



City of Appleton

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

Meeting Agenda - Final Common Council

Wednesday, October 5, 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

[22-1235](#) Common Council Meeting Minutes of September 21, 2022

Attachments: [CC Minutes 9-21-22.pdf](#)

- G. BUSINESS PRESENTED BY THE MAYOR

[22-1232](#) Proclamations

- Indigenous Peoples' Day
- Coming Out Day
- White Cane Awareness Day
- Fire Prevention Week
- Domestic Violence Awareness Month
- Mental Health Day

Attachments: [Indigenous Peoples' Day Proclamation.pdf](#)

[Coming Out Day Proclamation.pdf](#)

[White Cane Awareness Day Proclamation.pdf](#)

[Fire Prevention Week Proclamation.pdf](#)

[Domestic Violence Awareness Month.pdf](#)

[Mental Health Day Proclamation.pdf](#)

[22-1233](#) 2023 Executive Budget & Service Plan Presentation

- H. PUBLIC PARTICIPATION
- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY
- L. COMMITTEE REPORTS
- 1. **MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**

[22-1147](#) Request from Mark Van Grinsven, 1610 W. Glendale Avenue, for a variance to Municipal Code Section 19-91(f) for a driveway widened more than 4 feet into the front yard.

Attachments: [Driveway X.jpg](#)
[Driveway Extension.pdf](#)
[9-21 Van Grinsven Letter & Photos re driveway req.pdf](#)
[9-21 Taggart letter re Van Grinsven driveway req.pdf](#)

Legislative History

9/12/22	Municipal Services Committee	recommended for denial
9/21/22	Common Council	referred to the Municipal Services Committee
9/26/22	Municipal Services Committee	recommended for approval

[22-1208](#) Award the 2022-2027 Sidewalk & Crosswalk Snow Removal Services Contract to Complete Flatwork Specialists in accordance with the hourly rates included in their proposal dated September 9, 2022. The term of this contract will be from October 2022 through June of 2027, conditioned upon satisfactory performance by the contractor.

Attachments: [2022-2027 College Ave Sidewalk & Crosswalk Snow Services.pdf](#)

Legislative History

9/26/22	Municipal Services Committee	recommended for approval
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[22-1209](#) Approve the proposed handicap-accessible parking stall on the 100 block of S. Locust Street.

Attachments: [Handicap parking-100 block Locust St.pdf](#)

Legislative History

9/26/22 Municipal Services recommended for approval
Committee

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[22-1138](#) Class "A" Beer and "Class A" Liquor License Permanent Premise Amendment application for Ultimate Mart LLC d/b/a Pick N Save #8187, Lyndsey Lawrence, Agent, located at 511 W Calumet St.

Attachments: [Pick N Save 8187.pdf](#)

Legislative History

9/28/22 Safety and Licensing recommended for approval
Committee

[22-1176](#) Class "B" Beer and "Class B" Liquor License application for Bowlero Wisconsin LLC d/b/a Super Bowl Family Entertainment, Scott M Radtke, Agent, located at 2222 E Northland Ave, contingent upon approval from the Health department.

Attachments: [Super Bowl.pdf](#)

Legislative History

9/28/22 Safety and Licensing recommended for approval
Committee

[22-1206](#) Secondhand Article Dealer License application for Checkpoint Gaming, Dean J Farley, applicant, located at 609A W College Ave.

Attachments: [Checkpoint Gaming S&L.pdf](#)

Legislative History

9/28/22 Safety and Licensing recommended for approval
Committee

[22-1212](#) Resolution #11-R-22, Resolution in Support of Election Officials

Attachments: [#11-R-22 Resolution in Support of Election Officials.pdf](#)

Legislative History

9/28/22 Safety and Licensing recommended for approval
Committee
Janice Quinlan of the League of Women Voters, 322 South Court spoke regarding this item.

[22-1224](#) Request to Approve FEMA's Assistance to Firefighters Grant (AFG) for a Regional Radio Project.

Attachments: [09-22-22 AFG County Radio Grant.pdf](#)

[EMW-2021-FG-01241 - Regional Radio Grant - Budget Amendment - 09.22.2022](#)

Legislative History

9/28/22 Safety and Licensing Committee recommended for approval

[22-1225](#) Request to Accept Emergency Medical Service (EMS) FLEX Grant.

Attachments: [09-22-22 EMS Flex Grant Memo.pdf](#)

[State of Wisconsin Health Services - EMS Flex Grant - Budget Amendment - 09.22.2022](#)

Legislative History

9/28/22 Safety and Licensing Committee recommended for approval

3. MINUTES OF THE CITY PLAN COMMISSION

[22-1195](#) Request to approve Certified Survey Map #25-22, which crosses a plat boundary, for the F Street Phase III development located in Southpoint Commerce Park, west of S. Eisenhower Drive and south of E. Milis Drive (Tax Id #31-9-5714-00, 31-9-5714-01, 31-9-5714-02, 31-9-5712-30, 31-9-5712-31, 31-9-5712-32, and 31-9-5712-33) as shown on the attached map and subject to the conditions in the attached staff report

Attachments: [StaffReport F Street Phase III CrossingPlatBoundary For09-28-22.pdf](#)

Legislative History

9/28/22 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[22-1214](#) Request to award the 2022 Lake Station Gate Improvements Project contract to Milbach Construction Services Co. in the amount of \$72,000 with a 10% contingency of \$7200 for a project total not to exceed \$79,200.

Attachments: [2022 Lake Station Gate Replacement Project.pdf](#)

Legislative History

9/26/22 Finance Committee recommended for approval

[22-1217](#) Request to deny all bids for the Appleton Public Library project received on September 20, 2022.

Attachments: [2022 Library Bids - Rejected.pdf](#)

Legislative History

9/26/22 Finance Committee recommended for approval

[22-1218](#)

Request to approve Contract Amendment / Change Order No.4 to contract 133-21, Unit U-21 Apple Creek Ct & Plamann Park S&W Construction for additional measured quantities of water main/service quantities installed in the amount of \$23,105.22 resulting in a decrease in contingency from \$39,730 to \$0. Overall contract amount decreases from \$4,063,474.01 to \$4,046,849.23.

Attachments: [Unit U-21 Change Order No. 4.pdf](#)

Legislative History

9/26/22 Finance Committee recommended for approval

[22-1229](#)

Request to approve the following 2022 Budget amendment:

General Fund - Fire

Misc State Aids	+\$51,270
Misc Equipment	+\$51,270

to record Emergency Medical Service (EMS) FLEX Grant funds from the State of Wisconsin and the related expenditures (2/3 vote of Council required)

Attachments: [09-22-22 EMS Flex Grant Memo.pdf](#)

Legislative History

9/26/22 Finance Committee recommended for approval

[22-1230](#)

Request to accept FEMA's Assistance to Firefighters Grant (AFG) for a regional radio project and approve the related 2022 Budget amendment as follows:

Public Safety Capital Projects Fund

Federal Grants	+\$1,807,912
Machinery & Equipment	+\$1,807,912

to record AFG grant funds and the related expenditures (2/3 vote of Council required)

Attachments: [09-22-22 AFG County Radio Grant.pdf](#)

Legislative History

9/26/22 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[22-1193](#)

Request to approve Resolution #2022-07 to authorize the submittal of a Community Development Investment (CDI) grant application on behalf of Urbane 115 LLC to Wisconsin Economic Development Corporation (WEDC) in an amount not to exceed \$250,000 for the redevelopment located at 115 E. Washington Street and the City accept the grant funds should they be awarded

Attachments: [WEDC CDI Grant Urbane 115 LLC Memo to CEDC 9-28-22.pdf](#)

[Resolution #2022-07 WEDC CDI Grant Urbane 115 LLC.pdf](#)

Legislative History

9/28/22 Community & Economic recommended for approval
 Development Committee

[22-1226](#)

Request to approve the First Amendment to the Development Agreement with MF Housing Partners, LLC for redevelopment located on N. Oneida Street, E. Harris Street, and N. Appleton Street (Parcel Nos. 31-2-0441-00, 31-2-0443-00, 31-2-0437-00, and 31-2-0529-00) in Tax Increment Financing District No. 11

Attachments: [Rise Apts DA 1st Amendment Memo to CEDC 9-28-22.pdf](#)
[0718 - Rise Apartments - First Amendment to Dev Agrm - 09-23-2022 \(clean\).p](#)

Legislative History

9/28/22 Community & Economic recommended for approval
 Development Committee

7. MINUTES OF THE UTILITIES COMMITTEE**8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE****9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION**[22-1198](#)

Authorization to Award Scheduling and Planning Software Contract to Optibus Inc.

Attachments: [Award Recommendation Optibus.pdf](#)

Legislative History

9/27/22 Fox Cities Transit recommended for approval
 Commission

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

S. CLOSED SESSION

T. ADJOURN

Kami Lynch, City Clerk

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

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



City of Appleton

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Meeting Minutes - Final Common Council

Wednesday, September 21, 2022

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order at 7:02 p.m. by Mayor Woodford.

B. INVOCATION

The Invocation was offered by Alderperson Meltzer.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

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

Excused: 1 - Alderperson Vaya Jones

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

All departments were represented.

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[22-1158](#)

Common Council Meeting Minutes of September 7, 2022

Attachments: [CC Minutes 9-7-22.pdf](#)

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

Aye: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

Excused: 1 - Alderperson Vaya Jones

Abstained: 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[22-1183](#)

Appleton City Planning Centennial Month Proclamation

Attachments: [Appleton City Planning Centennial Month Proclamation.pdf](#)

This Proclamation was presented

[22-1184](#)

Committee Appointments

Attachments: [Committee Appointment Memo 9'15'2022.pdf](#)

Aldersperson Hartzheim moved, seconded by Aldersperson Schultz, that the Committee Appointments be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

Excused: 1 - Aldersperson Vaya Jones

Abstained: 1 - Mayor Jake Woodford

H. PUBLIC PARTICIPATION

*The following spoke regarding Items 22-1121 & 22-1122 CDGB Plan & Pillars MOU:
Lisa Strandberg, representing Pillars- 605 E Hancock St.*

*The following spoke regarding Item 22-1147 Driveway Extension Request:
Matthew Van Grinsven, 1610 W Glendale Ave
Kayla Taggart, 1610 W Glendale Ave*

*The following spoke regarding Item 22-1144 Process Map for Trout Museum locating in Ellen Kort Peace Park:
Ronna Swift, 230 W Seymour St
Elisa DeGroot, 335 W Prospect Ave
Gwen Sargeant, 2401 W Cherokee Dr
Kerry Williamsen, 209 N Mason St
Sarah Boge, 39 Bellaire Ct
Bernard Edmonds, 39 Bellaire Ct
Adam Tieck, 415 S Olde Oneida St. 337
Christina Turner, 111 W College Ave
Clint Drisenberry, 111 W College Ave
John Miller, 315 W Franklin St*

I. PUBLIC HEARINGS

[22-1101](#) Public Hearing for Rezoning #4-22 at 1430 N. Ballard Road from M-2 General Industrial District to C-2 General Commercial District.

Attachments: [RZ #4 22 Notice of Public Hearing.pdf](#)

The Public Hearing was held, no one spoke during the hearing.

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[22-1147](#) Request from Mark Van Grinsven, 1610 W. Glendale Avenue, for a variance to Municipal Code Section 19-91(f) for a driveway widened more than 4 feet into the front yard.

Attachments: [Driveway X.jpg](#)
[Driveway Extension.pdf](#)
[9-21 Van Grinsven Letter & Photos re driveway req.pdf](#)
[9-21 Taggart letter re Van Grinsven driveway req.pdf](#)

This Request was referred to the Municipal Services Committee by Alderperson Schultz, due back on 9/26/2022.

[22-1121](#) Request to approve Fourth Substantial Amendment to the Community Development Block Grant (CDBG) 2020 Annual Action Plan (AAP) awarding \$287,607 of CDBG Coronavirus Aid, Relief, and Economic Security (CARES Act) funding to community partner organizations as specified in the attached documents

Attachments: [2020 AAP Fourth Substantial Amendment Memo to CEDC 9-14-22.pdf](#)
[Appleton 2020 CDBG CV3 Award Letter.pdf](#)
[2020 AAP Fourth Substantial Amendment Draft 8-15-22.pdf](#)
[0652 - MOU - City and Pillars - REVISED-CLEAN 09-02-2022.pdf](#)

Alderperson Croatt moved, seconded by Alderperson Alfheim, that the CDBG amendment be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

Excused: 1 - Alderperson Vaya Jones

Abstained: 1 - Mayor Jake Woodford

[22-1122](#)

Request to enter into a Memorandum of Understanding with Pillars, Inc. as specified in the attached documents (Associated with Action Item #22-1121)

Attachments: [2020 AAP Fourth Substantial Amendment Memo to CEDC 9-14-22.pdf](#)
[Appleton 2020 CDBG CV3 Award Letter.pdf](#)
[2020 AAP Fourth Substantial Amendment Draft 8-15-22.pdf](#)
[0652 - MOU - City and Pillars - REVISED-CLEAN 09-02-2022.pdf](#)

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

Aye: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

Excused: 1 - Alderperson Vaya Jones

Abstained: 1 - Mayor Jake Woodford

[22-1144](#)

Action Item: Approve Process Map for Ellen Kort Peace Park Proposal by the Trout Museum Requesting to Co-Locate a New Museum in the Park

Attachments: [2022 Ellen Kort Park Process Memo.docx](#)
[Ellen Kort Process Map.docx](#)
[Updated Process Map 8-17-22f.docx](#)

Alderperson Alfheim moved, seconded by Alderperson Firkus, that the Process Map be amended to add step 3.25, asking for a 'go' or 'no' vote prior to step 3.5, Trout Presentation. Roll Call. Motion failed by the following vote:

Aye: 3 - Alderperson Vered Meltzer, Alderperson Brad Firkus and Alderperson Kristin Alfheim

Nay: 11 - Alderperson William Siebers, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

Excused: 1 - Alderperson Vaya Jones

Abstained: 1 - Mayor Jake Woodford

Alderperson Hartzheim moved, seconded by Alderperson Del Toro, that the Process Map be approved. Roll Call. Motion carried by the following vote:

Aye: 10 - Alderperson William Siebers, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

Nay: 4 - Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Denise Fenton and Alderperson Maiyoua Thao

Excused: 1 - Alderperson Vaya Jones

Abstained: 1 - Mayor Jake Woodford

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderperson Croatt moved, Alderperson Van Zeeland seconded, to approve the balance of the agenda. The motion carried by the following vote:

Aye: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

Excused: 1 - Alderperson Vaya Jones

Abstained: 1 - Mayor Jake Woodford

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[22-1148](#)

Approve modifications to the City of Appleton Downtown Parking Policy for City Employees and Map.

Attachments: [Downtown Parking Policy for City Employees-9-22 draft for approval.pdf](#)

This Report Action Item was approved.

[22-1160](#)

Request from Kush Kafe' for a Street Occupancy Permit to place tables and chairs in the beautification strip at 219 E College Avenue.

Attachments: [Kash Cafe'.pdf](#)

This Report Action Item was approved

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

3. MINUTES OF THE CITY PLAN COMMISSION

[22-0350](#)

Request to approve the Stone Ridge Estates West Final Plat as shown on the attached maps and subject to the conditions in the attached staff report

Attachments: [StaffReport StoneRidgeEstatesWest FinalPlat For09-14-22.pdf](#)

This Report Action Item was approved.

[22-1060](#)

Request to approve Rezoning #4-22 for the subject parcel located at 1430 N. Ballard Road (Tax Id #31-1-5207-00), including to the centerline of the adjacent one-half (1/2) right-of-way of N. Ballard Road, as shown on the attached maps, from M-2 General Industrial District to C-2 General Commercial District

Attachments: [StaffReport EPS Rezoning For08-24-22.pdf](#)

This Report Action Item was approved.

[22-1130](#)

Request to approve Special Use Permit #10-22 for a craft-distillery with a tasting room and an outdoor patio with alcohol sales and consumption use located at 516 W. Lawrence Street (Tax Id #31-3-1006-00), as shown on the attached materials and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

Attachments: [StaffReport 516WLawrenceSt_SUP For09-14-22.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[22-1151](#)

Action: Suspend Planning and Design of the WE Energies Trail - Phase One and Cancel Acceptance of the Department of Transportation TAP Grant

Attachments: [WE Energies Trail Phase One Memo .docx](#)

This Report Action Item was approved.

5. MINUTES OF THE FINANCE COMMITTEE

[22-1155](#)

Request to award the Aeration Tank #1 Repairs contract to Staab Construction Corporation in the amount of \$237,000 with a 5% contingency of \$11,850 for a project total not to exceed \$248,850.

Attachments: [Award Aeration Tank #1.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[22-1118](#)

Request to approve City Program Funding for 2023 Community Development Block Grant (CDBG) Funding as specified in the attached document

Attachments: [City Proposals Memo to CEDC 9-14-22.pdf](#)

This Report Action Item was approved.

7. MINUTES OF THE UTILITIES COMMITTEE

[22-1136](#)

Approve 2021 Sludge Storage Addition Project Engineering Services Amendment #1 increasing the Applied Technologies, Inc. total contract amount by \$30,038 from \$499,301 to \$529,339 and decrease unallocated contingency from \$74,895 to \$44,857.

