



# City of Appleton

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

## Meeting Agenda - Final-revised Common Council

---

Wednesday, November 4, 2020

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

[20-1457](#) Common Council Meeting Minutes of October 21, 2020

**Attachments:** [CC Minutes 10-21-2020.pdf](#)

- G. BUSINESS PRESENTED BY THE MAYOR

[20-1467](#)

Proclamations:

- Appleton High Schools DECA Week
- National Runaway Homeless Youth Prevention Month
- Home Care, Palliative Care, & Hospice Services Month

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

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

[Proclamation Home Care Palliative Care and Hospice Services Month.pdf](#)

[20-1459](#)

COVID-19 Update

**Attachments:** [COVID -19 Cases 11-2-20.pdf](#)

- H. PUBLIC PARTICIPATION
- I. PUBLIC HEARINGS

[20-1370](#) Public Hearing for Rezoning #8-20 6th Addition to Emerald Valley

**Attachments:** [ClassIIPublicHearingNotice\\_6thAddEmeraldValley\\_Rezoning#8-20.pdf](#)

[20-1371](#) Public Hearing for Rezoning #9-20 7th Addition to Emerald Valley

**Attachments:** [ClassIIPublicHearingNotice\\_7thAddEmeraldValley\\_Rezoning#9-20.pdf](#)

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. **MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**

[20-1426](#) **Meade Street**, from Pacific Street to Commercial Street, be reconstructed with concrete pavement and curb and gutter. The dimensions of the Meade Street reconstruction project are as follows:

Pacific St - Hancock St: New concrete pavement to be constructed to a width of 33' from back of curb to back of curb, which is the same width as the existing street within this portion of the project. On-street parking would be restricted along the east side of Meade Street within this portion of the project.

Hancock St - Commercial St: New concrete pavement to be constructed to a width of 43' from back of curb to back of curb, which is the same width as the existing street within this portion of the project. Existing on-street parking to remain unchanged within this portion of the project.

**Legislative History**

10/26/20	Municipal Services Committee	recommended for approval
----------	---------------------------------	--------------------------

[20-1430](#)

**Kimball Alley**, from Mason Street to Story Street, be reconstructed with concrete pavement. The dimensions of the Kimball Alley reconstruction project are as follows:

*Mason St - Spruce St:* New concrete pavement to be constructed to a width of 16' from edge of pavement to edge of pavement, which is the same width as the existing alley within this portion of the project.

*Spruce St - Summit St:* New concrete pavement to be constructed to a width of 14' from edge of pavement to edge of pavement, which is the same width as the existing alley within this portion of the project.

*Summit St - Story St:* New concrete pavement to be constructed to a width of 20' from edge of pavement to edge of pavement, which is the same width as the existing alley within this portion of the project.

Legislative History

10/26/20      Municipal Services      recommended for approval  
Committee

[20-1431](#)

**Kimball Alley**, from Walnut Street to Lawrence Street, be reconstructed with concrete pavement to a width of 20' from edge of pavement to edge of pavement, which is the same width as the existing alley.

Legislative History

10/26/20      Municipal Services      recommended for approval  
Committee

## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[20-1367](#)

"Class A" Liquor and Class "A" Beer License application for Aldi, Inc d/b/a Aldi #86, Julie A Meier, Agent, located at 2702 N Richmond St, contingent upon approval from all departments.

Attachments: [Aldi #86.pdf](#)

Legislative History

10/28/20      Safety and Licensing      recommended for approval  
Committee

[20-1441](#) Request to approve the grant from the Wisconsin Elections Commission (WEC) in the amount of \$44,974 for additional election costs incurred due to the COVID-19 pandemic

**Attachments:** [Clerk Appleton 45201 \\$44974.40 WEC CARES Subgrant Award Letter.pdf](#)

**Legislative History**

10/28/20 Safety and Licensing Committee recommended for approval

[20-1442](#) Request to approve the grant from the Center for Tech and Civic Life in the amount of \$18,330 for expenses necessary to plan and administer safe and secure elections in the City in 2020

**Attachments:** [CTCL Grant Appleton Wisconsin agreement and SVP.pdf](#)

**Legislative History**

10/28/20 Safety and Licensing Committee recommended for approval

### 3. MINUTES OF THE CITY PLAN COMMISSION

[20-1322](#) Request to approve Rezoning #8-20 to rezone the area generally located along the east and west sides of Providence Avenue for the 6th Addition to Emerald Valley (part of Tax Id #31-1-7600-00), as shown on the attached maps, from AG Agricultural District to R-1B Single-Family District

**Attachments:** [StaffReport Rezoning 6thAddEmeraldValley For10-13-20.pdf](#)

**Legislative History**

10/13/20 City Plan Commission recommended for approval  
*Proceeds to Council on November 4, 2020.*

[20-1324](#) Request to approve Rezoning #9-20 to rezone the area generally located west of Providence Avenue for the 7th Addition to Emerald Valley (part of Tax Id #31-1-7600-00), as shown on the attached maps, from AG Agricultural District to R1-B Single-family District

**Attachments:** [StaffReport Rezoning 7thAddEmeraldValley For10-13-20.pdf](#)

**Legislative History**

10/13/20 City Plan Commission recommended for approval  
*Proceeds to Council on November 4, 2020.*

[20-1379](#) Request to approve the Sixth and Seventh Additions to Emerald Valley Preliminary Plat as shown on the attached maps and subject to the conditions in the attached staff report

**Attachments:** [StaffReport PreliminaryPlat 6-7thAddEmeraldValley For10-27-20.pdf](#)

**Legislative History**

10/27/20 City Plan Commission recommended for approval

[20-1380](#) Request to approve the Trail View Estates South Final Plat as shown on the attached maps and subject to the conditions in the attached staff report

**Attachments:** [StaffReport\\_TrailViewEstatesSouth\\_FinalPlat\\_For10-27-20.pdf](#)

**Legislative History**

10/27/20 City Plan Commission recommended for approval

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

**5. MINUTES OF THE FINANCE COMMITTEE**

[20-1377](#) Request to award the City of Appleton Wastewater D-Building HVAC Upgrades Phase 1 Project contract to BP Mechanical, Inc in the amount of \$93,976 with a contingency of 10% for a project total not to exceed \$103,374

**Attachments:** [2020 AWWTP D-Building HVAC Upgrades.pdf](#)

**Legislative History**

10/26/20 Finance Committee recommended for approval

[20-1428](#) Request to approve the following 2020 Budget amendment:

**General Fund - City Clerk**

State Grants	+\$44,974
Postage	+\$44,974

to record a grant from the WI Elections Commission for additional election costs incurred due to the COVID-19 pandemic (2/3 vote of Council required)

**Attachments:** [Clerk Appleton 45201 \\$44974.40 WEC CARES Subgrant Award Letter.pdf](#)

**Legislative History**

10/26/20 Finance Committee recommended for approval

[20-1429](#) Request to approve the following 2020 Budget amendment:

**General Fund - City Clerk**

Grants	+\$18,330
Election Supplies	+\$18,330

to record a grant from the Center for Tech and Civic Life for additional election costs necessary to provide safe and secure elections (2/3 vote of Council required)

**Attachments:** [CTCL Grant Appleton Wisconsin agreement and SVP.pdf](#)

**Legislative History**

10/26/20 Finance Committee recommended for approval

[20-1432](#)

Request to approve Change Order No 1 for contract 36-20 for 2019 AWWTP Electrical Distribution Upgrades Phase 2 project for refeeding and removal of the E-Building's transformers and motor control centers in the amount of \$95,800 resulting in a decrease of the contingency from \$230,590 to \$134,790. No change to the overall contract amount

**Attachments:** [2020 AWWTP Electrical Distribution Upgrades Phase 2 Change Order #1.pdf](#)

**Legislative History**

10/26/20 Finance Committee recommended for approval

[20-1433](#)

Request to award the Engineering Contract for the 2020 AWWTP V2-F2 Buildings Road Replacement project to McMahon Associates in the amount of \$42,790 plus a 5% contingency for a total not to exceed a project engineering cost of \$44,930

