFFICE USE ONLY

Class Completion Date: <u>2-1-22</u>	Current License in other Municipality?	Date Sent to APD: <u>2/11</u>	Date Approved:	Issue Date:	Exp. Date:	License number:
--------------------------------------	--	-------------------------------	----------------	-------------	------------	-----------------



“...meeting community needs...enhancing quality of life.”

TO: Safety and Licensing Committee
FROM: Lt. Adam Nagel
DATE: 03/23/2022
RE: Denial of Jacob Forward

Committee Members:

As designee for the police department, I am requesting that the Safety and Licensing Committee recommend to the Common Council to deny Jacob Forward’s application for an operator’s license.

It is not employment discrimination for a licensing agency to deny an applicant based on conviction record where the circumstances of the conviction substantially relate to the circumstances of the particular licensed activity.

No license or permit related to alcohol beverages may be issued to a habitual law offender where the circumstances of the offenses substantially relate to the circumstances of the particular licensed activity. A person is a habitual law offender if they have been convicted of repeat misdemeanor or ordinance violations. No license may also be issued to a person who has been convicted of a felony which substantially relates to the alcohol beverage licensing activity unless duly pardoned.

An applicant is allowed an opportunity to show evidence of rehabilitation and fitness to engage in the licensed activity, *unless the conviction(s) are for exempt offenses*. The applicant may produce the following to conclusively demonstrate their rehabilitation and fitness from a given conviction:

- A copy of the local, state, or federal release document; and either
- (1) a copy of the relevant department of corrections document showing completion of probation, extended supervision, or parole; or
- (2) other evidence that at least one year has elapsed since release from any local, state, or federal correctional institution without subsequent conviction of a crime along with evidence showing compliance with all terms and conditions of probation, extended supervision, or parole.

Reviewing Jacob’s prior history of police contacts, I find the following offenses are substantially related to the sale of alcohol and demonstrate that Jacob Forward is a habitual law offender. Jacob’s conviction for Battery to a Law Enforcement officer §940.203 is an exempt offense

under WI Statute 111.335(1m)(b)1.

Jacob A. Forward was found guilty of a municipal summons for Disorderly Conduct Outagamie County case number 2021FO000567. This incident was handled by the Appleton Police Department on 06/04/21. During this incident Jacob called 911 and told officers he was being chased. They located Jacob and found him highly intoxicated. Jacob demanded that officers take him home and was swearing at officers. Jacob was later observed walking into the roadway. Jacob had to be detained in handcuffs until he could be transported home. Jacob was highly intoxicated that evening. He submitted to a PBT (0.211). This incident is substantially related to Jacob's lack of judgement, use of alcohol and ability to safely serve alcohol.

Jacob was found guilty of an exempt offense in Adams County case number 2014CF000126 for Battery to a Law Enforcement Officer. He was also charged with Resisting or Obstructing an Officer. This charge was read in for this case. These charges show a lack of good judgement and prior issues with law enforcement. Working with law enforcement to enforce alcohol consumption laws is an essential part of bartending. This conviction has me concerned with Jacob's ability to work with law enforcement and is directly related to the sale of alcohol.

Jacob was found guilty of Possession of Drug Paraphernalia in Dodge County case number 2007FO000051. Possessing illegal drug paraphernalia demonstrates a lack of good judgment necessary for a bartender and there is a correlation between illicit drug use and possession of paraphernalia. People under the influence of alcohol are generally susceptible to poor decision-making, including illicit drug law violations.

The service of alcohol includes encountering individuals in a vulnerable state and the Police Department feels Jacob Forward has not demonstrated the necessary maturity and decision-making capacity to be allowed a bartender's license in the City of Appleton. His violations of court orders and recent issues in license premises show his on-going criminal behavior.

His arrest and conviction record go back many years that further corroborates the decision to recommend denial of his license request. Jacob is a habitual law offender and was convicted of an exempt offense.

Respectfully:

Lt. Adam Nagel #9191
Appleton Police Department



LEGAL SERVICES DEPARTMENT

Office of the City Clerk

Kami Lynch, Clerk

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6443

Fax: 920/832-5823

To: Safety & Licensing Committee (Chris Croatt, Chairperson)
From: Kami Lynch, City Clerk
Date: May 6, 2022
Re: Redistricting updates required by Senate Bill 621

On April 15, 2022, the Wisconsin Supreme Court, in *Johnson v. Wisconsin Elections Commission*, adopted state legislative district maps drawn by the Wisconsin Legislature after the United States Supreme Court, in *Wisconsin Legislature, et al. v. Wisconsin Elections Commission, et al.* and *Glenn Grothman et al. v. Wisconsin Elections Commission et al.*, reversed the Wisconsin Supreme Court's decision regarding state legislative districts.

The legislative maps that were adopted on April 15th require the modification of the City's Ward plan adopted in October of 2021 to accommodate the revised Senate and Assembly district maps draw by the State. In reviewing the newly adopted Senate and Assembly district lines, splitting existing Wards to create new Wards is required. There are two map options with the new Wards attached for your consideration.

Option 1 – creates 8 new Wards to accommodate the legislative district lines. Aldermanic districts remain unchanged.

Option 2 – creates 6 new Wards to accommodate the legislative district lines. There is a revision in the boundaries of Aldermanic Districts 3 & 4 through a land swap. The sliver of Ward 8, East of Joseph Street, will move into Ward 10, District 4 to follow the Assembly district boundary. The square piece currently at the southern edge of Ward 10 (District 4) will move into Ward 8, District 3 to follow the Assembly district boundary. In total, the land swap adds 176 people to District 3, from District 4. This land swap does not significantly alter the total aldermanic plan deviation and conforms to the ideal population principles of redistricting.

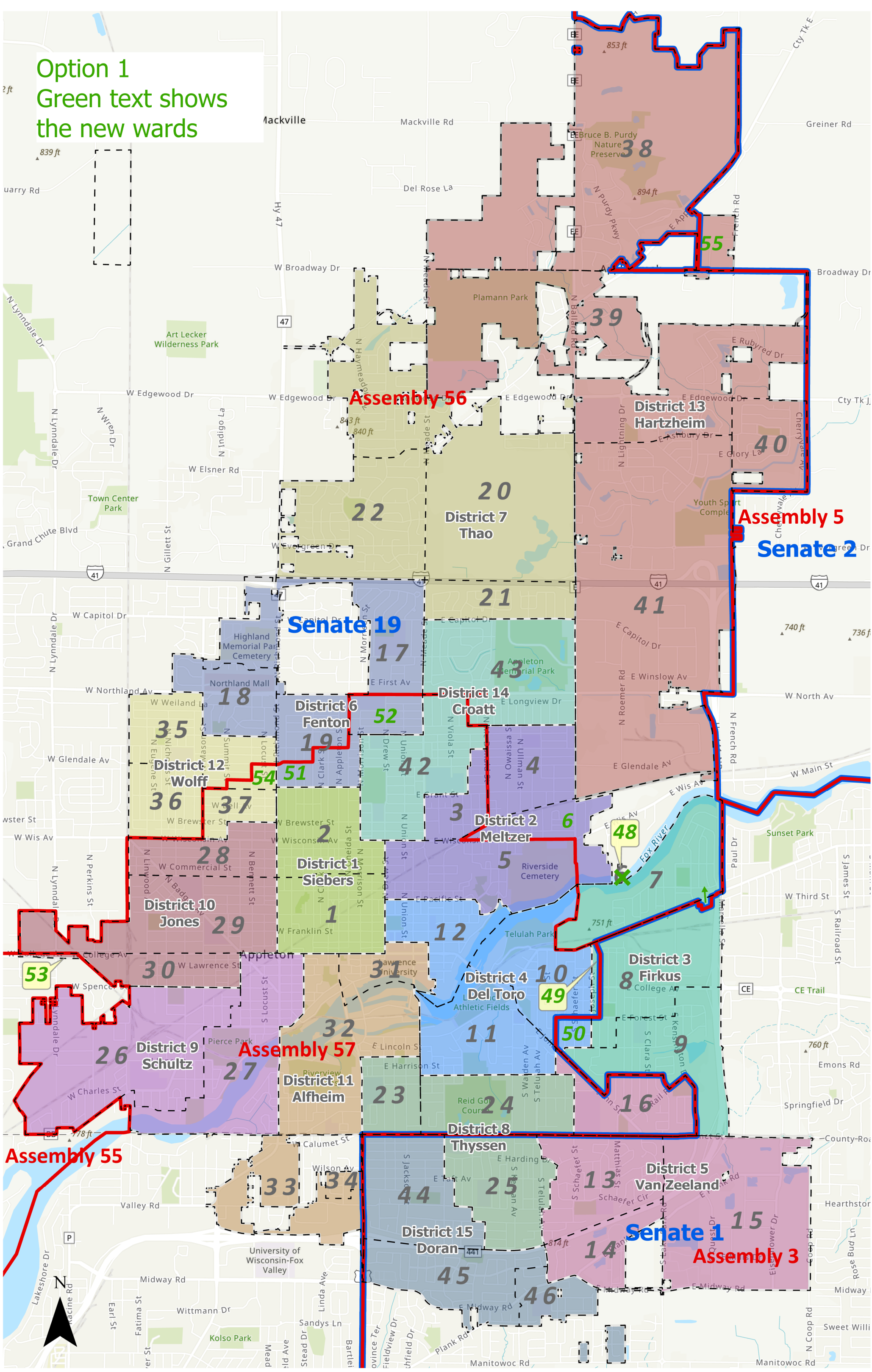
The reason there are two options before you, is that one option simply makes the necessary adjustments to accommodate the legislative districts and the other seeks to remedy an area of irregularity along the dividing line between Assembly Districts 57 & 3, between Aldermanic Districts 3 & 4. This is the only area that can be adjusted as a result of Senate Bill 621, because it does not impede upon the alteration of any other districts such as the County Supervisory or School District boundaries. This option (Option 2) would allow for the composition of the Aldermanic Districts to be the same within the district with respect to legislative districts, permitting fewer ballot styles within the district.

If there are any questions on the map options or the process related to making the Ward adjustments, please do not hesitate to contact me.

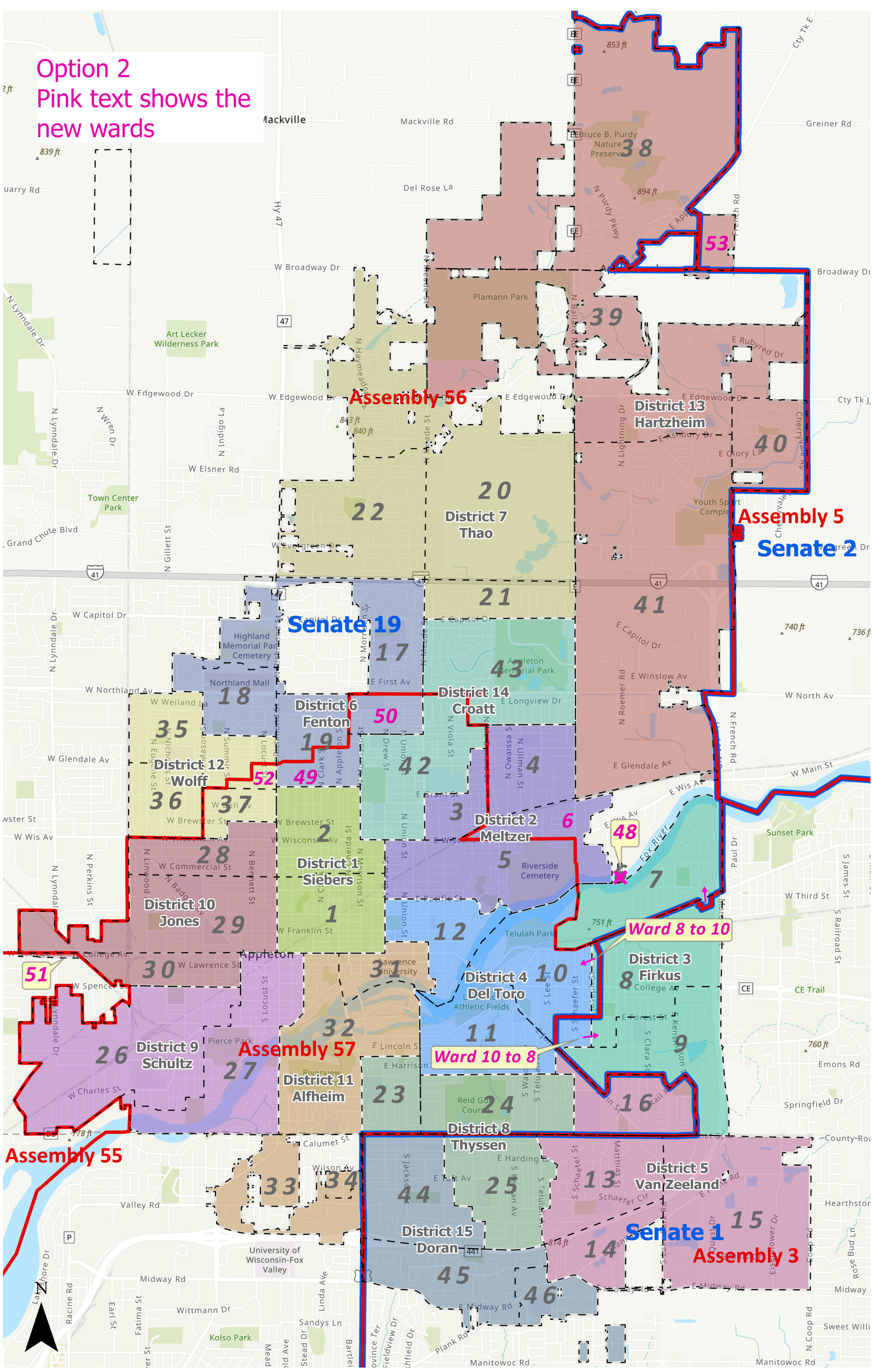
Respectfully,

Kami Lynch, City Clerk

Option 1
Green text shows
the new wards



Option 2
Pink text shows the
new wards





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

APPLICATION for the Operation of a PET STORE/KENNEL

FEES ARE NON-REFUNDABLE		Date Rec'd	3/24/22
See SECTION 5 for Fee Schedule			
License Fee - Initial	\$ 90	Acct.	11030.4309
License Fee - Renewal	\$	Acct.	11030.4309
Investigation Fee	+ \$ 7.00	Acct.	100.2359
Total Amount Paid	\$ 97	Receipt	3369-1
License period July 1 to June 30			

SECTION 1 – BUSINESS LOCATION – Answer all questions completely. Please PRINT clearly				
NOTE: The location of a Kennel or Pet Store is subject to applicable zoning and other regulations.				
Business Name <u>Wild Habitats</u>				
Business Street Address <u>1350 W College Ave Suite B</u>		City <u>Appleton</u>	State <u>WI</u>	Zip <u>54917</u>
Business Telephone Number <u>920-637-1833</u>				
SECTION 2 – APPLICANT INFORMATION				
Name <u>Choi Schake (Choi Schake)</u>				
Home Street Address <u>1095 Reed St.</u>		City <u>Neenah</u>	State <u>WI</u>	Zip <u>54956</u>
Date of Birth	Male <input checked="" type="checkbox"/>	Female	Telephone Number	
●●●●●			●●●●●●●●	
SECTION 3 – SERVICES TO BE PROVIDED				
Please check the type(s) of services your establishment will offer:				
<input checked="" type="checkbox"/> Live animals	<input checked="" type="checkbox"/> Pet Food			
<input checked="" type="checkbox"/> Pet Accessories	<input checked="" type="checkbox"/> Fish	<input checked="" type="checkbox"/> Other <u>Reptiles /</u>		
SECTION 4 – PENALTY NOTICE				
Having knowledge of all governmental laws, rules or regulations governing the keeping or protection of animals, I hereby certify that the information provided in this application is true and correct to the best of my knowledge and belief.				
Signature of Applicant: <u>CL Schake</u>				
SECTION 5 – FEE SCHEDULE				
Pet Store License	Initial Fee - \$90.00	Renewal Fee - \$75.00		
Kennel License	10 or less animals - \$55.00	25 or less animals - \$130.00		
	50 or less animals - \$255.00	More than 50 animals - \$5.00 per animal with a minimum of \$280.00		
FOR OFFICE USE ONLY				
Dept.	Approve	Deny	By	Reason
Police				
Fire				
City Sealer				
Inspection				
Community Development				
S&L	Council	Date Issued	Exp. Date	
				License Number

11-01-09 Reasonable accommodations for persons with disabilities will be made upon request and if feasible.
Return application to: City Clerk, 100 North Appleton Street, Appleton, WI 54911-4799



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

APPLICATION for SALVAGE DEALER'S LICENSE

FEES ARE NON-REFUNDABLE		Date Recv'd <u>4/29/22</u>
License Fee - Local	\$200.00	Acct. 11030.4309
License Fee - Out of City	\$ 75.00	Acct. 11030.4309
Investigation Fee	+ 7.00	Acct. 100.2359
Total Amount Paid	<u>207</u>	Receipt <u>3537-7</u>
License period July 1 to June 30		

SECTION 1 – BUSINESS INFORMATION – Answer all questions completely. Please PRINT clearly

Business Name Mr C's Motorcycles, LLC			
Business Street Address 724 S. Outagamie St	City Appleton	State WI	Zip 54914
Business Telephone Number 920-277-7062			

SECTION 2 – APPLICANT INFORMATION

Name Janet Ristau			
Home Street Address 926 E College Ave	City Appleton	State WI	Zip 54911
Date of Birth ●●●●●●	Male	Female X	Telephone Number ●●●●●●

SECTION 3 – CORPORATION INFORMATION – List names, addresses and dates of birth of all officers.

President	Last	First	Middle Initial	Date of Birth	Male	Female
Egelseer, Eirc				●●●●●●	X	
Address 12 Ramlen Ct				City Appleton	State WI	Zip 54915
Vice President	Last	First	Middle Initial	Date of Birth	Male	Female
Ristau, Janet				●●●●●●		X
Address 926 E College Ave				City Appleton	State WI	Zip 54911
Secretary	Last	First	Middle Initial	Date of Birth	Male	Female
Ristau, Glenn				●●●●●●	X	
Address 420 Green Haven Lane				City Kaukauna	State WI	Zip 54150
Treasurer	Last	First	Middle Initial	Date of Birth	Male	Female
Ristau, Daniel				●●●●●●	X	
Address 926 Manor PL				City Little Chute	State WI	Zip 54140

SECTION 4 – PENALTY NOTICE

I certify that I am familiar with Section 9.386 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: Janet Ristau

FOR OFFICE USE ONLY

Dept.	Approve	Deny	By	Reason		
Police						
Fire						
City Sealer						
Inspection						
S&L	05/11/22	Council	05/18/22	Date Issued	Exp. Date	License Number

11-01-09 Reasonable accommodations for persons with disabilities will be made upon request and if feasible.

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



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

APPLICATION for the Operation of a PET STORE/KENNEL

FEES ARE NON-REFUNDABLE		Date Rec'd <u>4/27/22</u>
See SECTION 5 for Fee Schedule		
License Fee - Initial	\$ _____	Acct. Code: CLPETK
License Fee - Renewal	\$ <u>75</u>	Acct. Code: CLPETK
Investigation Fee	+ \$ 7.00	Acct. Code: CLCPIF
Total Amount Paid	\$ <u>82</u>	Receipt <u>3546-3</u>
License period July 1 to June 30		

PLEASE ALLOW 4 WEEKS FOR PROCESSING

SECTION 1 – BUSINESS LOCATION – Answer all questions completely. Please PRINT clearly

NOTE: The location of a Kennel or Pet Store is subject to applicable zoning and other regulations.

Business Name Just Pet LLC.

Business Street Address 2009 N. Richmond st. City Appleton State WI Zip 54911

Business Telephone Number 920-733-6788

SECTION 2 – APPLICANT INFORMATION

Name Craig Weberg

Home Street Address N8803 Kerran Ave. City Menasha State WI Zip 54952

Date of Birth ●●●●●● Male Female Telephone Number ●●●●●●

SECTION 3 – SERVICES TO BE PROVIDED

Please check the type(s) of services your establishment will offer: Live animals Pet Food

Pet Accessories Fish Other

SECTION 4 – PENALTY NOTICE

Having knowledge of all governmental laws, rules or regulations governing the keeping or protection of animals, I hereby certify that the information provided in this application is true and correct to the best of my knowledge and belief.

Signature of Applicant: *Craig Weberg*

SECTION 5 – FEE SCHEDULE **all fees include the \$7 Investigation fee**

Pet Store License	Initial Fee - \$97.00	Renewal Fee – \$82.00
Kennel License	1-10 animals - \$62.00	11-25 animals - \$137.00
	26-50 animals - \$262.00	More than 50 animals - \$5.00 per animal with a minimum of \$287.00

FOR OFFICE USE ONLY

Dept.	Approve	Deny	By	Reason
Police				
Fire				
City Sealer				
Inspection				
Community Development				
S&L <u>5-11-22</u>	Council <u>5-18-22</u>	Date Issued	Exp. Date	
				License Number

04-23-21

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

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 BARK Entertainment 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 Skyline Comedy Club
(Trade Name)

located at 1004 S Olde Oneida St, 3rd Floor Appleton WI 54915

appoints Zachery Wroblewski
(Name of Appointed Agent)
621 East Brewster Street Appleton WI 54911
(Home Address of Appointed Agent)

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

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

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

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

Place of residence last year 621 E Brewster St. Appleton, WI 54911

For: BARK Entertainment LLC
(Name of Corporation / Organization / Limited Liability Company)

By: *Benic Landt*
(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, Zachery Wroblewski, 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.

Zachery Wroblewski 4/27/22
(Signature of Agent) (Date)
621 East Brewster Street Appleton WI 54911
(Home Address of Agent)

Agent's age 23
Date of birth 04/27/2000

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

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

Approved on _____ by _____ Title _____
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
Wroblewski		Zachery		J.	
Home Address (street/route)		Post Office	City	State	Zip Code
621 East Brewster Street			Appleton	WI	54911
Home Phone Number		Age	Date of Birth		Place of Birth
[REDACTED]		[REDACTED]	[REDACTED]		Portsmouth, VA

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

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

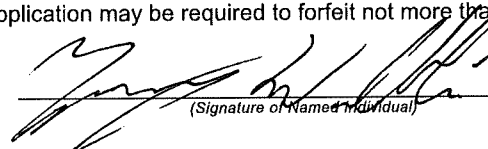
which is making application for an alcohol beverage license.

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

1. How long have you continuously resided in Wisconsin prior to this date? 23 years
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
 If yes, describe status of charges pending.
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
 If yes, identify. (Name, Location and Type of License/Permit)
5. Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
 If yes, identify. (Name of Wholesale Licensee or Permittee) (Address By City and County)
6. Named individual must list in chronological order last two employers.

Employer's Name SOAR Fox Cities, Inc.	Employer's Address 211 E Franklin St. STE A. Appleton, WI	Employed From January 2016	To May 2021
Employer's Name Crossmark	Employer's Address 1000 N Westhill Blvd. Appleton, WI 54911	Employed From May 2015	To December 2019

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


(Signature of Named Individual)

4/25/22
REL 3546-6

Application for Cigarette and Tobacco Products Retail License

MUNICIPAL USE ONLY

Submit to municipal clerk.

License Number
Period Covered
Date of Issuance

Applicant's Wisconsin 15-digit Sales Tax Account Number ●●●●●●●●●●●●●●●●

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

Legal Name (corporation, limited liability company, partnership or sole proprietorship) Justin Beese			Federal Employer Identification No. (FEIN) ●●●●●●●●●●		
Trade or Business Name (if different than Legal Name) Smokin Glass II LLC			Telephone Number (●●●) ●●●-●●●●		
Business Address (License Location) 1107 W Wisconsin Ave		Business Located In <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town		Business Telephone (920) 9031986	
Municipality Outagamie	State WI	Zip Code 54914	of: Appleton		County Outagamie
Mailing Address (if different than Business Address)			Municipality	State	Zip Code

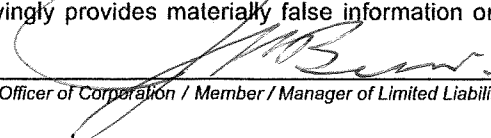
Organization (check one)

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

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

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

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


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

Applicable Laws and Rules

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

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

Current Agent on Alcohol License for this Address

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 2/2/2021 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? Yes No
If yes, explain.

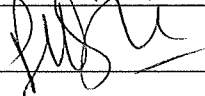


Hortonville BP 102 E Main Street, Hortonville, WI, 54944
Kimberly BP 730 W Kimberly Ave, Kimberly, WI, 54136

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, MI) <u>Dhungana Prabhya</u>	Title/Member <u>Owner</u>	Date <u>4/29/2022</u>
Signature 	Phone Number 	Email Address 

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>04/29/2022</u>	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	



City of Appleton

Alcohol License Questionnaire

1. Name of Applicant: Prabhu Dhungana

2. Name of Business: Oneida Street minimart llc

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

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

3. Address of Business: 1306 S Oneida Street, Appleton, WI, 54915

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

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

Sold Beer to minor in 2011 in Perry County
Pickneyville, Illinois.

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

<u>Prabhu</u>		<u>Dhungana</u>	<u>●</u>	<u>●</u>	<u>●●●●</u>
First name	M.I.	Last name	Date of Birth		
			/	/	
First name	M.I.	Last name	Date of Birth		
			/	/	
First name	M.I.	Last name	Date of Birth		
			/	/	
First name	M.I.	Last name	Date of Birth		

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

Name: Roshan Kumar Pease Patel
First name Middle Initial Last name

Address: 1306 S oneida street Appleton WI, 54915
City State ZIP

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

Name: Northern Gas LLC

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

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

 months ago.

10. Seating capacity: Inside Outside

11. Operating hours (Inside the building): 4 AM - 12 AM
Operating hours (Outdoor seating areas):

*Selling up 6AM-9PM
Beer - 6AM - Midnight*

12. Employees/Staff

Number of floor personnel 3 Number of door checkers

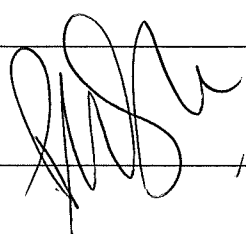
13. In general, state the size and operational details of the proposed establishment:

a. Gross floor building area of the premises to be licensed: 36x71 SQ. Ft 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:

Gas Station, convenience store, sell soda, chips,
Beer, Candy etc.