Attachments: [220825_UC Memo_SSB AdditionProfessionalServices_ATI_Contract Amend No.1.pdf](#)

This Report Action Item was approved.

[22-1137](#)

Approval of a Coating Services Contract for the DAF and Receiving Station Tanks to Badger Specialties Coatings in the amount of \$59,000 with a contingency of \$5,900 for a total not to exceed cost of \$64,900.

Attachments: [utilities memo DAF and RS Tank Coatings Award 08-29-22.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[22-1135](#)

Request to over hire the Administrative Services Coordinator in the Parks, Recreation and Facilities Management Department.

Attachments: [2022 Administrative Coordinator Overhire \(1\).pdf](#)

This Report Action Item was approved.

[22-1149](#)

Request to Reclassify Facilities Support Specialist to Assistant Facilities Manager and Administrative Assistant to Marketing and Community Engagement Coordinator.

Attachments: [2022 Reorganization of Parks Recreation and Facilities Management \(3\).pdf](#)
[Assistant Facilities Manager - DG.pdf](#)
[MCEC.pdf](#)

This Report Action Item was approved.

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[22-1159](#)

Ordinances #55-22 and #56-22

Attachments: [Ordinances to Council 9-21-22.pdf](#)

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

Aye: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

Excused: 1 - Alderperson Vaya Jones

Abstained: 1 - Mayor Jake Woodford

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

[22-1212](#) Resolution #11-R-22, Resolution in Support of Election Officials

Attachments: [#11-R-22 Resolution in Support of Election Officials.pdf](#)

R. OTHER COUNCIL BUSINESS

[22-1182](#) Request to Reconsider Finance Committee Item [22-1083](#):
Request to Award the ARPA Grant Administration contract to Booth Management Consulting, LLC for a project total not to exceed \$150,000

Alderperson Alfheim moved, seconded by Alderperson Croatt, that the Reconsideration Request be approved. Roll Call. Motion carried by the following vote:

Aye: 10 - Alderperson William Siebers, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

Nay: 4 - Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Israel Del Toro and Alderperson Kristin Alfheim

Excused: 1 - Alderperson Vaya Jones

Abstained: 1 - Mayor Jake Woodford

[22-1083](#)

Request to award the ARPA Grant Administration contract to Booth Management Consulting, LLC for a project total not to exceed \$150,000

Attachments: [ARPA Grant Administration.pdf](#)

Aldersperson Van Zeeland moved, seconded by Aldersperson Wolff, that the ARPA Grant Administration Contract be approved. Roll Call. Motion carried by the following vote:

Aye: 11 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Kristin Alfheim and Aldersperson Nate Wolff

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

Excused: 1 - Aldersperson Vaya Jones

Abstained: 1 - Mayor Jake Woodford

S. ADJOURN

Aldersperson Hartzheim moved, seconded by Aldersperson Van Zeeland, that the meeting be adjourned at 8:15 p.m. Roll Call. Motion carried by the following vote:

Aye: 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

Excused: 1 - Aldersperson Vaya Jones

Abstained: 1 - Mayor Jake Woodford

Kami Lynch, City Clerk

PROCLAMATION



Office of the Mayor

WHEREAS, Indigenous Peoples' Day honors the invaluable contributions of all Native Americans and commemorates their shared history and culture; and

WHEREAS, the territory where the City of Appleton is today was traditionally occupied by the Ho-Chunk and the Menominee Indians; and

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

WHEREAS, Appleton recognizes the fact that the City was built on the homelands and villages of the Indigenous Peoples of the region; and

WHEREAS, the City values social, economic, and cultural contributions they make to our community; and

WHEREAS, Indigenous Peoples' Day was first proposed in 1977 by the International Conference on Discrimination Against the Indigenous Population in the Americas, a delegation sponsored by First Nations leaders in the United States.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim October 10, 2022 as

Indigenous Peoples' Day

in Appleton and urge our citizens to celebrate and value the Indigenous Peoples of Appleton, participate in the annual celebrations and activities, encourage the teaching of their history, encourage businesses, organizations, and public institutions to recognize this day, and promote the well-being of Appleton's Indigenous community.

Signed and sealed this 27th day of September 2022.



JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, the City of Appleton is committed to being a place that is accepting and supportive of all individuals, families, and communities; and

WHEREAS, Coming Out Day honors the invaluable contributions of LGBTQ+ individuals to our community and those involved in the October 11, 1987, March on Washington for Lesbian and Gay Rights, which helped establish lesbian and gay rights as a fundamental issue of civil rights; and

WHEREAS, Coming Out Day supports LGBTQ+ individuals to live truthfully and openly and is a reminder that public expression of LGBTQ+ identity is supported and that the underlying universal ideals of honesty, acceptance, and commitment to equality must be shared by all individuals; and

WHEREAS, in 2013, Appleton adopted an ordinance prohibiting housing discrimination based on gender identity; and

WHEREAS, in 2014, Appleton's Common Council became the first in the State of Wisconsin to have an openly transgender elected official.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim October 11, 2022* as

Coming Out Day

in Appleton and urge all citizens to honor, celebrate, and promote equal rights to all regardless of sexual orientation or gender identity.

Signed and sealed this  day of September 2022.



JACOB A. WOODFORD
MAYOR OF APPLETON

*Pursuant to this Proclamation and in accordance with the Special Flag Policy, a special flag will be flown at City Hall on Monday, October 11, 2022.

PROCLAMATION



Office of the Mayor

WHEREAS, the white cane, which every blind resident of Appleton has the right to carry, demonstrates and symbolizes the ability to achieve a full and independent life and the capacity to work productively in competitive employment; and

WHEREAS, the white cane, by allowing every blind person to move freely and safely from place to place, makes it possible for the blind and visually impaired to fully participate in and contribute to our society and to live the lives they want; and

WHEREAS, every citizen should be aware that the law requires that motorists and cyclists exercise appropriate caution when approaching a blind person carrying a white cane; and

WHEREAS, law also calls upon employers, both public and private, to be aware of and utilize the employment skills of our blind citizens by recognizing their worth as individuals and their productive capacities.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim October 15, 2022, as

White Cane Awareness Day

in Appleton and remind residents to recognize the white cane as a tool of independence for blind pedestrians in our community.

Signed and sealed this 30th day of September 2022.



JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, the City of Appleton is committed to ensuring the safety and security of all those living in and visiting our city, and our first responders are dedicated to reducing the number of home fires and home fire injuries through prevention and protection education; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at the greatest risk from fire; and

WHEREAS, home fires killed more than 2,580 people in the United States in 2020, according to the National Fire Protection Association (NFPA), and fire departments in the United States responded to 356,500 home fires; and

WHEREAS, smoke alarms sense smoke well before you can, alerting you to danger in the event of fire in which you may have as little as two minutes to escape safely, and working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, Appleton residents should be sure everyone in the home understands the sounds of the alarms and knows how to respond since residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, Appleton residents should be sure their smoke and carbon monoxide alarms meet the needs of all household members, including those with sensory or physical disabilities; and

WHEREAS, Appleton residents responsive to public education measures are better able to take personal steps to increase safety from fire, especially in their homes; and

WHEREAS, the 2022 Fire Prevention Week theme, "Fire won't wait. Plan your escape," effectively serves to remind us it is important to have a home fire escape plan.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim October 9-15, 2022, as

Fire Prevention Week

and I urge all the residents to plan and practice a home fire escape for Fire Prevention Week 2022, and to support the many public safety activities and efforts of the Appleton Fire Department.



Signed and sealed this 29th day of September 2022.



JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, Domestic Violence Awareness Month evolved from the “Day of Unity” in October 1981 observed by the National Coalition Against Domestic Violence; and

WHEREAS, domestic violence perpetrators cause significant and long-lasting trauma to countless individuals of every religion, identity, culture, and socioeconomic status, as domestic abuse survivors often endure physical and emotional abuse; and

WHEREAS, by observing Domestic Violence Awareness Month, we seek to increase awareness of incidents of violence in the home, focusing on the victims of domestic violence and their children, who have suffered emotional and physical abuse; and

WHEREAS, through the inspiration, courage, and persistence of survivors of domestic abuse and violence, their children and advocates, legislation has been enacted to provide protection and services for future victims and their children; and

WHEREAS, the achievements of those working to end domestic violence throughout the city, state, and nation, together with the continuing efforts of local agencies to assist victims of domestic violence and to prevent future violence in our communities, are to be commended; and

WHEREAS, Harbor House Domestic Abuse Programs will conduct its 4th Annual Purple Porch Project, encouraging homeowners and businesses to participate in the Purple Porch Contest by incorporating purple-colored décor and outdoor lights during October.

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

Domestic Violence Awareness Month

in Appleton and encourage our residents to participate in activities that mourn those who have died as a result of domestic violence, celebrate those who have survived, and connect those who work to end violence.

Signed and sealed this 22nd day of September 2022.



JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, mental health is an important component for overall health, including emotional, psychological, and social well-being affecting how we think, feel, and act, and poor mental health increases the risk for many types of physical health problems such as diabetes, heart disease, and stroke; and

WHEREAS, more than 50% of people in the United States will be diagnosed with a mental illness or disorder at some point in their lifetime, and more than half of people struggling with mental illness have not received treatment despite the presence of illness for more than 12 months; and

WHEREAS, the COVID-19 pandemic has adversely affected mental health for many people, especially for health and other frontline workers, students, people who live alone, and those with pre-existing mental health conditions, and services to treat mental health issues have been significantly disrupted; and

WHEREAS, unaddressed mental health issues can have a negative influence on many facets of individual and community life, including homelessness, poverty, employment, safety, and the local economy; and

WHEREAS, Mental Health Day provides an opportunity to destigmatize the need for mental health care, and for all those working on mental health issues to talk about their work and what more needs to be done to make mental health care a reality for all people.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim October 10, 2022, as

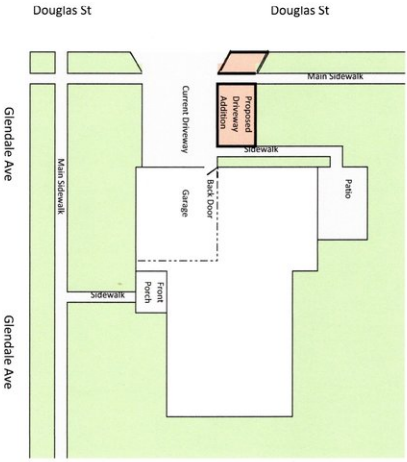
Mental Health Day

in Appleton and remind residents of available community resources to help take care of their own mental health and provide support to others.

Signed and sealed this 29th day of September 2022.



JACOB A. WOODFORD
MAYOR OF APPLETON



- Proposed driveway extension for 1610 W Glendale Ave
- 12' north of current driveway, 20' east/west from main sidewalk to sidewalk by house
- 11' north of current driveway apron

09/05/2022

Mr. Craanen,

This is in reference to a driveway extension at my residence at 1610 W. Glendale Ave. in Appleton. We have a total of 5 adults, consisting of my 2 adult children, Marcus and Matt, Matt's significant other Kayla, my wife Jean and I. We all drive on a regular basis and need to have 5 vehicles. We currently have room for 2 vehicles in the garage, and 2 more vehicles in the driveway. The fifth vehicle is being parked in the apron between the main sidewalk and the street. This is not ideal, even in the best of conditions. Winter is soon approaching, leaving the vehicle parked in the apron buried in snow and in a position to be damaged by the plow or the snow and ice as it gets packed in.

The best solution is to extend the driveway to the side and make room for the fifth vehicle. As per the accompanying drawing, I would like to extend the driveway 12 feet to the north on Douglas Street into my side yard. However, I am being told by the city that I would have to extend to the south, which my front yard.

Your assistance is greatly appreciated in receiving a variance and or whatever is needed to get the proper permit(s) needed to have my driveway extended for use before winter.

Thank you!

Mark Van Grinsven

1610 W. Glendale Ave.

Appleton WI. 54914

920-733-4738

mvangr@yahoo.com

CC: Nate Wolf, Matt Van Grinsven, Mark Van Grinsven

09/21/2022

Common Council Members,

This in reference to a driveway extension at my residence at 1610 W. Glendale Ave. in Appleton, agenda# 22-1147 Common Council meeting on 09-21-2022. We have a total of 5 adults, consisting of my 2 adult children, Marcus and Matt, Matt's significant other Kayla, my wife Jean and I. We all drive on a regular basis and need to have 5 vehicles. We currently have room for 2 vehicles in the garage, and 2 more vehicles in the driveway. The fifth vehicle is being parked in the apron between the main sidewalk and the street. This is not ideal, even in the best of conditions. Winter is soon approaching, leaving the vehicle parked in the apron buried in snow and in a position to be damaged by the plow or the snow and ice as it gets packed in.

We are looking for a solution that is simple, efficient, effective, and minimizes the area to be paved. Extending the driveway 12 feet to the north toward the rear of the property satisfies these conditions and makes room for the fifth vehicle. Also, extending the apron 11 feet to the north provides for easy access and would eliminate the need to drive over the terrace. This would also eliminate extending the driveway into my front yard and closer to the intersection.

Please see the accompanying photos and diagram showing my residence, with the front of my house on Glendale Avenue and my driveway access on Douglas St.

Your assistance is greatly appreciated in receiving a variance and or whatever is needed to get the proper permit(s) needed to have my driveway extended for use before winter.

Thank you!

Mark Van Grinsven

1610 W. Glendale Ave.

Appleton WI. 54914

920-733-4738

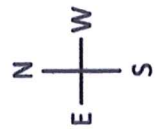
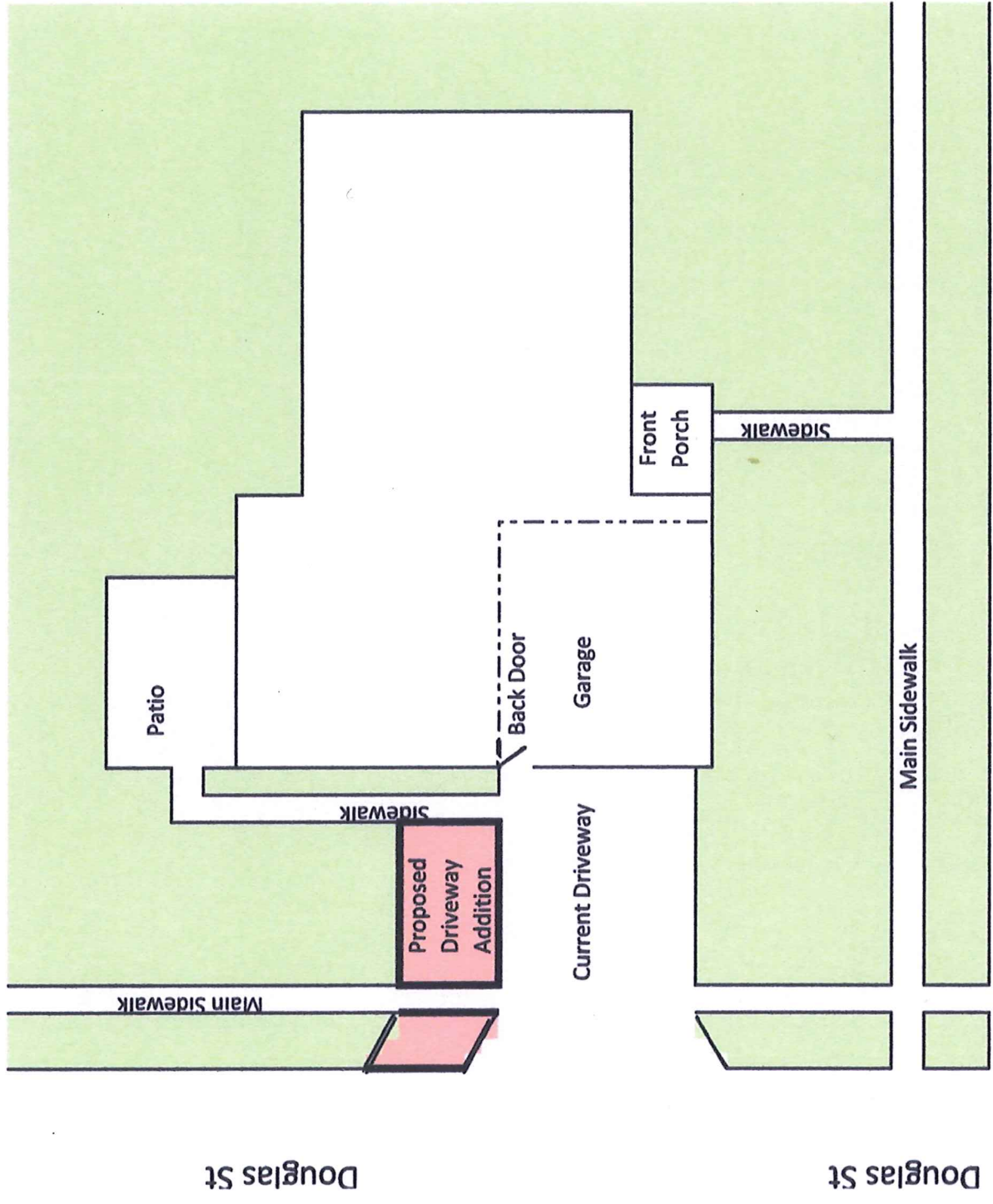
mvangr@yahoo.com

1671 W Glendale Ave
Appleton, Wisconsin
[View on Google Maps](#)



2001 N Douglas St
Appleton, Wisconsin
[View on Google Maps](#)





Proposed driveway extension for 1610 W Glendale Ave

12' north of current driveway, 20' east/west from main sidewalk to sidewalk by house

11' north of current driveway apron

Glendale Ave

Glendale Ave

Douglas St

Douglas St

Dear Appleton Common Council,

I am writing as a resident of 1610 W. Glendale Ave. regarding Mr. Mark Van Grinsven's request for a variance to extend the driveway.