**Attachments:** [2020 Wastewater Hardscapes Design.pdf](#)

**Legislative History**

10/26/20 Finance Committee recommended for approval

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

**7. MINUTES OF THE UTILITIES COMMITTEE**

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

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

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

**M. CONSOLIDATED ACTION ITEMS**

**N. ITEMS HELD**

**O. ORDINANCES**

[20-1454](#)

Ordinances 126-20 and 127-20

**Attachments:** [Ordinances 126-20 and 127-20.pdf](#)

**P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION**

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

[20-1458](#) #16-R-20 Ellen Kort Peace Park Subcommittee Resolution

**Attachments:** [#16-R-20 Ellen Kort Peace Park SubCommittee.pdf](#)  
[SIGNED Memo to Mayor \(Schultz Resolution\).pdf.pdf](#)

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Kami Lynch, City Clerk

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



# City of Appleton

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

## Meeting Minutes - Final Common Council

---

Wednesday, October 21, 2020

7:00 PM

Council Chambers

---

A. CALL TO ORDER

*The meeting was called to order by Mayor Woodford at 7:01 p.m.*

B. INVOCATION

*The Invocation was offered by Alderperson Wolff*

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

**Present:** 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska, Alderperson Corey Otis and Mayor Jake Woodford

**Excused:** 1 - Alderperson Matthew Reed

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*All were represented.*

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[20-1375](#)

Common Council Meeting Minutes:  
October 7, 2020 Organizational Meeting  
October 7, 2020 Common Council Meeting

**Attachments:** [CC Minutes 10-7-20 Org. Mtg..pdf](#)  
[CC Minutes 10-7-2020.pdf](#)

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

**Aye:** 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska and Alderperson Corey Otis

**Excused:** 1 - Alderperson Matthew Reed

**Abstained:** 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[20-1372](#)

Board of Building Inspection Appointment

**Attachments:** [Bd of Building Insp Appointment Memo to Council.pdf](#)

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

**Aye:** 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska and Alderperson Corey Otis

**Absent:** 1 - Alderperson Matthew Reed

**Abstained:** 1 - Mayor Jake Woodford

[20-1373](#)

Proclamations:

- Domestic Violence Awareness Month
- White Cane Safety Day

**Attachments:** [Domestic Violence Awareness Month.pdf](#)

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

**This Report Action Item was presented**

[20-1374](#)

COVID-19 Update

**Attachments:** [COVID -19 Cases 10-21.pdf](#)

**This Report Action Item was presented**

H. PUBLIC PARTICIPATION

*The following spoke during public participation:*  
*Will Faucett, W4318 Mackville Rd Re: Item 20-1320 Special Use Permit*  
*Kris Teegardin, 41116 N Wedgewood Dr Re: Item 20-1184 Marijuana/Paraphernalia Citations*  
*Lynn Ann C. Rusch, 425 N Linwood Re: Item 20-1295 CDBG Funding*  
*John Fease, 1907 N Locust Re: Item 20-1329 Weed Administration Fee*

I. PUBLIC HEARINGS

[20-1369](#) Public Hearing for Rezoning #7-20 for 1200 and 1216 S. Oneida Street from C-2 to C-1

**Attachments:** [ClassIIPublicHearingNotice\\_1200+1216SOneidaSt\\_Rezoning#7-20.pdf](#)

*The public hearing was held, no one spoke during the hearing.*

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[20-1320](#) Request to approve Special Use Permit #6-20 for the manufacturing of dairy products (light manufacturing) located at 300 E. Coolidge Avenue (Tax Id #31-9-0030-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

**Attachments:** [StaffReport\\_Malcore Foods\\_SUP\\_For10-13-20.pdf](#)  
[Neighbor Petition\\_10-09-20.pdf](#)  
[Kris Krause Email\\_10-13-20.pdf](#)

**Alderson Prohaska moved, seconded by Alderson Siebers, that the Special Use Permit be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Alex Schultz, Alderson Mike Smith, Alderson Patti Coenen, Alderson Nate Wolff, Alderson Kyle Lobner, Alderson Joe Prohaska and Alderson Corey Otis

**Excused:** 1 - Alderson Matthew Reed

**Abstained:** 1 - Mayor Jake Woodford

[20-1329](#)

Request from John Fease to have the \$50 Weed Administration Fee waived for 508 W. Wisconsin Avenue.

**Attachments:**    [508 W. Wisconsin.pdf](#)  
[Butterfly garden.pdf](#)

**Aldersperson Fenton moved, seconded by Aldersperson Siebers, that the Request be approved (a notwithstanding vote- an Aye vote approves the request and a Nay vote denies the request). Roll Call. Motion carried by the following vote:**

**Aye:** 9 - Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Alex Schultz, Aldersperson Nate Wolff, Aldersperson Kyle Lobner and Aldersperson Joe Prohaska

**Nay:** 5 - Aldersperson William Siebers, Aldersperson Brad Firkus, Aldersperson Mike Smith, Aldersperson Patti Coenen and Aldersperson Corey Otis

**Excused:** 1 - Aldersperson Matthew Reed

**Abstained:** 1 - Mayor Jake Woodford

[20-1330](#)

Approve proposed modifications to the City Owned Pedestrian Walks Policy.

**Attachments:**    [Pedestrian Walks Policy.pdf](#)

**Aldersperson Prohaska moved, seconded by Aldersperson Fenton, that the Policy Modifications be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Alex Schultz, Aldersperson Mike Smith, Aldersperson Patti Coenen, Aldersperson Nate Wolff, Aldersperson Kyle Lobner, Aldersperson Joe Prohaska and Aldersperson Corey Otis

**Excused:** 1 - Aldersperson Matthew Reed

**Abstained:** 1 - Mayor Jake Woodford

[20-1184](#)

Resolution #15-R-20 Marijuana & Drug Paraphernalia Citations

**Attachments:**    [#15-R-20 Marijuana & Drug Paraphernalia Citations.pdf](#)  
[THC and Paraphernalia Resolution.pdf](#)  
[S&L - DMG Memo re Statutory Limits - 10-12-2020.pdf](#)

**Aldersperson Prohaska moved, seconded by Aldersperson Wolff, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Alex Schultz, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska and Alderperson Corey Otis

**Nay:** 1 - Alderperson Mike Smith

**Absent:** 2 - Alderperson Matthew Reed and Mayor Jake Woodford

[20-1353](#)

Resolution # 17-R-20 Trick-or-Treating

**Attachments:** [#17-R-20 Trick-or-Treating.pdf](#)  
[Halloween Trick or Treating 2020 Memo to SL.pdf](#)

**Alderperson Meltzer moved, seconded by Alderperson Schultz, that the Resolution be amended after Therefore, Be It Resolved, that this year's Appleton trick-or-treating be: re-imagined following the specific guidelines from the Appleton Health Department for alternative trick-or-treating practices. This amendment also removes set hours for trick-or-treating.**

**Roll Call. Motion carried by the following vote:**

**Aye:** 10 - Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner and Alderperson Corey Otis

**Nay:** 4 - Alderperson William Siebers, Alderperson Joe Martin, Alderperson Maiyoua Thao and Alderperson Joe Prohaska

**Excused:** 1 - Alderperson Matthew Reed

**Abstained:** 1 - Mayor Jake Woodford

**Alderperson Firkus moved, seconded by Alderperson Siebers, that the Resolution be amended to establish the trick-or-treating hours from 4 p.m. to 6 p.m. Roll Call. Motion failed by the following vote:**

**Aye:** 3 - Alderperson William Siebers, Alderperson Brad Firkus and Alderperson Patti Coenen

**Nay:** 11 - Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska and Alderperson Corey Otis

**Excused:** 1 - Alderperson Matthew Reed

**Abstained:** 1 - Mayor Jake Woodford

**Alderperson Van Zeeland moved, seconded by Alderperson Firkus, that the Resolution be further amended (after practices in the previous amendment): during the posted hours of 4 p.m. to 8 p.m. and doing away with traditional trick-or-treating and person to person contact . Roll Call. Motion carried by the following vote:**