Signature 

Date 4/29/2022

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 Oneida Street mini mart 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 Oneida BP
(Trade Name)

located at 1306 S Oneida Street

appoints Prabhu Dhungana
(Name of Appointed Agent)

4716 W Grand Meadows Dr, 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).
Hortonville BP 102 E Main St Hortonville, WI 54944 Kimberly BP 730 W Kimberly Ave Kimberly, WI 54136

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? Since 2012

Place of residence last year 4716 W Grand Meadows Dr Appleton, WI, 54914

For: Oneida Street mini mart LLC
(Name of Corporation / Organization / Limited Liability Company)

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

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

ACCEPTANCE BY AGENT

I, Prabhu Dhungana, hereby accept this appointment as agent for the
(Print / Type Agent's Name)

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

[Signature] 4/29/2022
(Signature of Agent) (Date)

4716 W Grand Meadows Dr, Appleton, WI, 54914
(Home Address of Agent)

Agent's age 30

Date of birth 11/11/1991

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)



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

APPLICATION for the Operation of a PET STORE/KENNEL

FEES ARE NON-REFUNDABLE		Date Rec'd <u>5/2/22</u>
See SECTION 5 for Fee Schedule		
License Fee - Initial	\$ _____	Acct. Code: CLPETK
License Fee - Renewal	\$ <u>75</u>	Acct. Code: CLPETK
Investigation Fee	+ \$ 7.00	Acct. Code: CLCPIF
Total Amount Paid	\$ <u>82</u>	Receipt <u>358</u>
License period July 1 to June 30		<u>3558-5</u>

PLEASE ALLOW 4 WEEKS FOR PROCESSING

SECTION 1 – BUSINESS LOCATION – Answer all questions completely. Please PRINT clearly			
NOTE: The location of a Kennel or Pet Store is subject to applicable zoning and other regulations.			
Business Name <u>HSA Corporation dba Pet Supplies Plus</u>			
Business Street Address <u>702 W Northland Ave.</u>		City <u>Appleton</u>	State <u>WI</u>
Business Telephone Number <u>920-832-3858</u>		Zip <u>54914</u>	
SECTION 2 – APPLICANT INFORMATION			
Name <u>Angela DeHaan</u>			
Home Street Address <u>8985 Buchanan St</u>		City <u>Attendale</u>	State <u>MI</u>
Date of Birth <u>●●●●●●</u>	Male <input type="checkbox"/>	Female <input checked="" type="checkbox"/>	Telephone Number <u>●●●●●●●●</u>
SECTION 3 – SERVICES TO BE PROVIDED			
Please check the type(s) of services your establishment will offer:			
<input checked="" type="checkbox"/> Live animals	<input checked="" type="checkbox"/> Pet Food		
<input checked="" type="checkbox"/> Pet Accessories	<input checked="" type="checkbox"/> Fish	<input checked="" type="checkbox"/> Other	
SECTION 4 – PENALTY NOTICE			
Having knowledge of all governmental laws, rules or regulations governing the keeping or protection of animals, I hereby certify that the information provided in this application is true and correct to the best of my knowledge and belief.			
Signature of Applicant: <u>Angela DeHaan</u>			
SECTION 5 – FEE SCHEDULE **all fees include the \$7 Investigation fee**			
Pet Store License	Initial Fee - \$97.00	Renewal Fee – <u>\$82.00</u>	
Kennel License	1-10 animals - \$62.00	11-25 animals - \$137.00	
	26-50 animals - \$262.00	More than 50 animals - \$5.00 per animal with a minimum of \$287.00	
FOR OFFICE USE ONLY			
Dept.	Approve	Deny	By
Police			
Fire			
City Sealer			
Inspection			
Community Development			
S&L <u>5-11-22</u>	Council <u>5-18-22</u>	Date Issued	Exp. Date
			License Number

04-23-21

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



LICENSE APPLICATION

for
 PAWNBROKER
 X SECONDHAND ARTICLE DEALER
 SECONDHAND JEWELRY DEALER
 SECONDHAND ARTICLE DEALER MALL/FLEA MARKET

FEES ARE NON-REFUNDABLE		Date Rec'd <u>5/2/22</u>
<input type="checkbox"/> Pawnbroker	\$217.00	Acct. CLLPWN
<input checked="" type="checkbox"/> Secondhand Article	\$97.00 / \$82.00	orig/rnw (see below)
<input type="checkbox"/> Secondhand Jewelry	\$97.00 / \$82.00	orig/rnw (see below)
<input type="checkbox"/> Secondhand Mall/Flea	\$172.00	Acct. CLLSMF
		Receipt # <u>3570-1</u>

<input checked="" type="checkbox"/> Original Application	Acct Code: CLLSJW
<input type="checkbox"/> Renewal	Acct Code: CLLSJR

Please allow 4 weeks for processing

Instructions: Individual license – Complete Sections 1, 2, 3 and 6
 Partnership license – Complete Sections 1, 2, 3, 4, and 6
 Corporate license – Complete Sections 1, 2, 3, 5, and 6

Return application and required fees to:
 OFFICE OF THE CITY CLERK, 100 N. APPLETON STREET
 APPLETON, WI 54911

SECTION 1 – APPLICANT INFORMATION					
Applicant Name (Last, First, MI)		Sex	Race	Date of Birth	Place of Birth (City & State)
Bartlett, Adam, L		M	W	●●●●	Oshkosh, WI
Street Address	City	State	Zip	Home Telephone Number	
824 Powers St	Oshkosh	WI	54901	●●●●●●	
SECTION 2 – CONVICTION RECORD					
Have you, or any other person listed on this application, been convicted of any of the following:					
A felony within the last ten (10) years? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
Within the last ten (10) years of:					
A misdemeanor? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
A statutory violation punishable by forfeiture? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
A county or municipal ordinance violation? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
For each "YES" response provide the date of arrest, the nature of the offense and conviction information: _____					

SECTION 3 – BUSINESS INFORMATION					
Business Name	Street Address	City	State	Zip	Telephone Number
Eroding Winds LLC	229 East College Ave	Appleton	WI	54911	9202307433
Owner's Name	Street Address	City	State	Zip	Telephone Number
Adam Bartlett	824 Powers St	Oshkosh	WI	54901	●●●●●●
Business Manager's name	Street Address	City	State	Zip	Telephone Number
same as above	824 Powers St	Oshkosh	WI	54901	●●●●●●
Building Owner's Name	Street Address	City	State	Zip	Telephone Number
Noble Assets	600 E Parkway Blvd	Appleton	WI	54911	●●●●●●

SECTION 4 – PARTNERSHIP INFORMATION

Partnership Name:

List name, address, sex, race and date of birth of all partners. Attach additional sheets, if necessary

Name (Last, First, MI)	Sex	Race	DOB	Street Address	City	State	Zip

SECTION 5 – CORPORATE INFORMATION

Corporation Name: Eroding Winds LLC
 State of Incorp. WI

List name, address, sex, race and date of birth of all partners. Attach additional sheets, if necessary

Name (Last, First, MI)	Sex	Race	DOB	Street Address	City	State	Zip
Bartlett, Adam, L	M	W	●●●●	824 Powers St	Oshkosh	WI	54901

SECTION 6 – PENALTY NOTICE

I understand that this license may be denied or revoked for fraud, misrepresentation or false statements contained in the application or for any violation of Wis. Stats. §§ 134.71, 943.34, 948.62 or 948.63.

Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge. I agree to inform the clerk within ten (10) days of any change in the information supplied in this application.

Signature of Applicant: *Adam Bartlett* Date 4 / 29 / 22

FOR OFFICE USE ONLY

Dept	Approve	Deny	By	Reason
POLICE				
FIRE				
COM DEVELOPMENT				
CITY SEALER				

Safety and Licensing	Common Council	Date Issued	Expiration Date	License Number
<u>5 / 11 / 22</u>	<u>5 / 18 / 22</u>	___/___/___	___/___/___	

ADDITIONAL 2022-2023 RENEWALS

CLASS "B" FERMENTED MALT BEVERAGE LICENSE

<u>NAME</u>	<u>TRADE NAME</u>	<u>ADDRESS</u>
Appleton Axe LLC Patrick Van Abel, Agent, W2823 Oakridge Dr Appleton WI	Appleton Axe	1400 W College Ave

**CLASS "B" FERMENTED MALT BEVERAGE LICENSE
AND "CLASS C" WINE LICENSE**

<u>NAME</u>	<u>TRADE NAME</u>	<u>ADDRESS</u>
Sunflower Spa LLC Lacy A. Hardy, Agent, N10878 Artesia Beach Rd Malone WI 53049	Sunflower Spa	1024 S Olde Oneida St

CLASS "B" FERMENTED MALT BEVERAGE & "CLASS B" LIQUOR LICENSE

<u>NAME</u>	<u>TRADE NAME</u>	<u>ADDRESS</u>
Camelot of Appleton LLC Brian M. Striegel, Agent, 802 E College Ave Appleton WI 54911	Camelot	1700 E Wisconsin Ave
Galvan's LLC Spresium Useini, Agent, 843 Sundial Ln Neenah WI 54956	Galvan's	2220 E Northland Ave
Spats Food and Spirits LLC Nicholas Kapheim, Agent, 5740 W Packard St Appleton WI 54913	Spats Food and Spirits	733 W College Ave
Zhou Japanese Steakhouse LLC Yao Ming Zhou, Agent, 9606 N Noe Rd Appleton WI 54915	TJ's Japanese Steakhouse	4025 E Lorna Ln



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: May 11, 2022

Common Council Meeting Date: May 18, 2022

Item: Dedication of Public Right-of-Way for North Lightning Drive

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner/Applicant: City of Appleton c/o Tom Kromm, Department of Public Works

Location: The subject site is located north of existing North Lightning Drive.

Petitioner's Request: The applicant is requesting a dedication of land for public right-of-way for North Lightning Drive.

BACKGROUND

On October 13, 2021, the Plan Commission recommended approval of the North Lightning Drive/C.T.H. JJ (Right-of-Way) Annexation.

On November 8, 2021, this segment of North Lightning Drive was annexed to the City.

This segment of North Lightning Drive was rezoned from Temporary Agricultural (AG) to P-I Public Institutional District pursuant to Rezoning #11-21.

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

STAFF ANALYSIS

Public Right-of-Way Dedication: The owner/applicant has submitted a Certified Survey Map (CSM) to dedicate the subject area (3.865 acres) for public roadway purposes. The CSM, currently under review by staff, is subject to the acceptance of the public right-of-way dedication by Plan Commission and Common Council.

Street Classification and Width: North Lightning Drive is classified as a collector street on the City's Arterial/Collector Plan. The right-of-way width for this portion of North Lightning Drive will be 70 feet wide.

Dedication of Public Right-of-Way – North Lightning Drive
May 11, 2022
Page 2

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. P-I Public Institutional District, future stormwater pond.

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.

Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as Officially Mapped Lightning Drive, Mixed Use, Public Institutional, One/Two Family Residential and Agricultural/Private Open Space. The proposed dedication is consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030*.

Goal 4 – Transportation

Appleton will support a comprehensive transportation network that provides viable options for pedestrian, bicycle, highway, rail, and air transportation, both locally and within the region.

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.

Technical Review Group (TRG) Report: This item appeared on the April 19, 2022 TRG Agenda. No negative comments were received from participating departments.

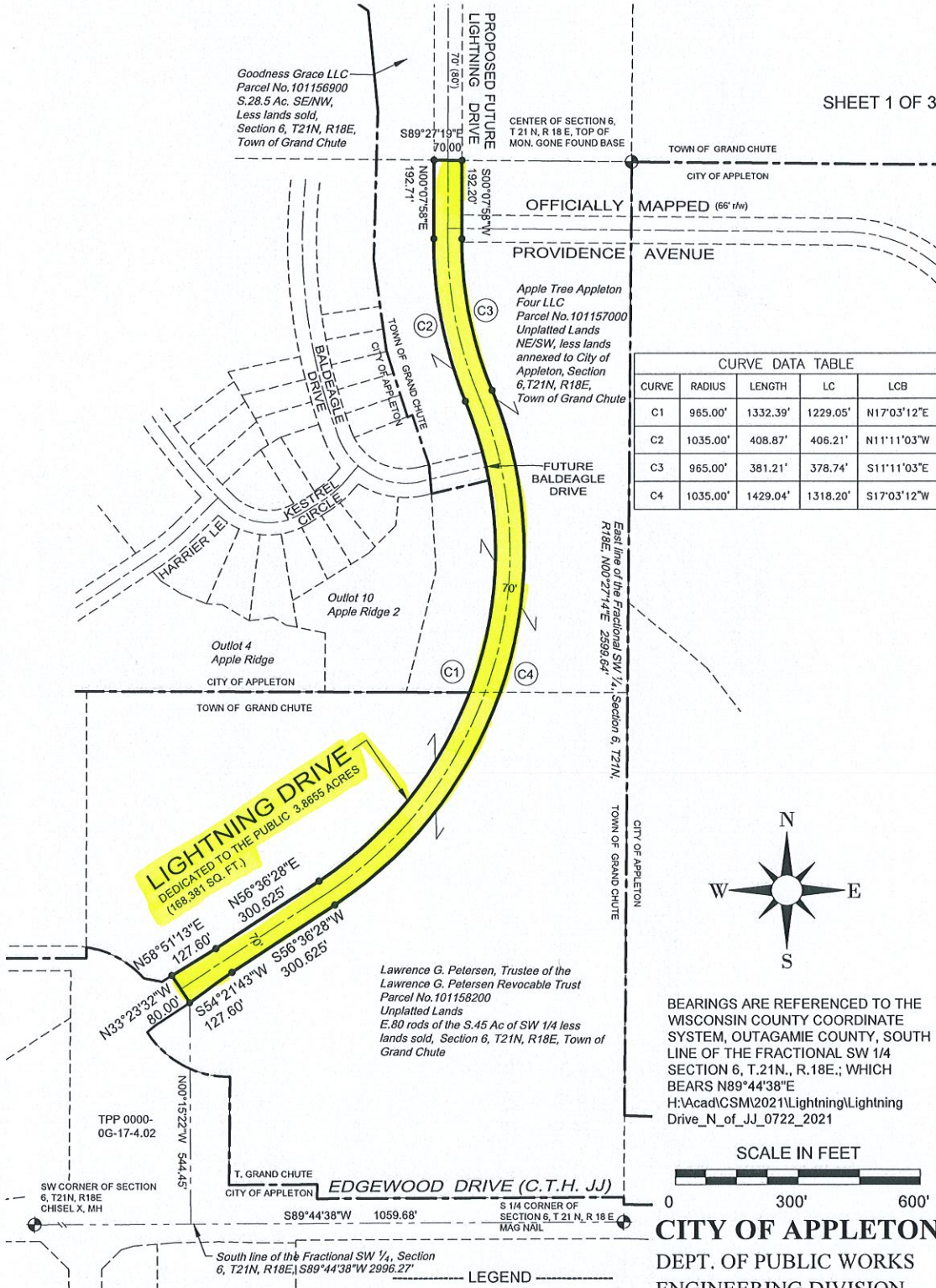
RECOMMENDATION

Staff recommends the dedication of land for public right-of-way for North Lightning Drive, as shown on the attached map, **BE APPROVED**.

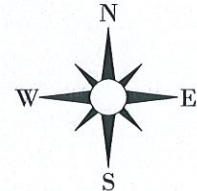
CERTIFIED SURVEY MAP NO. _____

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

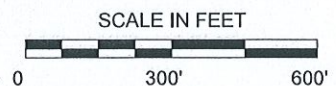
SHEET 1 OF 3



CURVE DATA TABLE				
CURVE	RADIUS	LENGTH	LC	LCB
C1	965.00'	1332.39'	1229.05'	N17°03'12"E
C2	1035.00'	408.87'	406.21'	N11°11'03"W
C3	965.00'	381.21'	378.74'	S11°11'03"E
C4	1035.00'	1429.04'	1318.20'	S17°03'12"W



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, SOUTH LINE OF THE FRACTIONAL SW 1/4 SECTION 6, T.21N., R.18E., WHICH BEARS N89°44'38"E
 H:\Acad\CSM\2021\Lightning\Lightning Drive_N_of_JJ_0722_2021



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

- LEGEND**
- = 3/4" Iron Rebar Found
 - ▲ = 1.3" O.D. Iron Pipe Found
 - ✕ = 3/4" Iron Rebar Found
 - ⊕ = Government Corner
 - () = Measurements of Record

CERTIFIED SURVEY MAP NO. _____

Part of the Fractional Southwest ¼ of Section 6, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin.

SURVEYOR'S CERTIFICATE:

SHEET 2 OF 3

Part of the Fractional Southwest ¼ of Section 6, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 3.8655 Acres (168,381 sq. ft.) of land and being described by:

Commencing at the Southeast corner of said Section 6;
Thence South 89°44'38" West 1059.68 feet along the South line of the Fractional SW ¼ of said Section 6;
Thence North 00°15'22" West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-0G-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office and being the point of beginning;
Thence North 33°23'32" West 80.00 feet coincident with a Northeast line of said Transportation Project Plat No: 0000-0G-17-4.02;
Thence North 58°51'13" East 127.60 feet;
Thence North 56°36'28" East 300.625 feet;
Thence Northerly 1332.39 feet along the arc of a curve to the left having a radius of 965.00 feet and the chord of which bears North 17°03'12" East 1229.05 feet;
Thence Northerly 408.87 feet along the arc of a curve to the right having a radius of 1035.00 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 SW ¼ of said Section 6;
Thence South 89°27'19" East 70.00 feet along the North line of the SW ¼ of said Section 6;
Thence South 00°07'58" West 192.20 feet;
Thence Southerly 381.21 feet along the arc of a 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 1429.04 feet along the arc of a curve to the right having a radius of 1035.00 feet and the chord of which bears South 17°03'12" West 1318.20 feet;
Thence South 56°36'28" West 300.625 feet;
Thence South 54°21'43" West 127.60 feet to the point of beginning.
Said lands subject to all easements and restrictions of record.

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

Dated this ____ day of _____, 2022.

Wisconsin Professional Land Surveyor: Thomas M. Kromm

This Certified Survey Map is all of tax parcel: N/A.

This Certified Survey Map is Zoned P-I.

This Certified Survey Map is contained within the property described in the following recorded instrument:

Document No.2241433 and 2243173.

The property owner of record is the City of Appleton.

**COMMON COUNCIL
OF THE
CITY OF APPLETON, WISCONSIN**

May 18, 2022

Resolution No.: None

**A Resolution Authorizing and Providing for the Sale and Issuance of
\$15,530,000 General Obligation Promissory Notes, Series 2022,
and All Related Details**

RECITALS

The Common Council (the “**Governing Body**”) of the City of Appleton, Wisconsin (the “**Issuer**”) makes the following findings and determinations:

1. The Issuer needs funds to finance improvements to bridges; improvements to safety camera, asphalt, concrete, grade and gravel, sidewalk, storm water, water main, and sanitary sewer programs for the Public Works Department; improvements to municipal buildings and grounds; enterprise resource planning improvements for the IT Department; the purchase of a fire truck and landfill and snow removal equipment; and improvements to parks and public grounds (collectively, the “**Project**”).
2. The Issuer now wishes to borrow the funds needed for the Project by selling and issuing its \$15,530,000 General Obligation Promissory Notes, Series 2022 (the “**Obligations**”) pursuant to the provisions of Section 67.12 (12) of the Wisconsin Statutes.
3. The Issuer has taken all actions required by law and has the power to sell and issue the Obligations.
4. The Governing Body is adopting this resolution to sell the Obligations and provide for their issuance upon the terms and conditions set forth in this resolution.

RESOLUTIONS

The Governing Body resolves as follows:

Section 1. Definitions.

In addition to the capitalized terms defined in the recitals above, capitalized terms not otherwise defined in this resolution shall have the meanings set forth below unless the context requires another meaning.

“**Book-Entry System**” means a system in which no physical distribution of certificates representing ownership of the Obligations is made to the owners of the Obligations

but instead all outstanding Obligations are registered in the name of a securities depository appointed by the Issuer, or in the name of such a depository's nominee, and the depository and its participants record beneficial ownership and effect transfers of the Obligations electronically.

“**Code**” means the Internal Revenue Code of 1986, as amended.

“**Continuing Disclosure Agreement**” means the Continuing Disclosure Agreement, dated as of the Original Issue Date, to be executed by the Issuer and delivered on the closing date of the Obligations.

“**Debt Service Fund**” means the fund created by the Issuer pursuant to Section 67.11 of the Wisconsin Statutes to provide for the payment of debt service on its general obligations.

“**Debt Service Fund Account**” has the meaning set forth in Section 16 of this resolution.

“**Depository**” means DTC or any successor appointed by the Issuer and acting as securities depository for the Obligations.

“**Director of Finance**” means the Issuer's Director of Finance.

“**DTC**” means The Depository Trust Company, New York, New York.

“**Fiscal Agent**” means the Director of Finance, or any successor fiscal agent appointed by the Issuer to act as authentication agent, paying agent, and registrar for the Obligations pursuant to Section 67.10 (2) of the Wisconsin Statutes.

“**Governing Body**” has the meaning set forth in the recitals to this resolution.

“**Issuer**” means the City of Appleton, Wisconsin.

“**Municipal Officers**” means the Mayor and the Clerk of the Issuer. These are the officers required by law to execute general obligations on the Issuer's behalf.

“**Obligations**” means the \$15,530,000 City of Appleton, Wisconsin General Obligation Promissory Notes, Series 2022, which will be issued pursuant to this resolution.

“**Original Issue Date**” means June 15, 2022.

“**Project**” has the meaning set forth in the recitals to this resolution.

“**Purchase Agreement**” means the purchase agreement signed and presented by the Purchaser to evidence the purchase of the Obligations.

“**Purchase Price**” means \$_____, plus payment by the Purchaser on behalf of the Issuer of \$_____ for the costs of issuing the Obligations.

“**Purchaser**” means Robert W. Baird & Co. Incorporated, or a group that it leads.

“**Record Date**” means the 15th day (whether or not a business day) of the calendar month just before a regularly scheduled interest payment date for the Obligations.

“**Recording Officer**” means the Issuer’s Clerk.

“**Register**” means the register maintained by the Fiscal Agent at its designated office, in which the Fiscal Agent records:

- (i) The name and address of the registered owner of each Obligation.
- (ii) All transfers of each Obligation.

Section 2. Exhibits.

The attached exhibits are also a part of this resolution as though they were fully written out in this resolution:

- (i) *Exhibit A* — Form of Obligation.
- (ii) *Exhibit B* — Notice to Electors of Sale.

Section 3. Purposes of Borrowing; Issuance of Obligations.

The Governing Body authorizes the Obligations and orders that they be prepared, executed, and issued. The Obligations will be fully registered, negotiable, general obligation promissory notes of the Issuer in the principal amount of \$15,530,000. The Obligations will be issued pursuant to the provisions of Section 67.12(12) of the Wisconsin Statutes to pay the costs of the Project and issuing the Obligations (including, but not limited to, printing costs and fees for underwriting, financial consultants, bond counsel, fiscal agent, rating agencies, bond insurance, and registration, as applicable).

Section 4. Terms of Obligations.

The Obligations will be named “City of Appleton, Wisconsin General Obligation Promissory Notes, Series 2022.” The Obligations will be dated the Original Issue Date, even if they are actually issued or executed on another date. Each Obligation will also be dated the date on which it is authenticated by the Fiscal Agent. That date is its registration date.

The face amount of each Obligation will be \$5,000 or any multiple thereof up to the principal amount authorized for that maturity.

The Obligations will bear interest from the Original Issue Date. Interest will be due and payable on each April 1 and October 1, beginning on October 1, 2022, until the principal of the Obligations has been paid. Interest on each Obligation will be (i) computed on the basis of a 360-day year of twelve 30-day months and (ii) payable to the entity or person in whose name the Obligation is registered on the Register at the end of the day on the applicable Record Date. The Issuer and the Fiscal Agent may treat the entity or person in whose name any Obligation is registered on the Register as the absolute owner of the Obligations for all purposes whatsoever

under this resolution. The Obligations will be numbered consecutively as may be required to comply with any applicable rules or customs or as determined by the Municipal Officers executing the Obligations. The following table shows when the Obligations will mature and the rate of interest each maturity will bear:

Maturity Date (April 1)	<u>Principal Amount</u>	<u>Interest Rate</u>
2024	\$1,260,000	.00
2025	1,650,000	.00
2026	1,945,000	.00
2027	2,395,000	.00
2028	1,500,000	.00
2029	1,580,000	.00
2030	1,660,000	.00
2031	1,735,000	.00
2032	1,805,000	.00

The principal of, and interest on, the Obligations will be payable in lawful money of the United States of America.

Section 5. Fiscal Agent.

The Issuer appoints the Fiscal Agent to act as authentication agent, paying agent, and registrar for the Obligations. Among other things, the Fiscal Agent shall maintain the Register.

Section 6. Appointment of Depository.

The Issuer appoints DTC to act as securities depository for the Obligations. An authorized representative of the Issuer has previously executed a blanket issuer letter of representations with DTC on the Issuer's behalf, and the Issuer ratifies and approves that document.

Section 7. Book-Entry System.

On the date of their initial delivery, the Obligations will be registered in the name of DTC or its nominee and maintained in a Book-Entry System. If the Issuer's relationship with DTC is terminated, then the Issuer may appoint another securities depository to maintain the Book-Entry System.

If on any date the Obligations are not being maintained in a Book-Entry System, then the Issuer will do the following:

- (i) At its expense, the Issuer will prepare, authenticate, and deliver to the beneficial owners of the Obligations fully-registered, certificated Obligations in the denomination of \$5,000 or any multiple thereof in the

aggregate principal amount then outstanding. The beneficial owners will be those shown on the records of the Depository and its direct and indirect participants.

- (ii) The Issuer will appoint a fiscal agent to act as authentication agent, paying agent, and registrar for the Obligations under Section 67.10 (2) of the Wisconsin Statutes.

Section 8. Redemption.

The Obligations maturing on and after April 1, 2030 are subject to redemption before their stated maturity dates, at the Issuer's option, in whole or in part, in the order of maturity selected by the Issuer, on April 1, 2029 and on any date thereafter. The redemption price will be 100% of the principal amount redeemed, plus accrued interest to the redemption date, and no premium will be paid. If payment of an Obligation called for redemption has been made or provided for, then interest on the Obligation stops accruing on the stated redemption date. If less than all outstanding Obligations are redeemed, then the Obligations will be redeemed in \$5,000 multiples in accordance with Sections 9 and 10 hereof.

Section 9. Manner of Payment/Transfers/Redemption Notices Under Book-Entry System.

So long as the Obligations are being maintained in a Book-Entry System, the following provisions apply:

Payment. The Fiscal Agent is directed to pay the principal of, and interest on, the Obligations by wire transfer to the Depository or its nominee in accordance with the Depository's rules that are then in effect.

Transfers. The Obligations are transferable, only upon the Register and only if the Depository ceases to act as securities depository for the Obligations and the Issuer appoints a successor securities depository. If that happens, then upon the surrender of the Obligations to the Fiscal Agent, the Issuer will issue new fully registered Obligations in the same aggregate principal amount to the successor securities depository, and the Obligations will be recorded as transferred to the successor securities depository in the Register.

The Fiscal Agent will not be required to make any transfer of the Obligations (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Obligations, or (ii) with respect to any particular Obligation, after such Obligation has been called for redemption.

Partial Redemption. If less than all the Obligations of a particular maturity are to be redeemed, then the Depository and its direct and indirect participants will select the beneficial owners of the Obligations to be redeemed. If less than all the principal amount of a specific maturity is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Obligation, the Issuer will issue one or more new Obligations in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Obligations will be sent to the Depository, in the manner required by the Depository, not less than 30, and not more than 60, days prior to the proposed redemption date. A notice of optional redemption may be revoked by sending notice to the Depository, in the manner required by the Depository, not less than 15 days prior to the proposed optional redemption date.

Section 10. Manner of Payment/Transfers/Redemption Notices Not Under Book-Entry System.

If on any date the Obligations are not being maintained in a Book-Entry System, then the following provisions apply:

Payment. The Fiscal Agent will pay the principal of each Obligation upon its presentation and surrender on or after its maturity or earlier redemption date at the designated office of the Fiscal Agent, and the Fiscal Agent will pay, on each interest payment date, the interest on each Obligation by wire or other electronic funds transfer or by check of the Fiscal Agent sent by first class mail to the person or entity in whose name the Obligation is registered on the Register at the end of the day on the applicable Record Date.

Transfers. Each Obligation is transferable, only upon the Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of \$5,000 or any multiple thereof. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Obligation shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Issuer will issue one or more new fully registered Obligations in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Obligations and upon the payment of a charge sufficient to reimburse the Issuer or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Obligations (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Obligations, or (ii) with respect to any particular Obligation, after the Obligation has been called for redemption.

Partial Redemptions. If less than all the Obligations of a particular maturity are to be redeemed, then the Issuer or the Fiscal Agent will randomly select the Obligations to be redeemed. If an Obligation has been called for redemption but less than the entire principal amount thereof is redeemed, then on or after the redemption date and upon surrender of the Obligation to the Fiscal Agent, the Issuer will issue a new Obligation in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Obligations shall be sent by first class mail, not less than 30, and not more than 60, days before the redemption date to the registered owners of the Obligations to be redeemed at the respective addresses set forth in the Register. A notice of optional redemption may be revoked by sending a notice, by

first class mail, not less than 15 days prior to the proposed optional redemption date to the registered owners of the Obligations which have been called for optional redemption.

Section 11. Form of Obligations.

The Obligations shall be in substantially the form shown in Exhibit A. Omissions, insertions, or variations are permitted if they are deemed necessary or desirable and are consistent with this resolution or any supplemental resolution. The Issuer may cause the approving opinion of bond counsel to be printed or reproduced on the Obligations.

Section 12. Execution of Obligations.