Back in May of 2020, my significant other, Matthew Van Grinsven, and I both graduated from law school. It was the height of the global pandemic of COVID-19. We had to make a decision about where to live. Matthew's parents were generous enough to invite us back into their home with our 5-month old daughter in tow.

Mr. and Mrs. Van Grinsven are both retired and aging. Mr. Van Grinsven has been issued a disability parking permit. Mrs. Van Grinsven, while a very strong woman, has been suffering from severe pinched nerves – she continues to find the strength to care for our two young children. We now have a 2-year-old daughter and a 4-month-old son. Both Mr. and Mrs. Van Grinsven still drive and have no reason not to. We also live with Marcus Van Grinsven, Mr. and Mrs. Van Grinsven's oldest son, who drives and has his own car.

I tend to think we are living in an unconventional way, with three generations under one roof. I do believe it has become more common since the global pandemic of COVID-19 and it certainly is common in other cultures. There are of course significant benefits to all living under one roof. And there are drawbacks, one of which is limited parking.

Being that the home we live in, and houses in the area generally, have been built for the conventional family, the amenities can be inadequate. This is particularly true of the parking area that was built with the house. The parking area was not built for 5 persons of driving age to be able to each have their own car. And due to overnight parking restrictions of the city, street parking is not an option. We have room in the driveway and garage to park 4 cars but need room for 5.

It is unclear to us why the permit is being denied. It appears to me that what is being requested falls, at least mostly, within the guidelines outlined in Sec. 19-91(f) by the enumerated conditions as follows:

- (1) Permits have been requested but denied to fulfill the request.
- (2) The extension is to be paved.
- (3) The extension would be 12 feet wide (the maximum allowed).
- (4) The paved area would be no longer than the driveway.
- (5) It is practicable and possible to extend the driveway towards the nearest side lot line (which is the north border of the plat).
- (6) This is not a circular driveway.
- (7) I am uncertain if these requirements are problematic in any way with this particular request.

But if there is something that I do not understand I hope you will approve this as a variance given the explanation above.

Thank you for your attention to this matter.

Sincerely,

Kayla Taggart



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

DEPARTMENT OF PUBLIC WORKS

Engineering Division
100 North Appleton Street
Appleton, WI 54911
TEL (920) 832-6474
FAX (920) 832-6489

DEPARTMENT OF PUBLIC WORKS - Engineering Division
MEMO

TO: Municipal Services Committee

FROM: Ross Buetow, Deputy Director of Public Works / City Engineer

SUBJECT: Award of Contract for 2022-2027 College Avenue Sidewalk & Crosswalk Snow Removal Services

DATE: September 26, 2022

On August 18, 2022, our office issued a request for proposals (RFP) for Sidewalk & Crosswalk Snow Removal Services at designated locations along College Avenue and eight stairway locations throughout the City of Appleton. The deadline for submitting proposals was Friday, September 9, 2022.

The RFPs were sent to six different snow removal contractors. In response, we received only one proposal, from Complete Flatwork Specialists. Attached is a summary of their proposed hourly billing rates including the various types of snow removal equipment to be used and the associated labor costs.

Although we only received one response, we do not hesitate recommending award of this Contract to Complete Flatwork Specialists. They have performed this identical work over the past several years with excellent quality, dependability, and response times. Their proposed hourly rates are reasonable in comparison to the rates charged over the previous 5-year contract. Coordination of the work under this contract will be provided by Department of Public Works Operations Foremen.

Therefore, we recommend award of the 2022-2027 Sidewalk & Crosswalk Snow Removal Services Contract to Complete Flatwork Specialists in accordance with the hourly rates included in their proposal dated September 9, 2022. The term of this contract will be from October 2022 through June of 2027, conditioned upon satisfactory performance by the contractor.

Thank you for your consideration.

9/9/2022

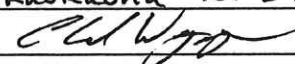
**PROPOSAL
SIDEWALK & CROSSWALK SNOW REMOVAL SERVICES**

Description	WINTER 2022-2023	WINTER 2023-2024	WINTER 2024-2025	WINTER 2025-2026	WINTER 2026-2027
*Tractor/Skid Steer	\$ /hr.	\$ /hr.	\$ /hr.	\$ /hr.	\$ /hr.
*Snowblower	\$ /hr.	\$ /hr.	\$ /hr.	\$ /hr.	\$ /hr.
*Tri-Axle Dump Truck	\$ /hr.	\$ /hr.	\$ /hr.	\$ /hr.	\$ /hr.
*Salt Truck	\$ /hr.	\$ /hr.	\$ /hr.	\$ /hr.	\$ /hr.
Laborer (Shoveling/Flagging)	\$ 60. ⁰⁰ /hr.	\$ 62. ⁰⁰ /hr.	\$ 64. ⁰⁰ /hr.	\$ 66. ⁰⁰ /hr.	\$ 68. ⁰⁰ /hr.
Foreman	\$ 70. ⁰⁰ /hr.	\$ 72. ⁰⁰ /hr.	\$ 74. ⁰⁰ /hr.	\$ 76. ⁰⁰ /hr.	\$ 78. ⁰⁰ /hr.
Pickup Truck Miles	\$ /mile	\$ /mile	\$ /mile	\$ /mile	\$ /mile

* Hourly rates including operator

OTHER EQUIPMENT

<u>Skidsteer</u> (Description)	\$ 120. ⁰⁰ /hr.	\$ 122. ⁰⁰ /hr.	\$ 124. ⁰⁰ /hr.	\$ 126. ⁰⁰ /hr.	\$ 128. ⁰⁰ /hr.
_____ (Description)	\$ /hr.	\$ /hr.	\$ /hr.	\$ /hr.	\$ /hr.
_____ (Description)	\$ /hr.	\$ /hr.	\$ /hr.	\$ /hr.	\$ /hr.

CONTRACTOR: Complete Flatwork Specialists
 MAILING ADDRESS: W1944 Industrial Dr. Kaukauna WI 54130
 PHYSICAL ADDRESS: W1944 Industrial Dr. Kaukauna WI 54130
 CITY, STATE, ZIP: Kaukauna WI 54130
 BY: 
 PRINT: Chad Weyenberg
 TITLE: President
 TELEPHONE: 920-427-5901
 E-MAIL: chad@completeflatwork.com
 DATE: 9-9-2022

PROPOSAL

P-1

Proposals to be received until 4:00 p.m. (local time) the 9th day of September, 2022.

TO: City of Appleton Dept. of Public Works
Attn: Ross Buetow, Dep. Dir. of Public Works
5th Floor City Center Building
100 North Appleton Street Appleton,
Wisconsin 54911

The undersigned, having familiarized himself with the local conditions affecting the cost of the work and with the contract documents, including the Request for Proposals, Instructions to Contractors, Scope of Work, and the form of the Proposal on file in the office of the City Engineer, City Hall, 100 N. Appleton Street, Appleton, Wisconsin 54911, hereby proposes to perform everything required to be performed under the contract and to provide and furnish all of the labor, necessary tools, material or expendable material, except as is specified as being provided by the City of Appleton, and all utility and transportation services and appurtenances necessary to perform and complete in a workmanlike manner all of the work required and as called for in the following proposals in connection with the provision of: College Avenue Sidewalk and Crosswalk Snow Removal Services in the City of Appleton, Wisconsin, all in accordance with this Request for Proposals, including Addenda Number(s) _____ issued thereto for the following price(s); to wit:

Ad. No. _____: \$ _____
Ad. No. _____: \$ _____

Pursuant to Section 66.0901(7) of the Wisconsin State Statutes, a list of subcontractors shall be included with the proposal. Include below a list of subcontractors:

Company Name:	Type of work to be performed:
_____	_____
_____	_____
_____	_____
_____	_____

PROPOSAL AFFIDAVIT

P-2

I hereby certify that all the statements herein are made on behalf of

(Name of Corporation, Submitting Proposal) (STRIKE CLAUSES NOT APPLICABLE)

a Corporation organized and existing under the laws of the State of Wisconsin; a Partnership consisting of; an Individual trading as of the City of State of; that I have examined and carefully prepared this proposal from the plans, specifications, and a field inspection of the site where necessary and have checked the same in detail before submitting this proposal; that I have full authority to make such statements and submit this proposal in (its) (my) (strike if not applicable) behalf; and that the statements are true and correct.

BY [Signature] (SEAL)
PRINT Chad Weyenberg
TITLE President
ADDRESS W1944 Industrial Dr.
CITY, STATE, ZIP Kaukauna WI 54130

Subscribed and sworn to before me
this 9th day of September 2022
Cynthia K. Green (SEAL)
(PRINT) Cynthia K Green
Notary Public State of Wisconsin
My Commission Expires 04/29/2025



(Contractors should not add any conditions or qualifying statements to this proposal as otherwise the proposal may be declared irregular as not being responsive to the advertisement.)



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

To: Municipal Services Committee
From: Eric Lom, P.E., City Traffic Engineer
Date: September 8, 2022
Re: Proposed handicap accessible parking stall on the 100 block of S. Locust Street

The Traffic Section received a request from the new owner of the business at 801 W. College Avenue for the creation of an on-street handicapped-accessible (OSHA) parking stall on the 100 block of S. Locust Street (see diagram below). The request was reviewed by staff in conformance with the City's *Designated Handicapped Accessible Parking Within City Right-of-Way Policy* (copy attached).

Based on our review, we believe the request meets the requirements set forth in the policy. As such, we are recommending approval. Letters were mailed to adjacent properties to advise them of this agenda item.



To accomplish this, the following ordinance changes would be required:

1. **Create:** "Parking be restricted to vehicles displaying handicapped license plates or Wisconsin Handicapped permit only on the west side of Locust Street from a point 15 feet south of College Avenue to a point 40 feet south of College Avenue."



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

DEPARTMENT OF PUBLIC WORKS
Engineering Division
100 North Appleton Street
Appleton, WI 54911
(920) 832-6474
FAX (920) 832-6489

July 29, 2004

**CITY OF APPLETON
DESIGNATED HANDICAPPED ACCESSIBLE PARKING
WITHIN CITY RIGHT-OF-WAY POLICY**

The objective of this policy is to accommodate the needs of the community for the installation of on-street handicapped-accessible (OSHA) spaces when no reasonable off-street parking options are available.

Requests for handicapped accessible parking within the public right-of-way within the City of Appleton will be evaluated based on the following:

1. The decision to install an OSHA parking stall shall be based on an evaluation of all other available options and the specific needs of the applicant. Parking for the handicapped shall be located off-street whenever feasible and appropriate.
2. OSHA parking stalls are not intended to reserve a private parking space for the applicant. Instead, OSHA parking stalls are available for use by anyone possessing a valid handicap placard issued by the Wisconsin Department of Transportation.
3. An OSHA parking stall must comply with any/all ADA requirements.
4. OSHA parking stalls shall not be located in such a way as to create a safety hazard or interfere with traffic or necessary sight lines at or near intersections.

PROCEDURE

All request submittals shall be evaluated by the office of the Traffic Engineer. Those requests which appear to meet the requirements set forth herein shall be acted upon by the Municipal Services Committee and the Common Council. Those request submittals which do not, in the opinion of the Traffic Engineer, meet the requirements shall be afforded the opportunity to appeal the decision through the Municipal Services Committee.

SUBMITTAL REQUIREMENTS

For staff analysis of the request, the following information is required to be submitted:

1. A completed application by applicant (individual, business, alderperson, etc.).
2. Proof of a handicapped parking placard from the applicant, (including number) or disabled license plate number.
3. Written justification from the applicant for requesting the installation of an OSHA parking space in-lieu of using the driveway or other off-street parking facilities.

ANNUAL REAPPLICATION

1. For an OSHA parking stall to remain, the applicant will be required to fill out and submit an annual reapplication form to the Traffic Section. This reapplication form will be mailed to all applicants with a previously approved space.
2. If no reapplication form is received within fifteen (15) working days, staff will attempt a second means of contact. This may include a second letter, a phone call, an e-mail or a personal visit by staff to the residence. Should no response be forthcoming from the applicant within a reasonable amount of response time, a service request may be processed for the space markings and sign to be removed.

REQUEST FOR REMOVAL

1. An OSHA parking stall can be removed following the submittal of a written application for removal.
2. If a party other than the person who requested the space installation submits the application for removal, the original applicant is contacted to determine if the space is still being used.



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

REQUEST for Alcohol License Premise Amendment

FEES ARE NON-REFUNDABLE		Date Recv'd <u>9/6/22</u>
License Fee	\$10.00/event	Acct: CLCAGP
Receipt	<u>4010-2</u>	

SECTION 1 – LICENSE INFORMATION

Name of Establishment	Ultimate Mart. LLC DBA Pick 'n Save #187		
Address of Establishment	511 W Calumet St Appleton, WI 54915		
Name of Agent	Lyndsey Lawrence	Phone Number	920-734-0636

SECTION 2 – PREMISE AMENDMENT

Please describe the change in premises:
 A drawing/diagram of the proposed area must also be submitted with this application
 See attached
 parking stall on east side of parking lot labeled 1-4 current,
 adding on #'s 5 and 6.

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

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

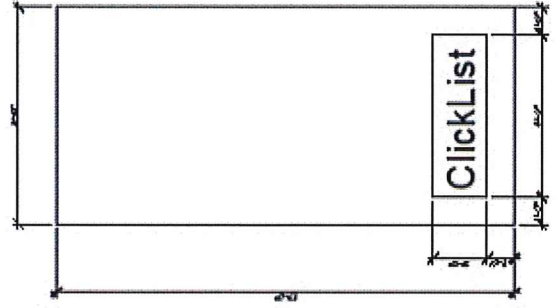
SECTION 3 – PENALTY NOTICE

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

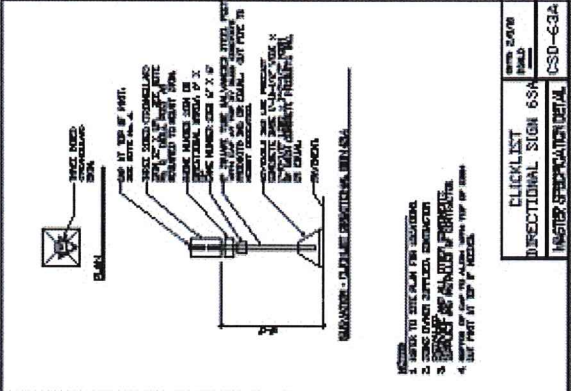
FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				
Police				
S&L <u>9-28-22</u>	Council <u>10-5-22</u>	Date Issued	Exp. Date	License Number

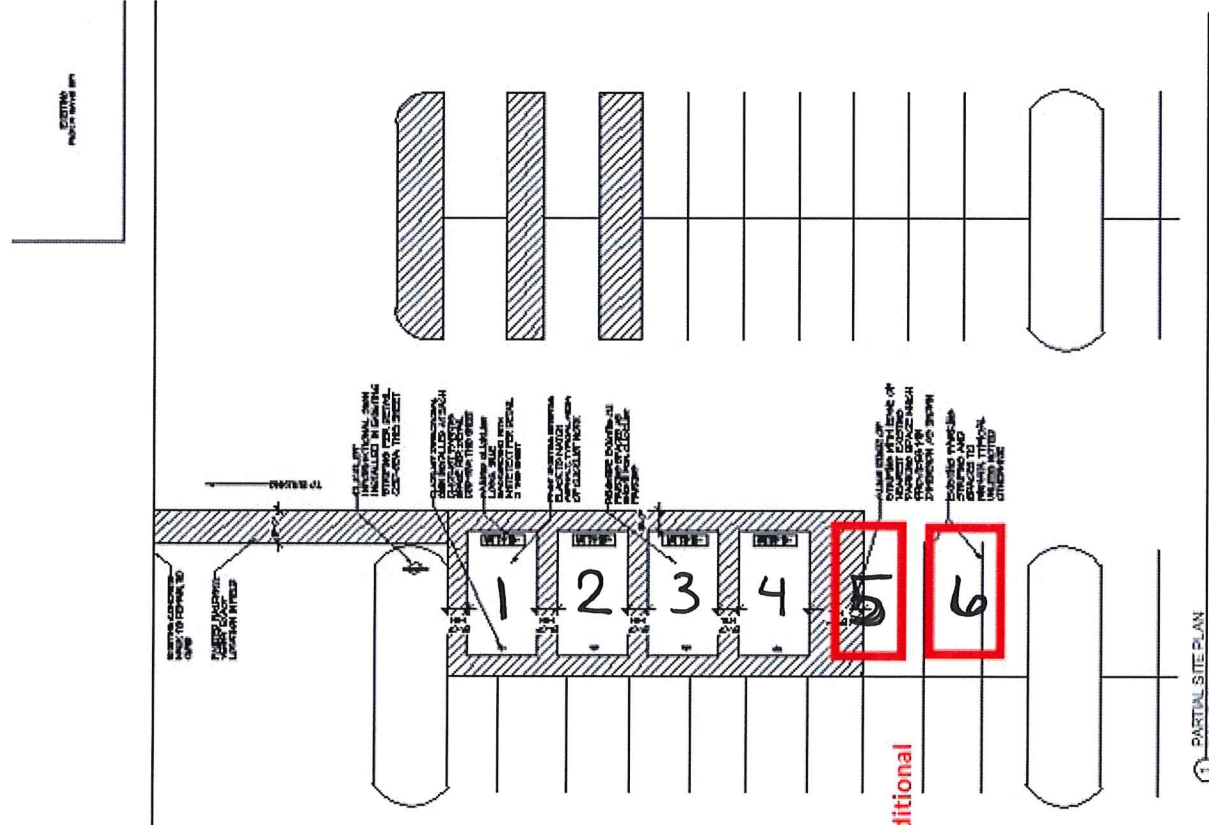
- PARTIAL SITE PLAN GENERAL NOTES:**
- VERIFY AND CORRECT ANY CONFLICTS THAT MAY BE ENCOUNTERED BY THE CONTRACTOR. VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES AND RECORD THEM ON THE SITE PLAN.
 - ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES SPECIFICATIONS FOR PAVING AND CURBS.
 - ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES SPECIFICATIONS FOR SIGNAGE.
 - PROTECT EXISTING UTILITIES AND STRUCTURES TO REMAIN FROM DAMAGE DURING THE COURSE OF CONSTRUCTION.
 - ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES SPECIFICATIONS FOR SIGNAGE.
 - ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES SPECIFICATIONS FOR SIGNAGE.
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2 CHECK IN-LINE GRAPHIC - TYP

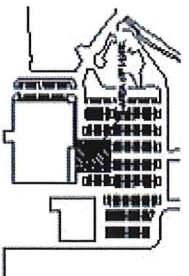


CLICKLIST
DIRECTIONAL SIGN 65A
MASTER SPECIFICATION DETAIL
CSD-63A



Stripe 2 additional spots

1 PARTIAL SITE PLAN



Hi there!