**Aye:** 8 - Alderperson William Siebers, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner and Alderperson Corey Otis

**Nay:** 6 - Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Maiyoua Thao, Alderperson Alex Schultz, Alderperson Mike Smith and Alderperson Joe Prohaska

**Excused:** 1 - Alderperson Matthew Reed

**Abstained:** 1 - Mayor Jake Woodford

**Alderperson Fenton moved, seconded by Alderperson Otis, that the Resolution be approved, as amended (2 amendments).**

**Roll Call. Motion carried by the following vote:**

**Aye:** 9 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner and Alderperson Corey Otis

**Nay:** 4 - Alderperson Joe Martin, Alderperson Maiyoua Thao, Alderperson Alex Schultz and Alderperson Joe Prohaska

**Excused:** 1 - Alderperson Matthew Reed

**Abstained:** 2 - Alderperson Mike Smith and Mayor Jake Woodford

### [20-1295](#)

Request to approve Substantial Amendment to the Community Development Block Grant (CDBG) 2020 Annual Action Plan (AAP) awarding an additional \$348,255 of CDBG Coronavirus Aid, Relief, and Economic Security (CARES) Act funding to community partner organizations as specified in the attached documents

**Attachments:** [2020 AAP Substantial Amendment Memo to CEDC 10-14-20.pdf](#)  
[CARES Act CDBG Award Letter 4-2-20.pdf](#)  
[CDBG CV Simple Summary.pdf](#)  
[CDBG CV Award Recommendations PS & NPS.pdf](#)  
[2020 AAP Substantial Amendment Draft 04-16-2020.pdf](#)  
[Salvation Army Fox Cities Stmt to CEDC 10-6-20.pdf](#)

**Alderperson Martin moved, seconded by Alderperson Schultz, that the CDBG awarding of funds be amended to send funding back to staff to reallocate to an overflow shelter. Roll Call. Motion failed by the following vote:**

**Aye:** 2 - Alderperson Joe Martin and Alderperson Maiyoua Thao

**Nay:** 11 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska and Alderperson Corey Otis

**Excused:** 1 - Alderperson Matthew Reed

**Absent:** 1 - Alderperson Patti Coenen

**Abstained:** 1 - Mayor Jake Woodford

**Alderperson Otis moved, seconded by Alderperson Smith, that the awarding of the CDBG funds be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 12 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska and Alderperson Corey Otis

**Nay:** 1 - Alderperson Joe Martin

**Excused:** 1 - Alderperson Matthew Reed

**Absent:** 1 - Alderperson Patti Coenen

**Abstained:** 1 - Mayor Jake Woodford

[20-1308](#)

Request to approve staff recommendations regarding Resolution #8-R-20 - City of Appleton Branding Study

**Attachments:** [MEMO Resolution 8-R-20 Brand Study.pdf](#)

**Alderperson Fenton moved, seconded by Alderperson Prohaska, that the Resolution be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 12 - Alderperson William Siebers, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Maiyoua Thao, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska and Alderperson Corey Otis

**Nay:** 2 - Alderperson Vered Meltzer and Alderperson Denise Fenton

**Excused:** 1 - Alderperson Matthew Reed

**Abstained:** 1 - Mayor Jake Woodford

[20-1348](#)

Request to adopt a resolution waiving the restrictive covenants concerning the redevelopment of the YMCA Soldier's Square Parking Ramp property

**Attachments:** [Memo in Support of Approval of Waiver of Covenants - FINAL.pdf](#)  
[RESOLUTION - City of Appleton - YMCA - Soldiers Square Ramp.pdf](#)

**Alderperson Prohaska moved, seconded by Alderperson Otis, that the Resolution be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska and Alderperson Corey Otis

**Excused:** 1 - Alderperson Matthew Reed

**Abstained:** 1 - Mayor Jake Woodford

[20-1287](#)

Request to approve rate increase effective January 1, 2021 as presented in Wastewater Rate Study.

**Attachments:** [WW Rate Increase memo Oct 2020 FINAL.pdf](#)

**Alderperson Prohaska moved, seconded by Alderperson Otis, that the rate increase be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska and Alderperson Corey Otis

**Excused:** 1 - Alderperson Matthew Reed

**Absent:** 1 - Alderperson Patti Coenen

**Abstained:** 1 - Mayor Jake Woodford

L. COMMITTEE REPORTS

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

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

**Aye:** 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska and Alderperson Corey Otis

**Excused:** 1 - Alderperson Matthew Reed

**Absent:** 1 - Alderperson Patti Coenen

**Abstained:** 1 - Mayor Jake Woodford

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[20-1354](#) Resolution #18-R-20 Fire Department EMT Service Level

**Attachments:** [#18-R-20 Fire Dept. EMT Service Level.pdf](#)

This Report Action Item was approved.

## 3. MINUTES OF THE CITY PLAN COMMISSION

[20-1221](#) Request to approve Rezoning #7-20 to rezone 1200 South Oneida Street (Tax Id #31-4-0418-00) and 1216 South Oneida Street (Tax Id #31-4-0420-00), including to the centerline of the adjacent right-of-way, from C-2 General Commercial District to C-1 Neighborhood Mixed Use District, as shown on the attached maps

**Attachments:** [StaffReport\\_Rezoning\\_7-20\\_1200+1216SOneidaSt\\_For09-22-20.pdf](#)

This Report Action Item was approved.

[20-1325](#) Request to approve the Sequoia Drive (Right-of-Way) Annexation consisting of approximately 3.3251 acres, currently in the Towns of Grand Chute and Vandebroek, in order to extend Sequoia Drive north from the North Edgewood Estates Phase II subdivision to Broadway Drive as shown on the attached maps and establish a temporary zoning classification of AG Agricultural District

**Attachments:** [StaffReport\\_SequoiaDrive\\_Annexation\\_For10-13-20.pdf](#)

[DOA Annexation Review Letter 14337\\_10-13-20.pdf](#)

This Report Action Item was approved.

## 4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[20-1269](#) Request Approval of the Updated 2020 Trail Reservation and Fees Policy

**Attachments:** [Trail Reservation and Fee Policy - Clean.pdf](#)

[Trail Reservation and Fee Policy - Redlined.pdf](#)

This Report Action Item was approved.

[20-1271](#) Request to Install Lion Statue in Lions Park

**Attachments:** [Lions Park Statue Memo.pdf](#)

This Report Action Item was approved.

**5. MINUTES OF THE FINANCE COMMITTEE**

[20-1309](#) Request to award the 2020 Interior Finishes and Furniture project to Chet Wesenberg Architect, LLC for a sole-source contract not to exceed \$120,015

**Attachments:** [2020 City Hall Architectural Services.pdf](#)

**This Report Action Item was approved.**

[20-1311](#) Request to deny request from Mr. Kevin Frey to cancel the sanitary sewer lateral special assessment of \$1,716 for 1105 W. Summer Street

**Attachments:** [Finance Committee - Kevin Frey Special Assessment.pdf](#)

**This Report Action Item was approved.**

[20-1313](#) Request to approve the following 2020 Budget adjustment:

**Public Works Capital Projects**

Public Safety Camera Prog-Northland Av/STH 441 Interchng	- \$20,000
Public Safety Camera Prog-College Av/Memorial Dr area	+\$20,000

to reallocate funds in the Public Safety Camera Program from one intersection to another (2/3 vote of Common Council required)

**Attachments:** [Finance Committee - Budget Adjustment.pdf](#)

**This Report Action Item was approved.**

[20-1344](#) Request to approve the use of excess 12/31/2019 General Fund Balance

**Attachments:** [Finance Committee - Fund Balance Policy 2020.pdf](#)

**This Report Action Item was approved.**

[20-1345](#)

Request to approve Contract Amendment/Change Order No. 1 to Contract No. 67-20, Unit Z-20 Ballard Road Water Main Reconstruction for additional quantities of augered watermain casing pipe, slurry backfill and water services in the amount of \$57,000 resulting in a decrease to contingency from \$44,333 to \$0. Overall contract increases from \$1,152,664 to \$1,165,331

**Attachments:** [Unit Z-20 Change Order No. 1.pdf](#)

This Report Action Item was approved.