The Obligations shall be signed by the persons who are the Municipal Officers on the date on which the Obligations are signed. The Obligations shall be sealed with the Issuer's corporate seal (or a facsimile), if the Issuer has one, and the Obligations shall also be authenticated by the manual signature of the Fiscal Agent.

The Obligations will be valid and binding even if before they are delivered any person whose signature appears on the Obligations is no longer living or is no longer the person authorized to sign the Obligations. In that event, the Obligations will have the same effect as if the person were living or were still the person authorized to sign the Obligations.

A facsimile signature may be used as long as at least one signature of a Municipal Officer is a manual signature or the Fiscal Agent's certificate of authentication has a manual signature. If a facsimile signature is used, then it will be treated as the officer's own signature.

Section 13. Continuing Disclosure.

The appropriate officers of the Issuer are directed to sign the Continuing Disclosure Agreement, and the Issuer agrees to comply with all its terms.

Section 14. Sale of Obligations.

The Issuer awards the sale of the Obligations to the Purchaser at the Purchase Price, plus any accrued interest from the Original Issue Date to the date of delivery of the Obligations. The Issuer approves and accepts the Purchase Agreement. The Municipal Officers are directed (i) to sign the Purchase Agreement in the Issuer's name and (ii) to take any additional actions needed to complete the sale of the Obligations.

The Municipal Officers are directed to sign the Obligations and to arrange for delivery of the Obligations to the Purchaser through the facilities of DTC in accordance with the Purchase Agreement and this resolution. The Obligations may be delivered to the Purchaser upon payment by the Purchaser of the Purchase Price, plus any accrued interest, as required by this resolution.

Unless waived by the Purchaser, the delivery of the Obligations is conditioned upon the Issuer furnishing the following items to the Purchaser:

- (i) The Obligations, together with the written, unqualified approving opinion of the law firm of Foley & Lardner LLP, bond counsel, evidencing the legality of the Obligations and that interest on the Obligations will be excluded from gross income for federal income tax purposes.
- (ii) A transcript of the proceedings relating to the issuance of the Obligations.
- (iii) A certificate showing that no litigation has been threatened or is pending that would affect the legality of the Obligations or the right of the Issuer to issue them at the time of their delivery.

Section 15. General Obligation Pledge; Tax Levy.

For the prompt payment of the principal of, and interest on, the Obligations, the Issuer irrevocably pledges its full faith and credit. The Issuer hereby levies upon all taxable property in its territory a direct, annual, and irrevocable tax in an amount sufficient to pay, and for the express purpose of paying, the interest on the Obligations as it falls due and also to pay and discharge the principal of the Obligations on their maturity dates.

This tax shall be carried from year to year into the Issuer’s tax roll. It shall be collected in addition to all other taxes and in the same manner and at the same time as all other taxes. The amount of this tax that is carried into the Issuer’s tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account available to pay debt service on the Obligations for such year. The tax for each year the levy is made will be in the following amounts:

<u>Levy Year</u>	Debt Service Amount Due in <u>Following Year</u>	<u>Levy Year</u>	Debt Service Amount Due in <u>Following Year</u>
2022	\$.00	2027	\$.00
2023	.00	2028	.00
2024	.00	2029	.00
2025	.00	2030	.00
2026	.00	2031	.00

Taking into account any accrued interest received on the date of delivery of the Obligations and any premium paid to the Issuer by the Purchaser in excess of the stated principal amount of the Obligations that has been deposited into the Debt Service Fund Account as provided in Section 16 hereof, the Issuer hereby appropriates from its tax levy made in the year 2021 an amount sufficient to pay the remaining amount, if any, needed for the interest payment coming due on

the Obligations in 2022. As a result of the foregoing, the Issuer does not need to levy a tax for the interest payment on the Obligations to be made in 2022.

Section 16. Debt Service Fund Account.

The Issuer shall create a separate account within the Debt Service Fund solely for the Obligations (the “**Debt Service Fund Account**”), which shall be maintained and administered as provided in Section 67.11 of the Wisconsin Statutes. The Director of Finance is directed to keep the proceeds of the taxes levied under this resolution, when they are collected, in the Debt Service Fund Account. Any accrued interest received on the Original Issue Date and the premium, if any, paid to the Issuer by the Purchaser in excess of the stated principal amount of the Obligations shall be deposited into the Debt Service Fund Account and used to pay interest on the Obligations. If the money in the Debt Service Fund Account is insufficient to make a payment of principal of, or interest on, the Obligations on a date on which such a payment is due, then the Issuer will promptly provide the necessary funds to make the payment from other available sources.

Section 17. Borrowed Money Fund.

The sale proceeds of the Obligations (not including any accrued interest or premium received) shall be deposited in and kept by the Director of Finance in a separate fund. The fund shall be designated with both the name of the Obligations and the name Borrowed Money Fund (the “**Borrowed Money Fund**”). Money in the Borrowed Money Fund, including any earnings, shall be (a) used to pay the costs of the Project and issuing the Obligations, or (b) transferred to the Debt Service Fund Account as provided by law.

Section 18. Official Statement.

The Issuer ratifies and approves the preliminary offering document prepared and distributed in connection with the sale of the Obligations, and the Issuer authorizes and directs the final version of such document (the “**Official Statement**”) to be prepared prior to the issuance of the Obligations; *provided, however*, that the Official Statement shall be substantially in the form submitted to this meeting, with such modifications as the Municipal Officers approve. The Municipal Officers are directed to deliver copies of the Official Statement to the Purchaser and, if the Purchaser requests, execute one or more copies on behalf of the Issuer. Execution and delivery of the Official Statement will conclusively evidence the approval of the Municipal Officers.

Section 19. Publication of Notice.

The Recording Officer is directed to publish notice that the Issuer has agreed to sell the Obligations. The notice shall be published in the Issuer’s official newspaper as a class 1 notice under Chapter 985 of the Wisconsin Statutes promptly after the execution of the Purchase Agreement. The notice shall be in substantially the form shown in Exhibit B. The Recording Officer shall obtain proof, in affidavit form, of the publication, and shall compare the notice as published with the attached form to make sure that no mistake was made in publication.

Section 20. Authorization of Officers.

The appropriate officers of the Issuer are directed to prepare and furnish the following items to the Purchaser and the attorneys approving the legality of the Obligations:

- (i) Certified copies of proceedings and records of the Issuer relating to the Obligations and to the financial condition and affairs of the Issuer.
- (ii) Other affidavits, certificates, and information that may be required to show the facts about the legality of the Obligations, as such facts appear on the books and records under the officer's custody or control or as are otherwise known to the officer.

All certified copies, affidavits, certificates, and information furnished for such purpose will be representations of the Issuer as to the facts they present.

Section 21. Tax Law Covenants.

The Issuer covenants that it will comply with all requirements of the Code and the Treasury Regulations promulgated thereunder, that must be satisfied so that interest on the Obligations will be excluded from gross income for federal income tax purposes.

Section 22. Further Authorization.

The Issuer authorizes its officers, attorneys, and other agents or employees to do all acts required of them to carry out the purposes of this resolution.

Section 23. Conflict with Prior Acts.

In case any part of a prior action of the Governing Body conflicts with this resolution, that part of the prior action is hereby rescinded.

Section 24. Severability of Invalid Provisions.

If a court holds any provision of this resolution to be illegal or invalid, then the illegality or invalidity shall not affect any other provision of this resolution.

Section 25. Effective Date.

This resolution takes effect upon its adoption and approval in the manner provided by law.

* * * * *

Adopted: May 18, 2022

Approved: May ____, 2022

Mayor

Clerk

EXHIBIT A

FORM OF OBLIGATION

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation (“DTC”), to the issuer or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

STATE OF WISCONSIN
CITY OF APPLETON

Registered

No. R-____ \$ _____

GENERAL OBLIGATION PROMISSORY NOTE, SERIES 2022

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Original Issue Date</u>	<u>CUSIP</u>
_____%	April 1, 20__	June 15, 2022	038105 ____

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

THE CITY OF APPLETON, WISCONSIN (herein called the “**Issuer**”), hereby acknowledges itself to owe and for value received promises to pay the Principal Amount to the Registered Owner on the Maturity Date, and to pay interest on the Principal Amount from the Original Issue Date at the annual rate of the Interest Rate. Interest is due and payable on each April 1 and October 1, beginning on October 1, 2022, until the Principal Amount has been paid. Interest is computed on the basis of a 360-day year of twelve 30-day months.

This Obligation is one of a duly authorized issue of notes (the “**Obligations**”) of the Issuer of an aggregate principal amount of \$15,530,000, all of like tenor, except as to denomination, interest rate, maturity date, and redemption provisions, issued by the Issuer pursuant to the provisions of Section 67.12(12) of the Wisconsin Statutes, and is authorized by the resolution duly adopted by the governing body of the Issuer on May 18, 2022, entitled: “A Resolution Authorizing and Providing for the Sale and Issuance of \$15,530,000 General Obligation Promissory Notes, Series 2022, and All Related Details” (the “**Resolution**”). The Obligations are issuable only in the form of fully registered notes.

On the date of their initial delivery, the Obligations will be maintained in a system in which no physical distribution of certificates representing ownership of the Obligations is made to the owners of the Obligations but instead all outstanding Obligations are registered in the name of a securities depository appointed by the Issuer (a “**Depository**”), or in the name of the Depository’s nominee, and the Depository and its participants record beneficial ownership and effect transfers of the Obligations electronically (a “**Book-Entry System**”). So long as the Obligations are maintained in a Book-Entry System, then the principal of, and interest on, this Obligation will be paid by wire transfer to the Depository or its nominee in accordance with the Depository’s rules that are then in effect by the Director of Finance of the Issuer, or any successor fiscal agent appointed by the Issuer under Section 67.10 (2) of the Wisconsin Statutes (the “**Fiscal Agent**”), which will act as authentication agent, paying agent, and registrar for the Obligations.

If on any date the Obligations are *not* being maintained in a Book-Entry System, then (i) the principal of this Obligation will be paid by the Fiscal Agent upon its presentation and surrender on or after its maturity date or earlier redemption date at the designated office of the Fiscal Agent, and (ii) the interest on this Obligation will be paid by the Fiscal Agent, on each interest payment date, by wire or other electronic money transfer or by check of the Fiscal Agent sent by first class mail to the person or entity in whose name this Obligation is registered on the register (the “**Register**”) maintained by the Fiscal Agent at the end of the day on the 15th day (whether or not a business day) of the calendar month just before each regularly scheduled interest payment date (the “**Record Date**”). The Issuer and the Fiscal Agent may treat the entity or person in whose name this Obligation is registered on the Register as the absolute owner of this Obligation for all purposes.

The principal of, and interest on, this Obligation is payable in lawful money of the United States of America. For the prompt payment of the principal of and interest on this Obligation, the Issuer has irrevocably pledged its full faith and credit. The Issuer has levied upon all taxable property in its territory a direct, annual, and irrevocable tax sufficient in amount to pay, and for the express purpose of paying, the interest on this Obligation as it falls due and the principal of this Obligation on the Maturity Date.

The Obligations maturing on or after April 1, 2030 are subject to redemption before their stated maturity dates, at the Issuer’s option, in whole or in part, in the order of maturity selected by the Issuer, on April 1, 2029 and on any date thereafter. The redemption price will be 100% of the principal amount redeemed, plus accrued interest to the redemption date, and no premium will be paid. If payment of an Obligation called for redemption has been made or provided for, then interest on the Obligation stops accruing on the stated redemption date. If less than all outstanding Obligations are redeemed, then such Obligations will be redeemed in multiples of \$5,000 as set forth below.

So long as the Obligations are being maintained in a Book-Entry System, the following provisions apply:

Transfers. The Obligations are transferable, only upon the Register and only if the Depository ceases to act as securities depository for the Obligations and the Issuer appoints a successor securities depository. If that happens, then upon the

surrender of the Obligations to the Fiscal Agent, the Issuer will issue new fully registered Obligations in the same aggregate principal amount to the successor securities depository and the Obligations will be recorded as transferred to the successor securities depository in the Register.

The Fiscal Agent will not be required to make any transfer of the Obligations (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Obligations, or (ii) with respect to any particular Obligation, after such Obligation has been called for redemption.

Partial Redemption. If less than all the Obligations of a particular maturity are to be redeemed, then the Depository and its direct and indirect participants will select the beneficial owners of the Obligations to be redeemed. If less than all the principal amount of a specific maturity is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Obligation, the Issuer will issue one or more new Obligations in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Obligations will be sent to the Depository, in the manner required by the Depository, not less than 30, and not more than 60, days prior to the proposed redemption date. A notice of optional redemption may be revoked by sending notice to the Depository, in the manner required by the Depository, not less than 15 days prior to the proposed optional redemption date.

If on any date the Obligations are *not* being maintained in a Book-Entry System, then the following provisions apply:

Transfers. Each Obligation is transferable, only upon the Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of \$5,000 or any multiple thereof. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Obligation shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Issuer will issue one or more new fully registered Obligations, in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Obligations and upon the payment of a charge sufficient to reimburse the Issuer or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Obligations (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Obligations, or (ii) with respect to any particular Obligation, after such Obligation has been called for redemption.

Partial Redemption. If less than all the Obligations of a particular maturity are to be redeemed, then the Issuer or the Fiscal Agent will randomly select the Obligations to be redeemed. If an Obligation has been called for redemption but less than the entire principal amount thereof is redeemed, then on or after the redemption date and upon surrender of the Obligation to the Fiscal Agent, the Issuer will issue a new Obligation in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Obligations shall be sent by first class mail, not less than 30, and not more than 60, days before the redemption date, to the registered owners of any Obligations to be redeemed, at the respective addresses set forth in the Register. A notice of optional redemption may be revoked by sending a notice by first class mail, not less than 15 days prior to the proposed optional redemption date, to the registered owners of the Obligations which have been called for optional redemption.

The Issuer certifies, recites, and declares that all acts, conditions, and procedures required by law to exist, to have happened, and to be performed, leading up to and in the issuing of this Obligation and of the issue of which it is a part, do exist, have happened, and have been performed in regular and due form, time, and manner as required by law; that the indebtedness of the Issuer, including this Obligation and the issue of which it is a part, does not exceed any limitation, general or special, imposed by law; and that a valid, direct, annual and irrevocable tax has been levied by the Issuer sufficient to pay the interest on this Obligation when it falls due and also to pay and discharge the principal of this Obligation at maturity.

IN WITNESS WHEREOF, the Issuer, by its governing body, has caused this Obligation to be executed in its name and on its behalf by the manual or facsimile signatures of its Mayor and Clerk and to be sealed with its corporate seal (or a facsimile thereof), if any, all as of the Original Issue Date.

CITY OF APPLETON, WISCONSIN

By: _____
Mayor

[SEAL]

And: _____
Clerk

CERTIFICATE OF AUTHENTICATION

Dated: June 15, 2022

This Obligation is one of the Obligations
described in the Resolution.

By: _____
Director of Finance,
as Fiscal Agent

ASSIGNMENT

For value received, the undersigned hereby sells, assigns, and transfers unto

PLEASE INSERT SOCIAL SECURITY OR
OTHER IDENTIFYING NUMBER OF ASSIGNEE

(Please Print or Type Name and Address of Assignee)

the within-mentioned Obligation and all rights thereunder and does hereby irrevocably constitute and appoint _____ attorney-in-fact, to transfer the same on the books of the registry in the office of the Fiscal Agent, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed

NOTICE: Signatures must be guaranteed by an “eligible guarantor institution” meeting the requirements of the Fiscal Agent. Those requirements include membership or participation in the Securities Transfer Association Medallion Program (“STAMP”) or such other “signature guarantee program” as may be determined by the Fiscal Agent in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

Note: The signature to this assignment must correspond with the name as written on the face of the within Obligation in every particular, without any alteration or change. When assignment is made by a guardian, trustee, executor or administrator, an officer of a corporation, or anyone in a representative capacity, proof of the person’s authority to act must accompany this Obligation.

EXHIBIT B

NOTICE TO THE ELECTORS OF THE
CITY OF APPLETON, WISCONSIN
RELATING TO NOTE SALE

On May 18, 2022, pursuant to Section 67.12(12) of the Wisconsin Statutes, a resolution was offered, read, approved, and adopted whereby the City of Appleton, Wisconsin authorized the borrowing of money and entered into a contract to sell general obligation promissory notes in the principal amount of \$15,530,000. It is anticipated that the closing of this note financing will be held on or about June 15, 2022. A copy of all proceedings had to date with respect to the authorization and sale of said notes is on file and may be examined in the office of the City Clerk, at 100 North Appleton Street, Appleton, Wisconsin between the hours of 9:00 a.m. and 4:30 p.m. on weekdays.

This notice is given pursuant to Section 893.77 of the Wisconsin Statutes, which provides that an action or proceeding to contest the validity of such financing, for other than constitutional reasons, must be commenced within 30 days after the date of publication of this notice.

Publication Date: May ____, 2022

/s/ Kami Lynch
City Clerk

CERTIFICATIONS BY CLERK

I, Kami Lynch, certify that I am the duly qualified acting Clerk of the City of Appleton, Wisconsin (the “**Municipality**”), and as such I have in my possession, or have access to, the complete corporate records of the Municipality and of its Common Council (the “**Governing Body**”), and that attached to this certificate is a true, correct, and complete copy of the resolution (the “**Resolution**”) entitled:

**A Resolution Authorizing and Providing for the Sale and Issuance of
\$15,530,000 General Obligation Promissory Notes, Series 2022,
and All Related Details**

I further certify as follows:

1. **Meeting Date.** On May 18, 2022, a meeting of the Governing Body was held beginning at _____ p.m.
2. **Posting.** On May ____, 2022 (and not less than 24 hours prior to the meeting), I posted, or caused to be posted, at the Municipality’s offices in Appleton, Wisconsin a notice setting forth the date, time, location, and subject matter of said meeting. The notice specifically referred to the Resolution.
3. **Notification of Media.** On May ____, 2022 (and not less than 24 hours prior to the meeting), I communicated or caused to be communicated, the date, time, location, and subject matter of said meeting to those news media that have filed a written request for such notice and to the official newspaper of the Municipality, if any. The communication specifically referred to the Resolution.
4. **Open Meeting Law Compliance.** The meeting was a regular meeting of the Governing Body that was held in open session in compliance with Subchapter V of Chapter 19 of the Wisconsin Statutes and any other applicable local rules and state statutes.
5. **Members Present.** The meeting was duly called to order by the Mayor (the “**Presiding Officer**”), who chaired the meeting. Upon roll call, I noted and recorded that there were ____ members of the Governing Body present at the meeting, such number being a quorum of the Governing Body.
6. **Consideration of and Roll Call Vote on Resolution.** Various matters and business were taken up during the course of the meeting without intervention of any closed session. One of the matters taken up was the Resolution. A proper quorum of the Governing Body was present for the consideration of the Resolution, and each member of the Governing Body had received a copy of the Resolution. All rules of the Governing Body that interfered with the consideration of the Resolution, if any, were suspended by a two-thirds vote of the Governing Body. The Resolution was then introduced, moved, and seconded, and after due consideration, upon roll call, ____ of the Governing Body members voted Aye, ____ voted Nay, and ____ Abstained.

7. **Adoption of Resolution.** The Resolution was supported by the affirmative vote of a majority of a quorum of the members of the Governing Body in attendance. The Presiding Officer then declared that the Resolution was adopted, and I recorded the adoption of the Resolution.

8. **Approval of Presiding Officer.** The Resolution was approved by the Presiding Officer on May ____, 2022, and I have recorded the approval. The approval is evidenced by the signature of the Presiding Officer on the copy of the Resolution to which this certificate is attached.

9. **Publication of Notice.** I have caused the Notice to Electors, in the form of Exhibit B to the Resolution, to be published in the place specified in the Resolution.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of the Municipality, if any, on this certificate on May ____, 2022.

Clerk

[SEAL]

**COMMON COUNCIL
OF THE
CITY OF APPLETON, WISCONSIN**

May 18, 2022

Resolution No.: None

**A Resolution Authorizing and Providing for the Sale and Issuance of
\$11,460,000 Sewerage System Revenue Bonds, Series 2022,
and All Related Details**

RECITALS

The Common Council (the “**Governing Body**”) of the City of Appleton, Wisconsin (the “**Municipality**”) makes the following findings and determinations:

1. The Municipality currently owns and operates a municipal sewerage system (the “**System**”, as more fully defined below), which is a “public utility” (within the meaning of Section 66.0621 (1)(b) of the Wisconsin Statutes).

2. Under the provisions of Section 66.0621 of the Wisconsin Statutes, as amended (the “**Act**”), the Municipality may, by action of the Governing Body, provide for purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating, or managing the System, and the refunding of municipal obligations issued for such purposes, from the proceeds of obligations that are payable only from the income and revenues derived from the operation of the System.

3. On September 21, 2005, the Governing Body adopted a resolution, which was amended on October 5, 2005 (together, the “**2005 Resolution**”), authorizing the issuance of the Municipality’s \$4,735,000 Sewerage System Revenue Refunding Bonds, Series 2005, dated October 15, 2005 (the “**Series 2005 Bonds**”). The Series 2005 Bonds were retired on May 1, 2010.

4. On September 5, 2018, the Governing Body adopted a resolution (the “**2018 Resolution**”), authorizing the issuance of the Municipality’s \$5,245,000 Sewerage System Revenue Refunding Bonds, Series 2018, dated October 9, 2018 (the “**Series 2018 Bonds**”). The Series 2018 Bonds are currently outstanding in the aggregate principal amount of \$3,180,000.

5. On July 15, 2020, the Governing Body adopted a resolution (the “**2020 Resolution**”), authorizing the issuance of the Municipality’s \$10,850,000 Sewerage System Revenue Refunding Bonds, Series 2020, dated August 6, 2020 (the “**Series 2020 Bonds**”). The Series 2020 Bonds are currently outstanding in the aggregate principal amount of \$9,790,000.

6. On July 21, 2021, the Governing Body adopted a resolution (the “**2020 Resolution**”), authorizing the issuance of the Municipality’s \$8,845,000 Sewerage System

Revenue Refunding Bonds, Series 2021, dated August 11, 2021 (the “**Series 2021 Bonds**”). The Series 2021 Bonds are currently outstanding in the aggregate principal amount of \$8,435,000.

7. No other outstanding obligations are payable from the income and revenues derived from the operation of the System.

8. The Municipality needs funds to finance certain additions, extensions, and improvements to the System, including, but not limited to, construction of and improvements to sewer mains and laterals, and equipment and building improvements at the wastewater treatment facility (collectively, the “**Project**”).

9. The Governing Body wishes to finance the costs of the Project by authorizing, selling, and issuing its \$11,460,000 Sewerage System Revenue Bonds, Series 2022 (the “**Bonds**”). The Bonds will be issued pursuant to the provisions of the Act, on the terms and conditions described in this resolution, and will be secured by and payable from the income and revenues derived and to be derived from the operation of the System. The Bonds will be issued on a parity and equality of rank with the Series 2018 Bonds, the Series 2020 Bonds, and the Series 2021 Bonds (collectively, the “**Outstanding Bonds**”).

10. Section 21 of the 2005 Resolution (the “**Additional Bonds Test**”), which section is continued under each of the resolutions authorizing the issuance of the Outstanding Bonds, authorizes the issuance of additional bonds on a parity and equality of rank with the Outstanding Bonds upon compliance with the conditions set forth under the Additional Bonds Test. All conditions set forth under the Additional Bonds Test have been or will be satisfied prior to the issuance of the Bonds.

11. In accordance with the provisions of Section 66.0621 (4)(a)2 of the Wisconsin Statutes and this resolution (i) interest on the Bonds will be payable at least annually, and (ii) payment of principal of the Bonds will commence not later than 3 years after the date of issuance of the Bonds. The requirement each year to pay both principal of and interest on the Bonds will be reasonable and in accordance with prudent municipal utility management practices.

12. Robert W. Baird & Co. Incorporated (the “**Bond Purchaser**”), or a group that it represents, has offered to purchase the Bonds for \$_____, plus payment by the Bond Purchaser on behalf of the Municipality of \$_____ for the costs of issuing the Bonds (the “**Purchase Price**”).

13. The Municipality has taken all actions required by law and has the power to sell and issue the Bonds.

14. The Governing Body will adopt this resolution to sell and issue the Bonds.

RESOLUTIONS

The Governing Body resolves as follows:

Section 1. Definitions.

In addition to the capitalized terms defined in the recitals above, capitalized terms not otherwise defined in this resolution shall have the meanings set forth below unless the context requires another meaning.

“**Act**” means Section 66.0621 of the Wisconsin Statutes, as amended.

“**Bond Counsel**” means (i) as of the Original Issue Date, Foley & Lardner LLP, and (ii) after the Original Issue Date, either Foley & Lardner LLP or any other nationally recognized firm of attorneys, employed by the Municipality, experienced in municipal finance whose legal and tax opinions are generally accepted by purchasers of municipal obligations.

“**Bonds**” means the \$11,460,000 City of Appleton, Wisconsin Sewerage System Revenue Bonds, Series 2022, which will be issued pursuant to this resolution.

“**Bond Purchase Agreement**” means the purchase agreement signed and presented by the Bond Purchaser to evidence the purchase of the Bonds.

“**Bond Purchaser**” has the meaning given in the recitals to this resolution.

“**Bond Register**” means the register maintained by the Fiscal Agent at its designated office, in which the Fiscal Agent records:

- (i) the name and address of the owner of each Bond.
- (ii) all transfers of each Bond.

“**Book-Entry System**” means a system in which no physical distribution of certificates representing ownership of the Bonds is made to the owners of the Bonds but instead all outstanding Bonds are registered in the name of a securities depository appointed by the Municipality, or in the name of such a depository’s nominee, and the depository and its participants record beneficial ownership and transfers of the Bonds electronically.

“**Code**” means the Internal Revenue Code of 1986, as amended.

“**Continuing Disclosure Agreement**” means the Continuing Disclosure Agreement, dated as of the Original Issue Date, to be executed by the Municipality and delivered on the closing date of the Bonds.

“**Current Expenses**” means the reasonable and necessary cost of operating, maintaining, administering, insuring, and repairing the System as determined in accordance with generally accepted accounting principles and shall include, but not be limited to, salaries, premiums for insurance, wages, cost of materials and supplies, insurance, and audits but shall exclude allowances for depreciation, debt service on obligations of the System, tax equivalents, capital expenditures, and accumulations of reserves.

“**Depository**” means DTC or any successor appointed by the Municipality and acting as securities depository for the Bonds.

“**DTC**” means The Depository Trust Company, New York, New York.

“**Financial Officer**” means the Municipality’s Director of Finance.

“**Fiscal Agent**” means the Municipality’s Director of Finance, or any successor fiscal agent appointed by the Municipality to act as authentication agent, paying agent, and registrar for the Bonds pursuant to Section 67.10 (2) of the Wisconsin Statutes.

“**Fiscal Year**” means the twelve-month period beginning on January 1 of each year and ending on December 31 of each year. The Municipality may change the Fiscal Year of the System if the Original Purchasers consent to the change. If the Original Purchasers consent to the change, then the change will not constitute a modification, change, amendment, or alteration of this resolution for purposes of Section 24 of this resolution.

“**Governing Body**” means the Municipality’s Common Council.

“**Gross Revenues**” means the gross revenues of the System from all sources, excluding (i) customer deposits, (ii) collected taxes imposed by other governmental entities, and (iii) earnings on amounts held in the Special Redemption Fund, the Depreciation Fund, and any construction or proceeds fund created under this resolution or under a resolution authorizing the issuance of Parity Bonds.

“**Independent Consultant**” means a recognized engineer or firm of engineers or a recognized certified public accountant or firm of certified public accountants who or which is not an officer or regular employee of the Municipality or the System and who or which is not devoting substantially all of his, her or its time and efforts to the affairs of the System.

“**Minimum Reserve Amount**” means the maximum annual debt service coming due in any future year on the Bonds and Parity Bonds then outstanding.

“**Municipal Officers**” means the Mayor and Clerk of the Municipality. These are the officers required by law to execute revenue obligations on the Municipality’s behalf.

“**Municipality**” means the City of Appleton, Wisconsin.

“**Net Revenues**” means Gross Revenues after deduction of Current Expenses, plus earnings on moneys held in the Special Redemption Fund.

“**Original Issue Date**” means June 15, 2022.