Let us know
you've arrived
Call the number below

metro  market Pickup

(262) 218-4303

4

SAVE UP TO \$1

per gallon on 90+
or Amoco Fuel



FYI - click mouse in 'For the license period beginning' field to begin and tab throughout. Use mouse to check appropriate boxes, spacebar or enter.

Save

Print

Clear

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 07/01/2022 ending: 06/30/2023
(mm dd yyyy) (mm dd yyyy)

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

County of Outagamie Aldermanic Dist. No. 13
(if required by ordinance)

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

Applicant's Wisconsin Seller's Permit Number ●●●●●●●●●●	
FEIN Number ●●●●●●●●	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ <u>100</u>
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input checked="" type="checkbox"/> Class B liquor	\$ <u>500</u>
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ <u>60</u>
TOTAL FEE	\$ <u>660</u>

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

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

President / Member Last Name Shannon	(First) Thomas	(Middle Name) Foot	Home Address (Street, City or Post Office, & Zip Code) 9001 Collins Avenue, S409, Surfside, FL 33154
Vice President / Member Last Name Parker	(First) Brett	(Middle Name) Immanuel	Home Address (Street, City or Post Office, & Zip Code) 192 Cross Highway, Westport, CT 06880
Secretary / Member Last Name Parker	(First) Brett	(Middle Name) Immanuel	Home Address (Street, City or Post Office, & Zip Code) 192 Cross Highway, Westport, CT 06880
Treasurer / Member Last Name Parker	(First) Brett	(Middle Name) Immanuel	Home Address (Street, City or Post Office, & Zip Code) 192 Cross Highway, Westport, CT 06880
Agent Last Name Radtke	(First) Scott	(Middle Name) Michael	Home Address (Street, City or Post Office, & Zip Code) 2451 S 92nd Street, West Allis, WI 59214
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Super Bowl Family Entertainment Business Phone Number 920-739-9503
2. Address of Premises 2222 E. Northland Avenue Post Office & Zip Code Appleton, WI 54911

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)
Alcohol beverages will be sold at the first floor bar, service and snack bar, banquet room, bowling lanes, and all public areas. Alcohol will be stored on the floor floor and basement storage.

4. Legal description (omit if street address is given above): CSM 3039 LOT 1 VOL 16 DOC 1250964 LESS LOT 1 OF CSM 4728 BEING P RT OF SW1/4 OF SW1/4 S EC 18 T21N R18E SUP ER BOWL

5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No
(b) If yes, under what name was license issued? Super Bowl, Inc. dba: Super Bowl, David L. Bardon, Agent

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** Yes No

7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? **If yes, explain.** Yes No

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 June 15, 2022 of registration.

(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** Yes No
 -Bowlero-wisconsin-LLC is owned 100% by AMF Bowling Centers, Inc.



(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? **If yes, explain.** Yes No
 There is one other alcohol license (pending) for JB's on 41 in Milwaukee, Wisconsin. This license will also be owned and operated by Bowlero Wisconsin, LLC.

10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] Yes No

11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] Yes No

12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

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

Contact Person's Name (Last, First, M.I.) PARKER, BRETT I.	Title/Member CFO	Date 8/17/22
Signature 	Phone Number 	Email Address

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk 9-8-22	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: Bowlero Wisconsin, LLC

2. Name of Business: Super Bowl Family Entertainment Center

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

- Restaurant
- Tavern/Night Club/Wine Bar
- Microbrewery/Brewpub
- Painting/Craft Studio
- Other (describe) Bowling alley/arcade/on-site alcohol sales

3. Address of Business: 2222 E. Northland Avenue, Appleton, WI 54911

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

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

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

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

First name	M.I.	Last name	Date of Birth
N/A		N/A	/ /
N/A		N/A	/ /
N/A		N/A	/ /
N/A		N/A	/ /
N/A		N/A	/ /

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

Name: Bardon Investment LLC
First name Middle Initial Last name

Address: P.O. Box 207, Elkhart Lake, WI 53020
City State ZIP

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

Name: Same as the existing business - No change, except in ownership _____

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

- Restaurant
- Tavern/Night Club/Wine Bar
- Microbrewery/Brewpub
- Painting/Craft Studio
- Other (describe) Bowling alley/arcade/on-site alcohol sales

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

Yes X *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?

0 months ago.

10. Seating capacity: Inside 480 Outside 0

Mon: 12pm-10pm / Tue: 3pm-10pm / Wed-Thurs: Closed

11. Operating hours (Inside the building): Fri-Sat: 3pm-12am/ Sun: 3pm-10pm

Operating hours (Outdoor seating areas): N/A

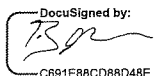
12. Employees/Staff

Number of floor personnel 17 Number of door checkers 0

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

- a. Gross floor building area of the premises to be licensed: 54,281 SF per current City Class B license square feet.
- b. Gross outdoor seating areas of the premises to be licensed: N/A square feet.
- c. Below, identify the operational details of the proposed establishment:

This application is due to a change of ownership only; the business is an existing bowling alley/arcade/restaurant with ancillary alcohol sales known as "Super Bowl Family Entertainment Center." There are currently 48 bowling lanes and 20+ arcade games on the premises. No exterior or interior changes are being proposed. The new owners intend to maintain the current business as it is.

DocuSigned by:

C691E8BCD88D48E...

8/26/2022

Signature

Date

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

Submit to municipal clerk.

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

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

The undersigned duly authorized officer/member/manager of Bowlero Wisconsin, 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 SUPER BOWL
(Trade Name)

located at 2222 E. NORTHLAND AVE., APPLETON, WI 54911

appoints SCOTT M. RADTKE
(Name of Appointed Agent)
2451 S 92ND STREET, WEST ALLIS, WI 53227
(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?

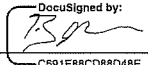
Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

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? 19 YEARS

Place of residence last year 8597 N. DEERWOOD DR., BROWN DEER, WI 53209

For: BOWLERO WISCONSIN, LLC
(Name of Corporation / Organization / Limited Liability Company)

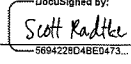
By:  C691E88CD88D48E...
(Signature of Officer / Member / Manager)

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, SCOTT M. RADTKE, 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.

 9/6/2022 Agent's age
(Signature of Agent) (Date)
2451 S 92ND STREET, WEST ALLIS, WI 53227 Date of birth
(Home Address of Agent)

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

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

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



LICENSE APPLICATION

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

FEES ARE NON-REFUNDABLE		Date Recv'd <u>9/19/22</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>4048-1</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) <u>Farley, Dean, J</u>		Sex <u>M</u>	Race <u>NA</u>	Date of Birth <u>●●●●</u>	Place of Birth (City & State) <u>Sheboygan, WI</u>
Street Address <u>609 W college ave apt 6</u>	City <u>Appleton</u>	State <u>WI</u>	Zip <u>54911</u>	Home Telephone Number <u>●●●●●●</u>	

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? YES NO

Within the last ten (10) years of:

A misdemeanor? YES NO

A statutory violation punishable by forfeiture? YES NO

A county or municipal ordinance violation? YES NO

For each "YES" response provide the date of arrest, the nature of the offense and conviction information: _____

SECTION 3 – BUSINESS INFORMATION

Business Name <u>Check point gaming</u>	Street Address <u>609 a w college ave.</u>	City <u>Appleton</u>	State <u>WI</u>	Zip <u>54911</u>	Telephone Number <u>●●●●●●</u>
Owner's Name <u>Dean Farley</u>	Street Address <u>609 w college ave apt 6</u>	City <u>Appleton</u>	State <u>WI</u>	Zip <u>54911</u>	Telephone Number <u>●●●●●●</u>
Business Manager's name <u>Megan Kosok</u>	Street Address <u>512 appleton rd.</u>	City <u>Menasha</u>	State <u>WI</u>	Zip <u>54952</u>	Telephone Number <u>●●●●●●</u>
Building Owner's Name <u>Steve Demcak</u>	Street Address <u>517 N West Hill Blvd</u>	City <u>Appleton</u>	State <u>WI</u>	Zip <u>54911</u>	Telephone Number <u>●●●●●●</u>

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
Kosowski, Megan, M	F	W	●●	8712 copperton rd	Menasha	WI	54952
Perley, Dean, J	M	NA	●●	609 W College Ave Apt 6	Appleton	WI	54911

SECTION 5 – CORPORATE INFORMATION

Corporation Name:

State of Incorp.

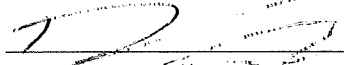
List name, address, sex, race and date of birth of all partners. Attach additional sheets, if necessary

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

SECTION 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:  Date 9/19/22

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>9/28/22</u>	<u>10/5/22</u>	<u> / / </u>	<u> / / </u>	

Resolution #11-R-22

Resolution in Support of Election Officials

Date: September 21, 2022

Submitted by: Fenton – District 6, Meltzer – District 2, Schultz – District 9

Referred to: Safety & Licensing Committee

Summary: A resolution in support of the City Clerk and staff and citizen election inspectors to administer free and fair elections.

WHEREAS, the survival of our democracy depends on free and fair elections, where all eligible voters have the opportunity to make their voices heard; and

WHEREAS, we believe our community has been well-served by the current system of nonpartisan election administration governed by a bi-partisan commission, managed by our City Clerk, and administered by our friends and neighbors who serve as election inspectors who also publicly canvass the election results and report the results to the City Clerk; and

WHEREAS, these same election officials played a critical role in making the 2020 election safe, secure, and accessible during the COVID-19 pandemic; and

WHEREAS, over the past year, some in our society have attempted to bully, threaten, and undermine election administrators, making it harder for election officials to do their jobs, which reduces faith in the electoral process and hurts the health of our democracy; and

WHEREAS, looking forward to the 2022 election and beyond, we reaffirm our conviction that nonpartisan election officials like our City Clerk and local election inspectors are best equipped to preside over free and fair elections, and should do so without the fear of threats and intimidation; and

WHEREAS, this Common Council strongly opposes any future attempts to seize power over elections from municipal clerks to grant it to any partisan entity; and


WHEREAS, as long as our non-partisan election administrators continue to administer our elections with accessibility, fairness, equality, safety, and security in mind, we are fully committed to standing behind them in the face of unfounded attacks.


NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Appleton expresses full confidence in our City Clerk, citizen election inspectors, and Wisconsin's system of bipartisan election administration.


AND BE IT FURTHER RESOLVED that we support our friends and neighbors who serve as election inspectors and local election officials, including our City Clerk and city staff.


CITY OF APPLETON

FIRE DEPARTMENT

 700 N. Drew Street
Appleton, WI 54911

 (920) 832-5810

 (920) 832-5830

 jeremy.hansen@appleton.org

MEMORANDUM

September 22, 2022

To: Finance Committee, Safety & Licensing Committee and Common Council
From: Jeremy Hansen, Fire Chief
Cc: Ryan Weyers, Deputy Fire Chief
Re: Request to Accept FEMA's Assistance to Firefighters Grant (AFG) for a Regional Radio Project

The Appleton Fire Department (AFD) is requesting approval to accept a 2021 Assistance to Firefighters Grant (AFG) in the amount of \$1,807,911.80.

Since 2001, AFG has helped firefighters and other first responders obtain critically needed resources necessary for protecting the public and emergency personnel from fire and related hazards. The AFG supports training emergency personnel, enhancing efficiencies, and supporting community resilience. This grant opportunity places a high priority on equipment interoperability between neighboring departments. The portable radios currently utilized in the region will no longer be manufactured. This includes all associated equipment of that portable radio such as collar microphones, batteries, and parts.

AFD is the host agency in the regional effort to replace portable radios. The following Fire/EMS departments are included in the grant: Little Chute, Town of Vandebroek/Kaukauna, City of Kaukauna, Freedom, Kimberly, Ellington, Seymour City, Rural, and Rescue, Buchanan, Dale, Bear Creek, Combined Locks, Greenville, Appleton Airport, Hortonville/Hortonia, and Grand Chute.

A total grant request of \$4,315,312.30 was submitted to the Federal Emergency Management Agency (FEMA). FEMA reduced the award to approximately 42% of the original ask, or \$1,807,911.80. We are in the process of assessing the impact the reduction will have on all agencies. Based on the radio project estimated for the AFD of \$532,643.15, the City of Appleton could expect to incur a capital expense of approximately \$315,000.00 in fiscal year 2023.

Local matching funds are determined by population. The City of Appleton's local match is 10%, while the remaining participating fire department will have a 5% match. Due to the reduction in the original grant request, all agencies will exceed the local match requirements of the grant.

Unfortunately, batteries, collar microphones, and associated portable equipment will no longer be made by Motorola for Factory Mutual (FM) certified portable radios leaving us with our only affordable choice, to purchase non-intrinsically safe portable radio components. The purchase of non-intrinsically safe portable radios and components puts responders at risk in flammable/combustible environments. The Appleton Fire Department initiated working with

Outagamie County to approach this problem regionally, as many of the responding agencies in Outagamie County currently have FM certified portable radios and need to change over to Underwriter's Laboratory (UL) certified portable radios. The physical impact of such a change puts the regional responders at risk of being stuck with improper, unsafe equipment that is used for communication in hazardous and deadly environments. The primary benefit of this project is the regional community will receive updated portable radios that maintain operability throughout the county and region. Having an assigned radio dedicated to a particular riding position not only is a cost-effective way to immediately enhance operational safety, but it is also recommended by several industry standards as laid out by OSHA, NIOSH, NFPA, IAFA, and IAFF.

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

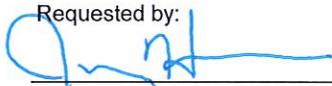


**CITY OF APPLETON
BUDGET AMENDMENT REQUEST
Budget Year: 2022**

<u>Budget Description</u>	<u>Business Unit</u>	<u>Acct. No.</u>	<u>Sub Acct No.</u>	<u>Subledger No.</u>	<u>Transfer Amount</u>
Public Safety Capital Project: Federal Grants	4210	421000			\$1,807,912
Public Safety Capital Project: Machinery & Equipment	4210	680401			\$1,807,912

For the purpose of:

Receiving the Federal Emergency Management Agency's Assistance to Firefighters Grant for a county-wide, regional radio project. This budget amendment includes the cost of intrinsically safe portable radios for nineteen fire and emergency medical service agencies in Outagamie County. The Appleton Fire Department is the host agency and will administer the grant for the county.

Requested by: 

 Department Head

Date: 9/22/22

Budget Entry (BE) No.: _____

Approved by:

Jeri A. Ohman, Finance Director

Date

Jake Woodford, Mayor

Date

Reported to Finance Committee: _____

Date

Additional comments: _____

BUDGET AMENDMENT POLICY, revised 7/07:

The following items require approval of the Mayor and the Finance Director and will be reported to the Finance Committee as information items:

- Transfers of \$15,000 or less between operations programs within a department or between departments within a fund ;
- New appropriations of \$15,000 or less funded by grants, user fees, or other non-tax revenues.