[20-1346](#)

Request to reject all bids for Green Parking Ramp Stair Replacement

**Attachments:** [Green Ramp Stair Replacement Bid Rejection Memo.pdf](#)

This Report Action Item was approved.

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

[20-1296](#)

Request to approve Substantial Amendments to the Community Development Block Grant (CDBG) Citizen Participation Plan (CPP) and the CDBG Policy as specified in the attached documents

**Attachments:** [CPP Substantial Amendment Memo to CEDC 10-14-20.pdf](#)  
[CPP Amendment - Public Comment Period Notice 10-2-20.pdf](#)  
[Citizen Participation Plan -w markup Draft 10-14-20.pdf](#)  
[CDBG Policy -w markup Draft 10-14-20.pdf](#)  
[Proposed Citizen Participation Plan -no markup 10-14-20.pdf](#)  
[Proposed CDBG Policy -no markup 10-14-20.pdf](#)  
[CDBG-CV Federal Register.pdf](#)

This Report Action Item was approved.

## 7. MINUTES OF THE UTILITIES COMMITTEE

[20-1288](#)

Approve second amendment to the 2020A Stormwater Management Plan Review contract with Brown and Caldwell by an increase of \$30,000 for a total contract amount not to exceed \$65,000.

**Attachments:** [2020A SWM Plan Review BC Second Amendment Memo Util Cmte.pdf](#)

This Report Action Item was approved.

[20-1289](#)

Approve second amendment to the 2020B Stormwater Management Plan Review contract with raSmith by an increase of \$25,000 for a total contract amount not to exceed \$65,000.

**Attachments:** [2020B SWM Plan Review raSmith Second Amendment Memo Util Cmte.pdf](#)

This Report Action Item was approved.

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

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

[20-1276](#)

Approve Addendum to Exercise Second Option Year for Specialized Transportation Contract (VT-16-008) and Rural Paratransit Contract (VT-16-007)

**Attachments:** [FCTC 2020 Rural and Specialized Transportation Addendum.pdf](#)

This Report Action Item was approved.

[20-1277](#)

Approve Addendum to Exercise Second Option Year for Northern Winnebago Dial A Ride Contract

**Attachments:** [FCTC 2020 Northern Winnebago Dial A Ride Addendum.pdf](#)

This Report Action Item was approved.

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

M. **CONSOLIDATED ACTION ITEMS**

N. **ITEMS HELD**

O. **ORDINANCES**

[20-1368](#)

Ordinances 104-20 to 125-20

**Attachments:** [Ordinances 104-20 to 125-20.pdf](#)

**Aldersperson Prohaska moved, seconded by Aldersperson Otis, that the Ordinances be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 13 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Alex Schultz, Aldersperson Mike Smith, Aldersperson Nate Wolff, Aldersperson Kyle Lobner, Aldersperson Joe Prohaska and Aldersperson Corey Otis

**Excused:** 1 - Alderperson Matthew Reed

**Absent:** 1 - Alderperson Patti Coenen

**Abstained:** 1 - Mayor Jake Woodford

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

S. ADJOURN

**Alderperson Smith moved, seconded by Alderperson Otis, that the meeting be adjourned at 10:13 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska and Alderperson Corey Otis

**Excused:** 1 - Alderperson Matthew Reed

**Absent:** 1 - Alderperson Patti Coenen

**Abstained:** 1 - Mayor Jake Woodford

Kami Lynch, City Clerk

# PROCLAMATION



## Office of the Mayor

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, do hereby proclaim November 1-8, 2020 as

## Appleton High Schools DECA Week

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

Signed and sealed this 1 day of November 2020.



**JACOB A. WOODFORD**  
MAYOR OF APPLETON

# PROCLAMATION



## Office of the Mayor

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

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

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

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

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

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

## National Runaway & Homeless Youth Prevention Month

in Appleton and encourage all citizens to notice green footprints at safe support places around the community as well as the role we can all play in advocating for and providing safe alternatives to this vulnerable population of young people.

Signed and sealed this 2<sup>nd</sup> day of November 2020.



**JACOB A. WOODFORD**  
MAYOR OF APPLETON

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, home care, palliative care, and hospice services provide for a person's health and social needs throughout life – serving expectant mothers, infants and children, adults, people with disabilities, and older adults, as well as providing love, comfort, and support at the end of life; and

**WHEREAS**, these services enable people to receive quality health and social services in their own place of residence, while preserving dignity and independence; these services support families by easing caregiver burdens and helping to avoid the costs of institutional care; and

**WHEREAS**, the services are delivered by interdisciplinary teams of physicians, nurses, social workers, pharmacists, therapists, psychological and spiritual counselors, and trained community volunteers; and

**WHEREAS**, timely access to hospice and palliative care can decrease hospitalizations and emergency department visits, and increase quality of life for patients and family caregivers; and

**WHEREAS**, providing high-quality home care, palliative care, and hospice services reaffirms our belief in the essential dignity of every person, regardless of age, health, or social status, and that every stage of human life deserves to be treated with the utmost respect and care.

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

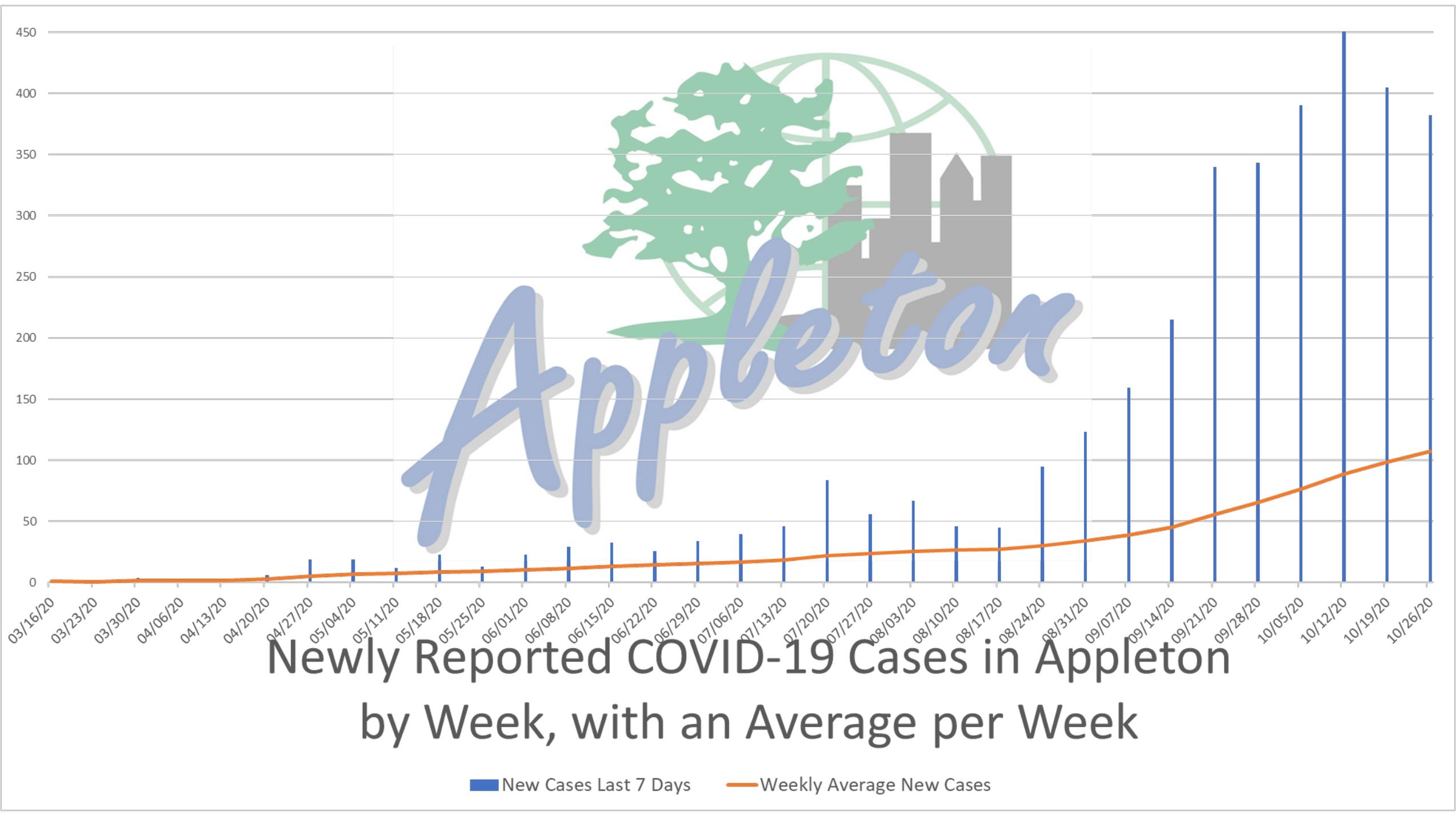
## Home Care, Palliative Care, and Hospice Services Month