“**Original Purchasers**” means the Bond Purchaser and the initial purchaser of each issue of Parity Bonds (including the Outstanding Bonds), so long as the issue of Parity Bonds remains outstanding.

“**Outstanding Bonds**” has the meaning given in the recitals to this resolution.

“**Parity Bonds**” means all other obligations payable from the revenues of the System (including the Outstanding Bonds) other than the Bonds, but issued on a parity and equality with the Bonds and the Outstanding Bonds pursuant to the restrictive provisions of the applicable sections of the Prior Resolutions and of Section 21 of this resolution.

“**Prior Resolutions**” means the 2018 Resolution, the 2020 Resolution, and the 2021 Resolution, each as defined in the recitals to this resolution.

“**Project**” has the meaning given in the recitals to this resolution.

“**Purchase Price**” has the meaning given in the recitals to this resolution.

“**Record Date**” means the 15th day (whether or not a business day) of the calendar month just before each regularly scheduled interest payment date for the Bonds.

“**Recording Officer**” means the Municipality’s Clerk.

[“**Redemption Agent**” means Associated Trust Company, National Association.]

“**Reserve Account**” means the Reserve Account of the Special Redemption Fund.

“**Special Redemption Fund**” means the fund designated as such and described in Section 18 of this resolution.

“**System**” means the sewer utility of the Municipality, which shall include all property of every nature now or hereafter owned by the Municipality for the collection, treatment, storage, metering, transmission, and disposal of domestic, industrial, and public sewage, including all improvements and extensions thereto made by the Municipality while any of the Bonds or Parity Bonds remain outstanding and including all appurtenances, contracts, leases, franchises, and other intangibles.

[“**Term Bonds**” means the Bonds maturing on May 1 in the years 20__ and 20__.]

Section 2. Exhibits.

The attached exhibits are also a part of this resolution as though they were fully written out in this resolution:

- (i) *Exhibit A* - Form of Bond.
- (ii) *Exhibit B* - Notice to Electors of Sale.

Section 3. Purposes of Borrowing; Issuance of Bonds.

The Governing Body authorizes the Bonds and orders that they be prepared, executed, and issued. The Bonds will be fully registered, negotiable, sewerage system revenue bonds of the Municipality in the aggregate principal amount of \$11,460,000. The Bonds will be issued pursuant to the Act to pay the costs of the Project, the Refunding, and issuing the Bonds

(including, but not limited to, printing costs and fees for underwriting, financial consultants, bond counsel, fiscal agent, rating agencies, bond insurance, and registration, as applicable).

Section 4. Terms of Bonds.

The Bonds will be named “City of Appleton, Wisconsin Sewerage System Revenue Bonds, Series 2022.” The Bonds will be dated the Original Issue Date, even if they are actually issued or executed on another date. Each Bond will also be dated the date on which it is authenticated by the Fiscal Agent. That date is its registration date.

The face amount of each Bond will be \$5,000 or any multiple thereof up to the principal amount authorized for that maturity.

The Bonds will bear interest from the Original Issue Date. Interest on the Bonds will be payable on each May 1 and November 1, beginning on November 1, 2022, until the principal of the Bonds has been paid. Interest on each Bond will be (i) computed on the basis of a 360-day year of twelve 30-day months and (ii) payable to the entity or person in whose name the Bond is registered on the Bond Register at the end of the day on the applicable Record Date. The Municipality and the Fiscal Agent may treat the entity or person in whose name any Bond is registered on the Bond Register as the absolute owner of the Bonds for all purposes whatsoever under this resolution. The Bonds will be numbered consecutively as may be required to comply with any applicable rules or customs or as determined by the Municipal Officers executing the Bonds.

The following table shows when the Bonds will mature and the rate of interest each maturity will bear:

<u>Principal Maturity Date (May 1)</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Principal Maturity Date (May 1)</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2023	\$355,000	.00%	2033	\$570,000	.00%
2024	375,000	.00	2034	595,000	.00
2025	395,000	.00	2035	620,000	.00
2026	415,000	.00	2036	650,000	.00
2027	435,000	.00	2037	675,000	.0
2028	460,000	.00	2038	705,000	.00
2029	480,000	.00	2039	735,000	.00
2030	505,000	.00	2040	770,000	.00
2031	525,000	.00	2041	805,000	.00
2032	550,000	.00	2042	840,000	.00

The principal of, and interest on, the Bonds will be payable in lawful money of the United States of America.

Section 5. Fiscal Agent; Redemption Agent.

The Municipality appoints the Fiscal Agent to act as authentication agent, paying agent, and registrar for the Bonds. Among other things, the Fiscal Agent shall maintain the Bond Register.

[The Municipality appoints the Redemption Agent to act as redemption agent for the Bonds, which includes giving notice of redemption on behalf of the Municipality for the Term Bonds as described in Section 8. The appropriate officers of the District are directed to enter into a redemption agent agreement with the Redemption Agent on behalf of the Municipality. Such agreement may provide for the Municipality to pay the reasonable and customary charges of the Redemption Agent for its services.]

Section 6. Appointment of Depository.

The Municipality appoints DTC to act as securities depository for the Bonds. An authorized representative of the Municipality has previously executed a blanket issuer letter of representations with DTC on the Municipality's behalf, and the Municipality ratifies and approves that document.

Section 7. Book-Entry System.

On the date of their initial delivery, the Bonds will be registered in the name of DTC or its nominee and maintained in a Book-Entry System. If the Municipality's relationship with DTC is terminated, then the Municipality may appoint another securities depository to maintain the Book-Entry System.

If on any date the Bonds are not being maintained in a Book-Entry System, then the Municipality will do the following:

- (i) At its expense, the Municipality will prepare, authenticate, and deliver to the beneficial owners of the Bonds fully-registered, certificated Bonds in the denomination of \$5,000 or any multiple thereof in the aggregate principal amount then outstanding. The beneficial owners will be those shown on the records of the Depository and its direct and indirect participants.
- (ii) The Municipality will appoint a fiscal agent to act as authentication agent, paying agent, and registrar for the Bonds under Section 67.10 (2) of the Wisconsin Statutes.

Section 8. Redemption.

The Bonds maturing on and after May 1, 2031 are subject to redemption before their stated maturity dates, at the Municipality’s option, in whole or in part, in the order of maturity selected by the Municipality, on May 1, 2030 and on any date thereafter. The redemption price will be 100% of the principal amount redeemed, plus accrued interest to the redemption date, and no premium will be paid. If payment of a Bond called for redemption has been made or provided for, then interest on the Bond stops accruing on the stated redemption date. If less than all outstanding Bonds are redeemed, then the Bonds will be redeemed in \$5,000 multiples in accordance with Sections 9 and 10 hereof[, and if a portion, but not all, of a maturity that is subject to mandatory partial redemptions by operation of a sinking fund (as described below) is being redeemed, then the Municipality will select the amounts to be redeemed on future Sinking Fund Redemption Dates (as defined below) that are reduced as a result of the partial redemption].

[The Term Bonds are also subject to mandatory partial redemptions prior to their stated maturity dates by operation of a sinking fund. On the following redemption dates (each a “**Sinking Fund Redemption Date**”), the Municipality will redeem the following principal amounts (subject to reduction as provided in the immediately preceding paragraph) of the Term Bonds:]

<u>Term Bonds Maturing May 1, 20</u>	
Sinking Fund Redemption Date (May 1)	Principal Amount To be Redeemed
_____	_____
20	\$,000
20 (Stated Maturity)	,000

Term Bonds Maturing May 1, 20

Sinking Fund Redemption Date (May 1)	Principal Amount To be Redeemed
20	\$,000
20	,000
20 (Stated Maturity)	,000

[The redemption price will be 100% of the principal amount redeemed, plus accrued interest thereon to the Sinking Fund Redemption Date, and no premium will be paid. The particular Term Bonds to be redeemed will be selected in accordance with Sections 9 and 10 hereof, and the Municipality will give notice of the redemption in the manner stated in this resolution.]

Section 9. Manner of Payment/Transfers/Redemption Notices Under Book-Entry System.

So long as the Bonds are being maintained in a Book-Entry System, the following provisions apply:

Payment. The Fiscal Agent is directed to pay the principal of, and interest on, the Bonds by wire transfer to the Depository or its nominee in accordance with the Depository's rules that are then in effect.

Transfers. The Bonds are transferable, only upon the Bond Register and only if the Depository ceases to act as securities depository for the Bonds and the Municipality appoints a successor securities depository. If that happens, then upon the surrender of the Bonds to the Fiscal Agent, the Municipality will issue new fully registered Bonds in the same aggregate principal amount to the successor securities depository, and the Bonds will be recorded as transferred to the successor securities depository in the Bond Register.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after such Bond has been called for redemption.

Partial Redemption. If less than all the principal amount of a specific maturity is to be redeemed, then the Depository and its direct and indirect participants will select the beneficial owners of the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount of a specific maturity is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds will be sent to the Depository, in the manner required by the Depository, not less than 30, and not more than 60, days prior to the proposed redemption date. A notice of optional redemption may be revoked

by sending notice to the Depository, in the manner required by the Depository, not less than 15 days prior to the proposed optional redemption date.

Section 10. Manner of Payment/Transfers/Redemption Notices Not Under Book-Entry System.

If on any date the Bonds are *not* being maintained in a Book-Entry System, then the following provisions apply:

Payment. The Fiscal Agent will pay the principal of each Bond upon its presentation and surrender on or after its maturity or earlier redemption date at the designated office of the Fiscal Agent, and the Fiscal Agent will pay, on each interest payment date, the interest on each Bond by wire or other electronic funds transfer, or by check of the Fiscal Agent sent by first class mail, to the person or entity in whose name the Bond is registered on the Bond Register at the end of the day on the applicable Record Date.

Transfers. Each Bond is transferable, only upon the Bond Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of \$5,000 or any multiple thereof. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Bond shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Municipality will issue one or more new fully registered Bonds in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Bonds and upon the payment of a charge sufficient to reimburse the Municipality or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after the Bond has been called for redemption.

Partial Redemptions. If less than all the principal amount of a specific maturity is to be redeemed, then the Municipality or the Fiscal Agent will randomly select the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount thereof is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds shall be sent by first class mail not less than 30, and not more than 60, days before the redemption date to the registered owners of the Bonds to be redeemed at the respective addresses set forth in the Bond Register. A notice of optional redemption may be revoked by sending a notice by first class mail not less than 15 days prior to the proposed optional redemption date to the registered owners of the Bonds which have been called for redemption.

Section 11. Form of Bonds.

The Bonds shall be in substantially the form shown in Exhibit A hereto. Omissions, insertions, or variations are permitted if they are deemed necessary or desirable and are consistent with this resolution or any supplemental resolution. The Municipality may cause the approving opinion of bond counsel to be printed or reproduced on the Bonds.

Section 12. Execution of Bonds.

The Bonds shall be signed by the persons who are the Municipal Officers on the date on which the Bonds are signed. The Bonds shall be sealed with the Municipality's corporate seal (or a facsimile thereof), if the Municipality has one, and the Bonds shall also be authenticated by the manual signature of the Fiscal Agent.

The Bonds will be valid and binding even if before they are delivered any person whose signature appears on the Bonds is no longer living or is no longer the person authorized to sign the Bonds. In that event, the Bonds will have the same effect as if the person were living or were still the person authorized to sign the Bonds.

A facsimile signature may be used as long as at least one signature of a Municipal Officer is a manual signature or the Fiscal Agent's certificate of authentication has a manual signature. If a facsimile signature is used, then it will be treated as the officer's own signature.

Section 13. Continuing Disclosure.

The appropriate officers of the Municipality are directed to sign the Continuing Disclosure Agreement, and the Municipality agrees to comply with all its terms.

Section 14. Payable Only From Special Redemption Fund.

The Bonds and any Parity Bonds, together with interest thereon, will be payable only out of the Special Redemption Fund as provided in the Prior Resolutions and in this resolution. The registered owners of the Bonds and any Parity Bonds will have a valid claim only against the Special Redemption Fund and the revenues pledged to such fund.

Section 15. Pledge.

The Municipality pledges sufficient revenues of the System to the Special Redemption Fund to pay the principal of and interest on the Bonds and any Parity Bonds as provided in this resolution. Such revenues will be used for no purpose other than to pay the principal of and interest on the Bonds and any Parity Bonds on the dates on which such amounts are due. The Bonds and any Parity Bonds, together with the interest thereon, shall not constitute an indebtedness of the Municipality within the meaning of any constitutional or statutory limitation or provision and shall not constitute a general obligation of the Municipality or a charge against its general credit or taxing power. The Municipality will not be liable for the payment of the principal of and interest on the Bonds, except as provided in this resolution.

Section 16. Equality of Lien.

All Bonds and any Parity Bonds, regardless of issue dates, maturity dates, or series designations, will be secured equally by the pledge of the Net Revenues of the System and all amounts in the Special Redemption Fund.

Section 17. Parity Bonds.

Except as permitted by Section 21(a) of this resolution, the Municipality will issue no bonds or other obligations payable from the revenues of the System, or enjoying a lien on the revenues or property of the System, that have a priority over the Outstanding Bonds and the Bonds with respect to their payment or security. The Municipality may issue Parity Bonds on the terms and conditions set forth in the applicable section of each Prior Resolution and Section 21 of this resolution.

Section 18. Funds and Accounts.

(a) **Funds and Accounts.**

The Municipality affirms and continues or creates, as applicable, the following funds and accounts of the System, some of which were originally created under the 2005 Resolution (collectively, the “**Funds and Accounts**”), to provide for the collection, distribution, and use of the Gross Revenues and the proceeds of the Bonds:

- (1) Sewerage System Revenue Fund (the “**Revenue Fund**”), into which the entire Gross Revenues shall be deposited as received.
- (2) Sewerage System Operation and Maintenance Fund (the “**Operation and Maintenance Fund**”), which shall be used to hold amounts expected to be used for the payment of the reasonable and necessary expenses of operating and maintaining the System, including salaries, wages, materials, supplies, and insurance, and for the purposes described in Section 19(c)(1) of this resolution.
- (3) Sewerage System Special Redemption Fund, which will be divided into the following three accounts: (i) the “**Interest and Principal Account**”, (ii) the “**Earnings Account**”, and (iii) the “**Reserve Account**.” Amounts held in the Interest and Principal Account and the Earnings Account will be used only to pay interest on and principal of the Bonds and Parity Bonds as provided in this resolution. Amounts held in the Reserve Account will be used to pay principal of or interest on the Bonds or any Parity Bonds at any time when amounts in the Interest and Principal Account and the Earnings Account are insufficient to make those payments.
- (4) Sewerage System Depreciation Fund (the “**Depreciation Fund**”), which will be used to hold amounts expected to be used to pay for repairs, replacements, extensions, or additions to the System, provided that

amounts in the Depreciation Fund can be used for any such purpose only if such amounts are not needed to make up any deficiency in the Interest and Principal Account or the Reserve Account.

- (5) Sewerage System Surplus Fund (the “**Surplus Fund**”), amounts in which will be used for the purposes described in Section 19(c)(4) of this resolution.
- (6) 2022 Sewerage System Construction Fund (the “**2022 Construction Fund**”), amounts in which will be used to pay (i) the costs of issuing of the Bonds (including fees for any bond insurance policies securing the Bonds) and the costs of the Project, or (ii) interest on the Bonds at any time when there shall be insufficient money in the Special Redemption Fund for that purpose. Any balance remaining in the 2022 Construction Fund after completion of the Project shall be transferred to the Earnings Account.

(b) **Limitation on the Use of Amounts in the Funds and Accounts.**

Amounts held in the Funds and Accounts shall be used only for the purposes described in this resolution.

(c) **Requirement to Maintain the Special Redemption Fund as a Separate Fund.**

The Special Redemption Fund shall be maintained as a separate fund in the treasury of the Municipality. The other Funds and Accounts may be combined in a single investment or bank account.

(d) **Investment of Amounts held in Funds and Accounts.**

Amounts in the Funds and Accounts may be invested in any manner permitted by the laws of Wisconsin, subject to the following limitations:

- (1) The investments in each Fund or Account shall be sold whenever necessary to provide funds for the purposes for which the Fund or Account was created.
- (2) In particular, amounts in the Reserve Account shall be invested so that sufficient funds will be available on each interest payment date for the Bonds and any Parity Bonds to make the required interest and principal payments in the event amounts in the Interest and Principal Account and the Earnings Account are insufficient to make the payments.
- (3) No investment may be purchased or retained if the purchase of the investment or its retention would cause any Bond to be an “arbitrage bond” (within the meaning of Section 148 of the Code or the Treasury Regulations promulgated thereunder).

(4) All investments held in the Funds and Accounts shall be secured to the fullest extent required by the laws of Wisconsin.

(e) **Required Transfers of Earnings on Certain Funds and Accounts.**

All income from the investment of amounts in the Special Redemption Fund shall be transferred to the Earnings Account. All income from the investment of amounts in the 2022 Construction Fund shall be retained in the 2022 Construction Fund. All income from the investment of amounts in the Depreciation Fund shall be retained in the Depreciation Fund. All income from the investment of amounts in all other Funds and Accounts shall be deposited in the Revenue Fund and regarded as revenues of the System.

(f) **Rebate Matters.**

To comply with the rebate requirements of Section 148(f) of the Code and the related Treasury Regulations:

- (1) The Municipality shall cause a determination to be made, by engaging Bond Counsel or another qualified rebate determination provider, of the amount, if any, of rebate required to be paid with respect to the Bonds to the United States Treasury at least every five years (as of the anniversary date of the issuance of the Bonds) and upon the retirement of the last Bond. The Municipality may pay reasonable compensation to the rebate determination provider for the performance of such services.
- (2) The Municipality shall make required rebate payments to the United States Treasury with respect to the Bonds at such times and in such amounts and manner as are required by the Code and the related Treasury Regulations.
- (3) The Municipality shall keep records of the rebate determinations prepared and rebate payments made until three years after the April 15th following the retirement of the last Bond.

Section 19. Application of Revenues.

(a) **Deposits to Revenue Fund and Transfers From Revenue Fund.**

Until all Bonds and Parity Bonds, if any, have been retired, or until there is on deposit in the Special Redemption Fund an amount sufficient to provide for the payment of the principal of all outstanding Bonds and Parity Bonds, if any, together with the interest thereon to maturity, the Gross Revenues shall, to the extent permitted by law, be deposited as collected in the Revenue Fund and shall be transferred from the Revenue Fund and deposited in the Operation and Maintenance Fund, the Special Redemption Fund, the Depreciation Fund and the Surplus Fund in the following order:

- (1) A sum sufficient of the money in the Revenue Fund for the purposes of the Operation and Maintenance Fund shall be deposited in the Operation and Maintenance Fund.

- (2) A sum sufficient of the money in the Revenue Fund for the purposes of the Special Redemption Fund shall be deposited in the Special Redemption Fund.
- (3) A sum sufficient of the money in the Revenue Fund for the purposes of the Depreciation Fund shall be deposited in the Depreciation Fund.
- (4) The remainder of the money in the Revenue Fund shall be deposited in the Surplus Fund.

Transfers from the Revenue Fund to the Operation and Maintenance Fund, the Special Redemption Fund, the Depreciation Fund, and the Surplus Fund shall be made in the order indicated above, at such times as are necessary to carry out the purposes of the respective funds.

(b) **Transfers to the Special Redemption Fund.**

The Governing Body intends that the amount of money deposited in the Special Redemption Fund from all sources will be sufficient to (i) pay the interest on the Bonds and any Parity Bonds as the same becomes due, (ii) retire the principal amounts of the Bonds and any Parity Bonds at maturity, and (iii) provide for any required monthly deposits to the Reserve Account.

(c) **Transfers Among Certain Funds and Accounts; Uses of Amounts in Funds and Accounts.**

Amounts deposited in the following Funds and Accounts shall be held, used or transferred as follows:

- (1) *Operation and Maintenance Fund.* Amounts deposited in the Operation and Maintenance Fund shall be used for the purposes described in Section 18(a)(2) of this resolution, unless the balance in the Operation and Maintenance Fund exceeds the estimated operating and maintenance expenses of the System for the next succeeding sixty days, in which case (i) the excess amount shall be transferred to the Special Redemption Fund to remedy any deficiency in the Special Redemption Fund or, (ii) if or to the extent that no such deficiency exists, then the remaining excess amount shall be transferred to the Surplus Fund.
- (2) *Interest and Principal Account and Earnings Account.* Amounts deposited in the Special Redemption Fund shall first be used to deposit each month into the Interest and Principal Account an amount equal to one-sixth (1/6) of the next installment of interest due on the Bonds and Parity Bonds then outstanding, plus an amount equal to one-twelfth (1/12) of the next installment of principal of the Bonds and Parity Bonds coming due, until the full amount of such installments is on deposit in the Interest and Principal Account. The deposits shall be made first from the Earnings Account until it is depleted, and all moneys in the Earnings Account will

be deemed to have been used first in payment of interest on the Bonds and Parity Bonds. Any funds remaining in the Earnings Account after each such transfer shall first be transferred to the Interest and Principal Account until there is on hand in the Interest and Principal Account an amount equal to the full amount of interest and principal coming due on the Bonds and any Parity Bonds then outstanding during the 12 months following the date of such transfer and after that either (i) be used to retire the Bonds or Parity Bonds in advance of maturity by redemption or by purchase of such bonds on the open market or an invitation and receipt of tenders of the lowest dollar price or prices obtainable, but not exceeding the lowest price at which such bonds could be redeemed on the next succeeding redemption date or (ii) be invested so as to restrict the yield thereon to avoid the Bonds or Parity Bonds being classified as "arbitrage bonds" within the meaning of Section 148 of the Code or any Treasury Regulations promulgated thereunder. Notwithstanding the foregoing, unless the Municipality is provided with an opinion of Bond Counsel that the action specified below will not adversely affect the exclusion of interest on the Bonds or the applicable issue of Parity Bonds from gross income for federal income tax purposes (i) moneys in the Earnings Account that are allocable to "proceeds" (within the meaning of Treas. Reg. § 1.148-1(b)) of the Bonds or any issue of Parity Bonds may only be deposited in the Interest and Principal Account if such moneys will be used to pay interest on or principal of the issue to which such proceeds are allocable, and (ii) no moneys that are allocable to proceeds of the Bonds or any issue of Parity Bonds may be used to pay interest on or principal of obligations that are not part of the issue to which the proceeds are allocable.

- (3) *Reserve Account.* The next available amounts in the Special Redemption Fund shall be used to make monthly transfers to the Reserve Account until there is on hand in the Reserve Account an amount equal to the Minimum Reserve Amount. Amounts in the Reserve Account shall be used whenever necessary to pay principal of or interest on the Bonds and Parity Bonds whenever the Interest and Principal Account and the Earnings Account are insufficient for that purpose. Any amounts in the Reserve Account in excess of the Minimum Reserve Amount shall be transferred to the Earnings Account. For the purpose of computing the Minimum Reserve Amount, all investments in the Reserve Account shall be valued semiannually, on each interest payment date, at then current market value. In the event that amounts are withdrawn from the Reserve Account or amounts on deposit in the Reserve Account on any valuation date are less than the Minimum Reserve Amount, the Municipality, from revenues of the System, shall restore any amounts so withdrawn or any shortfall so that 12 months following such withdrawal or shortfall the amount on deposit in the Reserve Account equals the Minimum Reserve Amount. If, 12 months following any withdrawal from the Reserve Account, the amount on deposit in the Reserve Account is less than the Minimum

Reserve Amount, then the Financial Officer shall certify to the Governing Body the amount necessary to restore the Reserve Account to the Minimum Reserve Amount. Recognizing its moral obligation to do so, the Governing Body expresses its expectation and aspiration that, if presented with such a certification, it will make an appropriation of funds sufficient to restore the Reserve Account to the Minimum Reserve Amount. The Governing Body determines that the System and any appropriation of funds pursuant to this moral obligation pledge serves a public purpose by safeguarding the health and welfare of its citizens.

- (4) *Surplus Fund.* Amounts in the Surplus Fund shall first be used whenever necessary to pay principal of or interest on the Bonds and Parity Bonds when the Special Redemption Fund is insufficient for that purpose, and thereafter to remedy any deficiency in any of the Funds or Accounts, or if at the close of any Fiscal Year there is no such deficiency, then such amounts may be disbursed as follows:
- (i) to retire Bonds or Parity Bonds in advance of maturity by redemption or by purchase of such bonds on the open market or an invitation and receipt of tenders at the lowest dollar price or prices obtainable, but not exceeding the lowest price at which such bonds could be redeemed on the next succeeding redemption date; or
 - (ii) to rebate payments made by customers of the System pursuant to any plan adopted by the Governing Body of the Municipality; or
 - (iii) to the general fund of the Municipality.

All transfers and deposits within any Fund or Account or to any other Fund or Account required or permitted by this section shall be made at such times as are necessary to carry out the purposes of the applicable Fund or Account.

Section 20. Agreements and Covenants Regarding the Operation of the System.

The Municipality agrees and covenants with each and every registered owner of the Bonds and Parity Bonds as follows:

- (a) The reasonable cost and value of any service rendered to the Municipality by the System by furnishing utility services, including, but not limited to, fire, police, safety, and health protection, will, to the extent permitted by law, be charged against the Municipality and be paid by it monthly as the service accrues out of the current revenues of the Municipality collected or in process of collection, but not from Gross Revenues, and, if necessary, out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses.

- (b) The Municipality will faithfully and punctually perform all duties concerning the System required by the constitution and statutes of the State of Wisconsin, including the making and collecting of reasonable, lawful, and sufficient rates for services rendered by the System and the segregation and application of the revenues of the System as provided in this resolution.
- (c) The Municipality will not sell, lease, or in any manner dispose of all or any part of the System, or any additions or extensions that may be made to the System, until all Bonds and Parity Bonds have been paid in full, both principal and interest, or until provision has been made for the payment in full of all Bonds and Parity Bonds, both principal and interest, unless the property to be sold, leased or otherwise disposed of has been found by the Governing Body not to be necessary or useful in the operation of the System. The proceeds received from any sale, lease, or disposal of any such property of the System shall be paid into (i) the Earnings Account of the Special Redemption Fund, if the property sold was acquired or improved with proceeds of the Bonds or any Parity Bonds that are tax-exempt obligations, or (ii) the Revenue Fund, in all other cases but shall not be permitted to reduce the amount otherwise required to be paid into said funds.
- (d) The Municipality will: (i) operate and maintain the System in good condition; (ii) charge and collect such lawfully established rates and charges for the service rendered by the System so that the Gross Revenues of the System will be sufficient to make the payments into the Funds and Accounts created or continued by this resolution and provide for Net Revenues at least equal to 1.20 times the highest combined annual interest and principal requirements on all Bonds and Parity Bonds then outstanding; and (iii) promptly take such actions as are necessary to adopt and enforce increased rates whenever such increase shall be necessary to fulfill any covenant of this resolution.
- (e) The Municipality will keep proper books and accounts relating to the System separate from all other records of the Municipality and will cause such books and accounts to be audited annually by a recognized independent firm of certified public accountants and will make available to the owners of any of the Bonds or Parity Bonds the latest balance sheet and the profit and loss statement of the System as certified by such accountants. The registered owners of any Bonds or Parity Bonds will have the right to inspect the System and the records, accounts and data of the Municipality relating to the System at all reasonable times. Each audit of the books and accounts of the System, in addition to whatever matters may be thought proper by the accountants to be included therein, shall include the following: (i) a statement in detail of the revenues and expenditures of the System for the Fiscal Year; (ii) a statement of the Net Revenues as herein defined for the Fiscal Year; (iii) a balance sheet as of

the end of the Fiscal Year; (iv) the accountants' comment regarding the manner in which the Municipality has carried out the requirements of this resolution and the accountants' recommendation for any changes or improvements in the operation of the System; (v) a list of the insurance policies in force at the end of the Fiscal Year setting out as to each policy the amount of the policy, the risks covered, the name of the insurer and the expiration date of the policy; and (vi) the number and types of connections at the end of the Fiscal Year.