The following items will be reported to the Finance Committee as action items and require approval by two thirds of the Common Council:


- Transfers in excess of \$15,000 between programs within a department or departments within a fund;
- New appropriations in excess of \$15,000 funded by grants, user fees, or other non-tax revenues;
- Any transfers between funds;
- Any new appropriations funded by debt or current year tax levy;
- Any carryover of unexpended budgets from a prior period;
- Any transfers from the reserve for contingencies;
- Use of funds budgeted for a particular capital project for any other purpose.
- Use of budgeted personnel dollars to increase the supplies and services budget.


For the Appleton Public Library operating budget, transfers of \$15,000 or less between budget lines and / or between budget programs require written approval by the Library Director. Transfers in excess of \$15,000 and all new library appropriations funded by grants user fees or other non-tax revenues require the approval of the Library Board Finance Committee and two-thirds of the full Library Board. All Library budget changes will be reported to the Council Finance Committee as informational items.

CITY OF APPLETON

FIRE DEPARTMENT

 700 N. Drew Street
Appleton, WI 54911

 (920) 832-5810

 (920) 832-5830

 jeremy.hansen@appleton.org

MEMORANDUM

September 22, 2022


To: Finance Committee, Safety & Licensing Committee, and Common Council
From: Jeremy Hansen, Fire Chief
Cc: Ryan Weyers, Deputy Chief
Doug Vrechek, Battalion Chief of Resource Development & Special Operations
Re: Request to Accept Emergency Medical Service (EMS) FLEX Grant

Across the State of Wisconsin, the Emergency Medical Service (EMS) Flex Grant will provide \$32 million to stabilize EMS providers and to ensure they can continue to respond to emergencies across Wisconsin. EMS providers in Wisconsin have been impacted by the COVID-19 pandemic by greater demand for EMS services, increased costs associated with providing those services, and limitations on public funding for those services created by the economic consequences of the pandemic. Therefore, all EMS services licensed in the State of Wisconsin were eligible to request funding in this grant process.

In 2021, the AFD responded to 6,841 calls for service with a total of 5,180 that were for medical emergencies. EMS response accounts for 76% of the fire department's calls for service. The Fire Department requested EMS Flex Grant funding to meet a variety of our medical incident response needs totaling \$94,100. The actual award was reduced to \$51,270.

Therefore, the Appleton Fire Department (AFD) is requesting approval to accept the State of Wisconsin, Department of Health Services, EMS Flex Grant in the amount of \$51,270.

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



**CITY OF APPLETON
BUDGET AMENDMENT REQUEST
Budget Year: 2022**

<u>Budget Description</u>	<u>Business Unit</u>	<u>Acct. No.</u>	<u>Sub Acct No.</u>	<u>Subledger No.</u>	<u>Transfer Amount</u>
Emergency Medical Services: Miscellaneous State Aids	18024	422400			\$ 51,270
Emergency Medical Services: Miscellaneous Equipment	18024	632700			\$ 51,270

For the purpose of:
Receiving the State of Wisconsin Health Services EMS Flex Grant. This budget amendment includes the cost of medical supplies and a Utility Terrain Vehicle (UTV) for responding to medical emergencies within the City of Appleton.

Requested by:  Date 9/22/22
Department Head Date

Budget Entry (BE) No.: _____

Approved by:

Jeri A. Ohman, Finance Director Date

Jake Woodford, Mayor Date
Reported to Finance Committee: _____
Date

Additional comments: _____

BUDGET AMENDMENT POLICY, revised 7/07:

The following items require approval of the Mayor and the Finance Director and will be reported to the Finance Committee as information items:

- Transfers of \$15,000 or less between operations programs within a department or between departments within a fund ;
- New appropriations of \$15,000 or less funded by grants, user fees, or other non-tax revenues.

The following items will be reported to the Finance Committee as action items and require approval by two thirds of the Common Council:

- Transfers in excess of \$15,000 between programs within a department or departments within a fund;
- New appropriations in excess of \$15,000 funded by grants, user fees, or other non-tax revenues;
- Any transfers between funds;
- Any new appropriations funded by debt or current year tax levy;
- Any carryover of unexpended budgets from a prior period;
- Any transfers from the reserve for contingencies;
- Use of funds budgeted for a particular capital project for any other purpose.
- Use of budgeted personnel dollars to increase the supplies and services budget .

For the Appleton Public Library operating budget, transfers of \$15,000 or less between budget lines and / or between budget programs require written approval by the Library Director. Transfers in excess of \$15,000 and all new library appropriations funded by grants user fees or other non-tax revenues require the approval of the Library Board Finance Committee and two-thirds of the full Library Board. All Library budget changes will be reported to the Council Finance Committee as informational items.



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: September 28, 2022

Common Council Meeting Date: October 5, 2022

Item: Certified Survey Map #25-22

Case Manager: Jessica Titel, Principal Planner

GENERAL INFORMATION

Owners: F Street Appleton 3, LLC c/o Josh Lurie

Applicant: Ruekert & Mielke, Inc. c/o Colin Meisel, PE

Address/Parcel: 3351 S. Eisenhower Drive, 3725 E. Milis Drive and E. Milis Drive (Tax Id #'s 31-9-5714-00, 31-9-5714-01, 31-9-5714-02, 31-9-5712-33, 31-9-5712-32, 31-9-5712-31, 31-9-5712-30)

Petitioner's Request: The applicant is requesting approval of a 4-Lot Certified Survey Map (CSM) that crosses a plat boundary.

BACKGROUND

Typically, CSMs are administratively reviewed and approved by City staff. However, the subject properties were originally platted in different plats. Parcel #'s 31-9-5712-33, 31-9-5712-32, 31-9-5712-31 and 31-9-5712-30 were included in the Southpoint Commerce Park Plat No. 3 and parcels #'s 31-9-5714-00, 31-9-5714-01 and 31-9-5714-02 were included in Certified Survey Map #3978. In order to satisfy the requirements of Chapter 236 of the Wisconsin State Statutes, the proposed CSM must be approved in the same manner as a Final Plat, which includes Plan Commission and Common Council approval.

This CSM will re-configure/combine the five existing western parcels (Parcel #'s 31-9-5714-00, 31-9-5712-33, 31-9-5712-32, 31-9-5712-31 and 31-9-5712-30) into two parcels, proposed Lots 1 and 2. Proposed Lots 3 and 4 (Parcel #'s 31-9-5714-02 and 31-9-5714-01) are not changing with the CSM, aside from new lot numbers.

STAFF ANALYSIS

Existing Conditions: Proposed Lots 1 and 2 are currently undeveloped. A Site Plan application (Site Plan #27-22) is currently under review for the construction of an industrial building and associated loading area and off-street parking lot on Proposed Lot 2. A recently approved (Site Plan #07-22) industrial building is currently under construction on proposed Lot 3 (Parcel #31-9-5714-02). Lot 4 contains an existing industrial building with associated loading area and off-street parking lot (Parcel #31-5714-01). All parcels have a zoning designation of M-1 Industrial Park District. The total land area included in the CSM is approximately 49.92 acres.

Subdivision Ordinance Requirements: Per Section 17-26(b)(1) of the Municipal Code, widths and areas of lots shall not be less than that provided in the City's Zoning Ordinance. For the M-1 Industrial

Certified Survey Map #25-22

September 28, 2022

Page 2

Park District, the minimum lot width is 150 feet and the minimum lot area is 43,560 square feet, per Section 23-131(h) of the Municipal Code. Proposed lots satisfy these lot development standards.

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

North: M-1 Industrial Park District. The adjacent land uses to the north are currently undeveloped industrial park land/agriculture crops and an industrial business.

South: Village of Harrison. The adjacent land use to the south is currently undeveloped land and agriculture crops.

East: M-1 Industrial Park District. The adjacent land use to the east is currently undeveloped land.

West: M-1 Industrial Park District. The adjacent land uses to the west is currently undeveloped industrial park land/agriculture crops.

Appleton Comprehensive Plan 2010-2030: Community & Economic Development staff has reviewed this proposal and determined it is compatible with the Business/Industrial designation shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map.

Technical Review Group (TRG) Report: This item appeared on the September 20, 2022 TRG agenda. Comments were received from participating departments and captured in the stipulations found below.

RECOMMENDATION

Based on the above, staff recommends that Certified Survey Map #25-22, as shown on the attached map, **BE APPROVED** subject to the following conditions:

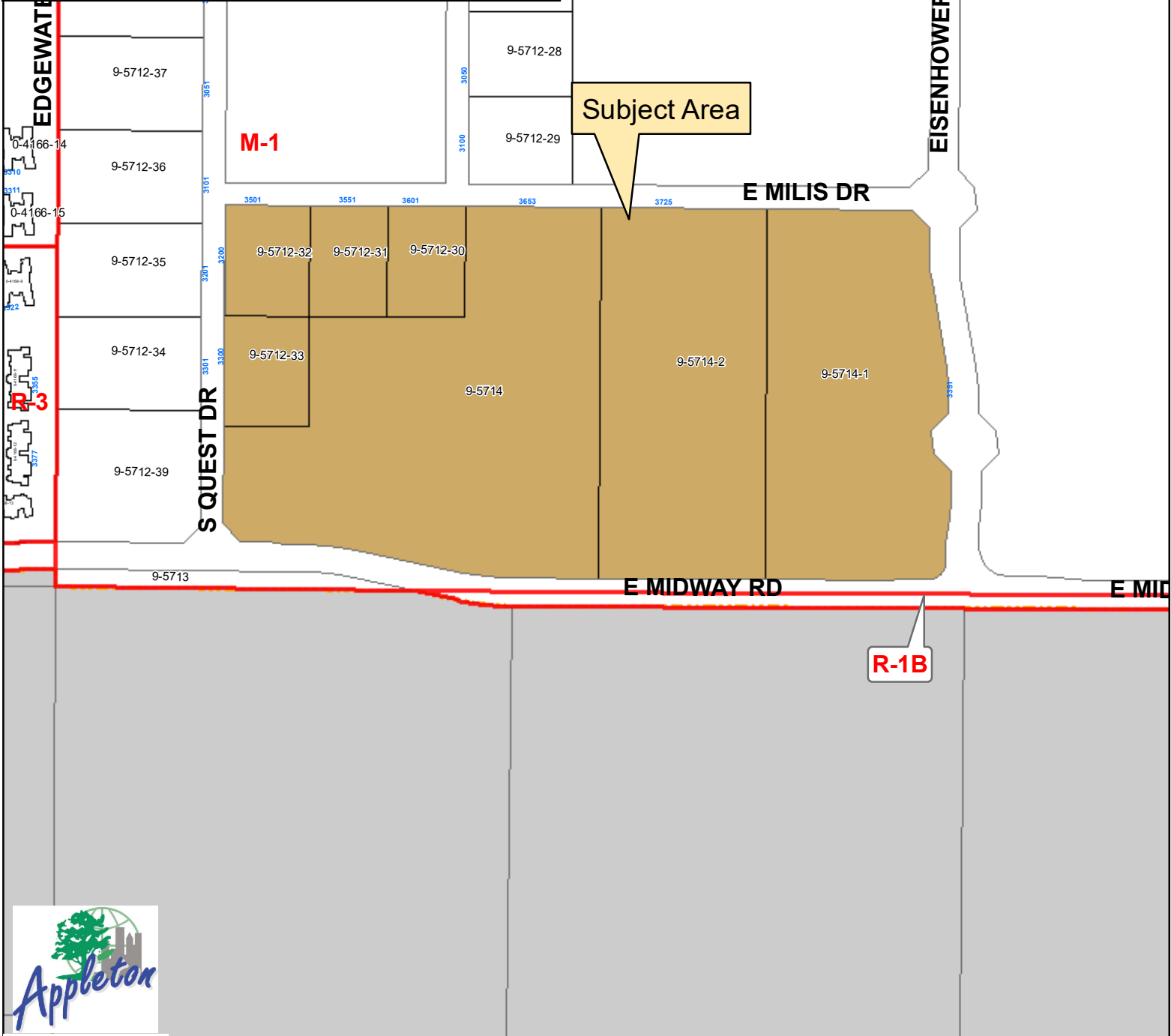
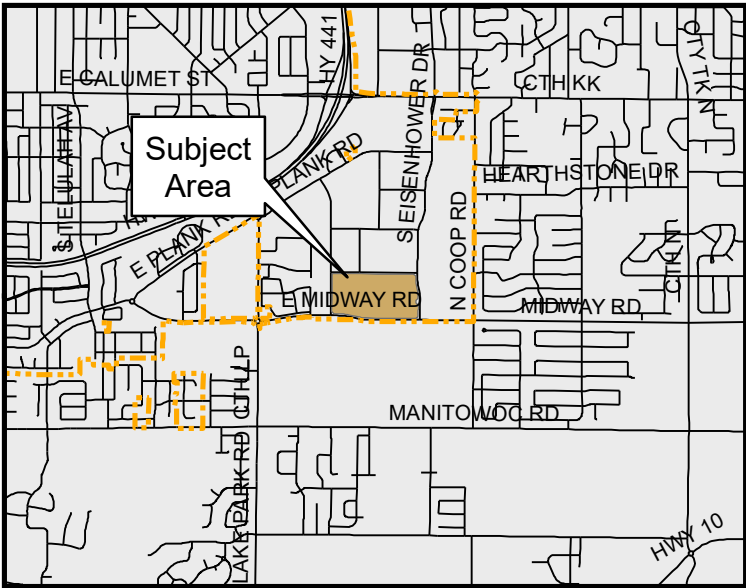
1. Provide the impervious/pervious surface lot coverage for each lot. Please use the proposed lot coverage for Lot 2.
2. List the r/w width for Alliance Drive.
3. Show the historic Lots 30-33 on detail sheet #2.
4. Show the 15' x 20' drainage and storm easement on Lots 32 and 33.
5. The easement over Lots 30-33 that fronts on Quest and Milis Drive is not a 10' drainage easement it is a 12' utility easement, revise as necessary.
6. Provide the recording document number and the North/South distance for the existing access and utility easement along the common lot line for proposed Lot 3 and 4 of the C.S.M.
7. Remove the word dedicated from the mortgagee certificate or identify what is being dedicated.
8. Add the restricted access note that is shown on Sheet 1 to sheet 2 and 3.
9. The Drainage Plan requirement for this CSM is waived.
10. The following access restriction language shall be added to the CSM Document:

*AS OWNER, F STREET APPLETON 3 LLC HEREBY RESTRICTS **LOT 1** IN THAT NO OWNER, POSSESSOR, USER, LICENSEE, NOR OTHER PERSON SHALL HAVE ANY RIGHT OF DIRECT VEHICULAR INGRESS OR EGRESS WITH **QUEST DRIVE** FROM THE NORTH RIGHT-OF-WAY LIMIT OF MIDWAY ROAD (C.T.H."AP") TO A POINT 200 FEET NORTH; IT IS EXPRESSLY INTENDED THAT THIS RESTRICTION CONSTITUTES A RESTRICTION FOR THE BENEFIT OF THE PUBLIC AS PROVIDED IN SECTION 236.293, WISCONSIN STATUTES AND SHALL BE ENFORCEABLE BY THE CITY OF APPLETON OR ITS ASSIGNS.*

*AS OWNER, F STREET APPLETON 1 LLC HEREBY RESTRICTS **LOT 4** IN THAT NO OWNER, POSSESSOR, USER, LICENSEE, NOR OTHER PERSON SHALL HAVE ANY RIGHT OF DIRECT VEHICULAR INGRESS OR EGRESS WITH **EISENHOWER DRIVE** FROM THE NORTH RIGHT-OF-WAY LIMIT OF MIDWAY ROAD (C.T.H."AP") TO A POINT 800 FEET NORTH; IT IS EXPRESSLY INTENDED THAT THIS RESTRICTION CONSTITUTES A RESTRICTION FOR THE BENEFIT OF THE PUBLIC AS PROVIDED IN SECTION 236.293, WISCONSIN STATUTES AND SHALL BE ENFORCEABLE BY THE CITY OF APPLETON OR ITS ASSIGNS.*

*AS OWNERS, F STREET APPLETON 1 LLC, F STREET APPLETON 2 LLC, AND F STREET APPLETON 3 LLC HEREBY RESTRICT **LOTS 1, 2, 3 AND 4** IN THAT NO OWNER, POSSESSOR, USER, LICENSEE, NOR OTHER PERSON SHALL HAVE ANY RIGHT OF DIRECT VEHICULAR INGRESS OR EGRESS WITH **MIDWAY ROAD (C.T.H."AP")**; IT IS EXPRESSLY INTENDED THAT THIS RESTRICTION CONSTITUTES A RESTRICTION FOR THE BENEFIT OF THE PUBLIC AS PROVIDED IN SECTION 236.293, WISCONSIN STATUTES AND SHALL BE ENFORCEABLE BY THE CITY OF APPLETON OR ITS ASSIGNS.*