in Appleton and recognize the contributions of home care, palliative care, and hospice services and caregivers to increasing quality of life, and encourage every adult to learn more about options for future health care and to share their health care wishes with loved ones and health care professionals.

Signed and sealed this 2<sup>nd</sup> day of November 2020.



**JACOB A. WOODFORD**  
MAYOR OF APPLETON



$405 + 382 = 787$  (2 week case counts)

$787 / 75,000 = .0104$  (Appleton population 75,000)

$.00104 \times 100,000 = 1,049$  (equals burden)

**Low** less than or equal to 10 per 100,000 people

**Moderate** greater than 10 but less than 50 per 100,000 people

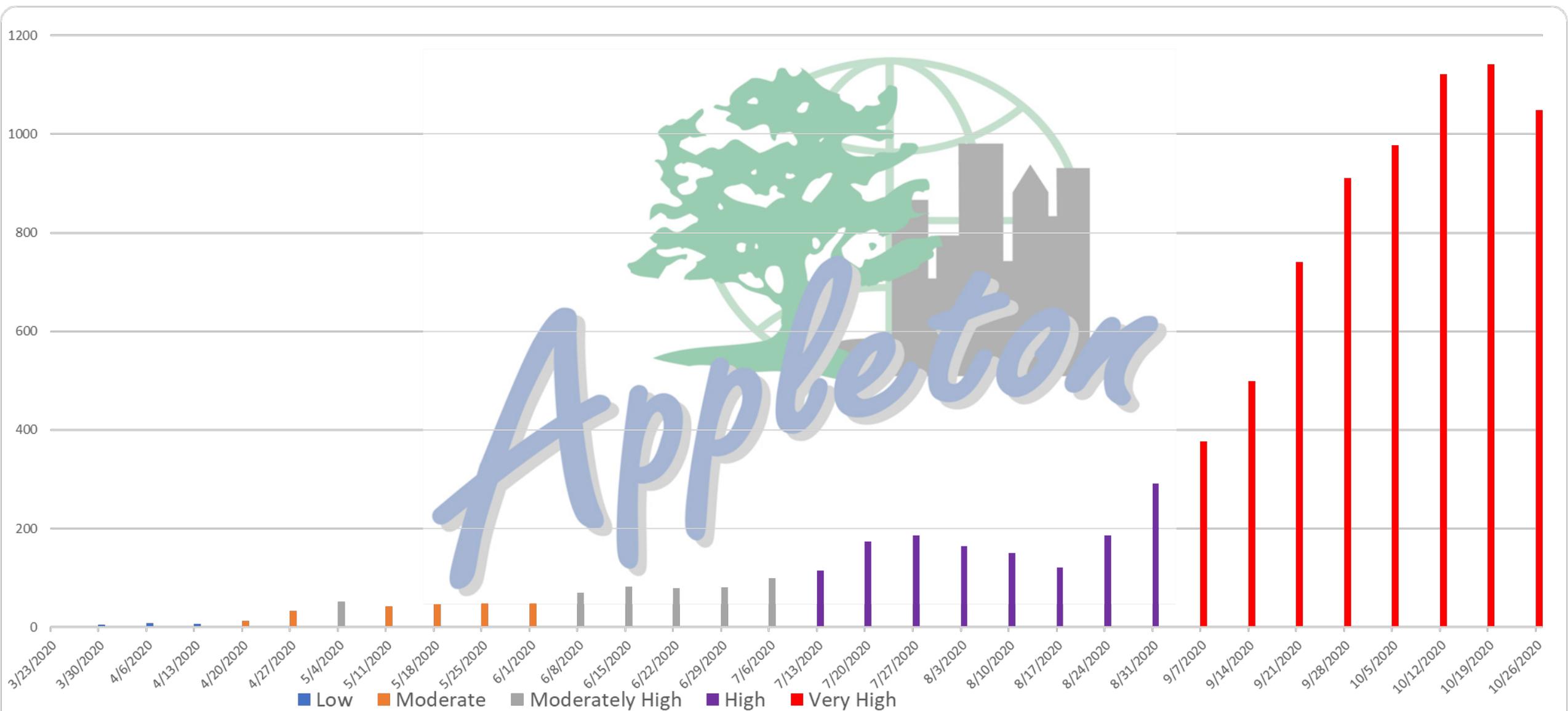
**Moderately High** greater than 50 but less than 100 per 100,000 people

**High** is greater than 100 per 100,000 people

**Very High** is greater than 350 per 100,000 people

**Table 1.** Two indicators being based on confirmed cases: Burden and Trajectory. A third indicator maps Burden and Trajectory indicators into one composite indicator.

Indicator	Definition	Classes			
Burden	Total number of cases per 100,000 in the last two weeks ( $B$ )	Low	$B \leq 10$		
		Moderate	$10 < B \leq 50$		
		Moderately High	$50 < B \leq 100$		
		High	$100 < B \leq 350$		
		Very High	$350 < B$		
Trajectory	Percent change in the last two weeks ( $T$ ), p-value from a test against $T = 0$ ( $p$ )	Shrinking	$T \leq -10\%$ and $p < 0.025$		
		Growing	$10\% \leq T$ and $p < 0.025$		
		Not changing (No Call)	Otherwise		
Case status indicator(Composite of burden and trajectory)	Summary concern based on Burden and Trajectory classifications		Shrinking	No Call	Growing
		Low	Low	Low	Medium
		Moderate	Medium	Medium	High
		Moderately High	Medium	High	High
		High	High	High	High
		Very High	Very High	Very High	Very High



**Two Week Total New COVID-19 Cases in Appleton,**  
 Rate per 100,000 Population, Risk Level Assessments per WDHS

CITY OF APPLETON

**NOTICE OF PUBLIC HEARING**

**#8-20**

**RE: Proposed Zoning Change**

The City of Appleton Common Council will conduct a Public Hearing on Wednesday, November 4, 2020, at 7:00 P.M., in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the following proposed rezoning request:

The owner, Emerald Valley Estates LLC, Robert DeBruin is requesting to rezone part of property tax id #31-1-7600-00 from AG Agricultural District to R-1B Single-family District. The R-1B district is intended to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses.

**Purpose of the Rezoning:** Facilitate the construction of the *6<sup>th</sup> Addition to Emerald Valley Subdivision* consisting of approximately 15 single-family lots located along the east and west side of Providence Avenue.