- (f) The Municipality will carry, for the benefit of the registered owners of the Bonds and Parity Bonds, insurance of a kind and in such amounts as would usually be carried by private companies or other public bodies engaged in operating a similar utility system. All amounts received for losses under any of such insurance policies, except public liability, shall be used in repairing the damage or in replacing the property destroyed, unless the Governing Body finds that it is not advisable to repair such damage or replace such property and that the operation of the System will not be impaired if such property is not repaired or such property is not replaced, in which case such amounts shall be deposited in the Earnings Account, provided that any amounts deposited in the Earnings Account shall not reduce the amounts otherwise required to be paid into the Special Redemption Fund.
- (g) The Municipality will grant no franchise for the operation of another System (or any part thereof) within the geographic limits of the Municipality, unless the denial of such franchise would be in violation of any law.
- (h) The Municipality will by resolution of its Governing Body require all buildings in the Municipality used for human habitation and located adjacent to service from the System, or located in a block through which service from the System extends, to be connected with service from the System.
- (i) The Municipality will not enter into any contract with any person or persons which would cause any Outstanding Bonds, that were issued with the intent that interest on the issue would be excluded from gross income for federal income tax purposes, or Bonds to become "private activity bonds," within the meaning of Section 141(a) of the Code or any Treasury Regulations promulgated thereunder.
- (j) The Municipality will comply with all requirements of the Code that shall be satisfied subsequent to the issuance of the Bonds in order that interest thereon be (or continue to be) excluded from gross income for federal income tax purposes, including, but not limited to, the rebate requirements set forth in the Code and the Treasury Regulations. The Municipality will

comply with the provisions of the Tax Certificate delivered in connection with the issuance of the Bonds relating to these requirements.

Section 21. Additional Bonds.

The Municipality will issue no notes, bonds, or any other obligations of any kind or nature payable from or enjoying a lien on the Gross Revenues, the Special Redemption Fund or properties of the System on a parity with or having a priority over the Outstanding Bonds or the Bonds, except as provided in this Section:

- (a) Notes (including bond anticipation notes) or bonds may be issued having a priority over the Bonds and Parity Bonds if either (i) such notes or bonds are issued, wholly or in part, for the purpose of paying, and will provide an amount sufficient, together with the earnings thereon and all other funds legally available therefor to pay, the entire principal of and all interest on the Bonds and Parity Bonds to their maturity or early redemption; or (ii) immediately upon the issuance of such notes or bonds, the Municipality has discharged all Bonds and Parity Bonds in the manner provided in Section 23 of this resolution.
- (b) Additional notes (including bond anticipation notes) or bonds may be issued on a parity with the Bonds and Parity Bonds if such notes or bonds are issued for the purpose of refunding any of the Bonds or Parity Bonds which either (i) have matured or (ii) will mature not later than 90 days after the date of delivery of such refunding notes or bonds if there is insufficient amounts in the Special Redemption Fund to provide for the required payments.
- (c) Additional notes (including bond anticipation notes) or bonds may be issued on a parity with the Bonds and Parity Bonds if all of the following conditions have been satisfied:
 - (1) Either (A) the Net Revenues of the System for the last completed Fiscal Year were at least 1.20 times the highest combined annual interest and principal requirements on all bonds and notes then outstanding payable from the Gross Revenues of the System (other than bonds being refunded) and the bonds or notes so proposed to be issued for any succeeding Bond Year in which there will be a principal maturity on such outstanding bonds or notes; provided, however, that if, prior to the authorization of such additional bonds or notes, the Municipality has adopted and put into effect a revised schedule of rates, then the Net Revenues of the System for the last completed Fiscal Year which would, in the written opinion of an Independent Consultant employed for that purpose, have resulted from such rates had they been in effect for such period, may be used in lieu of the actual net income for the last completed Fiscal Year; or (B) the need for such financing is evidenced by a certificate or certificates of an Independent Consultant with recognized expertise in utility ratemaking

before the Public Service Commission of Wisconsin employed for that purpose, giving a detailed description of the proposed projects to be financed, an estimate of the cost of the proposed projects including proposed capitalized interest, if any, and an estimate of the time of completion of the proposed projects, and showing the feasibility of such financing with reference to projected Net Revenues based on rates and charges projected to be in effect upon completion of such projects; provided, that such feasibility shall not be deemed shown unless the projected Net Revenues for each of the two full Fiscal Years next succeeding the estimated date of completion of such projects shall be equal to at least equal to 1.20 times the highest combined annual interest and principal requirements on all bonds and notes then outstanding payable from the Gross Revenues of the System (other than bonds being refunded) and the bonds or notes so proposed to be issued for any succeeding Fiscal Year in which there shall be a principal maturity on such outstanding bonds or notes. For purposes of this subsection, actual Net Revenues for any Fiscal Year will be the Net Revenues shown in the audit of the System's books and accounts for the Fiscal Year required by Section 20(e) of this resolution.

- (2) The payments required to be made into the Funds and Accounts created or continued pursuant to Section 18 of this resolution shall be current.
- (3) There shall be on hand in the Reserve Account, immediately upon the issuance of such additional bonds or notes, an amount not less than the Minimum Reserve Amount.
- (4) The additional bonds or notes shall be payable as to principal on May 1 of each year and as to interest on May 1 and November 1 of each year.
- (5) The proceeds of the additional bonds or notes shall be used solely to refund Bonds or Parity Bonds, or to provide for purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating, or managing the System.

In the case of bond anticipation notes, the provisions of the Act shall govern with respect to all matters relating to the lien and sources of payment of such notes.

Section 22. Resolution a Contract; Remedies of Bondholders.

The provisions of this resolution constitute a contract between the Municipality and the registered owners of the Bonds. After the issuance of the Bonds no change or alteration in the provisions of this resolution may be made, except as provided in Section 24 of this resolution and in the definition of "Fiscal Year" in Section 1 of this resolution, until all Bonds have been paid in full as to both principal and interest.

The registered owners of any of the Bonds will have the right, in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to

enforce their rights against the Municipality, the Governing Body, and any and all officers and agents thereof, including, but not limited to, the right to require the Municipality, the Governing Body, and any other authorized body to fix and collect rates and charges fully adequate to carry out all provisions and agreements contained in this resolution, and the right to have a receiver appointed for the System in the event of a default in the payment of principal of or interest on the Bonds.

Section 23. Discharge and Satisfaction of Bonds and Covenants.

The agreements, covenants, liens and pledges entered into, created, or imposed pursuant to this resolution may be fully discharged and satisfied with respect to any or all of the Bonds in any one or more of the following ways:

- (a) By paying the Bonds when they become due and payable, or upon their prior redemption in the manner provided in this resolution;
- (b) By depositing with the appropriate fiscal agent(s) for the Bonds funds in the amount necessary, without consideration of any reinvestment thereof, to pay the principal of and interest on the Bonds until their maturity or earlier redemption; provided that if the Bonds are to be redeemed prior to their stated maturities, then (i) the Bonds shall have been irrevocably called for redemption by the Governing Body, and (ii) provision shall have been made for the required notice of the redemption in the manner provided in this resolution; or
- (c) By depositing with a trustee or an escrow agent, in trust for such purpose, on or before the date of maturity or redemption, money or direct obligations of, or obligations the principal of and interest on which are fully guaranteed by the United States of America, in such amount as, together with the income or increment to accrue thereon without consideration of any reinvestment thereof, will be fully sufficient to pay or redeem (when redeemable) the Bonds at or before their respective maturity dates; *provided, that* if a Bond is to be redeemed prior to its stated maturity date, then (i) the Bond shall have been irrevocably called for redemption by the Governing Body, and (ii) provision shall have been made for the required notice of the redemption in the manner provided in this resolution; *provided, further,* that any such deposit can only be made if the deposit will not adversely affect the exclusion of interest on the Bonds from gross income of the owners thereof for federal income tax purposes.

Upon a payment or a deposit of money or investments in the amount and manner required by this section, all liability of the Municipality with respect to the relevant Bonds will cease, determine, and be completely discharged, and the registered owners of any Bonds that are not then retired will be entitled only to payment out of the money and investments deposited as required by this section.

Section 24. Amendment of Resolution.

Amendment Without the Consent of the Owners. This resolution may be amended from time to time without the consent of the registered owners of the Bonds to make any change that does not adversely affect the registered owners of the Bonds, including, without limitation, to cure any ambiguities, inconsistencies, or typographical errors that may be contained in this resolution.

Amendment With the Consent of the Owners. This resolution may also be amended from time to time with the written consent of the registered owners of not less than two-thirds in outstanding principal amount of the Bonds and any Parity Bonds (not including any Bonds or Parity Bonds that are held or owned by or for the account of the Municipality) if such amendment affects the owners of any Parity Bonds; however this resolution may be amended only with the unanimous written consent of:

- (a) The registered owners of the Bonds (not including any Bonds that are held or owned by or for the account of the Municipality):
 - (i) To make any change in the stated maturity date of or interest rate on any Bond; to modify the terms of payment of principal of or interest on any Bond; or to impose any conditions with respect to payment of principal of or interest on any Bond;
 - (ii) To materially affect the rights of the owners of less than all Bonds then outstanding; or
 - (iii) To reduce the required outstanding principal amount of the Bonds for which consent shall be given to effect any future amendments to this resolution; and
- (b) The registered owners of any series of Parity Bonds (not including any Parity Bonds of the series that are held or owned by or for the account of the Municipality):
 - (i) To make any change in the stated maturity date of or interest rate on any Parity Bond of the series; to modify the terms of payment of principal of or interest on any Parity Bond of the series; or to impose any conditions with respect to payment of principal of or interest on any Parity Bond of the series;
 - (ii) To materially affect the rights of the owners of less than all Parity Bonds of the series then outstanding; or
 - (iii) To reduce the required outstanding principal amount of Parity Bonds of the series for which consent shall be given to effect any future amendments to this resolution.

Notice. If the Municipality proposes to amend this resolution under any provision of this section, then the Municipality shall cause notice of the proposed amendment (the “**Amendment Notice**”) and, if consent is required, a form of consent to the proposed amendment (the “**Consent**”) to be (i) sent by certified mail to all registered owners of the Bonds and, if appropriate, any Parity Bonds, and (ii) filed with the Bond Purchaser. The Amendment Notice shall briefly describe the nature of the proposed amendment and shall state that a copy of the proposed amendment is on file for public inspection in the office of the Recording Officer. The Consent shall refer to the proposed amendment, specifically evidence consent to and approval of the proposed amendment, and be dated by the owner of the Bonds and, if appropriate, any Parity Bonds, upon execution of the Consent. The Amendment Notice and Consent may be one instrument.

If, on any date prior to one year after the date of the sending of the Amendment Notice and Consent, the Recording Officer receives Consents executed by the owners of the Bonds and Parity Bonds owning not less than the required outstanding principal amount to approve the amendment, then the Governing Body may adopt a resolution effecting the proposed amendment and, upon the adoption of the resolution effecting the proposed amendment, the proposed amendment will become effective and binding upon the registered owners of all of the Bonds and any Parity Bonds issued after the Bonds.

Any Consent given by the registered owner of a Bond or Parity Bond pursuant to the provisions of this section will be irrevocable for a period of six months from the date of the Consent and will be conclusive and binding upon all future registered owners of the same Bonds or Parity Bonds during the six-month period. A Consent may be revoked on any date after the six-month period by the registered owner who gave the Consent or by a successor in title by filing notice of such revocation with the Recording Officer; provided that a revocation will not be effective if the Recording Officer has already received Consents from registered owners of the Bonds and Parity Bonds owning not less than the required outstanding principal amount to approve the amendment, evidencing their consent to and approval of the proposed amendment that was the subject of the Consent.

Section 25. Sale of Bonds.

The Municipality awards the sale of the Bonds to the Bond Purchaser at the Purchase Price, plus any accrued interest from the Original Issue Date to the date of delivery of the Bonds. The Municipality approves and accepts the Bond Purchase Agreement. The Municipal Officers are directed (i) to sign the Bond Purchase Agreement in the Municipality’s name and (ii) to take any additional actions needed to complete the sale of the Bonds, including arranging for a specific date, time, and location of closing of the sale.

The Municipal Officers are directed to sign the Bonds and to deliver the Bonds to the Bond Purchaser through the facilities of DTC in accordance with the Bond Purchase Agreement and this resolution. The Bonds may be delivered to the Bond Purchaser upon payment by the Bond Purchaser of the Purchase Price, plus any accrued interest, as required by this resolution.

Unless waived by the Bond Purchaser, the delivery of the Bonds is conditioned upon the Municipality furnishing the following items to the Bond Purchaser:

- (a) The Bonds, together with the written, unqualified approving opinion of Bond Counsel, evidencing the legality of the Bonds and that interest on the Bonds will be excluded from gross income for federal income tax purposes.
- (b) A transcript of the proceedings relating to the issuance of the Bonds.
- (c) A certificate showing that no litigation has been threatened or is pending that would affect the legality of the Bonds or the right of the Municipality to issue them at the time of their delivery.

Section 26. Disposition of Bond Proceeds; Transfers.

The proceeds from the sale of the Bonds shall be disbursed as follows:

- (a) Any accrued interest shall be deposited into the Interest and Principal Account of the Special Redemption Fund.
- (b) \$_____ of the sale proceeds of the Bonds shall be deposited in the Reserve Account of the Special Redemption Fund.
- (c) The remaining proceeds from the sale of the Bonds shall be deposited into the 2022 Construction Fund and used as described in Section 18(a)(6).

Section 27. Official Statement.

The Municipality ratifies and approves the preliminary offering document prepared and distributed in connection with the sale of the Bonds, and the Municipality authorizes and directs the final version of such document (the “**Official Statement**”) to be prepared and distributed prior to the issuance of the Bonds; *provided, however*, that the Official Statement shall be substantially in the form submitted to this meeting, with such modifications as the Municipal Officers approve. The Municipal Officers are directed to deliver copies of the Official Statement to the Bond Purchaser and, if the Bond Purchaser requests, execute one or more copies on behalf of the Municipality. Execution and delivery of the Official Statement will conclusively evidence the approval of the Municipal Officers.

Section 28. Publication of Notice.

The Recording Officer is directed to publish notice that the Municipality has agreed to sell the Bonds. The notice shall be published in the Municipality’s official newspaper as a class 1 notice under Chapter 985 of the Wisconsin Statutes promptly after the execution of the Bond Purchase Agreement. The notice shall be in substantially the form shown in Exhibit B hereto. The Recording Officer shall obtain proof, in affidavit form, of the publication and shall compare the notice as published with the attached form to make sure that no mistake was made in publication.

Section 29. Authorization of Officers.

The appropriate officers of the Municipality are directed to prepare and furnish the following items to the Bond Purchaser and the attorneys approving the legality of the Bonds:

- (i) Certified copies of proceedings and records of the Municipality relating to the Bonds and to the financial condition and affairs of the Municipality.
- (ii) Other affidavits, certificates, and information as may be required to show the facts about the legality of the Bonds as such facts appear on the books and records under the officer's custody or control or as are otherwise known to the officer.

All certified copies, affidavits, certificates, and information furnished for such purpose are representations of the Municipality as to the facts they present.

Section 30. Tax Law Covenants.

The Municipality covenants that it will comply with all requirements of the Code, and the Treasury Regulations promulgated thereunder, that shall be satisfied so that interest on the Bonds will be excluded from gross income for federal income tax purposes.

Section 31. Further Authorization.

The Municipality authorizes its officers, attorneys, and other agents or employees to do all acts required of them to carry out the purposes of this resolution.

Section 32. Conflict with Prior Acts.

In case any part of a prior action of the Governing Body conflicts with this resolution, that part of the prior action is hereby rescinded, except that this section shall not be interpreted as rescinding any part of the Prior Resolutions.

Section 33. Severability of Invalid Provisions.

If a court holds any provision of this resolution to be illegal or invalid, then the illegality or invalidity shall not affect any other provision of this resolution.

Section 34. Effective Date.

This resolution takes effect upon its adoption and approval in the manner provided by law.

* * * * *

Adopted: May 18, 2022

Approved: May __, 2022

Mayor

Clerk

EXHIBIT A
FORM OF BOND

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation (“DTC”), to the issuer or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA
STATE OF WISCONSIN
CITY OF APPLETON

No. R- _____ Registered
\$ _____

SEWERAGE SYSTEM REVENUE BOND, SERIES 2022

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Original Issue Date</u>	<u>CUSIP</u>
_____%	May 1, 20__	June 15, 2022	038132 ____

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

THE CITY OF APPLETON, WISCONSIN (herein called the “**Municipality**”) hereby acknowledges itself to owe and for value received promises to pay the Principal Amount to the Registered Owner, only from the income and revenues hereinafter specified, on the Maturity Date, and interest on the Principal Amount from the Original Issue Date at the annual rate of the Interest Rate. Interest is payable on each May 1 and November 1, beginning on November 1, 2022, until the Principal Amount has been paid. Interest is computed on the basis of a 360-day year of twelve 30-day months.

This Bond is one of a duly authorized issue of revenue bonds (the “**Bonds**”) of the Municipality of an aggregate principal amount of \$,000, all of like tenor, except as to denomination, interest rate, maturity date, and redemption provisions, issued by the Municipality pursuant to Article XI, Section 3 of the Wisconsin Constitution and Section 66.0621 of the Wisconsin Statutes, and acts supplementary thereto.

This Bond, together with interest hereon, is payable in lawful money of the United States of America, together with the Municipality’s outstanding (i) \$5,245,000 Sewerage System Revenue Refunding Bonds, Series 2018, dated October 9, 2018, (ii) \$10,850,000

Sewerage System Revenue Refunding Bonds, Series 2020, dated August 6, 2020, and (iii) \$8,845,000 Sewerage System Revenue Refunding Bonds, Series 2021, dated August 11, 2021 (collectively, the “**Outstanding Bonds**”), only from the income and revenues to be derived from the operation of the Municipality’s sewer utility (the “**System**”) and set aside in the “Sewerage System Special Redemption Fund,” which was created by a resolution adopted by the governing body of the Municipality on September 21, 2005, and affirmed and continued by subsequent resolutions, including a resolution adopted by the governing body of the Municipality on May 18, 2022 (the “**2022 Resolution**”). The 2022 Resolution is entitled “A Resolution Authorizing and Providing for the Sale and Issuance of \$11,460,000 Sewerage System Revenue Bonds, Series 2022 and All Related Details”. Reference is hereby made to the 2022 Resolution for a more complete statement of the revenues from which and conditions under which this Bond is payable, the provisions pursuant to which this Bond has been issued, and the conditions under which bonds may hereafter be issued on a parity with this Bond. The Bonds rank on a parity with the Outstanding Bonds. This Bond does not constitute an indebtedness of the Municipality within the meaning of any constitutional or statutory limitation or provision.

This Bond is a valid claim of the registered owner hereof only against the Sewerage System Special Redemption Fund and the revenues of the System pledged to the Sewerage System Special Redemption Fund. Sufficient revenues of the System have been pledged to the Sewerage System Special Redemption Fund and will be used for no other purpose than to pay the principal of and interest on the Bonds and all other obligations payable from the revenues of the System (including the Outstanding Bonds) that are issued on a parity and equality with the Bonds and the Outstanding Bonds, as the same becomes due.

On the date of their initial delivery, the Bonds will be maintained in a system in which no physical distribution of certificates representing ownership of the Bonds is made to the owners of the Bonds but instead all outstanding Bonds are registered in the name of a securities depository appointed by the Municipality (a “**Depository**”), or in the name of the Depository’s nominee, and the Depository and its participants record beneficial ownership and effect transfers of the Bonds electronically (a “**Book-Entry System**”). So long as the Bonds are maintained in a Book-Entry System, the principal of, and interest on, this Bond will be paid by wire transfer to the Depository or its nominee in accordance with the Depository’s rules that are then in effect by the Director of Finance of the Municipality or any successor fiscal agent appointed by the Municipality (hereinafter, the “**Fiscal Agent**”), which will act as authentication agent, paying agent, and registrar for the Bonds.

If on any date the Bonds are *not* being maintained in a Book-Entry System, then (i) the principal of this Bond will be paid by the Fiscal Agent upon its presentation and surrender on or after its maturity date or prior redemption date at the designated office of the Fiscal Agent, and (ii) the interest on this Bond will be paid by the Fiscal Agent, on each interest payment date, by wire or other electronic funds transfer, or by check of the Fiscal Agent sent by first class mail to the person or entity in whose name this Bond is registered in the register (the “**Register**”) maintained by the Fiscal Agent at the end of the day on the 15th day (whether or not a business day) of the calendar month just before each regularly scheduled interest payment date (the “**Record Date**”). The Municipality and the Fiscal Agent may treat the entity or person in whose name this Bond is registered on the Register as the absolute owner of this Bond for all purposes.

The Bonds maturing on or after May 1, 2031 are subject to redemption prior to their stated maturity dates, at the Municipality’s option, in whole or in part, in the order of maturity selected by the Municipality, on May 1, 2030 and on any date thereafter. The redemption price will be 100% of the principal amount redeemed plus accrued interest to the redemption date, and no premium will be paid. If payment of a Bond called for redemption has been made or provided for, then interest on the Bond stops accruing on the stated redemption date. If less than all outstanding Bonds are redeemed, then the Bonds will be redeemed in \$5,000 multiples as described below[, and if a portion, but not all, of a maturity that is subject to mandatory partial redemptions by operation of a sinking fund (as described below) is being redeemed, then the Municipality will select the amounts to be redeemed on future Sinking Fund Redemption Dates (as defined below) that are reduced as a result of the partial redemption].

[The Bonds maturing on May 1 in the years 20__ and 20__ (the “**Term Bonds**”) are also subject to mandatory partial redemptions prior to their stated maturity dates, by operation of a sinking fund. On the following redemption dates (each a “**Sinking Fund Redemption Date**”) the Municipality will redeem the following principal amounts (subject to reduction as provided in the immediately preceding paragraph) of the Term Bonds:]

Term Bonds Maturing May 1, 20

Sinking Fund Redemption Date (May 1)	Principal Amount To be Redeemed
20	\$,000
20 (Stated Maturity)	,000

Term Bonds Maturing May 1, 20

Sinking Fund Redemption Date (May 1)	Principal Amount To be Redeemed
20	\$,000
204	,000
20 (Stated Maturity)	,000

[The redemption price will be 100% of the principal amount so redeemed, plus accrued interest thereon to the Sinking Fund Redemption Date, and no premium will be paid. The particular Term Bonds to be redeemed will be selected in the manner described below, and the Municipality will give notice of the redemption in the manner described below.]

So long as the Bonds are being maintained in a Book-Entry System, the following provisions apply:

Transfers. The Bonds are transferable, only upon the Register and only if the Depository ceases to act as securities depository for the Bonds and the Municipality appoints a successor securities depository. If that happens, then upon the surrender of the Bonds to the Fiscal Agent, the Municipality will issue new fully registered Bonds in the same aggregate principal amounts to the successor securities depository and the Bonds will be recorded as transferred to the successor securities depository in the Register.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after such Bond has been called for redemption.

Partial Redemption. If less than all the principal amount of a specific maturity is to be redeemed, then the Depository and its direct and indirect participants will select the beneficial owners of the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount of a specific maturity is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds will be sent to the Depository, in the manner required by the Depository, not less than 30, and not more than 60, days prior to the proposed redemption date. A notice of optional redemption may be revoked by sending notice to the Depository, in the manner required by the Depository, not less than 15 days prior to the proposed optional redemption date.

If on any date the Bonds are not being maintained in a Book-Entry System, then the following provisions apply:

Transfers. Each Bond is transferable, only upon the Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of \$5,000 or any multiple thereof. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Bond shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Municipality will issue one or more new fully registered Bonds, in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Bonds and upon the payment of a charge sufficient to reimburse the Municipality or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after such Bond has been called for redemption.

Partial Redemption. If less than all the principal amount of a specific maturity is to be redeemed, then the Municipality or the Fiscal Agent will randomly select the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount thereof is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds shall be sent by first class mail not less than 30, and not more than 60, days before the redemption date to the registered owners of any Bonds to be redeemed, at the respective addresses set forth in the Register. A notice of optional redemption may be revoked by sending a notice by first class mail not less than 15 days prior to the proposed optional redemption date to the registered owners of the Bonds which have been called for redemption.

The Municipality certifies, recites, and declares that all acts, conditions, and procedures required by law to exist, to have happened, and to be performed, leading up to and in the issuing of this Bond and of the issue of which it is a part, do exist, have happened, and have been performed in regular and due form, time, and manner as required by law; and that a sufficient amount of the income and revenue to be received by the Municipality from the operation of the System has been pledged to and will be set aside into a special fund for the payment of the principal of, and interest on, this Bond.

IN WITNESS WHEREOF, the Municipality, by its governing body, has caused this Bond to be executed in its name and on its behalf by the manual or facsimile signatures of its Mayor and Clerk, and to be sealed with its corporate seal (or a facsimile thereof), if any, all as of the Original Issue Date.

CITY OF APPLETON, WISCONSIN

By: _____
Mayor

[SEAL]

And: _____
Clerk

CERTIFICATE OF AUTHENTICATION:

Dated: June 15, 2022

This Bond is one of the Bonds described in the within-mentioned Resolution.

Director of Finance, as Fiscal Agent

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY OR
OTHER IDENTIFYING NUMBER OF ASSIGNEE

(Please Print or Type Name and Address of Assignee)

the within-mentioned Bond and all rights thereunder and does hereby irrevocably constitute and appoint _____ attorney-in-fact, to transfer the same on the books of the registry in the office of the Fiscal Agent, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed

NOTICE: Signatures must be guaranteed by an “eligible guarantor institution” meeting the requirements of the Fiscal Agent, which requirements include membership or participation in the Securities Transfer Association Medallion Program (“STAMP”) or such other “signature guarantee program” as may be determined by the Fiscal Agent in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

Note: The signature to this assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration or enlargement or change whatsoever. When assignment is made by a guardian, trustee, executor or administrator, an officer of a corporation, or anyone in a representative capacity, proof of such person’s authority to act must accompany this Bond.

EXHIBIT B

NOTICE TO THE ELECTORS OF THE
CITY OF APPLETON, WISCONSIN
RELATING TO
SEWERAGE SYSTEM REVENUE BOND SALE

On May 18, 2022, pursuant to Section 66.0621 of the Wisconsin Statutes, a resolution was offered, read, approved and adopted whereby the City of Appleton, Wisconsin authorized the borrowing of money and entered into a contract to sell sewerage system revenue bonds in the principal amount of \$11,460,000. It is anticipated that the closing of this bond financing will be held on or about June 15, 2022. A copy of all proceedings had to date with respect to the authorization and sale of said bonds is on file and may be examined in the office of the City Clerk at 100 North Appleton Street, Appleton, Wisconsin between the hours of 9:00 a.m. and 4:30 p.m. on weekdays.

This notice is given pursuant to Section 893.77 of the Wisconsin Statutes, which provides that an action or proceeding to contest the validity of such financing, for other than constitutional reasons, must be commenced within 30 days after the date of publication of this notice.

Publication Date: May __, 2022

/s/ Kami Lynch

City Clerk

CERTIFICATIONS BY CLERK

I, Kami Lynch certify that I am the duly qualified Clerk of the City of Appleton, Wisconsin (the “**Municipality**”), and as such I have in my possession, or have access to, the complete corporate records of the Municipality and of its Common Council (the “**Governing Body**”), and that attached to this certificate is a true, correct, and complete copy of the resolution (the “**Resolution**”) entitled:

A Resolution Authorizing and Providing for the Sale and Issuance of \$11,460,000 Sewerage System Revenue Bonds, Series 2022, and All Related Details

I further certify as follows:

1. **Meeting Date.** On May 18, 2022, a meeting of the Governing Body was held beginning at _____ p.m.
2. **Posting.** On May ____, 2022 (and not less than 24 hours prior to the meeting), I posted, or caused to be posted, at the Municipality’s offices in Appleton, Wisconsin a notice setting forth the date, time, location, and subject matter of said meeting. The notice specifically referred to the Resolution.
3. **Notification of Media.** On May ____, 2022 (and not less than 24 hours prior to the meeting), I communicated or caused to be communicated, the date, time, location, and subject matter of said meeting to those news media who have filed a written request for such notice and to the official newspaper of the Municipality. The communication specifically referred to the Resolution.
4. **Open Meeting Law Compliance.** The meeting was a regular meeting of the Governing Body that was held in open session in compliance with Subchapter V of Chapter 19 of the Wisconsin Statutes and any other applicable local rules and state statutes.
5. **Members Present.** The meeting was duly called to order by the Mayor (the “**Presiding Officer**”), who chaired the meeting. Upon roll call, I noted and recorded that there were ____ members of the Governing Body present at the meeting, such number being a quorum of the Governing Body.
6. **Consideration of and Roll Call Vote on Resolution.** Various matters and business were taken up during the course of the meeting without intervention of any closed session. One of the matters taken up was the Resolution. A proper quorum of the Governing Body was present for the consideration of the Resolution, and each member of the Governing Body had received a copy of the Resolution. All rules of the Governing Body that interfered with the consideration of the Resolution, if any, were suspended by a two-thirds vote of the Governing Body. The Resolution was then introduced, moved, and seconded, and after due consideration, upon roll call, ____ of the Governing Body members voted Aye, ____ voted Nay, and ____ Abstained.