F Street Phase III
Certified Survey Map #25-22
Zoning Map



F Street Phase III
Certified Survey Map #25-22
Aerial Map

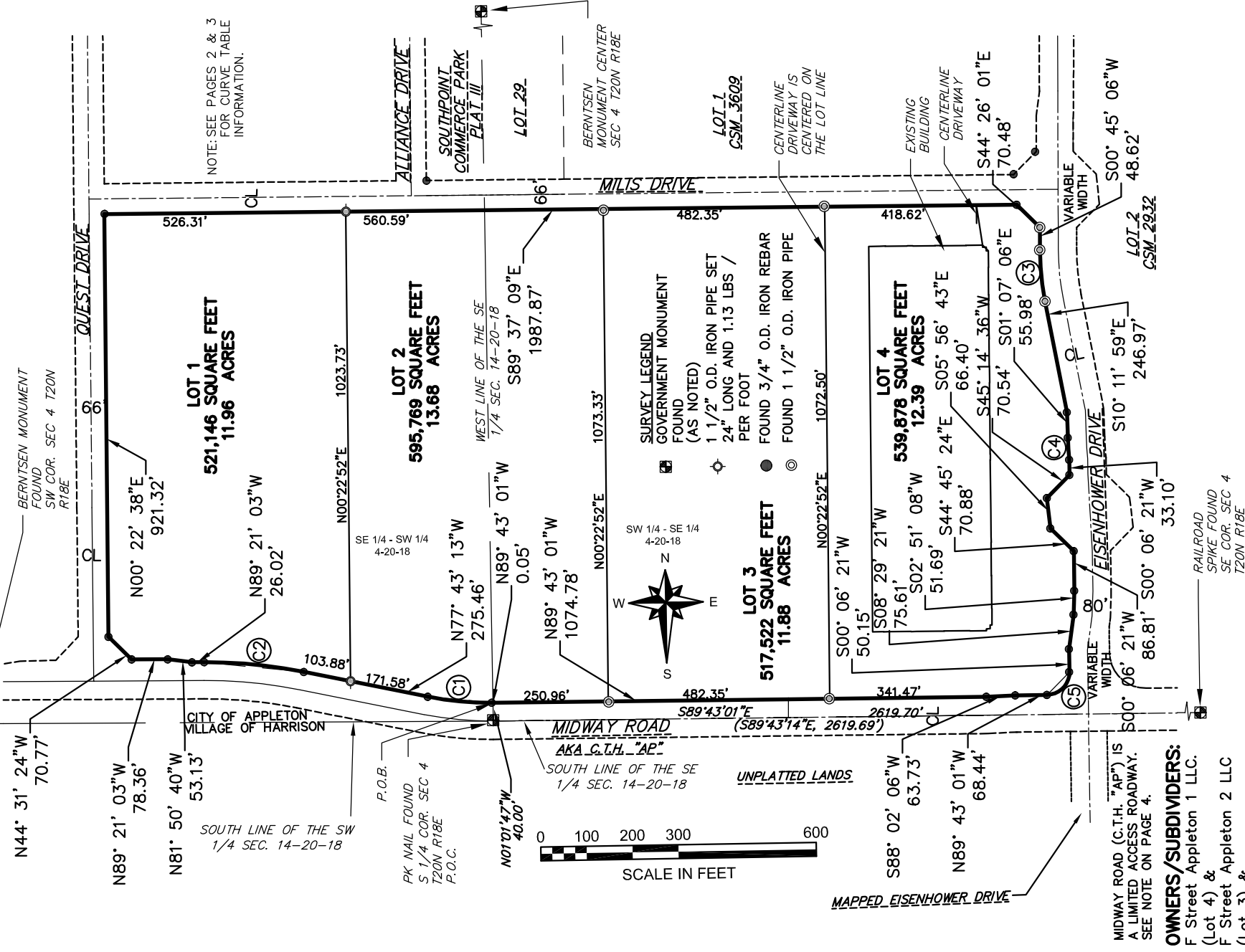


Subject Area



CERTIFIED SURVEY MAP -

Being all of Lots 1, 2 and 3 of Certified Survey Map #3978, and all of Lots 30, 31, 32 and 33 of the Southpoint Commerce Park Plat no. 3, located in and being part of the Southwest 1/4 of the Southeast 1/4, and part of the Southeast 1/4 of the Southwest 1/4 of Section 4, Township 20 North, Range 18 East, City of Appleton, Calumet County, Wisconsin.



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, CALUMET COUNTY, SOUTH LINE OF THE SE 1/4 OF 4-20-18, MEASURED AS N89°43'01"W.



OWNERS/SUBDIVIDERS:
F Street Appleton 1 LLC.
(Lot 4) &
F Street Appleton 2 LLC
(Lot 3) &
F Street Appleton 3 LLC
(Lots 1 & 2)
1134 N. 9TH STREET, SUITE 200
MILWAUKEE, WI 53233
414-315-3190

PREPARED BY:
Ruekert & Mielke, Inc.
W233 N2080 Ridgeway
Pkwy.
Waukesha, WI 53188
262-542-5733

THIS INSTRUMENT WAS DRAFTED BY: JOHN SCHULZ, P.L.S. (8/31/22)

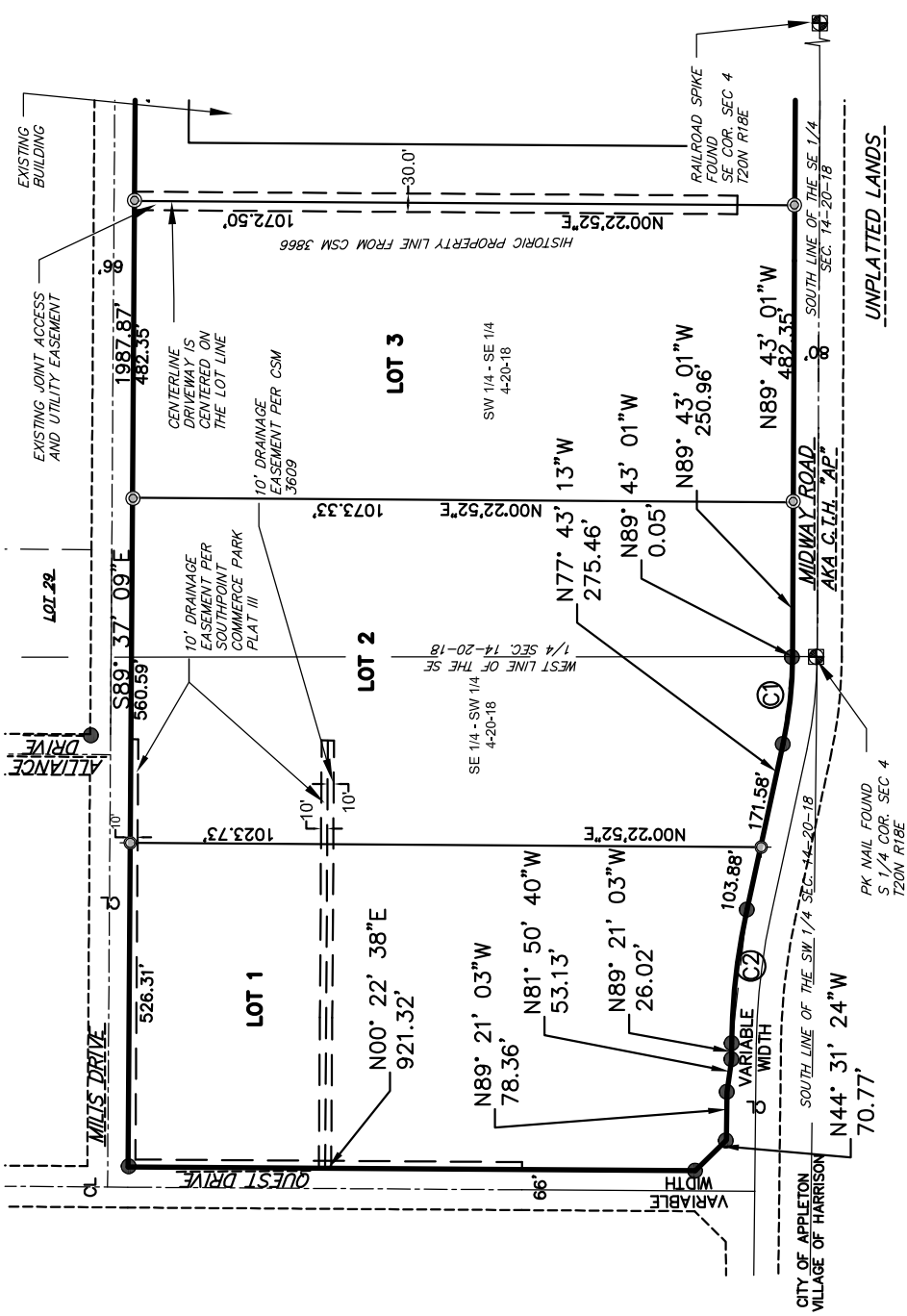
John M. Schulz, P.L.S. 3253
Dated this 31st day of August, 2022

DRAFT

CERTIFIED SURVEY MAP -

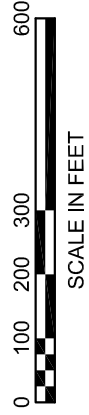
Being all of Lots 1, 2 and 3 of Certified Survey Map #3978, and all of Lots 30, 31, 32 and 33 of the Southpoint Commerce Park Plat no. 3, located in and being part of the Southwest 1/4 of the Southeast 1/4, and part of the Southeast 1/4 of the Southwest 1/4 of Section 4, Township 20 North, Range 18 East, City of Appleton, Calumet County, Wisconsin.

LOTS 1, 2 & 3 DETAIL



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, CALUMET COUNTY, SOUTH LINE OF THE SE 1/4 OF 4-20-18, MEASURED AS N89°43'01"W.

- SURVEY LEGEND**
- GOVERNMENT MONUMENT FOUND (AS NOTED)
 - ⊙ 1 1/2" O.D. IRON PIPE SET 24" LONG AND 1.13 LBS / PER FOOT
 - FOUND 3/4" O.D. IRON REBAR
 - ⊙ FOUND 1 1/2" O.D. IRON PIPE

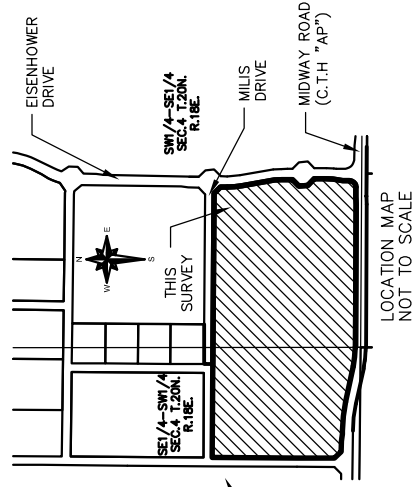
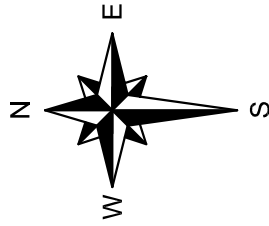


OWNERS/SUBDIVIDERS:
 F Street Appleton 1 LLC.
 (Lot 4) &
 F Street Appleton 2 LLC
 (Lot 3) &
 F Street Appleton 3 LLC
 (Lots 1 & 2)
 1134 N. 9TH STREET, SUITE 200
 MILWAUKEE, WI 53233
 414-315-3190

PREPARED BY:
 Ruekert & Mielke, Inc.
 W233 N2080 Ridgeview Pkwy.
 Waukesha, WI 53188
 262-542-5733

CURVE TABLE

CURVE #	RADIUS	DELTA	CHORD	CHORD BRG.	ARC	TANGENT	TANGENT BRG. IN	TANGENT BRG. OUT
C1	681.57'	11°59'46"	142.44'	N83°43'05"W	142.70'	71.61'	N89°43'01"W	N77°43'13"W
C2	1080.00'	11°37'51"	218.86'	N83°32'08"W	219.23'	109.99'	N77°43'13"W	N89°21'03"W



LOT 1
 521,146 SQUARE FEET
 11.96 ACRES

LOT 2
 595,769 SQUARE FEET
 13.68 ACRES

LOT 3
 517,522 SQUARE FEET
 11.88 ACRES

DRAFT



John M. Schulz, P.L.S. 3253
 Dated this 31st day of August, 2022

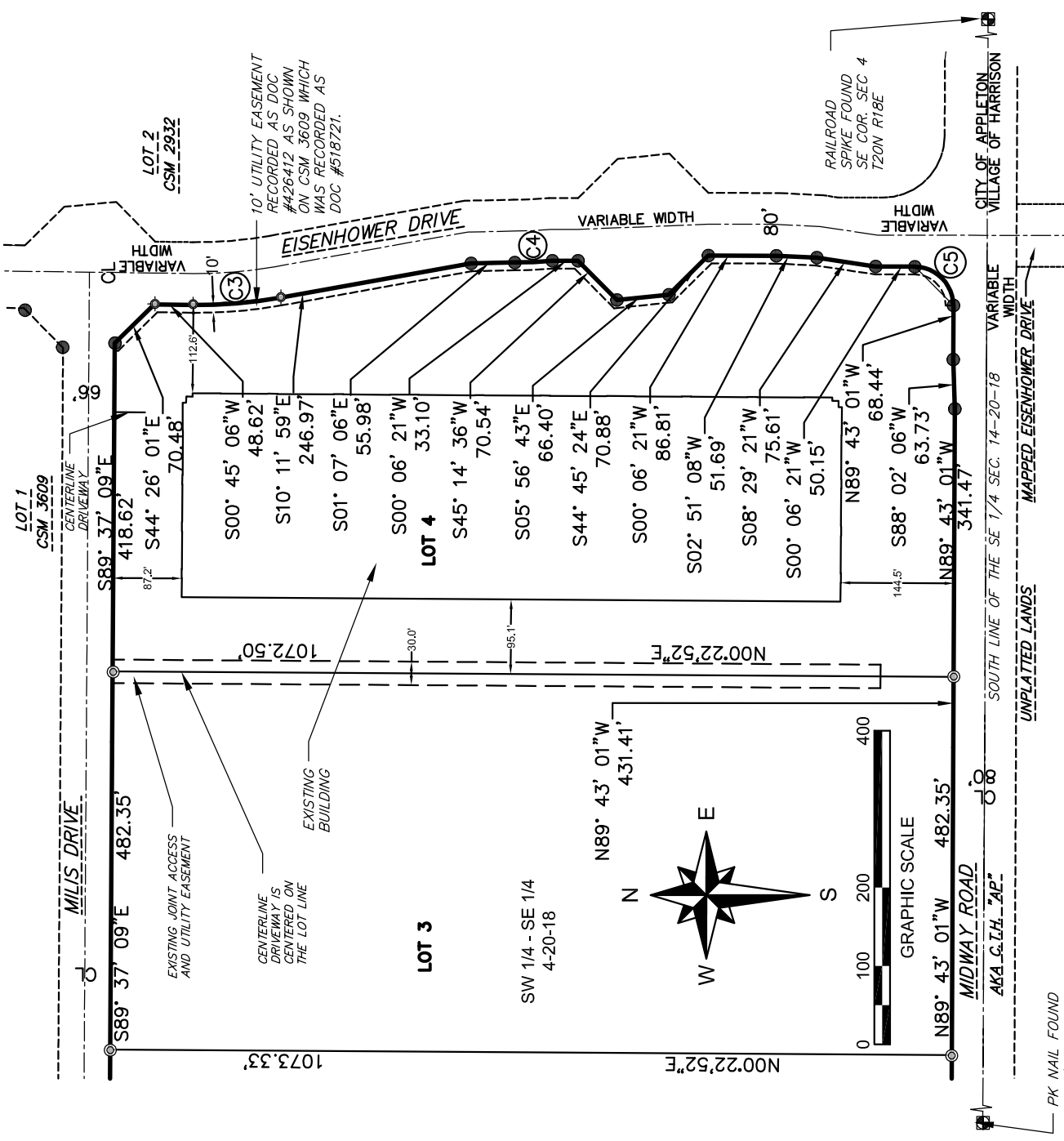
THIS INSTRUMENT WAS DRAFTED BY: JOHN SCHULZ, P.L.S., (8/31/22)

SHEET 2 OF 6

CERTIFIED SURVEY MAP -

Being all of Lots 1, 2 and 3 of Certified Survey Map #3978, and all of Lots 30, 31, 32 and 33 of the Southpoint Commerce Park Plat no. 3, located in and being part of the Southwest 1/4 of the Southeast 1/4, and part of the Southeast 1/4 of the Southwest 1/4 of Section 4, Township 20 North, Range 18 East, City of Appleton, Calumet County, Wisconsin.