**Legal Description:** PART OF THE NORTHWEST 1/4, NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 6; THENCE SOUTH 00 DEGREES 02 MINUTES 25 SECONDS EAST, ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 1131.30 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 35 SECONDS WEST, A DISTANCE OF 676.42 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTH LINE OF THE SECOND ADDITION TO EMERALD VALLEY, A DISTANCE OF 321.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTH LINE OF THE THIRD ADDITION TO EMERALD VALLEY, A DISTANCE OF 134.60 FEET; THENCE 25.16 FEET ALONG AN ARC OF A CURVE TO THE LEFT, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF PROVIDENCE AVENUE, SAID CURVE HAVING A RADIUS OF 333.00 FEET AND A CHORD THAT BEARS NORTH 27 DEGREES 04 MINUTES 53.0 SECONDS WEST, 25.15 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF PROVIDENCE AVENUE, A DISTANCE OF 66.21 FEET; THENCE 23.86 FEET ALONG AN ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 267.00 FEET AND A CHORD THAT BEARS NORTH 30 DEGREES 47 MINUTES 18.5 SECONDS WEST, 23.85 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 171.18 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, 110.00 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 260.00 FEET; THENCE NORTH 42 DEGREES 48 MINUTES 38 SECONDS WEST, 60.83 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 320.00 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 120.00 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 145.00 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 353.00 FEET TO THE NORTHWEST CORNER OF LOT 53 OF THE FIRST ADDITION TO EMERALD VALLEY; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE WESTERLY LINE OF SAID LOT 53, A DISTANCE OF 145.00 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF AQUAMARINE AVENUE, A DISTANCE OF 25.00 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF AQUAMARINE AVENUE, A DISTANCE OF 60.00 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTHWESTERLY LINE OF LOT 99 OF THE FOURTH ADDITION TO EMERALD VALLEY, A DISTANCE OF 131.00 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE SOUTHWESTERLY LINE OF THE FOURTH ADDITION TO EMERALD VALLEY, A DISTANCE OF 800.00 FEET TO THE POINT OF BEGINNING. CONTAINING 300,775 SQUARE FEET [6.905 ACRES].

This notification invites you to appear before the Appleton Common Council and you will be given an opportunity to express your views or concerns regarding the above-described request. Please contact Don Harp, Principal Planner, in the Community and Economic Development Department at 920-832-6466 or by email at [don.harp@appleton.org](mailto:don.harp@appleton.org)

October 16, 2020

Kami Lynch  
City Clerk

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

RUN: October 20, 2020  
October 27, 2020

CITY OF APPLETON

**NOTICE OF PUBLIC HEARING**

#9-20

**RE: Proposed Zoning Change**

The City of Appleton Common Council will conduct a Public Hearing on Wednesday, November 4, 2020, at 7:00 P.M., in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the following proposed rezoning request:

The owner, Emerald Valley Estates LLC, Robert DeBruin is requesting to rezone part of property tax id #31-1-7600-00 from AG Agricultural District to R-1B Single-family District. The R-1B district is intended to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses.

**Purpose of the Rezoning:** Facilitate the construction of the 7<sup>th</sup> *Addition to Emerald Valley Subdivision* consisting of approximately 35 single-family lots located west of Providence Avenue.

**Legal Description:** PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 6; THENCE SOUTH 88 DEGREES 19 MINUTES 36 SECONDS EAST, ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 700.09 FEET; THENCE NORTH 01 DEGREES 40 MINUTES 24 SECONDS EAST, A DISTANCE OF 677.57 FEET TO THE POINT OF BEGINNING; THENCE NORTH 39 DEGREES 00 MINUTES 29 SECONDS WEST, ALONG THE NORTHERLY LINE OF CERTIFIED SURVEY MAP NO. 6311, A DISTANCE OF 507.47 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 150.33 FEET; THENCE NORTH 47 DEGREES 11 MINUTES 22 SECONDS EAST, 60.83 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 122.22 FEET; THENCE 7.78 FEET ALONG AN ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 270.00 FEET AND A CHORD THAT BEARS NORTH 32 DEGREES 31 MINUTES 20.0 SECONDS WEST, 7.78 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 669.89 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, 130.00 FEET; THENCE SOUTH 42 DEGREES 48 MINUTES 38 SECONDS EAST, 60.83 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, 260.00 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 110.00 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, 171.18 FEET; THENCE 23.86 FEET ALONG AN ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 267.00 FEET AND A CHORD THAT BEARS SOUTH 30 DEGREES 47 MINUTES 18.5 SECONDS EAST, 23.85 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTHERLY LINES OF THE THIRD ADDITION TO EMERALD VALLEY AND FIFTH ADDITION TO EMERALD VALLEY, A DISTANCE OF 949.22 FEET THE POINT OF BEGINNING. CONTAINING 552,321 SQUARE FEET [12.680 ACRES].

This notification invites you to appear before the Appleton Common Council and you will be given an

opportunity to express your views or concerns regarding the above-described request. Please contact Don Harp, Principal Planner, in the Community and Economic Development Department at 920-832-6466 or by email at [don.harp@appleton.org](mailto:don.harp@appleton.org)

October 16, 2020

Kami Lynch  
City Clerk

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

RUN: October 20, 2020  
October 27, 2020

# Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 11/01/2020 ending: 07/01/2020  
(mm dd yyyy) (mm dd yyyy)

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

County of OUTAGAMIE Aldermanic Dist. No. \_\_\_\_\_  
 (if required by ordinance)

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

Applicant's Wisconsin Seller's Permit Number ●●●●●●●●	
FEIN Number ●●●●●●	
TYPE OF LICENSE REQUESTED	FEE
<input checked="" type="checkbox"/> Class A beer	\$ 100
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input checked="" type="checkbox"/> Class A liquor	\$ 400
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ 60
<b>TOTAL FEE</b>	<b>\$ 560</b>

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)  
ALDI, INC (WISCONSIN)

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

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
YOUNGSTROM	CHARLES	ERNEST	4000 WINBERIE AVE. NAPERVILL, IL 60069
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
-	-	-	-
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
PFORTMILLER	TERRY	EDWARD	40W657 PRAIRIE CROSSING, ELGIN, IL 60124
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
PFORTMILLER	TERRY	EDWARD	40W657 PRAIRIE CROSSING, ELGIN, IL 60124
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
MEIER	JULIE	APPLETON	115 DYKSTRA DRIVE, FALL RIVER, WI 53932
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name ALDI #86 Business Phone Number \_\_\_\_\_  
 2. Address of Premises 2702 <sup>N</sup> RICHMOND <sup>St.</sup> AVE Post Office & Zip Code APPLETON 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.)  
SINGLE STORY BRICK BUILDING. ALCOHOL BEVERAGES WILL BE STORED IN THE  
BACKROOM AND SOLD ON THE SALESFLOOR. ALCOHOL SALES RECORDS WILL BE KEPT IN  
THE OFFICE AT THE STORE.

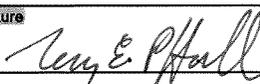
4. Legal description (omit if street address is given above): GROCERY STORE

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

(b) If yes, under what name was license issued? \_\_\_\_\_

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** .....  Yes  No  
NEW LICENSE  
 \_\_\_\_\_  
 \_\_\_\_\_
7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? .....  Yes  No  
**If yes, explain.**  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** .....  Yes  No  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
9. (a) **Corporate/limited liability company applicants only:** Insert state WI and date 02/10/98 of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** .....  Yes  No  
ALDI, 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  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
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.) PFORTMILLER, TERRY, E.	Title/Member SECRETARY/TREASURER	Date 9/2/20
Signature 	Phone Number 	Email Address 

**TO BE COMPLETED BY CLERK**

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



# City of Appleton Liquor License Questionnaire

1. Name of Applicant: ALDI, Inc. (Wisconsin)

2. Name of Business: ALDI #86

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

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

3. Address of Business: 2702 Richmond<sup>N</sup> Avenue<sup>St.</sup>, 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.

CHARLES	E.	YOUNGSTROM	●	/	●	/	●●
First name	M.I.	Last name	Date of Birth				
TERRY	E.	PFORTMILLER	●	/	●	/	●●
First name	M.I.	Last name	Date of Birth				
			/ /				
First name	M.I.	Last name	Date of Birth				
			/ /				
First name	M.I.	Last name	Date of Birth				

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

Name: \_\_\_\_\_  
First name Middle Initial Last name

Address: \_\_\_\_\_  
City State ZIP

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

Name: \_\_\_\_\_

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

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

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

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

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

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

N/A months ago.