7. **Adoption of Resolution.** The Resolution was supported by the affirmative vote of a majority of a quorum of the members of the Governing Body in attendance. The Presiding Officer then declared that the Resolution was adopted, and I recorded the adoption of the Resolution.

8. **Approval of Presiding Officer.** The Resolution was approved by the Presiding Officer on May ____, 2022, and I have recorded the approval. The approval is evidenced by the signature of the Presiding Officer on the copy of the Resolution to which this certificate is attached.

9. **Publication of Notice.** I have caused the Notice to Electors, in the form of Exhibit B to the Resolution, to be published in the place specified in the Resolution.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of the Municipality, if any, on this certificate on May ____, 2022.

Clerk

[SEAL]



May 1, 2022

To: Fox Cities Transit Commission
Finance Committee

From: Ronald C. McDonald, General Manager

Subject: Application to Federal Transit Administration (FTA) Bus and Bus Facilities capital grant for \$18,000,000.

Background:

The Bus & Bus Facilities Program (49 U.S.C. 5339b) is a competitive grant that makes federal funding available for bus and bus facility capital projects. Eligible recipients include designated recipients that operate fixed route bus service such as Valley Transit.

Valley Transit is seeking authority to apply for funding under this annual program for the Whitman Avenue Facility Renovation Project. The FTA provides these funds as an 80/20 grant; 80% grant funded and 20% local match. The local share will be paid through a combination of other allowable grant funds and Valley Transit’s depreciation fund. The costs associated with this grant are as follows:

80% funding from FTA:	\$14,400,000
20% local match:	<u>\$ 3,600,000</u>
Total eligible project cost:	\$18,000,000

Recommendation:

Approve submittal of an application for Fiscal Year 2022 Federal 5339 (b) funds in the amount of \$18,000,000.



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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 5/9/2022

RE: Action: Approve purchase of CT cabinet and switchgear for the Appleton Public Library from Faith Technologies for a cost of \$156,075.

As design and planning for the Appleton Public Library continue, it has been brought to our attention by our construction team, that certain components are experiencing significantly longer lead times because of the economy, supply chain and other external factors. These projected lead times will have a significant impact on the project schedule, therefore there is a need to identify and order these critical items as soon as possible.

This request seeks to purchase the Current Transformer (CT) cabinet and main switchgear. Vendors and manufacturers have indicated a 52-week lead time for the switch gear and a 60-week lead time for the CT cabinet. These components are critical and necessary to the electrical infrastructure for the library.

Three quotes were obtained for this equipment as follows:

1. Northland Electrical \$163,000
2. Van Ert Electrical \$178,750
3. Faith Technologies \$156,075

Faith Technologies provided the lowest quote; therefore, we recommend approval to procure this equipment from them.

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



LEGAL SERVICES DEPARTMENT

Office of the City Attorney


100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

TO: Alderperson Brad Firkus, Chair
Members of the Finance Committee

FROM: Christopher R. Behrens, City Attorney 

DATE: May 5, 2022

RE: Amended Relocation Order

This order relates to a portion of permanent limited easement for the second raw water line. The property owner will be reconstructing the parking lot where this easement will be located and the owner's plans call for a detention pond at the original easement location. Accordingly, engineering staff was able to shift the easement location to the east and the new location is reflected in the Amended Relocation Order.

Staff is requesting APPROVAL of the attached Amended Relocation Order.

CL: 21-0938

Christopher R. Behrens
City Attorney

Amanda K. Abshire
Deputy City Attorney

Darrin M. Glad
Assistant City Attorney

Nicholas J. Vande Castle
Assistant City Attorney

AMENDED RELOCATION ORDER

The City of Appleton, Outagamie/Calumet/Winnebago Counties, Wisconsin, by its Common Council and for its Relocation Order hereby resolves as follows:

1. That this Resolution is a Relocation Order in accordance with subsection 32.05(1), Wisconsin Statutes, for the purpose of the within-described public improvement project and it is also a determination of necessity for that project in accordance with subsection 32.07(2), Wisconsin Statutes;

2. That the City of Appleton hereby determines that it is necessary and of public purpose to construct water main in the area of Oneida Street, in or near the city of Appleton, Wisconsin;

3. That said project will be built within the area marked as set forth in the scale drawing, which is attached to this Relocation Order as Exhibit "B" and is incorporated herein;

4. That said construction work will be done within the areas marked on the scale drawing, which is attached to this Relocation Order as Exhibit "B" and is incorporated herein;

5. That the legal description for the acquisition of a permanent limited easement necessary for this project is contained in Exhibit "A" which are also incorporated herein;

6. That the City of Appleton will acquire a permanent limited easement in the area described in the "Legal Description for PLE" contained in Exhibit "A" from the present owner.

7. This document amends the Relocation Order dated January 19, 2022 and recorded with the Calumet County Register of Deeds on January 31, 2022 as Document No. 567862.

Passed and approved this _____ day of _____, 2022.

I hereby certify that on this _____ day of _____, 2022, that the within Amended Relocation Order was adopted by a vote of _____ ayes and _____ nays by the City Council for the City of Appleton, Wisconsin.

Record and return to:
City of Appleton – City Attorney’s Office
100 North Appleton Street
Appleton, WI 54911-4799

Harrison Tax ID No. 39870

SIGNATURES APPEAR ON THE FOLLOWING PAGE

City of Appleton

ATTEST:

APPROVED:

Kami Lynch, City Clerk

Jacob A. Woodford, Mayor

Subscribed and sworn to before me
this _____ day of _____, 2022.

Jamie L. Griesbach
Notary Public, State of Wisconsin
My commission expires: 11/11/2025

This instrument was drafted by:
Christopher R. Behrens, City Attorney
City Law: A21-0938

EXHIBIT A

Legal Description for PLE W Beach Holdings, LLC

Harrison Tax Id No. 39870

Document No. 2232656

The Servient Property Is Described As:

All that part of Government Lot Four (4) of Fractional Section Eighteen (18), Township Twenty (20) North, Range Eighteen (18) East, Village of Harrison (formerly Town of Harrison), Calumet County, Wisconsin more fully described in Warranty Deed Document No. 562420 of the Calumet County Registers of Deeds Office.

The Permanent Easement Area Is Described As:

A 30 foot wide strip of land being a part of Government Lot Four (4) of Fractional Section Eighteen (18), Township Twenty (20) North, Range Eighteen (18) East, Village of Harrison, Calumet County, Wisconsin, containing 0.124 Acres of land and being more particularly described by:

Commencing at the Northwest corner of said Section 18;

Thence South 00°40'58" West 2037.64 feet coincident with the West line of the NW ¼ of said Section 18;

Thence South 89°19'02" East 109.45 feet coincident with a South line of lands described in Warranty Deed Document Number 562420 and being the point of beginning;

Thence North 00°43'48" East 180.58 feet to the North line of lands described in Warranty Deed Document Number 562420;

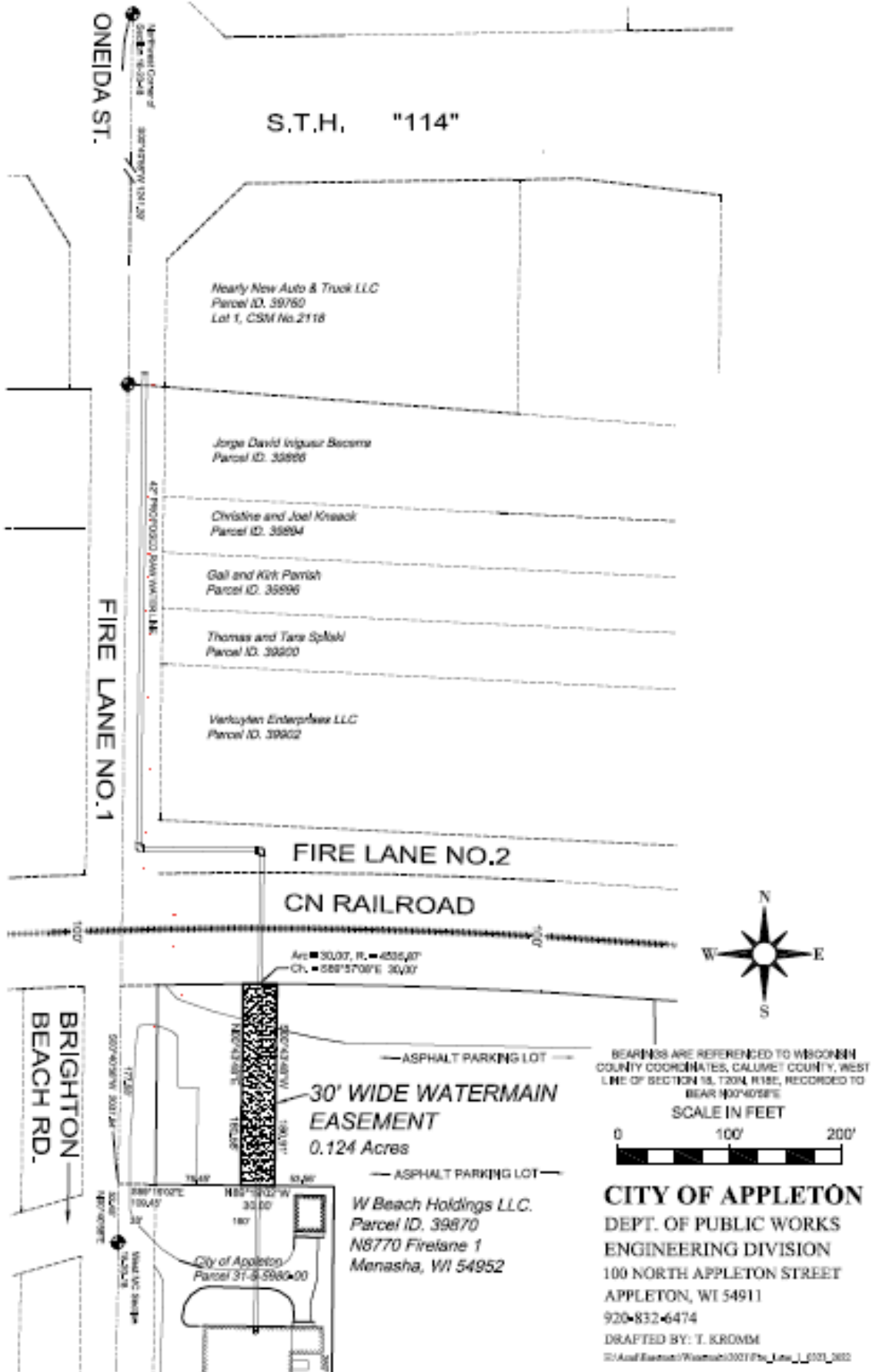
Thence Easterly 30.00 feet along the arc of a curve to the right having a radius of 4535.87 feet and the chord of which bears South 89°57'08" East 30.00 feet along the North line of lands described in Warranty Deed Document Number 562420 and being coincident with the South line of the CN Railroad right of way;

Thence South 00°43'48" West 180.91 feet to a South line of lands described in Warranty Deed Document Number 562420;

Thence North 89°19'02" West 30.00 feet coincident with the South line of lands described in Warranty Deed Document Number 562420 to the point of beginning.

EXHIBIT "B"

A part of the West One-Half ($W\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Fractional Section Eighteen (18), Township Twenty (20) North, Range Eighteen (18) East, Village of Harrison, Calumet County, Wisconsin





MEMORANDUM

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

TO: Community and Economic Development Committee

FROM: Matt Rehbein, Economic Development Specialist

DATE: May 11, 2022

RE: Farrell Investments, LLC – Variance to Deed Restrictions and Covenants Request

The City has received a request on behalf of Farrell Investments, LLC for two variances to the Deed Restrictions and Covenants for their expansion on Lot 11 in the Southpoint Commerce Park.

Farrell Investments purchased the existing building at 3920 E. Endeavor Drive in 2018. They have outgrown the existing structure and purchased the adjacent Lot (Lot 11) from the City on May 5, 2022. They plan to combine the parcels via Certified Survey Map (CSM), and a Site Plan is under review at the City.

The first is a variance to Section 4.E "Building Materials" to allow for a second expansion wall to be constructed of metal material on the north face of the building (see attached request and elevations). One metal expansion wall is provided for in the Deed Restrictions and Covenants. The proposed plan indicates metal expansion walls on the west and north faces of the building.

The second is a variance to Section 7 "Parking and Loading" to allow for an overhead door facing the street on the south face of the building (see attached request and elevations). Per the request from Farrell Investments, loading and truck traffic will be directed to the rear (north side) of the building, which is consistent with the location of dock doors and other overhead doors, and consistent with the Deed Restrictions and Covenants. The south facing door would be used infrequently for equipment and racking. The proposed site plan indicates landscaping that will help screen the proposed overhead door.

Staff Recommendation:

A variance to the Southpoint Commerce Park Deed Restrictions and Covenants, Section 4.E to allow for two metal expansion walls, one to the north and one to the west, and Section 7 to allow for an overhead door facing the south elevation of the building **BE APPROVED**.

City of Appleton
100 North Appleton Street
Appleton, WI 54911

Attn: Matt Rehbein, Economic Development Specialist
RE: Site Plan #12-22 Farrell Equipment

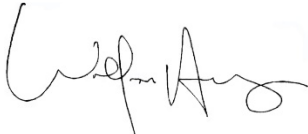
Dear Matt,

We are requesting variances for the following items as shown on our site plan submittal.

- 1) Section 4.E "Building Materials" - It is our intent in the future to expand to the west and the north from our proposed addition and we would like to request permission to not add the 25% of decorative materials on the north elevation. This wall is also fully concealed by our 8'-0" high fence that is fully slated and therefor the wall is not visible from the adjacent properties. We calculated that the decorative material would need to be 7'-4" high along the bottom of the wall to meet the convenance 25% requirement.
- 2) Section 7 "Parking and Loading" - The south wall overhead door is intended to be used only as an equipment and racking entrance and will get very little use. All deliveries and shipped items as a standard for out cold storage will be run thru our north side docks and overhead doors.

If you have any questions feel free to call me, Bill Aubrey 920-410-0336 for any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "William Aubrey". The signature is fluid and cursive, with the first name "William" and last name "Aubrey" clearly distinguishable.

William Aubrey, Architect

STAMPS

PROPOSED ADDITION FOR:
**FARRELL EQUIPMENT & SUPPLY CO.,
INC.**
3920 EAST ENDEAVOR DRIVE, APPLETON, WI 54915

ISSUED FOR REVIEW: 4/28/22
ISSUED FOR BID: 00/00/00
ISSUED FOR PERMIT: 4/28/22
ISSUED FOR CONSTRUCTION: 00/00/00

ISSUED REVISIONS

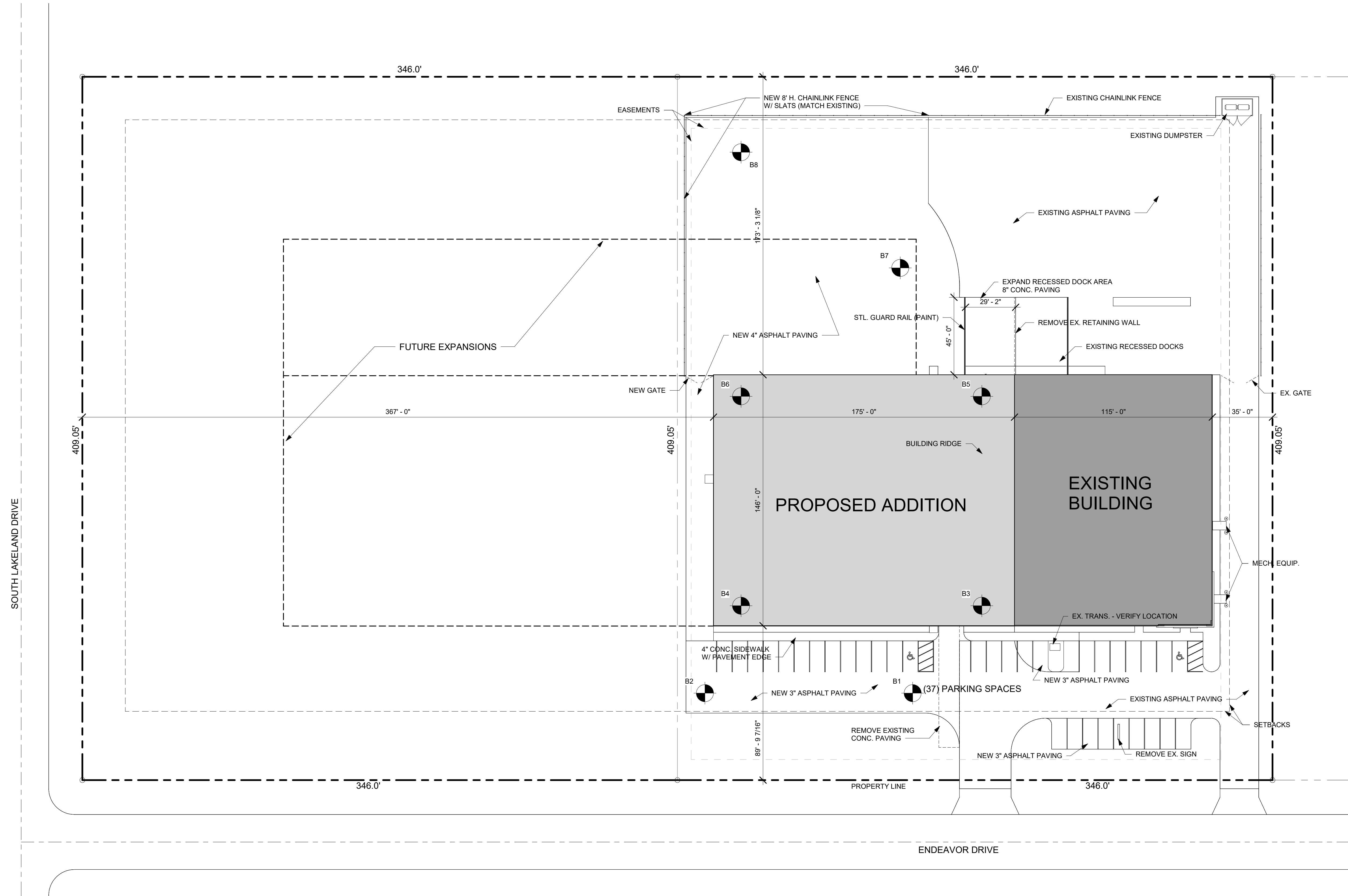
Revision	Date	Rev. Description

DRAWN BY: WAA

PROJECT #: 0539002

A100

SHEET TITLE
ARCHITECTURAL SITE
PLAN



1 SITE PLAN
A100 1" = 30'-0"



NOTE: SEE CIVIL PLANS FOR ALL FINAL DIMENSIONS AND DETAILS

STAMPS

PROPOSED ADDITION FOR:
FARRELL EQUIPMENT & SUPPLY CO., INC.
3920 EAST ENDEAVOR DRIVE, APPLETON, WI 54915

ISSUED FOR REVIEW: 4/12/22
ISSUED FOR BID: 00/00/00
ISSUED FOR PERMIT: 4/12/22
ISSUED FOR CONSTRUCTION: 00/00/00

ISSUED REVISIONS

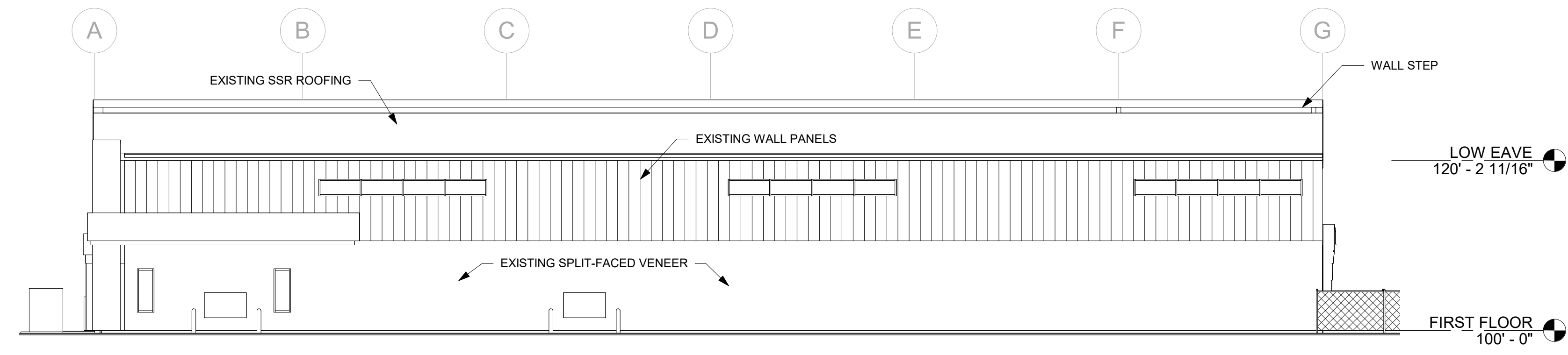
Revision	Date	Rev. Description

DRAWN BY: WAA

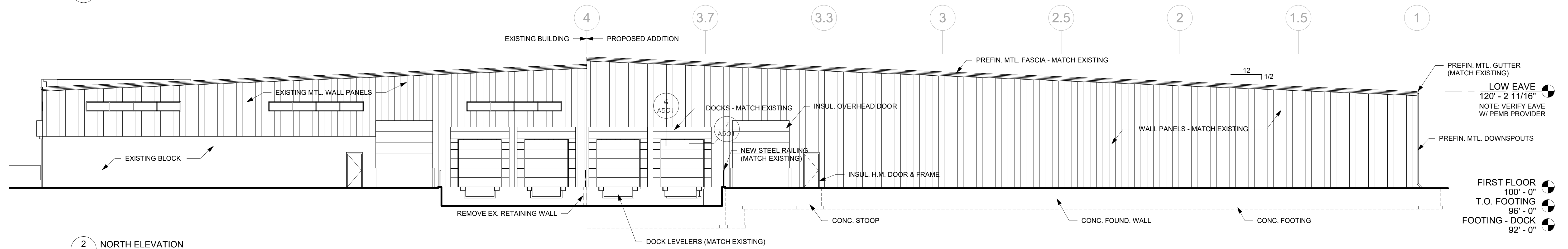
PROJECT #: 0539002

A200

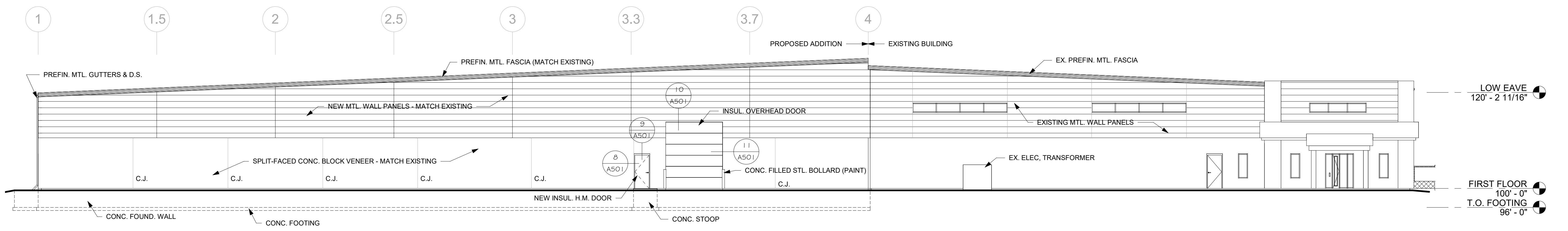
SHEET TITLE
EXTERIOR ELEVATIONS



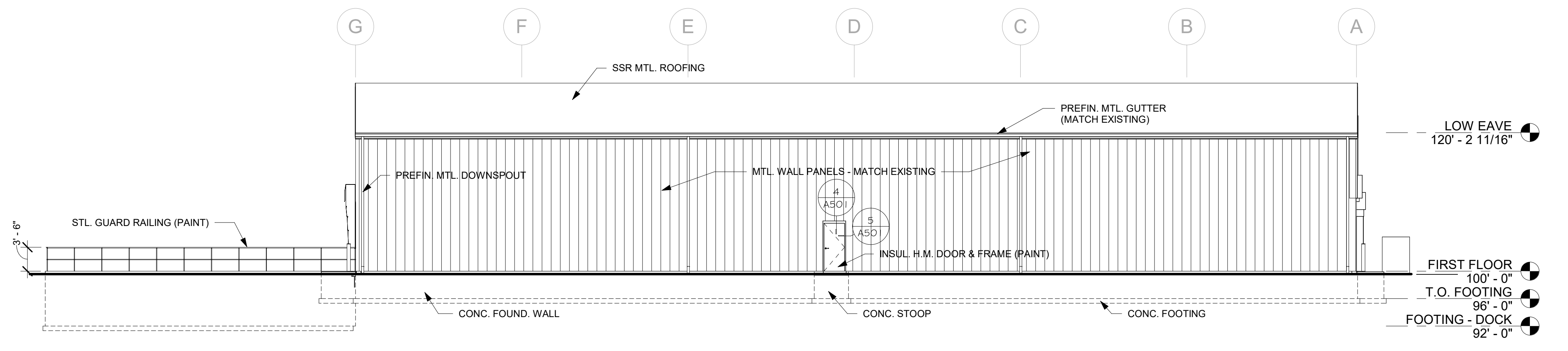
1 EAST ELEVATION
A200 3/32" = 1'-0"



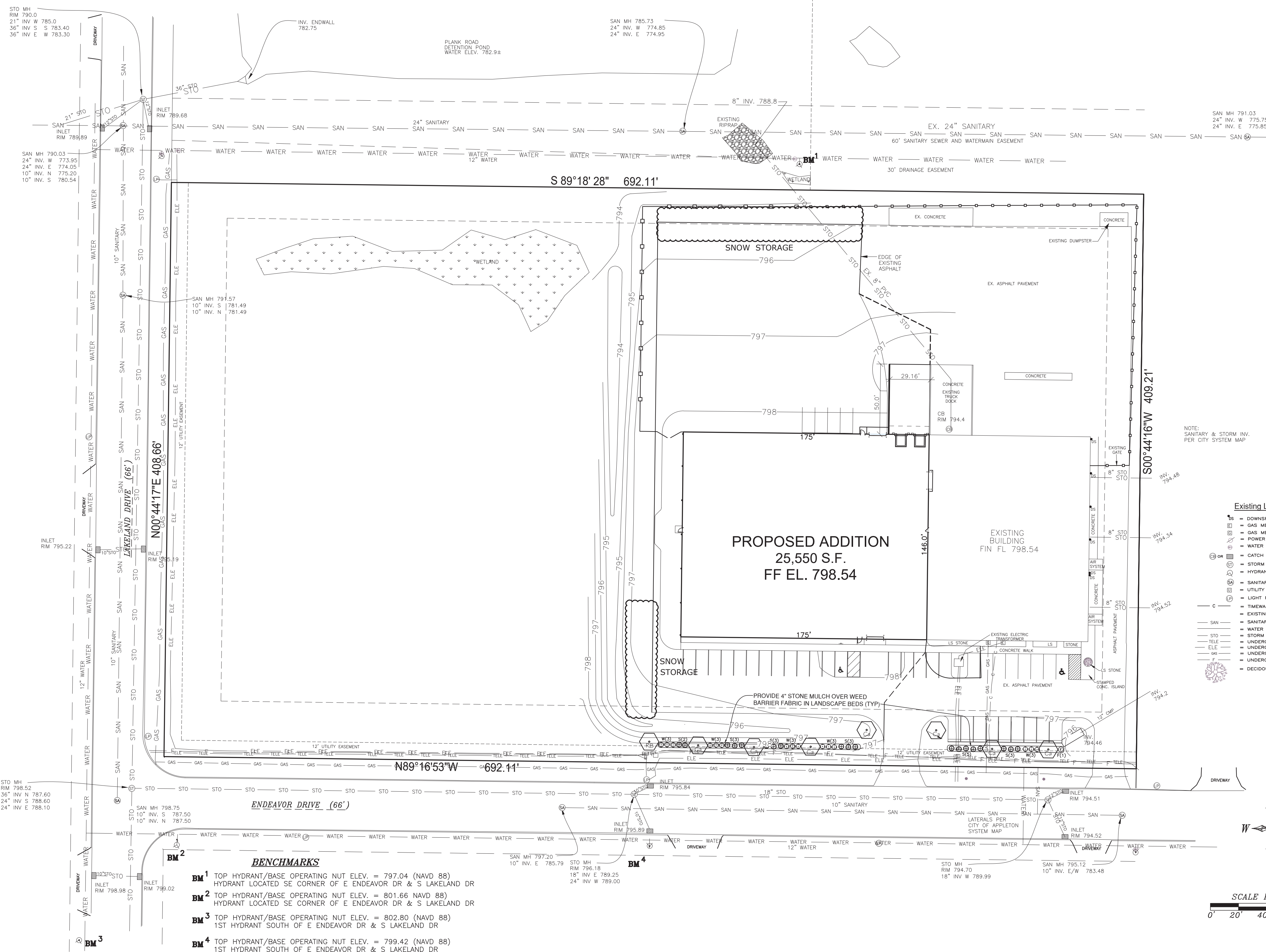
2 NORTH ELEVATION
A200 3/32" = 1'-0"