LOT 4 DETAIL



CURVE TABLE								
CURVE #	RADIUS	DELTA	CHORD	CHORD BRG.	ARC	TANGENT	TANGENT BRG. IN	TANGENT BRG. OUT
C3	590.00'	10°57'05"	112.60'	S04°43'25"E	112.77'	56.55'	S00°45'06"W	S10°11'59"E
C4	503.00'	05°24'33"	47.47'	S02°35'55"E	47.48'	23.76'	S01°07'06"E	S00°06'21"W
C5	49.50'	90°10'28"	70.11'	S45°11'40"W	77.90'	49.65'	S00°06'21"W	N89°43'01"W

- SURVEY LEGEND**
- GOVERNMENT MONUMENT FOUND (AS NOTED)
 - ⊕ 1 1/2" O.D. IRON PIPE SET 24" LONG AND 1.13 LBS / PER FOOT
 - FOUND 3/4" O.D. IRON REBAR
 - ⊙ FOUND 1 1/2" O.D. IRON PIPE

LOT 3
517,522 SQUARE FEET
11.88 ACRES

LOT 4
539,878 SQUARE FEET
12.39 ACRES

OWNERS/SUBDIVIDERS:
F Street Appleton 1 LLC.
(Lot 4) &
F Street Appleton 2 LLC
(Lot 3) &
F Street Appleton 3 LLC
(Lots 1 & 2)
1134 N. 9TH STREET, SUITE 200
MILWAUKEE, WI 53233
414-315-3190

PREPARED BY:
Ruekert & Mielke, Inc.
W233 N2080 Ridgeway Pkwy.
Waukesha, WI 53188
262-542-5733

DRAFT

Ruekert • Mielke
www.ruekertmielke.com

John M. Schulz, P.L.S. 3253
Dated this 31st day of August, 2022

SHEET 3 OF 6

THIS INSTRUMENT WAS DRAFTED BY: JOHN SCHULZ, P.L.S. (8/31/22)

CERTIFIED SURVEY MAP - _____

Being all of Lots 1, 2 and 3 of Certified Survey Map #3978, and all of Lots 30, 31, 32 and 33 of the Southpoint Commerce Park Plat No. 3, located in and being part of the Southwest 1/4 of the Southeast 1/4, and part of the Southeast 1/4 of the Southwest 1/4 of Section 4, Township 20 North, Range 18 East, City of Appleton, Calumet County, Wisconsin.

SURVEYOR'S CERTIFICATE

I, John M. Schulz, of Ruekert & Mielke, Professional Land Surveyor, do hereby certify that at the direction of the F Street Appleton 1 LLC., F Street Appleton 2 LLC. and F Street Appleton 3 LLC., that I have surveyed, divided and mapped a division of Lots 1, 2 and 3 of Certified Survey Map Number 3978, and Lots 30, 31, 32 and 33 of the Southpoint Commerce Plat No. 3, located in and being part of the Southwest 1/4 of the Southeast 1.4, and part of the Southeast 1/4 of the Southwest of Section 4, Town 20 North, Range 18 East, City of Appleton, Calumet County, Wisconsin, bounded and described as follows:

Commencing at the Southwest corner of the Southeast 1/4 of Section 4; thence N01°01'47"W along the West line of said Southeast 1/4, 40.00 feet to the Northerly Right-of-Way (ROW) line of Midway Road and the POINT OF BEGINNING (POB); thence along said ROW line over the next seven courses; thence N89°43'01"W, 0.05 feet to a point of curvature; thence 142.70 feet along the arc of a curve to the right, whose radius is 681.57 feet and whose chord bears N83°43'05"W, 142.44 feet to a point of tangency; thence N77°43'13"W, 275.46 feet to a point of curvature; thence 219.23 feet along the arc of curve to the left, whose radius is 1080.00 feet and whose chord bears N83°32'08"W, 218.86 feet to a point of tangency; thence N89°21'03"W, 26.02 feet; thence N81°50'40"W, 53.13 feet; thence N89°21'03"W, 78.36 feet to the Easterly ROW line of Quest Drive; thence N44°31'24"W along said line, 70.77 feet; thence N00°22'38"E along said line, 921.32 feet to the Southerly ROW line of Milis Drive; thence S89°37'09"E, 1987.87 feet to the Westerly ROW line of Eisenhower Drive; thence along said line over the next fourteen courses; thence S44°26'01"E, 70.48 feet; thence S00°45'06"W, 48.62 feet to a point of curvature; thence 112.77 feet along the arc of a curve to the left, whose radius is 590.00 feet, and whose chord bears S04°43'25"E, 112.60 feet to a point of tangency; thence S10°11'59"E, 246.97 feet; thence S01°07'06"E, 55.98 feet to a point of curvature; thence 47.48 feet along the arc of curve to the left, whose radius is 503.00 feet, and whose chord bears S02°35'55"E, 47.47 feet to a point of tangency; thence S00°06'21"W, 33.10 feet; thence S45°14'36"W, 70.54 feet; thence S05°56'43"E, 66.40 feet; thence S44°45'24"E, 70.88 feet; thence S00°06'21"W, 86.81 feet; thence S02°51'08"W, 51.69 feet; thence S08°29'21"W, 75.61 feet; thence S00°06'21"W, 50.15 feet to a point of curvature; thence 77.90 feet along the arc of a curve to the right, whose radius is 49.50 feet, and whose chord bears S45°11'40"W, 70.11 feet to a point of tangency and the Northerly ROW line of Midway Road; thence along said line over the next three courses; thence N89°43'01"W, 68.44 feet; thence S88°02'06"W, 63.73 feet; thence N89°43'01"W, 1074.78 feet to the Point of Beginning. Containing 49.92 acres (2,174,315 Sq. Ft.) more or less of land. Subject to covenants, conditions, restrictions and easements of record.

That I have made this survey, land division and map by the direction of F Street Appleton 1 LLC., F Street Appleton 2 LLC. and F Street Appleton 3 LLC., owners of said land.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the division thereof made.

That I have fully complied with the provisions of Chapter 236 or the Wisconsin Statutes and the City of Appleton ordinances in surveying, dividing and mapping of the same.

GENERAL NOTES:

- A. This Certified Survey Map is all of tax parcel's 31-9-5714-00, 31-9-5714-01, 31-9-5714-02, 31-9-5712-33, 31-9-5712-32, 31-9-5712-31 and 31-9-5712-30.
- B. All of the land within this Certified Survey Map is currently Zoned M-1 (Industrial Park District).
- C. The adjoining properties are currently zoned M-1.
- D. Lot 4 contains a building and parking lots. The existing total impervious area on proposed Lot 3 is 352,439 square feet (8.09 acres).
- E. The property owners of record are listed as F Street Appleton 1 LLC., F Street Appleton 2 LLC. and F Street Appleton 3 LLC.
- F. Midway Road (C.T.H. "AP") is a limited access roadway under the jurisdiction of Calumet County. No connections to Midway Road are permitted without formal approval from Calumet County.

OWNERS/SUBDIVIDERS:

F Street Appleton 1 LLC.
(Lot 4) &
F Street Appleton 2 LLC
(Lot 3) &
F Street Appleton 3 LLC
(Lots 1 & 2)
1134 N. 9TH STREET, SUITE
200
MILWAUKEE, WI 53233
414-315-3190

PREPARED BY:

Ruekert & Mielke, Inc.
W233 N2080 Ridgeview
Pkwy.
Waukesha, WI 53188
262-542-5733

RUEKERT/MIELKE TAKES NO RESPONSIBILITY FOR ANY UNDERGROUND STRUCTURES OR BURIED MATERIALS SUCH AS, BUT NOT LIMITED TO, FOUNDATIONS, WELLS, SEPTIC, HOLDING TANKS, UTILITIES, HAZARDOUS MATERIALS, OR ANY OTHER ITEMS OF WHICH NO EVIDENCE CAN BE FOUND ON THE SURFACE BY A REASONABLE INSPECTION.

DRAFT



John M. Schulz, P.L.S. 3253
Dated this 31st day of August, 2022

THIS INSTRUMENT WAS DRAFTED BY: JOHN SCHULZ, P.L.S. (8/31/22)

SHEET 4 OF 6

CERTIFIED SURVEY MAP -

Being all of Lots 1, 2 and 3 of Certified Survey Map #3978, and all of Lots 30, 31, 32 and 33 of the Southpoint Commerce Park Plat no. 3, located in and being part of the Southwest 1/4 of the Southeast 1/4, and part of the Southeast 1/4 of the Southwest 1/4 of Section 4, Township 20 North, Range 18 East, City of Appleton, Calumet County, Wisconsin.

CORPORATE OWNER'S CERTIFICATE

F Street Appleton 1 LLC., F Street Appleton 2 LLC., and F Street Appleton 3 LLC., Wisconsin companies duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owners, does hereby certify that said companies caused the land described on this plat to be surveyed, divided, and mapped, as represented on this plat.

_____, day of _____, 2022.
Owner, F Street Appleton 1 LLC.

_____, day of _____, 2022.
Owner, F Street Appleton 2 LLC.

_____, day of _____, 2022.
Owner, F Street Appleton 3 LLC.

STATE OF WISCONSIN }
_____ COUNTY } SS

Personally came before me this _____ day of _____, 2022, the
above named _____ and _____

to me known to be the persons who executed the foregoing instrument and acknowledge the same.

Notary Public, State of Wisconsin.

My Commission _____

TREASURER'S CERTIFICATE

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

_____, Date _____ County Treasurer _____ Date _____

CITY OF APPLETON APPROVAL

This Certified Survey Map is hereby approved by the City of Appleton.

_____, Date _____
Jacob A. Woodford, Mayor Kami Lynch, City Clerk _____ Date _____

OWNERS/SUBDIVIDERS:

F Street Appleton 1 LLC.
(Lot 4) &
F Street Appleton 2 LLC
(Lot 3) &
F Street Appleton 3 LLC
(Lots 1 & 2)
1134 N. 9TH STREET, SUITE
200
MILWAUKEE, WI 53233
414-315-3190

PREPARED BY:

Ruekert & Mielke, Inc.
W233 N2080 Ridgview
Pkwy.
Waukesha, WI 53188
262-542-5733



John M. Schulz, P.L.S. 3253
Dated this 31st day of August, 2022

THIS INSTRUMENT WAS DRAFTED BY: JOHN SCHULZ, P.L.S. (8/31/22)

SHEET 5 OF 6

DRAFT

CERTIFIED SURVEY MAP -

Being all of Lots 1, 2 and 3 of Certified Survey Map #3978, and all of Lots 30, 31, 32 and 33 of the Southpoint Commerce Park Plat no. 3, located in and being part of the Southwest 1/4 of the Southeast 1/4, and part of the Southeast 1/4 of the Southwest 1/4 of Section 4, Township 20 North, Range 18 East, City of Appleton, Calumet County, Wisconsin.

CONSENT OF CORPORATE MORTGAGEE

Capitol Bank, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owners, does hereby certify that said corporation caused the land described on this plat to be surveyed, divided, mapped, and dedicated as represented on this plat, and does hereby consent to the above certificate of

F Street Appleton 1 LLC., owner

F Street Appleton 2 LLC., owner

F Street Appleton 3 LLC., owner

IN WITNESS WHEREOF, the said Capitol Bank, has caused these presents to be signed by _____, Title _____, at and countersigned by _____, Title _____, at _____ day of _____, Wisconsin and its corporate seal to be hereunto affixed on this _____ day of _____, 2022.

In the presence of:

Corporate Name (Corporate Seal)

President Date

Secretary or Cashier Date

CORPORATE MORTGAGEE NOTARY CERTIFICATE

STATE OF WISCONSIN }
COUNTY OF CALUMET } SS

Personally came before me this _____ day of _____, 2022,
_____ Title _____

and _____, Title _____ of the above named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such President and Secretary (cashier) of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

Notary Public, State of Wisconsin.

My Commission _____

OWNERS/SUBDIVIDERS:

- F Street Appleton 1 LLC.
- (Lot 4) &
- F Street Appleton 2 LLC
- (Lot 3) &
- F Street Appleton 3 LLC
- (Lots 1 & 2)
- 1134 N. 9TH STREET, SUITE 200
- MILWAUKEE, WI 53233
- 414-315-3190

PREPARED BY:

Ruekert & Mielke, Inc.
W233 N2080 Ridgeview Pkwy.
Waukesha, WI 53188
262-542-5733



John M. Schulz, P.L.S. 3253
Dated this 31st day of August, 2022

THIS INSTRUMENT WAS DRAFTED BY: JOHN SCHULZ, P.L.S. (8/31/22)

DRAFT



"...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: 9/26/2022

RE: Action: Award the 2022 Lake Station Gate Improvements Project contract to Milbach Construction Services Co., in the amount of \$72,000 with a contingency of 10% for a project total not to exceed \$79,200.

The 2022 Capital Improvement Plan includes \$200,000 to upgrade the front entrance gate at the Lake Station. Of that amount \$24,850 has been utilized for design, leaving a balance of \$175,150 for construction. This facility's entrance gate is original to the facility and its mechanicals are at the end of their useful life. The needed repairs include opener, card access, and new wiring from the facility to the gate.

The bid was received as follows:

Milbach Construction Services Co. (low bid) \$72,000

Although only one bid was received, the bid was below the engineer's cost estimate.

Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to Milbach Construction Services Co. The Parks, Recreation, and Facilities Management Department has also reviewed the bids and is in agreement with the engineer's recommendation. Therefore, we recommend awarding the contract to Milbach Construction Co. in the amount of \$72,000 plus a contingency of 10% only to be utilized as needed.

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



"...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, Director of Parks, Recreation and Facilities Management

DATE: 9/26/2022

RE: Action Item: Deny all bids received for the Appleton Public Library project on September 20, 2022.

On September 20, 2022, bids were opened for the Appleton Public Library project. This included a total of thirty-eight bid packages. No bids were received for five of the bid packages. We are requesting all bids be denied.

Many bids far exceeded our estimates, and some were excessively high. Inflation, supply chains and labor shortages are contributing factors to inflated costs and lack of bidding activity. The project team will rebid the project in early 2023.

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

CONTRACT AMENDMENT & CHANGE ORDER

Change Order No. 4

Date 09/20/21

Contract No. 133-21 for the following public work : Unit U-21, Apple Creek Ct & Plamann Park S&W Construction

between Superior Sewer & Water 1801 Deer Trail Ct, Luxemburg, WI 54217
 (Contractor Name) (Contractor Address)

and the City of Appleton dated: 20-Oct-21 is hereby changed in the following particular wit:

Item No.	Account No.	Current Contract Amount	Current Contingency	C.O. Amount (+/-)	Contingency (+/-)	New Contract Total	New Contingency Total
1	<u>5431.690803</u>	<u>\$2,860,695.56</u>	<u>\$20,845.73</u>	<u>\$1,846.29</u>	<u>-\$20,845.73</u>	<u>\$2,862,541.85</u>	<u>\$0.00</u>
2	<u>53206730.680905</u>	<u>\$1,161,508.45</u>	<u>\$18,044.77</u>	<u>\$22,798.93</u>	<u>-\$18,044.77</u>	<u>\$1,184,307.38</u>	<u>\$0.00</u>
3	<u>5230.6809.4</u>	<u>\$1,540.00</u>	<u>\$839.50</u>	<u>-\$1,540.00</u>	<u>-\$839.50</u>	<u>\$0.00</u>	<u>\$0.00</u>
4							
5							
6							
7							
8							
9							
10							
	Total	<u>\$4,023,744.01</u>	<u>\$39,730.00</u>	<u>\$23,105.22</u>	<u>-\$39,730.00</u>	<u>\$4,046,849.23</u>	<u>\$0.00</u>

Reason for Change: Final as-built quantities slightly higher than plan due to additional water services.

The Contract Time will be (increased / decreased / unchanged) by this Change Order: 0 Days


The Date of Completion as of the date of this Change Order therefore is: 20-Sep-22


Finance Committee Agenda Date: 09/26/22


Date approved by Council: 10/05/22

CITY OF APPLETON

FIRE DEPARTMENT

 700 N. Drew Street
Appleton, WI 54911

 (920) 832-5810

 (920) 832-5830

 jeremy.hansen@appleton.org

MEMORANDUM

September 22, 2022


To: Finance Committee, Safety & Licensing Committee, and Common Council
From: Jeremy Hansen, Fire Chief
Cc: Ryan Weyers, Deputy Chief
Doug Vrechek, Battalion Chief of Resource Development & Special Operations
Re: Request to Accept Emergency Medical Service (EMS) FLEX Grant

Across the State of Wisconsin, the Emergency Medical Service (EMS) Flex Grant will provide \$32 million to stabilize EMS providers and to ensure they can continue to respond to emergencies across Wisconsin. EMS providers in Wisconsin have been impacted by the COVID-19 pandemic by greater demand for EMS services, increased costs associated with providing those services, and limitations on public funding for those services created by the economic consequences of the pandemic. Therefore, all EMS services licensed in the State of Wisconsin were eligible to request funding in this grant process.

In 2021, the AFD responded to 6,841 calls for service with a total of 5,180 that were for medical emergencies. EMS response accounts for 76% of the fire department's calls for service. The Fire Department requested EMS Flex Grant funding to meet a variety of our medical incident response needs totaling \$94,100. The actual award was reduced to \$51,270.


Therefore, the Appleton Fire Department (AFD) is requesting approval to accept the State of Wisconsin, Department of Health Services, EMS Flex Grant in the amount of \$51,270.


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





CITY OF APPLETON

FIRE DEPARTMENT

 700 N. Drew Street
Appleton, WI 54911

 (920) 832-5810

 (920) 832-5830

 jeremy.hansen@appleton.org

MEMORANDUM

September 22, 2022

To: Finance Committee, Safety & Licensing Committee and Common Council
From: Jeremy Hansen, Fire Chief
Cc: Ryan Weyers, Deputy Fire Chief
Re: Request to Accept FEMA's Assistance to Firefighters Grant (AFG) for a Regional Radio Project

The Appleton Fire Department (AFD) is requesting approval to accept a 2021 Assistance to Firefighters Grant (AFG) in the amount of \$1,807,911.80.

Since 2001, AFG has helped firefighters and other first responders obtain critically needed resources necessary for protecting the public and emergency personnel from fire and related hazards. The AFG supports training emergency personnel, enhancing efficiencies, and supporting community resilience. This grant opportunity places a high priority on equipment interoperability between neighboring departments. The portable radios currently utilized in the region will no longer be manufactured. This includes all associated equipment of that portable radio such as collar microphones, batteries, and parts.