10. Seating capacity: Inside NONE Outside NONE

11. Operating hours (Inside the building): SUNDAY - SATURDAY: 9am - 8pm

Operating hours (Outdoor seating areas): N/A

12. Employees/Staff

Number of floor personnel \_\_\_\_\_ Number of door checkers \_\_\_\_\_

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

- a. Gross floor building area of the premises to be licensed: \_\_\_\_\_ square feet.
- b. Gross outdoor seating areas of the premises to be licensed: \_\_\_\_\_ square feet.
- c. Below, identify the operational details of the proposed establishment:

---



---



---



---

*Ken E. Pfaller*

Signature

9/2/20

Date



# Wisconsin Elections Commission

212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984  
(608) 266-8005 | elections@wi.gov | elections.wi.gov

---

## 2020 WEC CARES Subgrant

### Notice of WEC CARES Subgrant Award

Wisconsin Elections Commission  
212 East Washington Avenue, 3rd Floor  
PO Box 7984; Madison, WI 53707-7984

**Subgrantee: City of Appleton, Outagamie, Calumet and Winnebago Counties**

**Subgrantee DUNS Number: 053090312**

**Date: 8/27/2020**

### City of Appleton, Outagamie, Calumet and Winnebago Counties, DUNS Number

**053090312**, has been awarded **\$44,974.40** (a \$200 base subgrant plus an additional \$1.10 per registered voter as of June 1, 2020) under the WEC CARES Subgrant, issued by the Wisconsin Elections Commission. These funds are a subgrant of the 2020 HAVA CARES Act Grant, Agreement Number WI20101CARES, CFDA Number 90.404, authorized by the U.S. Congress under Section 101 of the Help America Vote Act of 2002 (HAVA) (Public Law 107-252), provided for in the *Coronavirus Aid, Relief and Economic Security (CARES) Act (Public Law 116-136)* and issued by the U.S. Election Assistance Commission (Funding Source: EAC1651DB2020DR-2020-61000001-410001-EAC1908000000) for which the Wisconsin Elections Commission was awarded on April 6, 2020.

As a sub-recipient, your jurisdiction must adhere to all applicable federal requirements including Office of Management and Budget (OMB) guidance: Title 2 C.F.R. Subtitle A, Chapter II, Part 200-Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. § 200).

#### I. ALLOWABLE USES

**Purpose and Use of Funds.** The CARES Act makes clear that grant funds are for ADDITIONAL costs associated with the national emergency related to coronavirus and are to be spent “to prevent, prepare for, and respond to coronavirus, domestically or internationally, for the 2020 Federal election cycle.” Additional costs are those incurred outside of the jurisdiction’s budgeted costs for the 2020 federal elections or those costs that are solely incurred due to the pandemic. For the purpose of this subgrant, those allowable uses span the period **January 20, 2020 through November 30, 2020** and include the seven following categories:

1. ADDITIONAL BALLOT SUPPLIES, PRINTING, AND POSTAGE COSTS for higher levels of absentee or vote by mail processes, including printers, scanners, and envelope openers costing less than \$5000 per unit.
2. ADDITIONAL CLEANING SUPPLIES, CLEANING SERVICES AND PROTECTIVE EQUIPMENT including additional disinfectants, wipes, paper towels, deep cleaning services for polling places pre- and post-election, masks, gloves, gowns, face shields, plexiglass, thermometers

Wisconsin Elections Commissioners

Ann S. Jacobs, chair | Marge Bostelmann | Julie M. Glancey | Dean Knudson | Robert Spindell | Mark L. Thomsen

---

Administrator  
Meagan Wolfe

and other equipment for staff and poll workers' virus protection for in-person absentee voting sites, election day polling places and absentee central-count locations.

3. **ADDITIONAL STAFFING FOR PROCESSING** of higher levels of absentee ballot requests and absentee ballot tabulation, as expanded hours, overtime, Hazard Pay and associated benefits costs for election staff and poll workers or unbudgeted temporary election staff or poll workers and for additional staffing for cleaning polling locations and creating other protective measures.
4. **ADDITIONAL MAILINGS FOR PUBLIC COMMUNICATION** of changes in registration, absentee ballot request options, or voting procedures, including information on coronavirus precautions being implemented during the voting process.
5. **ADDITIONAL ABSENTEE DROP-BOXES**, installation, and security.
6. **ADDITIONAL SPACE LEASING** for new polling places when existing sites are closed or relocated due to the pandemic.
7. **ACQUISITION OF ADDITIONAL EQUIPMENT** necessary to process the higher volume of absentee ballots. This includes new automated letter opening equipment, paper folding machines, high speed or central count tabulators, and mobile IT equipment. (This "Equipment" category defined as costing equal or greater than \$5000 per unit. Equipment costs less than \$5000 should instead be reported under the applicable category above, most likely Additional Ballot Supplies. Additional reporting and documentation are required for allowable equipment purchases as outlined in the below referenced CFR sections.)

Per the Code of Federal Regulations, Title 2 (2 CFR) §200.33:

"Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000. See also §§200.12 Capital assets, 200.20 Computing devices, 200.48 General purpose equipment, 200.58 Information technology systems, 200.89 Special purpose equipment, and 200.94 Supplies."

## II. DOCUMENTATION, AUDIT, AND REPORTING

**DOCUMENTATION:** The receiving jurisdiction must maintain all documentation of purchases made using subgrant funds provided by this subgrant until December 31, 2024. Documentation includes receipts, invoices, payroll reports, etc. and notations to document that claimed expenditures are due to the pandemic.

A standard inventory list of all items purchased using subgrant funds must be created and maintained by the jurisdiction for purposes of any state or federal audit. Such original purchasing documentation and inventory lists shall be retained by the receiving jurisdiction until the WEC authorizes destruction of said records.

**AUDIT:** All subgrant funds are subject to audit by the Commission and/or the federal government to ensure funds have been spent appropriately and in accordance with all applicable state and federal laws.

Pursuant to Wis. Stat. § 5.05(11), if the federal government objects to the use of any funds provided to a municipality under the subgrant, the municipality shall repay the amount of the subgrant to the Commission.

**REPORTING:** September 15, 2020 and December 1, 2020. A Check-In is due September 15, 2020 that covers the period of January 20, 2020 – September 1, 2020. The final report is due December 1, 2020, covering January 20, 2020 – November 30, 2020. By those two deadlines, all receiving jurisdictions must complete and submit to the Commission the WEC CARES Subgrant Expenditures Reporting template for the corresponding period reporting the total pandemic-related election expenditures claimed in the seven categories listed below and detailed above:

1. **Ballots/Ballot Supplies/Printing/Postage**
2. **Cleaning Supplies & Services / Protective Equipment**
3. **Additional Staffing**
4. **Public Communications**
5. **Absentee Ballot Drop-Boxes**
6. **Additional Leasing**
7. **Equipment**

### III. TIMELINES

- **EXPENDITURE PERIOD:** January 20, 2020 – November 30, 2020. Allowable expenses must have been incurred between January 20, 2020 through November 30, 2020. All bills/invoices do NOT have to be paid by November 30, 2020, but the expenses need to be incurred by that date to qualify under the subgrant.
- **SUBGRANT AGREEMENT RETURN DEADLINE:** September 1, 2020. The Commission will expedite the disbursement of funds as the agreements are received. Commission staff will award subgrants as a \$200 base subgrant plus an additional \$1.10 per registered voter as of June 1, 2020. Subgrant allocation is within the sole discretion of the Commission staff administering the subgrant program. Subgrant funds may be received through electronic transfer to a jurisdiction's shared revenues account (if available) or a physical check may be sent to a jurisdiction's shared revenues location. For questions related to the processing of subgrant checks, please contact the Commission's financial team via the WEC Help Desk at (608) 261-2028 or [elections.finance@wi.gov](mailto:elections.finance@wi.gov)
- **PANDEMIC EXPENDITURE REPORTING DEADLINES:** Check-In September 15, 2020 and Final Report December 1, 2020. The jurisdiction's final report of all sufficiently documented pandemic expenditures in the seven categories listed in Section II of this agreement, is due December 1, 2020. This deadline allows the Commission's financial staff to meet its federal grant reporting deadlines, therefore it is important for jurisdictions to file the final expenditure report on time. The Commission will provide to participating jurisdictions a template report, and the jurisdiction will fill in the seven total expenditure amounts for the seven categories in Section II of this agreement. This is an important deadline. If a report is not received by December 1, 2020, the jurisdiction may be required to return all subgrant funds received. The same report is to be used for the September 15, 2020 Check-In but covering the period of January 20, 2020 – September 1, 2020.
- **RETURN OF UNUSED FUNDS:** December 15, 2020. Jurisdictions must return any unused subgrant funds by December 15, 2020. Also, if a jurisdiction fails to submit a Pandemic Expenditure Report by December 1, 2020, the jurisdiction may be required to return all subgrant funds received.