3 SOUTH ELEVATION
A200 3/32" = 1'-0"

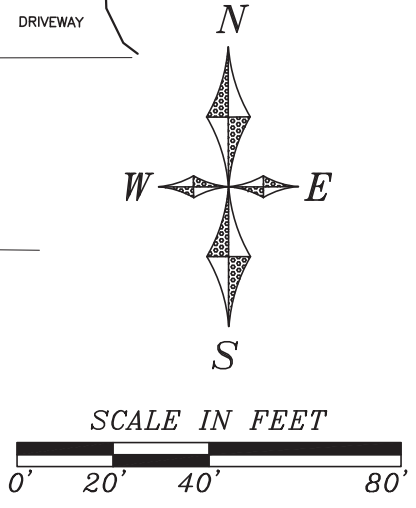


4 WEST ELEVATION
A200 3/32" = 1'-0"



Symbol	Common Name	Botanical Name	Size	Form	Qty.
RB	River Birch	Betula nigra	1 1/2"	Shade Tree	1
Ca	Robinson Crabapple	Malus 'Robinson'	1 1/2"	Ornamental Tree	6
S	Magic Carpet Spirea	Spiraea x bumalda 'Magic Carpet'	2'-0"	Shrub	16
F	Forsythia Lynwood Gold	Forsythia intermedia 'Lynwood'	24"	Shrub	1
W	Weigela - Wine and Roses	Weigela florida 'Alexandra' WINE AND ROSES	24"	Shrub	15

- Existing Legend**
- DOWNSPOUT/W RECEIVER
 - GAS METER
 - GAS METER
 - POWER HOLE
 - WATER VALVE
 - CATCH BASIN
 - STORM MANHOLE
 - HYDRANT
 - SANITARY MANHOLE
 - UTILITY PILE
 - LIGHT POLE
 - TIMEWARNER CABLE
 - EXISTING CONTOUR
 - SANITARY SEWER
 - WATER MAIN
 - STORM SEWER
 - UNDERGROUND SPECTRUM
 - UNDERGROUND ELECTRIC
 - UNDERGROUND GAS
 - UNDERGROUND SPECTRUM FIBER OPTIC
 - DECIDUOUS TREE



- BENCHMARKS**
- BM 1** TOP HYDRANT/BASE OPERATING NUT ELEV. = 797.04 (NAVD 88)
HYDRANT LOCATED SE CORNER OF E ENDEAVOR DR & S LAKELAND DR
 - BM 2** TOP HYDRANT/BASE OPERATING NUT ELEV. = 801.66 (NAVD 88)
HYDRANT LOCATED SE CORNER OF E ENDEAVOR DR & S LAKELAND DR
 - BM 3** TOP HYDRANT/BASE OPERATING NUT ELEV. = 802.80 (NAVD 88)
1ST HYDRANT SOUTH OF E ENDEAVOR DR & S LAKELAND DR
 - BM 4** TOP HYDRANT/BASE OPERATING NUT ELEV. = 799.42 (NAVD 88)
1ST HYDRANT SOUTH OF E ENDEAVOR DR & S LAKELAND DR

THE LOCATION OF UNDERGROUND UTILITIES INCLUDING NATURAL GAS, CABLE TV, ELECTRIC AND TELEPHONE ARE BASED ON MARKINGS PLACED BY "DIGGERS HOTLINE" REPRESENTATIVES IN ACCORDANCE WITH OUR INITIAL REQUEST ASSIGNED TICKET NUMBER 2022-09-02935, 2022-09-02940 AND 2022-09-02964, WHICH WAS LOCATED BY SCHULER AND ASSOCIATES SHORTLY AFTER THE GIVEN START TIMES BY "DIGGERS HOTLINE," IN MARCH OF 2022.

4300 N. Richmond Street
Appleton, WI 54913-9704
Phone: 920-739-3555
Toll Free: 800-642-8774
Fax: 920-739-3933
www.consolidated-const.com
ccinc@consolidated-const.com



LANDSCAPE PLAN
FARRELL EQUIPMENT & SUPPLY, INC.
3920 E. Endeavor Drive,
Appleton, WI 54915

Description:	
Date:	
Project #:	
Drawn By:	MJ/ICRS
Issue For Permit:	04-12-2022
Issue #:	1
	L101

PLAN PREPARED BY:
SCHULER & ASSOCIATES, INC.
2711 N. MASON STREET, SUITE F
(920) 734-9107
PROJECT NO. 22-4752

Exhibit B Deed Restrictions

S O U T H  P O I N T

C O M M E R C E P A R K

Appleton's Newest Business Opportunity

DECLARATION OF COVENANTS AND RESTRICTIONS

APPLICABLE TO ALL PROPERTIES SOLD IN
SOUTHPOINT COMMERCE PARK PLATS NO. 1, 2 & 3

This conveyance is made subject to the following conditions, covenants, and understandings, which shall be binding upon the vendee and his/her heirs, successors, and assigns:

1. ***Setbacks:***

- A. *Front Yard:* No building shall be constructed on the site nearer than forty (40) feet of the right-of-way of any public street. In the case of corner lots, both forty (40) foot setbacks will apply.
- B. *Side and Rear Yards:* Minimum side and rear yards shall be twenty-five (25) feet.

2. ***Land Use:***

Restrictions on Use. The Restricted Parcel shall be developed and used solely for the following purpose and for no other purpose:

- 1. Manufacturing;
- 2. Research, development and testing laboratories;
- 3. Wholesaling, warehousing and distribution;
- 4. Office operations only if they are an integral part of and a necessary adjunct to a permitted use;
- 5. Retail sales of products manufactured on site and clearly an accessory use to the primary use of the site and provided on premises sales are limited in floor area to no more than (10) percent of the total gross floor area occupied by the permitted or special use;
- 6. Other land uses may be considered for approval by the Community Development Committee if a determination is made that the project fits the development objectives of the City.

3. *Nuisance Factors and Hazards*

- A. In order to protect the interests of all Tenants, no operation shall be conducted which emits offensive or objectionable noise, vibration, smoke, odors, dust, or gases. Precautions should be taken in all research and other approved operations for radiation, radioactivity, fire, and explosion hazards.
- B. No fuel or chemical in-ground or outdoor storage shall be allowed in the Park.

4. *Building Standards*

- A. Any building erected shall be at least 7,500 square feet in area and have a gross floor area equal to at least 10 percent of the land area.
- B. The maximum ratio of building area (footprint) to total parcel size shall in no event exceed forty (40) percent, exclusive of parking and loading areas. The building footprint, all parking, driveways, and loading areas, when combined, may not exceed seventy (70) percent of the total Parcel size.
- C. Buildings shall be designed by an Architect or Engineer. Complete architectural design must be given to all façades of all buildings with all sides and rear elevations being given architectural treatment compatible with the front elevation of the building.
- D. This Industrial Park encourages a variety of architectural styles. However, it is intended that a basic harmony of architecture prevail among the buildings so that no one structure detract from the attractiveness of the overall development.
- E. The front elevation of the building, any elevation facing a street, and externally visible opaque surfaces shall be a minimum of 75% of materials 1-5 (provided, however, that such list shall not be deemed to exclude the use of other accent or exterior trim materials, glass and glazing, and earth berms). The side and rear building elevations that do not face any street shall be a minimum of 25% of materials (1-5). Exception to this requirement would be limited to (1) expandable building side with prior approval from the Site Plan Review Committee.
 - 1. Brick;
 - 2. Architectural precast concrete panels (surface finish to be painted, stained, or exposed aggregate). When using concrete panels as an exterior surface the architect should be careful to avoid a monolithic or monotonous appearance and the use of various textures, colors and accents will be encouraged.
 - 3. Decorative face concrete block. When using decorative face concrete block as an exterior surface the architect should be careful to avoid a monolithic or monotonous appearance and the use of different types and textures (split face, fluted, scored or striated) to provide variety and relief will be encouraged.

4. Cut stone;
5. Exterior insulation and finish systems (EFIS);
6. Metal panels may be used only in combination with one of the approved materials. Any metal siding proposed for use shall be entirely coated with a color fast, abrasion and corrosion resistant, long life (minimum of 20 years) finish that is resistant to chemicals, withstands temperature extremes, and has a low permeability. Any material utilized to attach the metal siding to the building shall be concealed or the utilization of shadow panels or semi-concealed fastener panels with fasteners painted to match the panels shall be required.
7. Other building materials being developed and to be developed by the construction industry. The use of such materials will be reviewed by the Site Plan Review Committee on a case-by-case basis.

- F. Building materials will be selected for their ability to present a visual statement of a building or structure's strength, attractiveness, and permanence. The building materials used shall be harmonious with the natural environment and with the general character of other buildings and structures in the Park.
- G. Metal trim materials may be used when in keeping with the architectural and aesthetic character of the building or structure.
- H. The Community Development Committee will approve ancillary structures. Approval may be granted only if such structures are necessary to the principal use of the building site, are in architectural and aesthetic conformance with other buildings or structures on the site, are properly screened, meet all requirements of these covenants and are otherwise satisfactory to the Community Development Committee at its sole discretion.

5. ***Landscaping:***

- A. ***Landscape Plan:*** The landscaping upon any building site or lot shall be carried out in accordance with a detailed landscaping plan, which has been reviewed and approved in writing by the City's Site Plan Review Committee. The landscape plan shall include, but not be limited to, plant location, common and botanical names of plant material, planting size, root condition, and quantity of all plant material. The plan shall show all ground cover and mulch areas, landscape and construction materials, and construction details.
- B. ***Landscaping Methods:*** Landscaping may include grading, earth berms, seeding, sodding, raised planters, architectural decorative walls or fencing, trees and shrubs, ground cover and other landscape materials including permanent sprinkler systems, fountains, storm run-off retention ponds, reflective ponds, and landscape lighting.

- C. *Plant Material*: Selected plant material should provide for a variety of shade trees, evergreen trees, and shrubs, ornamental trees and shrubs and ground covers. Plant material selection shall take into consideration the following:
1. Disease and insect resistance;
 2. Hardiness to the area;
 3. The ability to provide seasonal interest;
 4. Future maintenance considerations;
 5. Ability of plant material to accomplish its intended purpose in each placement.
- D. *Time for Completion*: All landscaping shall be completed within ninety (90) days following occupancy, or as soon thereafter as weather will allow if such period occurs within winter months.
- E. *Maintenance*: The owner shall be responsible for maintaining all landscaping as approved on the original plan for his site. Any variation or changes to the landscape plan must be reviewed and approved in writing by the Community Development Department. Landscaped areas, materials, fixtures, and improvements shall be maintained by the owner of the building site, or by such owner's long-term lessee(s) in good condition at all times. Such maintenance shall include watering, mowing, trimming, pruning, spraying, fertilizing, repairing, replacement of dead plantings, planting, transplanting, dusting, treating, and other common landscape maintenance activities necessary to keep the building site landscaping in a healthy state of growth and visually attractive in appearance.

If the owner or the owner's assigns fail to maintain the landscaping and site per the approved landscaping plan in this section, the City of Appleton or its Agent may seek an inspection warrant to enter the site and conduct such maintenance and to seek full reimbursement.

6. *Utility Controls*

All utilities lines shall be located underground where feasible except for high voltage lines. In the event high voltage lines are required, rear locations nearest and parallel with rear lot lines shall be encouraged.

7. *Parking, Loading*

Off-street parking and loading areas shall be provided on each building site and shall be of sufficient size to accommodate all planned or anticipated parking and loading needs of all site occupants and visitors and comply with the City's Zoning Ordinance regarding parking standards.

1. All truck maneuvering must be confined within the boundaries of the property.
2. All parking, driveways, and loading areas shall be paved.
3. Parking shall be permitted within the minimum front yard setback area; however, it shall be located no closer than fifteen (15) feet to the public right-of-way line. Parking shall be setback a minimum of 6' from the side property line.

Truck loading and receiving areas shall occur in the rear of any buildings or structures on any Lot. Truck loading and receiving areas shall be permitted on the side of such building if sufficient visual screening is installed to screen the dock area from the street.

Truck loading and receiving is normally not permitted in the front of such building unless dictated by the site conditions and only if fully screened from the street. In that event, the Community Development Committee shall review and approve the location of the loading dock. The Community Development Committee may assign this review of plans to the Community Development Department.

8. ***Outdoor Storage:***

No outside storage of any kind shall be permitted unless such stored materials are visually screened from all streets and adjoining properties with a suitable fence, vegetation, berm, or combination thereof approved by the Site Plan Review Committee. Screening shall be attractive in appearance and in keeping with the architectural quality of the main structure. Said storage shall be limited to behind the front line of the building on the property, and within the building setback lines. All refuse containers must be enclosed by a fence of solid material such as will provide a suitable visual screen. No waste material or refuse may be dumped or permitted to remain on any part of the property outside of the buildings. All storage areas shall be paved.

9. ***Roof Mounted Equipment:***

Roof mounted equipment shall be so located and/or screened, and painted to minimize visibility from the street and adjacent owners.

10. ***Signs:***

Identification signs shall be permitted to promote only the name and/or trademark of the owner or tenant of the parcel on which the sign is placed. The signs shall not advertise business services. Signs, lighting, etc., are to be indicated on the final site plan submitted to the Site Plan Review Committee for review.

1. Ground signs must be set back a minimum of 10 feet from the right-of-way line and must be of a low profile design subject to approval by the Committee.
2. Signs may not be of unusual size or shape when compared to the improvements situated on the site on which the sign is located.

3. Signs may not be installed above the roofline of a building.
4. Pole signs are prohibited.
5. Signs may not contain or utilize any flashing, blinking, intermittent or moving light as source of illumination.
6. No signs shall be located in or painted on any window.
7. Building signs must comply with the City Sign Code.

11. ***Maintenance Responsibilities:***

- A. Each owner shall keep its property, all contiguous street right-of-way to the edge of the pavement, and all drainage and easement areas in a well -maintained, safe, clean, and attractive condition at all times. Such maintenance includes, but is not limited to the following:
 1. The removal of all litter, trash, refuse, and wastes;
 2. Compliance with the City's noxious weed control ordinance, including the mowing of all grass areas to a height not over 4";
 3. The maintenance of exterior lighting, signs, and mechanical facilities;
 4. The keeping of all exterior building surfaces in a cleaned, well-maintained condition;
 5. The maintenance of all drainage ways including the removal of all debris, weeds, and silt.
- B. The owner of any undeveloped lands shall maintain said lands free of rubbish, noxious weeds, and mosquito breeding pond conditions.

12. ***Site Plan Review:***

Before commencing the construction or alterations of any buildings, additions, enclosures, fences, loading docks, parking facilities, storage yards, or any other structures or permanent improvements on or to the real estate conveyed hereby, the owner shall first submit its building plans, specifications, site and landscape plans, elevations of all sides of the building, samples of materials proposed for all external surfaces including colors and textures, and an artist's rendering of the project or a scale model to the Site Plan Review Committee in accordance with Section 23-171 of the City Zoning Code. Renderings should show adjacent buildings, landscaping, screening, signs etc.

13. ***Repurchase Rights:***

Failure to Build: In the event the owner of land purchased from the City of Appleton does not commence construction of a building within one (1) year after the date of purchase, the City has the option to repurchase said property. The City shall pay the following repurchase price: the sum of the original purchase price and all special assessments which may have been paid by the buyer or levied against the property after the date of purchase minus the sum of any unpaid property taxes, pro-ration of the current years property taxes to date of closing, title insurance policy premium, real estate commission paid at time of original closing, and any liens and encumbrances on the property of a definite or ascertainable amount. Further, repurchase price shall be adjusted by the amount equal to the amount of an option fee for that year had the property been under option between the City and the Buyer. Conveyance shall be by warranty deed.

Resale of Vacant Land: In the event the owner of land purchased from the City of Appleton elects to sell any portion thereof, which is vacant, the property shall first be offered, in writing, to the City of Appleton. The City of Appleton shall have sixty (60) days from date of receipt of such offer to accept or reject repurchase of the property unless an extension of time may be mutually agreed upon and set forth in writing. The purchase price shall be computed as in the paragraph above (Failure to Build). Conveyance shall be by warranty deed. The seller shall furnish a title insurance policy at the seller's expense. In the event the City does not elect to repurchase the property, the owner may sell the land, but these Declarations of Covenants and Restrictions shall run with the land and be binding on the subsequent owner.

14. ***Subdivision of Lots:***

After a lot has been purchased, such lot shall not be further subdivided without the written consent of the Community Development Committee. No owner may sell, lease or rent less than all of the lot without the prior written consent of the Community Development Committee. The Community Development Committee may delegate this approval authority to the Community Development Department. The foregoing prohibition shall not apply to occupancy leases of space in a building made in the ordinary course of business.

15. ***Waiver of Notice:***

All land sold before major assessable improvements are completed in the business park site shall be subject to the purchaser's waiving notice of assessments and hearings, and such waiver shall be part of the negotiations.

16. ***Variations:***

Notwithstanding anything contained herein to the contrary, the City of Appleton expressly reserves the right at any time to authorize in writing variations from the strict applications of these covenants and restrictions, or any one or more of them, where the circumstances, in its sole

and exclusive judgment, justifies the granting of same.

17. ***Enforcement:***

The Community Development Committee has the responsibility to ensure compliance with the covenants and restrictions through any and all lawful means. In the event that the owner fails to perform in accordance with these covenants and restrictions, the Common Council, upon recommendation of the Community Development Committee, may take whatever corrective measures it deems appropriate and assess the cost thereof against the property in the same manner as a special charge. The Common Council shall give at least thirty (30) days notice to the vendee of any violation and the steps required to correct it prior to taking any action to cure such violation.

18. ***Invalidation:***

The invalidation of any one of the covenants or restrictions herein set forth or the failure to enforce any of said covenants and restrictions at the time of its violation shall in no way affect any of the other covenants or restrictions nor be deemed a waiver of the right to enforce the same thereafter.

19. ***Term:***

Each lot shall be conveyed subject to the covenants and restrictions set forth herein, all of which are to run with the land and shall be binding on all parties and all persons claiming them for a period of thirty (30) years from the date of this Declaration of Covenants and Restrictions is recorded, after which time said covenants and restrictions as are then in force and effect shall be automatically renewed for successive periods of ten (10) years each, unless an instrument terminating such covenants and restrictions is recorded with the Outagamie County Register of Deeds by the Common Council as evidenced by a resolution duly adopted by a majority of all members of the Common Council.

Southpoint Commerce Park Appleton, Wisconsin

Calumet Street (County Highway KK)

Slate Highway 441

Destination Drive (Private)

Office Park

Retail Center

Eisenhower Drive

Legend

- For Sale
- Office
- Offer
- Sold
- Industrial Park Boundary
- Ponds
- City Limits

Plank Road (County Highway AP)

9-5700-6
Time Warner Cable
Technical Operations Center

9-5712-1
Mike Roberts

9-5712-2
Lot 2
SCP Plat No. 1
1.44 acres
\$40,000/acre

9-5712-12
Lot 12
SCP Plat No. 1
3.60 acres
Office Use
\$45,000/acre

9-5712-13
Mike Roberts
RPG 4

9-5712-3
Flair
Flexible
Packaging

9-5712-11
Lot 11
SCP Plat No. 1
3.25 acres
\$40,000/acre

9-5712-10
Arrow Moving
Systems, Inc

9-5712-9
Lot 9
SCP Plat No. 1
3.28 acres
Office Use
\$45,000/acre

9-5712-14
Lot 14
SCP Plat No. 2
2.16 acres
\$45,000 per acre

9-5712-15
Lot 15
SCP Plat No. 2
4.83 acres
\$40,000/acre

9-5712-4
Appleton
Hydraulic
Components

9-5712-6
Lot 6
SCP Plat No. 1
3.30 acres
\$40,000/acre

9-5712-7
Lot 7
SCP Plat No. 1
3.30 acres
\$40,000/acre

9-5712-8
Lot 8
SCP Plat No. 1
3.34 acres
\$45,000/acre

9-5712-25
Lot 25
SCP Plat No. 2
4.88 acres
\$40,000/acre

9-5712-24
Lot 24
SCP Plat No. 2
2.88 acres
\$40,000/acre

9-5712-23
Lot 23
SCP Plat No. 2
2.59 acres
\$40,000/acre

9-5712-22
Lot 22
SCP Plat No. 2
2.59 acres
\$40,000/acre

9-5712-21
Lot 21
SCP Plat No. 2
2.59 acres
\$40,000/acre

9-5712-37
Lot 37
SCP Plat No. 3
2.59 acres
\$40,000/acre

9-5712-36
Lot 36
SCP Plat No. 3
2.59 acres
\$40,000/acre

9-5712-35
Lot 35
SCP Plat No. 3
2.59 acres
\$40,000/acre

9-5712-34
Lot 34
SCP Plat No. 3
2.59 acres
\$40,000/acre

9-5712-16
Lot 16
SCP Plat No. 2
3.69 acres
\$40,000/acre

9-5712-17
Lot 17
SCP Plat No. 2
4.21 acres
\$40,000/acre

9-5712-18
Lot 18
SCP Plat No. 2
4.07 acres
\$40,000/acre

9-5712-19
Lot 19
SCP Plat
No. 2
3.46 acres
\$40,000/acre

9-5712-26
Lot 26
SCP Plat
No. 3
1.74 acres
\$40,000/acre

9-5712-27
Lot 27
SCP Plat
No. 3
1.69 acres
\$40,000/acre

9-5712-28
Lot 28
SCP Plat
No. 3
1.69 acres
\$40,000/acre

9-5712-29
Lot 29
SCP Plat
No. 3
1.74 acres
\$40,000/acre

9-5712-20
Lot 20
SCP Plat No. 2
14.60 acres
\$40,000/acre

9-5712-32
Lot 32
SCP Plat
No. 3
1.80 acres
\$40,000/acre

9-5712-31
Lot 31
SCP Plat
No. 3
1.65 acres
\$40,000/acre

9-5712-30
Lot 30
SCP Plat
No. 3
1.65 acres
\$40,000/acre

9-5712-33
Lot 33
SCP Plat
No. 3
1.80 acres
\$40,000/acre

Endeavor Drive

Lakeland Drive

Eisenhower Drive

Coop Road

Vantage Drive

Quest Drive

Alliance Drive

Milis Drive

Officially Mapped Midway Road

Midway Road



SOUTHPOINT COMMENCE PARK PLAT NO. 2

PART OF LOT 4 OF CERTIFIED SURVEY MAP NO. 2264 AND PART OF THE SW 1/4 OF THE NE 1/4, THE NW 1/4 OF THE SE 1/4, THE NE 1/4 OF THE SW 1/4, THE SE 1/4 OF THE NW 1/4 AND THE SE 1/4 OF THE SW 1/4, IN SECTION 4, TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF APPLETON, CALUMET COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, the undersigned, a duly licensed and sworn Surveyor of the State of Wisconsin, do hereby certify that the foregoing plat is a true and correct copy of the original plat as the same appears on file in my office, and that the same has been duly recorded in the office of the Register of Deeds for the County of Calumet, Wisconsin, under the name of the City of Appleton, Wisconsin, containing 42,949.51 square feet of land, more or less, being 100 acres, more or less, and that the same is subject to the provisions of Chapter 236.34 of the Wisconsin Statutes and the City of Appleton Ordinance 181, relating to the same.

This plat is a correct representation of all existing boundaries of the land surveyed, and the same have been duly surveyed and the same have been duly recorded in the office of the Register of Deeds for the County of Calumet, Wisconsin, under the name of the City of Appleton, Wisconsin, containing 42,949.51 square feet of land, more or less, being 100 acres, more or less, and that the same is subject to the provisions of Chapter 236.34 of the Wisconsin Statutes and the City of Appleton Ordinance 181, relating to the same.

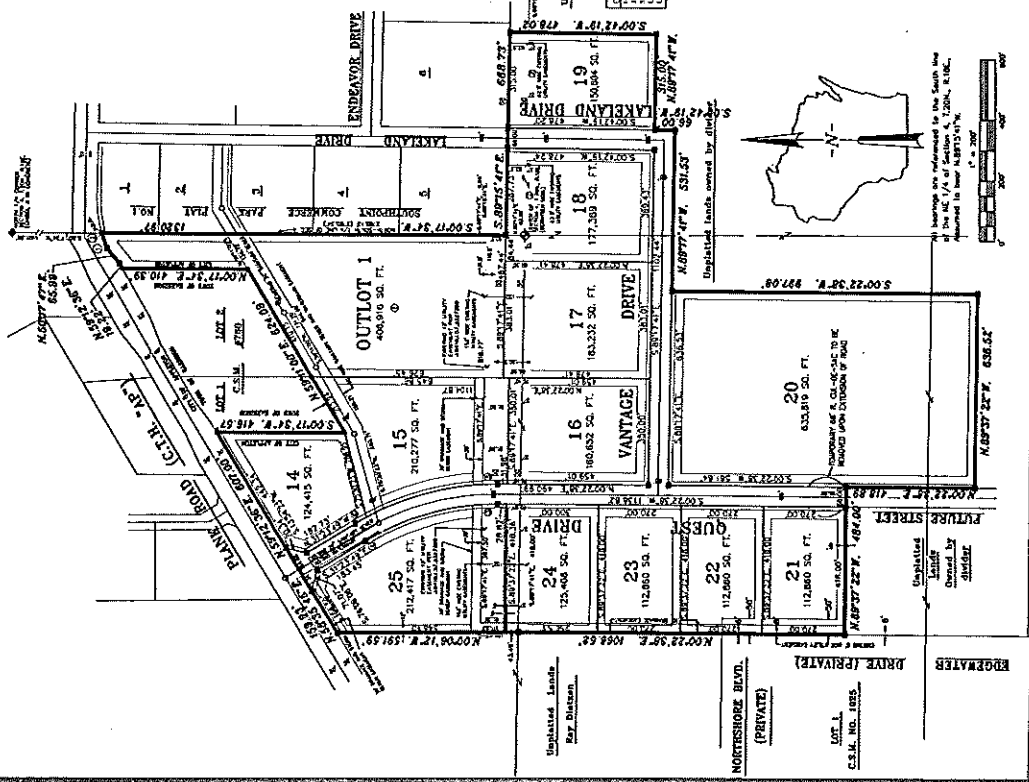
Thomas M. Kozicki, Wisconsin Registered Land Surveyor No. 32322C

- ### LEGEND
- Dashed line ---
 - Dotted line ---
 - Solid line ---
 - Dashed line with dots ---
 - Dotted line with dots ---
 - Solid line with dots ---
 - Dashed line with circles ---
 - Dotted line with circles ---
 - Solid line with circles ---
 - Dashed line with squares ---
 - Dotted line with squares ---
 - Solid line with squares ---
 - Dashed line with triangles ---
 - Dotted line with triangles ---
 - Solid line with triangles ---
 - Dashed line with diamonds ---
 - Dotted line with diamonds ---
 - Solid line with diamonds ---
 - Dashed line with stars ---
 - Dotted line with stars ---
 - Solid line with stars ---

STREET AREA = 232,825 SQ. FT.
 ALL DISTANCES MEASURED AND COMPUTED TO THE CENTER OF THE ROAD.
 ALL DISTANCES MEASURED AND COMPUTED TO THE CENTER OF THE ROAD.
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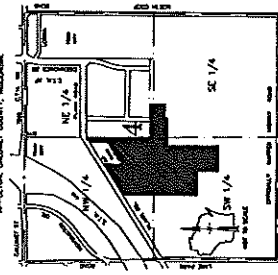
- 1. OUTLOT IS A DETACHED POND AND IS NOT A BUILDABLE LOT AND SHALL REMAIN THE PROPERTY OF THE CITY OF APPLETON.
- 2. THE EXISTING UTILITY CASING IS LOCATED WITHIN THE PLAT AND SHALL REMAIN THE PROPERTY OF THE CITY OF APPLETON.
- 3. THE EXISTING UTILITY CASING IS LOCATED WITHIN THE PLAT AND SHALL REMAIN THE PROPERTY OF THE CITY OF APPLETON.
- 4. THE EXISTING UTILITY CASING IS LOCATED WITHIN THE PLAT AND SHALL REMAIN THE PROPERTY OF THE CITY OF APPLETON.
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- 8. THE EXISTING UTILITY CASING IS LOCATED WITHIN THE PLAT AND SHALL REMAIN THE PROPERTY OF THE CITY OF APPLETON.
- 9. THE EXISTING UTILITY CASING IS LOCATED WITHIN THE PLAT AND SHALL REMAIN THE PROPERTY OF THE CITY OF APPLETON.
- 10. THE EXISTING UTILITY CASING IS LOCATED WITHIN THE PLAT AND SHALL REMAIN THE PROPERTY OF THE CITY OF APPLETON.