AFD is the host agency in the regional effort to replace portable radios. The following Fire/EMS departments are included in the grant: Little Chute, Town of Vandebroek/Kaukauna, City of Kaukauna, Freedom, Kimberly, Ellington, Seymour City, Rural, and Rescue, Buchanan, Dale, Bear Creek, Combined Locks, Greenville, Appleton Airport, Hortonville/Hortonia, and Grand Chute.

A total grant request of \$4,315,312.30 was submitted to the Federal Emergency Management Agency (FEMA). FEMA reduced the award to approximately 42% of the original ask, or \$1,807,911.80. We are in the process of assessing the impact the reduction will have on all agencies. Based on the radio project estimated for the AFD of \$532,643.15, the City of Appleton could expect to incur a capital expense of approximately \$315,000.00 in fiscal year 2023.

Local matching funds are determined by population. The City of Appleton's local match is 10%, while the remaining participating fire department will have a 5% match. Due to the reduction in the original grant request, all agencies will exceed the local match requirements of the grant.

Unfortunately, batteries, collar microphones, and associated portable equipment will no longer be made by Motorola for Factory Mutual (FM) certified portable radios leaving us with our only affordable choice, to purchase non-intrinsically safe portable radio components. The purchase of non-intrinsically safe portable radios and components puts responders at risk in flammable/combustible environments. The Appleton Fire Department initiated working with

Outagamie County to approach this problem regionally, as many of the responding agencies in Outagamie County currently have FM certified portable radios and need to change over to Underwriter's Laboratory (UL) certified portable radios. The physical impact of such a change puts the regional responders at risk of being stuck with improper, unsafe equipment that is used for communication in hazardous and deadly environments. The primary benefit of this project is the regional community will receive updated portable radios that maintain operability throughout the county and region. Having an assigned radio dedicated to a particular riding position not only is a cost-effective way to immediately enhance operational safety, but it is also recommended by several industry standards as laid out by OSHA, NIOSH, NFPA, IAFC, and IAFF.

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





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MEMORANDUM

TO: Community and Economic Development Committee (CEDC)

FROM: Karen Harkness, Director of Community & Economic Development

DATE: September 28, 2022

RE: CDI Grant Application to WEDC – Merge Urban Development

Staff is proposing to submit a Community Development Investment (CDI) grant application to Wisconsin Economic Development Corporation (WEDC) on behalf of and in collaboration with the owners of Merge Urban Development. This grant is designed to support private investment in new construction projects. The grant amount shall not exceed \$250,000, and the funds will be used for redeveloping a parcel within the downtown area. The project is known as Urbane115. The CDI grant does require a 1:1 match, and the developer's investment would count towards this match.

Urbane115 will be a 5-story mixed-use building on a vacant site at 115 E. Washington Street. The project is located in the City of Appleton's downtown, near College Avenue, City Center, and the Fox Cities Performing Arts Center. The project includes 56 residential units, a mix of: furnished studios, studios, one-bedroom units, and two-bedroom units. There will be 6,129 square feet of leasable commercial space on the first floor, which is designed to be divisible. The total project cost is \$12+ million. The project site is located in Outagamie County – Census Tract 55087010100 – a federally-designated Qualified Opportunity Zone.

In 2019, the City of Appleton began working with Merge Urban Development Group, the developer of Urbane115, to identify a project site for a mixed-use development that would aid in filling the City's gap in housing and respond to the City's Comprehensive & Downtown Plans. The development agreement was executed in August 2021, and the site was acquired shortly thereafter.

If awarded the grant, an agreement with the developer will need to be approved by Common Council at a future meeting which will outline how the grant funds will be disbursed and other WEDC grant requirements that need to be followed by the City and the property owners.

Please feel free to contact me at 920-832-6468 with any questions, or by email at karen.harkness@appleton.org.

Staff Recommendation:

The submission of the WEDC CDI grant applications **BE APPROVED** and the City accept the WEDC CDI grant funds should they be awarded.

Resolution No. 2022-07

**AUTHORIZING THE SUBMISSION OF A WISCONSIN ECONOMIC DEVELOPMENT CORPORATION
GRANT APPLICATION FOR THE COMMUNITY DEVELOPMENT INVESTMENT GRANT PROGRAM
ON BEHALF OF MERGE URBAN DEVELOPMENT GROUP; ACCEPT FUNDS**

INITIATED BY: CITY OF APPLETON COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

WHEREAS, the Wisconsin Economic Development Corporation (WEDC) has grant funds available for projects to support local initiatives with a downtown emphasis by providing financial incentives for projects that are downtown community driven; and

WHEREAS, local municipalities are an eligible applicant and can apply for said grant funds; and

WHEREAS, the City of Appleton is applying for said grant funds for the proposed mixed-use project at 115 East Washington Street to offset costs incurred by the private developer.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Appleton that the proper City officials are hereby authorized to submit a Community Development Investment grant application to Wisconsin Economic Development Corporation to obtain funds for said purpose.

BE IT FURTHER RESOLVED that if said grant funds are awarded, the proper City officials are hereby authorized and directed to accept said funds, pursuant to the terms of the grant application, and to execute any and all documents and assurances which may be required for purposes of same.

Adopted this _____ day of _____, 2022.

Jacob A. Woodford, Mayor

Attest: Kami Lynch, City Clerk



MEMORANDUM

TO: Community and Economic Development Committee (CEDC)

FROM: Karen Harkness, Director of Community & Economic Development

DATE: September 28, 2022

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

The Appleton City Council approved a Development Agreement (DA) with MF Housing Partners, LLC (Developer) in November 2021. Attached is the first amendment to this DA. These amendments are in response to the changing environments of interest rates and construction costs rising, supply chain challenges, and labor shortages.

MF Housing Partners, LLC was awarded WHEDA tax credits for this project earlier this year. The Developer has added 5 units to the design for a total of 48 units. The project would be on the following parcels, all zoned CBD Central Business District: 31-2-0441-00, 31-2-0443-00, 31-2-0437-00, and 31-2-0529-00. Forty-three (43) of the forty-eight (48) units will be available to low-income persons with the rents restricted for an estimated thirty (30) years.

This building will also include a community service facility and lobby.

The Developer plans to break ground in Spring 2023, complete the project Spring 2024, and the project would be fully assessed, 1/1/2025.

The Developer estimates the project will create up to an additional \$3,059,600 in incremental value.

The cost to develop the project is stated at \$13.4 million. The Developer and Assessor estimate the assessed value of the project once completed to be approximately \$3.9 million. Developer requests a Pay-As-You-Go TIF support at 20% (\$649,000). Based on the analysis of current value of the property, projected value of the property, and review of proposed expenses, TIF District #11 would invest the lesser of twenty percent (20%) or \$649,000 of the Tax Increment Value as of January 1, 2025, plus interest thereon to support the construction work for MF Housing Partners, LLC. The interest rate on the contribution shall be the lesser of 1) the interest rate paid by the Developer to the primary lender for the Project, as evidenced by the note indicating the loan amount; or, 2) 5.75%.

Staff Recommendation:

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

FIRST AMENDMENT TO
TAX INCREMENT DISTRICT NO. 11
DEVELOPMENT AGREEMENT

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (the "Agreement") is dated as of the ___ day of _____, 2022, by and among MF Housing Partners LLC, a Wisconsin limited liability company ("Developer") and the City of Appleton, a Wisconsin municipal corporation (the "City").

Notwithstanding the provisions of the Development Agreement entered into by and between the City and Developer dated December 2, 2021 and recorded by the Outagamie County Register of Deeds on December 10, 2021 as Document No. 2256507, said Agreement is hereby amended to read as follows:

RECITALS

Developer and the City acknowledge the following:

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

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

C. Subject to obtaining the financial assistance set forth herein, Developer has proposed improvements to the Property to create an approximately 48 rental apartments (the "Project"). All references to the Project include the Property.

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

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

F. The City, pursuant to Common Council Action dated on or about November ____, 2022 approved this Agreement and authorized the execution of this Agreement by the proper City officers on the City's behalf.

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

H. The base value of the Property for purposes of this Agreement, including calculating increment generated by the Project, is \$232,200. The Developer estimates the project will create up to an additional \$3,059,600 in incremental value.

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

AGREEMENT

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

ARTICLE I UNDERTAKINGS OF THE DEVELOPER

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

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

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

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

ARTICLE II UNDERTAKINGS OF THE CITY

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

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

2.3 Subject to all of the terms, covenants and conditions of this Agreement and applicable provisions of law, and as an inducement by the City to Developer to carry out the Project, upon completion of the Project (which shall be defined as issuance of occupancy permits for all units/floors of the Project (hereafter "completion")) the City will provide payments to

Developer solely from future Tax Increments (derived from both real and personal property) to assist with Developer's Project Costs. The City's total payment of Tax Increment Revenue to the Developer shall not exceed the lesser of i) \$649,000 or ii) twenty percent (20%) of the Tax Increment Value as of January 1, 2025, plus interest thereon (the "Contribution"). The Contribution will be paid to Developer as follows:

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

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

2.3.3 Interest on the Contribution shall begin to accrue upon completion of the Project. The interest rate on the Contribution shall be the lesser of 1) the interest rate paid by the Developer to the primary lender for the Project, as evidenced by the note indicating the loan amount; or, 2) 5.75%.

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

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

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

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

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

ARTICLE III
PAYMENT OF TAXES

3.1 As long as the District is in existence, the Property and all buildings and improvements thereon shall be owned and taxable for real estate tax and special assessment purposes. The City may waive any or all of the restrictions upon execution of a payment in lieu of taxes (PILOT) agreement on a form acceptable to the City.

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

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

ARTICLE IV
CONDITIONS TO PAYMENT; TERMINATION OF AGREEMENT

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

4.1.1 The Project's completion on or before December 31, 2025, subject to extension for Force Majeure or upon mutual written agreement of the City and Developer.

4.1.2 The Property's assessed value is no less than \$3,900,000 on or before January 1, 2025.

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

4.2.1 The conditions in Section 4.1 are not met.

4.2.2 The Contribution is paid in full or August 15, 2044, whichever occurs first.

ARTICLE V
CONFLICT OF INTEREST

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

ARTICLE VI
WRITTEN NOTICES

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

FOR THE CITY:

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

With a copy to:

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

FOR DEVELOPER:

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

ARTICLE VII
ASSIGNMENT

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

ARTICLE VIII
NO PARTNERSHIP OR VENTURE

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

ARTICLE IX
MISCELLANEOUS

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

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

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

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

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

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

[Signatures on following pages]

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

CITY OF APPLETON:

By: _____
Jacob A. Woodford, Mayor

ATTEST:

By: _____
Kami L. Lynch, City Clerk

STATE OF WISCONSIN)
 : ss.
OUTAGAMIE COUNTY)

Personally came before me this ____ day of _____, 2022, Jacob A. Woodford, Mayor and Kami L. Lynch, City Clerk, of the City of Appleton respectively, to me known to be the persons who executed the foregoing instrument and acknowledged the same in the capacity and for the purposes therein intended.

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

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

Jeri A. Ohman, Finance Director

APPROVED AS TO FORM:

Christopher R. Behrens, City Attorney
Updated: September 23, 2022 (clean - amendment)
By: Christopher R. Behrens
City Law A21-0718

DEVELOPER:

MF HOUSING PARTNERS LLC

By: _____
Tom Klister, a member

By: _____
Marissa Downs, a member

STATE OF WISCONSIN)
 : ss.
OUTAGAMIE COUNTY)

Personally came, before me this ____ day of _____, 2022, Tom Klister and Marissa Downs, each a member of the LLC, to me known to be the persons who executed the foregoing instrument and acknowledged the same in the capacity and for the purposes therein intended.

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

SCHEDULE OF EXHIBITS

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

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

To be updated by Developer

Parcel 1:

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

Parcel 2:

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

AND

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

Parcel 3:

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

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

EXHIBIT B
PROPOSED IMPROVEMENTS

Project Summary

Northwest Parcel
38 Surface Parking Spaces

Southeast Parcel
8 Three Bedroom Townhouses
32 Two Bedrooms Units
8 One Bedroom Units
13 Surface Parking Spaces

Project Totals
48 Units
51 Surface Parking Spaces





Valley Transit

CONNECTING THE FOX CITIES

Memorandum

TO: Fox Cities Transit Commission
FROM: Ron McDonald, General Manager
DATE: September 19, 2022
RE: Award Recommendation for Scheduling & Planning Software

BACKGROUND

Valley Transit currently utilizes several manual processes and relies on third-party support to complete tasks related to operations and route planning. This includes driver scheduling, run cutting, rostering, route alternatives analysis, payroll data matching and maintenance of service data utilized by other software applications, like Google Transit. There is a need to automate and expand these functions to maintain existing operations more efficiently, adapt to changes in service, and analyze alternatives in service/labor.

There are specialized applications available in the market that supply scheduling and planning software, which manage some or all of these tasks. The software features include: driver scheduling optimization; budget scenario outputs; route planning tools; analysis of community demographics, including Title VI aspects; employee timecard matching tools; payroll system interface; GTFS data management (data required by Google Transit for trip planning); and service data management (routes, bus stop locations, timetables and other service attributes).

A significant component of this software relates to the automation of driver scheduling. Valley Transit's operations staff utilize a manual process to maintain seasonal driver schedules and manage daily changes. Without automation, there is a considerable and time-consuming effort to create a new schedule. The current process makes it difficult to quickly pivot for service changes or review alternatives. Scheduling and planning software would automate this entire process from schedule creation through completion of daily work assignments by employees. It would create multiple schedule scenarios and ensure all scenarios adhere to requirements of our customers, budget and collective bargaining agreement based on customized variables entered by Valley Transit in the software. The software would create a more efficient process for daily scheduling, improve alternatives analysis, provide more scheduling options throughout the year and create a readiness to react to any future service changes driven by labor or community needs. Other software features, like the route planning and GTFS management tools, would have the same benefits for Valley Transit in terms of automating manual or inefficient processes and improving organizational capabilities.

Valley Transit's emergency preparedness planning requires review of all tasks and resources related to daily operations, including how to maintain normal service at other locations. Under a scenario where the Whitman Facility is inaccessible and operations is required to move, our current scheduling, timekeeping and work assignment processes could not be quickly replicated at another location. A cloud-based scheduling software system will enable many core tasks related to scheduling, active assignment adjustments and time-keeping to function normally, even at a temporary operations location.

In preparation for this procurement, Valley Transit staff developed a request for proposal (RFP) document to solicit proposals from vendors. As part of this process, staff reviewed RFP documents that were used by other entities to purchase similar software. City of Appleton IT and East Central WI Region Planning Commission staff also reviewed the project in the planning stages and provided feedback.

The RFP document was sent directly to vendors who were known suppliers; posted on the State of Wisconsin's Vendornet system; and advertised in print and online with the *Post-Crescent*, *Green Bay Press Gazette* and the *Oshkosh Northwestern*. Proposals were due on August 10, 2022. Two proposals were received prior to the required deadline: Clever Devices Ltd. (Woodbury, NY) and Optibus, Inc. (New York, NY).

ANALYSIS

Each proposal was evaluated based on the vendor's compliance with the scope of work, experience, qualifications, training, support & price. Optibus Inc. provided the only proposal able to comply with all major functional requirements (scheduling, route planning & GFTS management) and was subsequently moved forward in the evaluation process. Optibus was then invited to provide a product demonstration on August 29, 2022. After consideration of the written proposal and product demo, the evaluation team unanimously concluded Optibus had proposed the best solution for Valley Transit.

Optibus's written proposal clearly described the system capabilities in relation to the scope of work, implementation process, system support and training process. System features include: a Scheduling & Rostering Module (vehicle scheduling, driver scheduling, relief vehicle scheduling, active roster control based on availability, payroll matching); a GFTS Manager Module (manages all geographic data related to service, including bus stop locations, route lines, timepoints, fares and route schedules); and a Planning Module (timetable planning, sandbox for route planning, scenario cost estimation, geospatial tools, Census data layers for demographic analysis and Title VI impact analysis).

Optibus was the only vendor with a planning module, which graphically displays route design alternatives and overlays various types of Census data. Optibus's product is cloud-based and compliant with the data security requirements specified by the City of Appleton's IT staff. Optibus has existing experience at other transit clients successfully integrating data from their system to other software. Data integration is very important to Valley Transit's ongoing requirement for open data and automated flow of data between various third-party products. All Optibus client references returned responses with high marks.

Optibus proposed a 12-week training schedule for staff. Depending on contract execution, the goal of full product roll-out in the first quarter of 2023.

FISCAL IMPACT

In contract years 2022-2024, Optibus Inc.'s annual SaaS (software as a service) fee for all modules is \$42,406. In contract years 2025 & 2026, Optibus Inc.'s annual SaaS fee is \$46,646. The annual fee covers access to the software, configuration, set-up, training, ongoing training, integrations and support.

Existing federal grants would cover 80% of total project cost. The remaining cost would be expensed from Valley Transit's annual budget.

RECOMMENDATION

Staff recommends authorization for Valley Transit to enter into contracts with Optibus, Inc. to provide scheduling and planning software.