CITY OF APPLETON
 DEPARTMENT OF PUBLIC WORKS
 Engineering Division
 186 North Appleton Street
 Appleton, WI 54911
 PHONE: 920.833.4400
 FAX: 920.833.4409
 THIS INSTRUMENT DRAFTED BY: T. KROHN



CURVE TABLE

CHORD BEARING	CHORD LENGTH	ARC BEARING	ARC LENGTH	PIECE POINT BEARING	PIECE POINT LENGTH	PIECE POINT BEARING	PIECE POINT LENGTH
N 11° 15' 00" E	100.00	11° 15' 00"	100.00	S 78° 45' 00" W	100.00	11° 15' 00"	100.00
N 11° 15' 00" E	100.00	11° 15' 00"	100.00	S 78° 45' 00" W	100.00	11° 15' 00"	100.00
N 11° 15' 00" E	100.00	11° 15' 00"	100.00	S 78° 45' 00" W	100.00	11° 15' 00"	100.00
N 11° 15' 00" E	100.00	11° 15' 00"	100.00	S 78° 45' 00" W	100.00	11° 15' 00"	100.00



SOUTHPOINT COMMERCIAL PARK PLAT NO. 3

PART OF THE NW 1/4 OF THE SE 1/4, THE NE 1/4 OF THE SW 1/4, THE SW 1/4 OF THE SE 1/4 AND THE SE 1/4 OF THE SW 1/4, IN SECTION 4, TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF APPLETON, CALUMET COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, Thomas M. Kromm, Registered Land Surveyor, hereby certify:

That I have surveyed and plotted the above described plat of land, and that the same is in accordance with the provisions of Chapter 236 of the Wisconsin Statutes, and the subdivision regulations of the City of Appleton in surveying, dividing and mapping the same.

Given under my hand this _____ day of _____, 2006.

Thomas M. Kromm, Wisconsin Registered Land Surveyor No. 52005.
 Revised this 30th day of June, 2006.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and the City of Appleton subdivision ordinance in surveying, dividing and mapping the same.

That each plat is a correct representation of all exterior boundaries of the land surveyed and the subdivision thereof made.

That I have made such land division and plat by the direction of owners, shown below.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes, and the subdivision regulations of the City of Appleton in surveying, dividing and mapping the same.

Given under my hand this _____ day of _____, 2006.

LEGEND

- DISTINGUISH 3/4" BORN REBAR
- DISTINGUISH 1/4" BORN REBAR
- () MEASUREMENTS OF RECORD
- ALL OTHER LOT CORNERS MONUMENTED WITH 3/4" x 2" BORN REBAR, MONUMENTED 1/2" U.S. SURVEYING PIN
- PROPOSED 1/2" UTILITY EMBODIMENT (UNLESS OTHERWISE NOTED)
- CORNER AREA = 1/2" x 1/2" U.S. SURVEYING PIN
- STREET AREA = 1/2" x 1/2" U.S. SURVEYING PIN
- ALL OTHER CORNERS MONUMENTED AND COMPARED TO THE MEASUREMENTS OF RECORD
- TO THE NEAREST FOOT
- TO THE NEAREST INCH

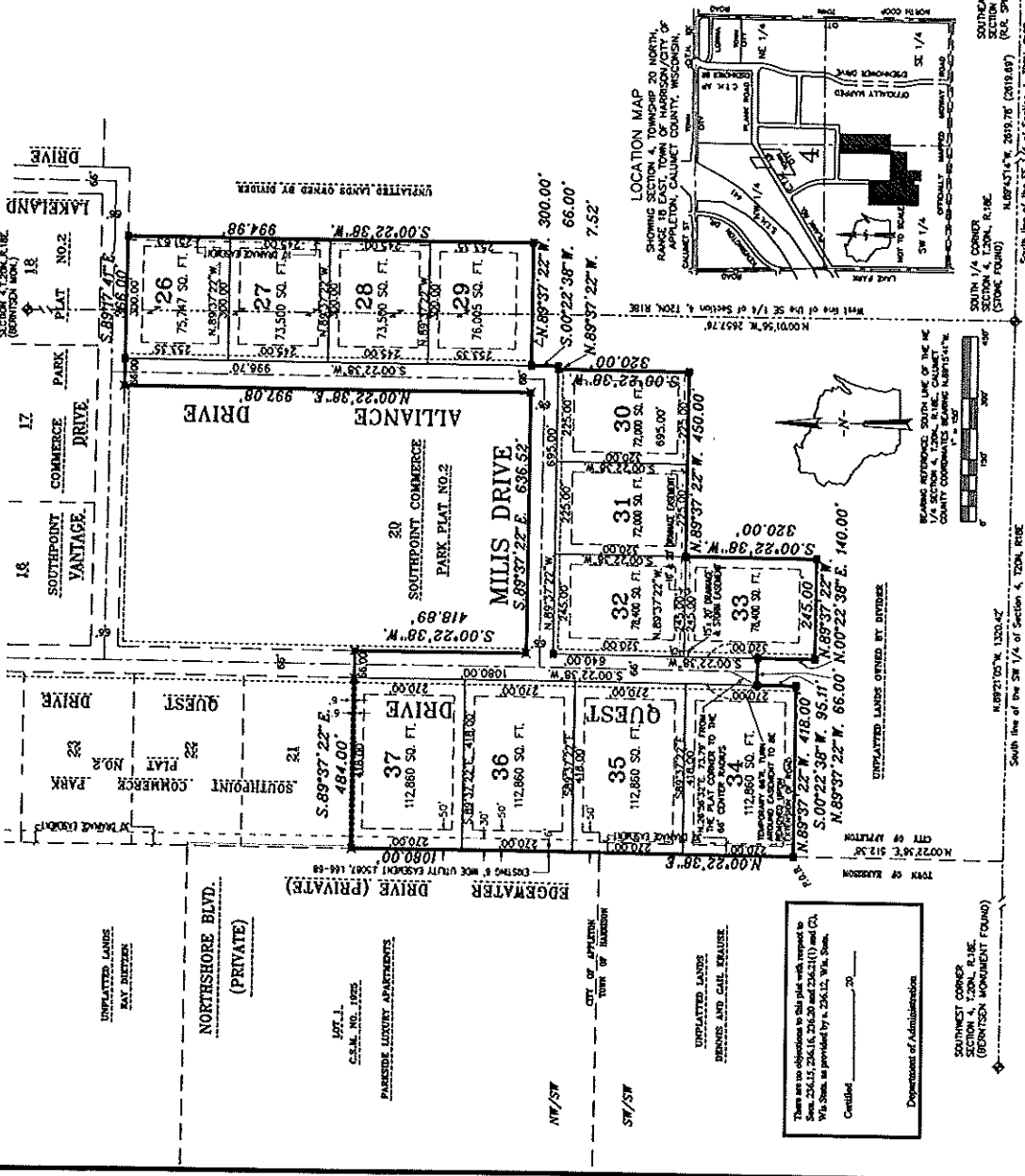


APPROVAL AGENCIES
 CITY OF APPLETON

AGENCIES HAVING AUTHORITY TO OBJECT
 DEPARTMENT OF ADMINISTRATION
 CALUMET COUNTY PLANNING AND ZONING COMMISSION

CITY OF APPLETON
 DEPARTMENT OF PUBLIC WORKS
 Engineering Division
 100 North Appleton Street
 Appleton, WI 54911
 (920) 832-474
 FAX (920) 832-6489

THIS INSTRUMENT DRAFTED BY: T. KROMM



This plat is subject to all other maps, plats and surveys of record in the City of Appleton, Wisconsin, and Calumet County, Wisconsin, which may affect the same.

Witness my hand and seal this 30th day of June, 2006.

Certified _____

Department of Administration

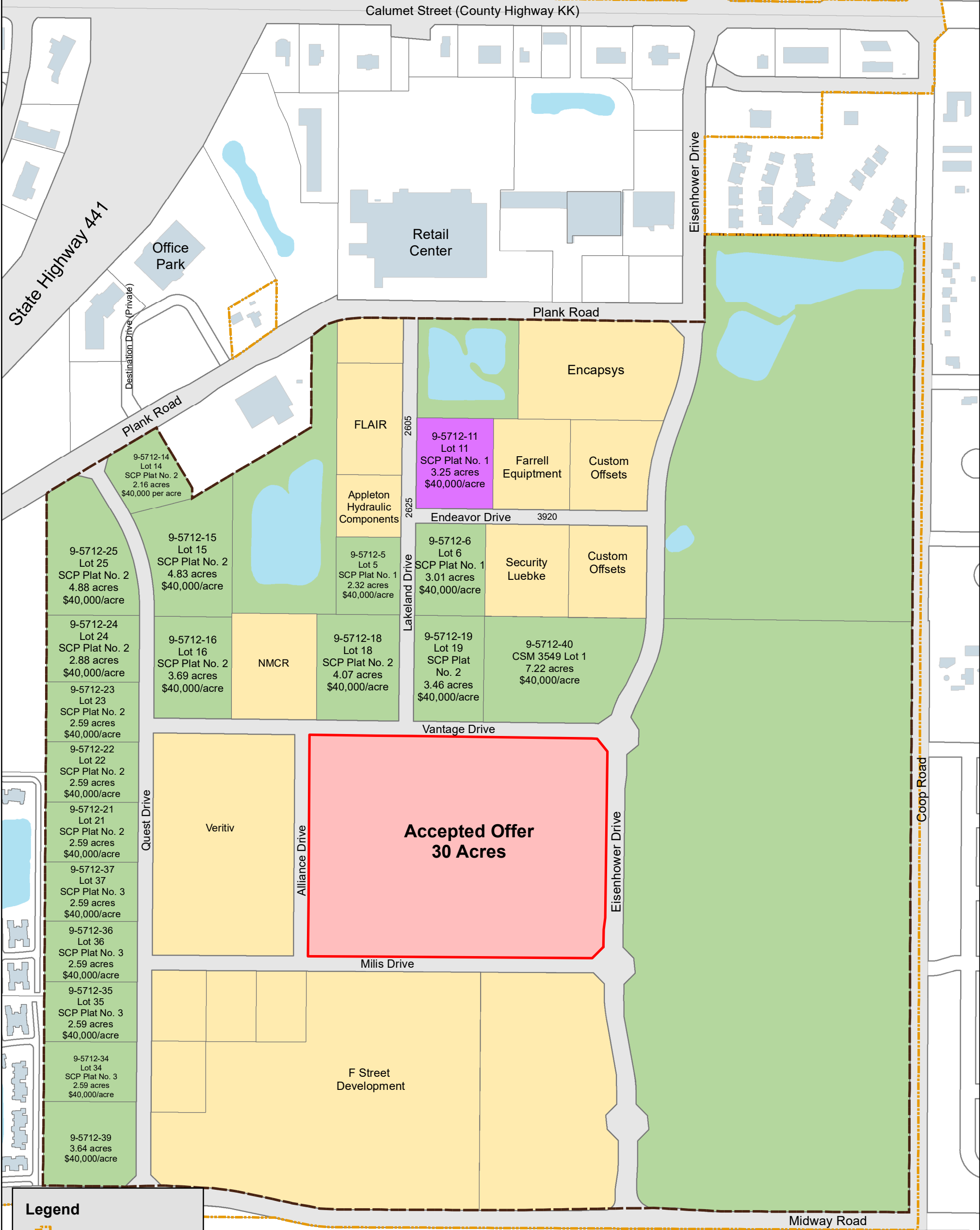
SOUTHWEST CORNER SECTION 4, T20N, R18E (BERTSON MONUMENT FOUND)

South line of the SE 1/4 of Section 4, T20N, R18E

South line of the SW 1/4 of Section 4, T20N, R18E

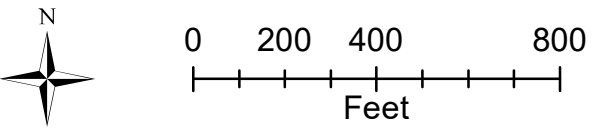
South line of the SE 1/4 of Section 4, T20N, R18E

Southpoint Commerce Park Appleton, Wisconsin



Legend

- City Limits
- Park Boundary
- Accepted Offer
- For Sale (City Owned)
- Privately Owned Parcels
- Subject Parcel



**GOVERNMENTAL RESPONSIBILITY RESOLUTION
FOR URBAN NONPOINT SOURCE AND STORMWATER GRANTS**

WHEREAS, the City of Appleton has received a Grant from the Wisconsin Department of Natural Resources for the purpose of implementing measures to control agricultural or urban storm water runoff pollution sources (as described in the application and pursuant to ss. 281.65 or 281.66, Wis. Stats., and chs. NR 151, 154 and 155); and

WHEREAS, a cost-sharing grant is required to carry out the project to Update the Citywide Stormwater Management Plan,

THEREFORE, BE IT RESOLVED, that THEREFORE: the City of Appleton HEREBY AUTHORIZES the City Engineer in the Department of Public Works to act on behalf of the City of Appleton to:

- Sign and submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available;
- Sign a grant agreement between the local government (applicant) and the Department of Natural Resources;
- Sign and submit reimbursement claims along with necessary supporting documentation;
- Sign and submit interim and final reports and other documentation as required by the grant agreement;
- Sign and submit an Environmental Hazards Assessment Form, if required; and
- Take necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED that the City of Appleton shall comply with all State and Federal laws, regulations and permit requirements pertaining to implementation of this project and to fulfillment of the grant document provisions.

Adopted this _____ day of _____, 20__.

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

Authorized Signature: _____ Title: _____

(Signature of the governmental unit's executive officer, e.g., Village President, City Mayor, County Board Chair, etc.)

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

(Redistricting, 2022 – 4/15/2022 Supreme Court Ruling: Senate Bill 621)

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

Section 1: The City of Appleton shall be divided into fifty-three (53) wards as follows:

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

THE FIRST WARD

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

THE SECOND WARD

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

THE THIRD WARD

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

THE FOURTH WARD

The fourth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of McDonald Street and Randall Avenue and being the

point of beginning; thence North on McDonald Street to Pershing Street; thence East on Pershing Street to Ballard Road; thence South on Ballard Road to Randall Avenue; thence Southwesterly on Randall Avenue to the point of beginning.

THE FIFTH WARD

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

THE SIXTH WARD

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

THE SEVENTH WARD

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

THE EIGHTH WARD

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

THE NINETH WARD

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

THE TENTH WARD

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

THE ELEVENTH WARD

The eleventh ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of the Lawe Street Bridge and the main channel of the Fox River and being the point of beginning; thence Southeasterly and

Northeasterly along the main channel of the Fox River to the College Avenue Bridge; thence Southeasterly on the College Avenue Bridge and College Avenue to John Street; thence Southeasterly on John Street to Weimar Street; thence South on Weimar Street to Fremont Street; thence West on Fremont Street to Lawe Street; thence North and Northwesterly on Lawe Street and the Lawe Street Bridge to the point of beginning.

THE TWELFTH WARD

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

THE THIRTEENTH WARD

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

THE FOURTEENTH WARD

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

THE FIFTEENTH WARD

The fifteenth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of the corporate limits and Lake Park Road and being the point of beginning; thence North on Lake Park Road to County Highway "KK" (Calumet Street); thence East on County Highway "KK" (Calumet Street) to the corporate limits; thence clockwise along the corporate limits to Lake Park Road and the point of beginning. Excepting all that land along Plank Road (County Highway "AP") and Lake Park Road not currently within the corporate limits.

THE SIXTEENTH WARD

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

THE SEVENTEENTH WARD

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

And

Commencing at the intersection of Mason Street and Ridgeview Drive and being the point of beginning; thence North on Mason Street to the corporate limits; thence East and then clockwise along the corporate limits to the South line of Interstate "41" at the West line of Richmond Street; thence East to the East line of Richmond Street and the corporate limits; thence South and along the corporate limits to a line lying 362' m/l North of Northland Avenue; thence East and South along corporate limits to Northland Avenue; thence West on Northland Avenue to Richmond Street; thence North on Richmond Street to Ridgeview Drive; thence West on Ridgeview Drive to the point of beginning.

THE EIGHTEENTH WARD

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

THE NINETEENTH WARD

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

THE TWENTIETH WARD

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

THE TWENTY-FIRST WARD

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

THE TWENTY-SECOND WARD

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

THE TWENTY-THIRD WARD

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

THE TWENTY-FOURTH WARD

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

THE TWENTY-FIFTH WARD

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

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

THE TWENTY-SIXTH WARD

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

THE TWENTY-SEVENTH WARD

The twenty-seventh ward shall include and contain all that portion of territory lying within the following confines: Commencing at the Southwest corner of Section 34, T.21N., R.17E.; thence North along the West line of the SW $\frac{1}{4}$ of said Section 34 to the South shore of the Fox River and being the point of beginning; thence continue North and then continue in a clockwise direction along the corporate limits to Prospect Avenue; thence Northeasterly on Prospect Avenue to Hillcrest Drive; thence South on Hillcrest Drive to Reid Drive; thence Easterly on Reid Drive to Outagamie Street; thence North on Outagamie Street to Cedar Street; thence East on Cedar Street to Mason Street; thence North on Mason Street to Prospect Avenue; thence East on Prospect Avenue to Summit Street; thence North on Summit Street to Fourth Street; thence East on Fourth Street to Story Street; thence North on Story Street to College Avenue; thence East on College Avenue to Walnut Street; thence South on Walnut Street to Prospect Avenue; thence Southwesterly and West on Prospect Avenue to Memorial Drive; thence South on Memorial Drive and the Memorial Drive Bridge to the Southeast corner of Section 34, T.21N., R.17E.; thence West along the South line of the SE $\frac{1}{4}$ and along the South line of the SW $\frac{1}{4}$ of said Section 34 to an angle point in the corporate limits; thence North along the corporate limits to the South shore of the Fox River; thence Westerly along the South shore of the Fox River to the point of beginning.

THE TWENTY-EIGHTH WARD

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

to Richmond Street; thence South on Richmond Street to Winnebago Street; thence West on Winnebago Street to the point of beginning.

THE TWENTY-NINTH WARD

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

THE THIRTIETH WARD

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

THE THIRTY-FIRST WARD

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

THE THIRTY-SECOND WARD

The thirty-second ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Prospect Avenue and Memorial Drive and being the point of beginning; thence East and Northeasterly on Prospect Avenue to Walnut Street; thence North on Walnut Street to College Avenue; thence East on College Avenue to Appleton Street; thence Southeasterly on Appleton Street to the Oneida Street Bridge; thence continue Southeasterly on the Oneida Street Bridge to the main channel of the Fox River; thence Northeasterly and Southeasterly along the main channel of the Fox River to the Lawe Street Bridge; thence Southeasterly and South on the Lawe Street Bridge and Lawe Street to McKinley Street; thence West on McKinley Street to Oneida Street; thence South on Oneida Street to Calumet Street also being the South line of the Southeast ¼ of Section 35 T.21N., R.17E.; thence West along the South line of the Southeast ¼ of said Section 35 and the South line of the Southwest ¼ of said Section 35 to the Southwest corner of said Section 35 also being the intersection of Memorial Drive; thence North on Memorial Drive and the Memorial Drive Bridge to the point of beginning.

THE THIRTY-THIRD WARD

The thirty-third ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of the North line of State Highway "441" and Memorial Drive and being the point of beginning; thence North on Memorial Drive and following the corporate limits in a clockwise direction to the Outagamie/Winnebago County line; thence East on the Outagamie/Winnebago County line to the corporate limits at the North $\frac{1}{4}$ corner of Section 1, T.20N., R.17E.; thence South and then following the corporate limits in a clockwise direction to the West line of Oakwood Heights Plat; thence South and East along said Plat line to the East line of Kerry Lane; thence continue East along the South line of the Replat of Lots 42-51 of Oakwood Heights Plat; thence North along the East line of the Replat of Lots 42-51 of Oakwood Heights Plat to the North line of tax parcel number 31-8-1513-00; thence East along said North line to Oneida Street; thence South on Oneida Street to State Highway "441" and the corporate limits; thence continuing in a clockwise direction along the corporate limits to the point of beginning.

And

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

THE THIRTY-FOURTH WARD

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

THE THIRTY-FIFTH WARD

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

THE THIRTY-SIXTH WARD

The thirty-sixth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Wisconsin Avenue and the corporate limits at the East line of Canadian National Railroad and being the point of beginning; thence

North along the corporate limits to Glendale Avenue; thence East on Glendale Avenue to Mason Street; thence South on Mason Street to Wisconsin Avenue; thence West on Wisconsin Avenue to the point of beginning.

THE THIRTY-SEVENTH WARD

The thirty-seventh ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Wisconsin Avenue and Mason Street and being the point of beginning; thence North on Mason Street to Parkway Boulevard; thence East on Parkway Boulevard to Richmond Street; thence South on Richmond Street to Brewster Street; thence West on Brewster Street to Summit Street; thence South on Summit Street to Wisconsin Avenue; thence West on Wisconsin Avenue to the point of beginning.

THE THIRTY-EIGHTH WARD

The thirty-eighth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Meade Street and Broadway Drive and being the point of beginning; thence North and in a clockwise direction along the corporate limits to its intersection with the Northwest corner of the First Addition to Broadway Hills Estates; thence South along the West line of the First Addition to Broadway Hills Estates and then Broadway Hills Estates to the North line of Broadway Drive; thence West on the North line of Broadway Drive to the corporate limits; thence North and in a clockwise direction along the corporate limits to the South line of the SW $\frac{1}{4}$ of Section 31, T.22N., R.18E. at the South line of Lot 34 of Apple Hill Farms; thence West along the South line of the SW $\frac{1}{4}$ of Section 31, T.22N., R.18E. to Ballard Road and Broadway Drive; thence West on Broadway Drive to the point of beginning. Excepting all that land along Ballard Road and Broadway Drive not currently within the corporate limits.

And

(Old Landfill) A parcel of land in the Town of Center, Outagamie County, Wisconsin, described as follows: The East $\frac{1}{2}$ of the SE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, of Section 33, T.22N., R.17E., and the South 300 feet of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 33, T.22N., R.17E., lying West of the West line of the Canadian National Railroad, Outagamie County, WI.

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 Edgewood Drive; thence West on Edgewood Drive to Meade Street; thence North on Meade Street to its intersection with Spartan Drive and the corporate limits; thence East along the corporate limits and continue in a clockwise direction along the corporate limits and then Meade Street to the point of beginning. Excepting all that land within the afore described area that is not currently within the corporate limits.

And

The East 109 feet of the West 578 feet of the South 11 acres of the Southeast ¼ of the Southeast ¼ of Section 1, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, less and excepting premises conveyed and/or used for highway purposes.

And

All of that property lying South of Broadway Drive that is within the City of Appleton corporate limits and that is located in the North ½ of the Fractional NE ¼ of Section 6, T.21N., R.18E.

THE FORTIETH WARD

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

THE FORTY-FIRST WARD

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

THE FORTY-SECOND WARD

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

THE FORTY-THIRD WARD

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

THE FORTY-FOURTH WARD

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

THE FORTY-FIFTH WARD

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

THE FORTY-SIXTH WARD

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

And

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

THE FORTY-SEVENTH WARD

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

THE FORTY-EIGHTH WARD

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

THE FORTY-NINTH WARD

The forty-ninth ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Parkway Boulevard and Richmond Street and being the point of beginning; thence North on Richmond Street to Glendale Avenue; thence Northeast and East on Glendale Avenue to Division Street; thence North on Division Street to Marquette Street; thence East on Marquette Street to Oneida Street; thence North on Oneida Street to Lindbergh Street; thence East on Lindbergh Street to Morrison Street; thence South on Morrison Street to Parkway Boulevard; thence West on Parkway Boulevard to the point of beginning.

THE FIFTIETH WARD

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

THE FIFTY-FIRST WARD

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

THE FIFTY-SECOND WARD

The fifty-second ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of Parkway Boulevard and Summit Street and being the point of beginning; thence North on Summit Street to Taylor Street; thence East on Taylor Street to Bennett Street; thence North on Bennett Street to Glendale Avenue; thence East on Glendale Avenue to Richmond Street; thence South on Richmond Street to Parkway Boulevard; thence West on Parkway Boulevard to the point of beginning.

THE FIFTY-THIRD WARD

The fifty-third ward shall include and contain all that portion of territory lying within the following confines: Commencing at the intersection of the West line of Broadway Hills Estates and Broadway Drive and being the point of beginning; thence North along the West line of the Broadway Hills Estates and then the West line of the First Addition to Broadway Hills Estates to the North line thereof and also being the corporate limits; thence East and then continue in a

clockwise direction along the corporate limits to Broadway Drive; thence West along Broadway Drive to the point of beginning.

Section 2: This Ordinance shall be effective on May 23, 2022 and shall govern the adjustment of aldermanic districts and wards for the purpose of elections subsequent to May 23, 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.

42-22

AN ORDINANCE RELATING TO ALDERMANIC DISTRICTS OF THE GENERAL ORDINANCES OF THE CITY OF APPLETON, RELATING TO REDISTRICTING (Redistricting, 2022 – 4/15/2022 Supreme Court Ruling: Senate Bill 621)

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

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

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

- (1) Aldermanic district 1 shall consist of wards 1 and 2.
- (2) Aldermanic district 2 shall consist of wards 3, 4, 5, 6 and 48.
- (3) Aldermanic district 3 shall consist of wards 7, 8, and 9.
- (4) Aldermanic district 4 shall consist of wards 10, 11, 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, 19, 49 and 50.
- (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, 30 and 51.
- (11) Aldermanic district 11 shall consist of wards 31, 32, 33, and 34.
- (12) Aldermanic district 12 shall consist of wards 35, 36, 37, and 52.
- (13) Aldermanic district 13 shall consist of wards 38, 39, 40, 41 and 53.
- (14) Aldermanic district 14 shall consist of wards 42 and 43.
- (15) Aldermanic district 15 shall consist of wards 44, 45, 46 and 47.

Section 2: This Ordinance shall be effective on May 23, 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 thereof.