### IV. CERTIFICATIONS

In your signed WEC CARES Agreement, you certified the following:

- As the receiving jurisdiction, we certify that we will solely use the WEC CARES Subgrant funds for costs incurred due to the pandemic affecting the 2020 federal elections.
- As the receiving jurisdiction, we certify that we do or will have the necessary processes and systems in place to comply with the reporting requirements.

- As the receiving jurisdiction, we will maintain all documentation of purchases made using subgrant funds provided in this subgrant until December 31, 2024.
- As the receiving jurisdiction, we will return any unused funds by December 15, 2020.
- As the receiving jurisdiction, by September 15, 2020 and December 1, 2020 we will submit to the Commission a simple report of the total expenditures in the seven categories detailed above: 1. Ballots/Ballot Supplies/Printing/Postage, 2. Cleaning/PPE, 3. Staffing, 4. Public Communications, 5. Absentee Ballot Drop-Boxes, 6. Space Leasing/Polling Place Relocation, and 7. Equipment.
- As the receiving jurisdiction, we further certify that we will follow all state and federal laws, including adherence to all applicable federal requirements including Office of Management and Budget (OMB) guidance: Title 2 C.F.R. Subtitle A, Chapter II, Part 200-Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. § 200) found here: (<https://www.govinfo.gov/app/collection/cfr/2019/>)

## **Julia Billingham, MAcc**

Senior Accountant

WI Elections Commission

212 East Washington Avenue, 3rd Floor

PO Box 7984; Madison, WI 53707-7984

Direct: 608.266.2094; General WEC: 608.266.8005

[julia.billingham@wisconsin.gov](mailto:julia.billingham@wisconsin.gov)

<http://elections.wi.gov>





CENTER FOR  
TECH AND  
CIVIC LIFE

October 12, 2020

Appleton City, Wisconsin

City Clerk

100 N. Appleton Street

Appleton, WI 54911

Dear Kami Lynch,

I am pleased to inform you that based on and in reliance upon the information and materials provided by Appleton City, and the special circumstances Appleton City faces administering elections in 2020, the Center for Tech and Civic Life (“CTCL”), a nonprofit organization tax-exempt under Internal Revenue Code (“IRC”) section 501(c)(3), has decided to award a grant to support the work of Appleton City (“Grantee”).

The following is a description of the grant:

**AMOUNT OF GRANT:** \$ 18,330.00 USD

**PURPOSE:** The grant funds must be used exclusively for the public purpose of planning and operationalizing safe and secure election administration in Appleton City in 2020 (“Purpose”).

Before CTCL transmits these funds to Grantee, CTCL requires that Grantee review and sign this agreement (“Grant Agreement”) and agree to use the grant funds in compliance with the Grant Agreement and with United States tax laws and the laws and regulations of your state and jurisdiction (“Applicable Laws”). Specifically, by signing this letter Grantee certifies and agrees to the following:

1. Grantee is a local government unit or political subdivision within the meaning of IRC section 170(c)(1).
2. This grant shall be used only for the Purpose described above, and for no other purposes.
3. Due to special circumstances Grantee faces administering elections in 2020, Grantee has produced a plan for safe and secure election administration in 2020, including an assessment of election administration needs and budget estimates for such assessment (“Safe Voting Plan”). The Safe Voting Plan is attached to this agreement. Grantee shall expend the total amount of grant funds listed in the Safe Voting Plan as detailed in the Safe Voting Plan, but may reallocate funds between budget items listed in the Safe Voting Plan or to any other permissible public purpose listed in the online grant application with notice by electronic mail to CTCL. Such reallocation does not require the permission of CTCL.
4. Grantee shall not use any part of this grant to make a grant to another organization, except in the case where the organization is a local government unit or political subdivision within the meaning of IRC section 170(c)(1) or a nonprofit organization tax-exempt under IRC section 501(c)(3), and the subgrant is intended to accomplish the Purpose of this grant. Grantee shall take reasonable steps to ensure that any such subgrant is used in a manner consistent with the terms and conditions of this Grant Agreement, including requiring that subgrantee agrees in writing to comply with the terms and conditions of this Grant Agreement.
5. The grant project period of June 15, 2020 through December 31, 2020 represents the dates between which covered costs may be applied to the grant. The Grantee shall expend the amount of this grant for the Purpose by December 31, 2020.
6. Grantee is authorized to receive this grant from CTCL and certifies that (a) the receipt of these grant funds does not violate any Applicable Laws, and (b) Grantee has taken all required, reasonable and necessary steps to receive, accept and expend the grant in accordance with the Purpose and Applicable Law.
7. The Grantee shall produce a brief report explaining and documenting how grant funds have been expended in support of the activities described in paragraph 3. This report shall be sent to CTCL no later than January 31, 2021 in a format approved by CTCL and



shall include with the report a signed certification by Grantee that it has complied with all terms and conditions of this Grant Agreement.

8. This grant may not supplant previously appropriated funds. The Grantee shall not reduce the budget of the Municipal Clerk (“the Election Department”) or fail to appropriate or provide previously budgeted funds to the Election Department for the term of this grant. Any amount supplanted, reduced or not provided in contravention of this paragraph shall be repaid to CTCL up to the total amount of this grant.
9. CTCL may discontinue, modify, withhold part of, or ask for the return all or part of the grant funds if it determines, in its sole judgment, that (a) any of the above terms and conditions of this grant have not been met, or (b) CTCL is required to do so to comply with applicable laws or regulations.
10. The grant project period of June 15, 2020 through December 31, 2020 represents the dates between which covered costs for the Purpose may be applied to the grant.

Your acceptance of and agreement to these terms and conditions and this Grant Agreement is indicated by your signature below on behalf of Grantee. Please have an authorized representative of Grantee sign below, and return a scanned copy of this letter to us by email at [grants@techandcivicliflife.org](mailto:grants@techandcivicliflife.org).

On behalf of CTCL, I extend my best wishes in your work.

Sincerely,



Tiana Epps Johnson

Executive Director

Center for Tech and Civic Life



GRANTEE

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



# City of Appleton Safe Voting Plan

## Overview

The City of Appleton faces significant challenges in executing the November 3, 2020 general election.

Specifically, the City of Appleton faced inadequate staffing to keep up with absentee ballot requests, difficulty processing absentees at the polling places in August due to extra time taken to feed absentee ballots into tabulators, the exhaustion of the postage budget for the mailing of record numbers of absentee ballots.

For the general election, the number of **total registered voters is expected to be exceed, 43,500** with ballots split between the two modes of voting. This document offers an assessment of resources needed for the City of Appleton to safely and thoroughly prepare for the general election.

**A preliminary budget overview estimate on top of what is already available to the City is as follows:**

Absentee Ballot Processing Equipment- 2 more units	\$12,330
Additional Poll Workers to assist with Pre-election tasks	\$1,000
In-person Voting Help	\$4,000
Absentee Envelopes & Supplies	\$1,000
<b>Total</b>	<b>\$18,330</b>

## Needs Assessment & Costs

The following sections outline initial details of the operation and costs associated with each of the aforementioned categories.

### Absentee Ballot Processing Equipment

For the November elections, we anticipate absentee-by-mail turnout to be somewhere around 65% of registered voters. Adequate supplies and equipment critical to efficiently and

accurately managing and processing absentee ballots on Election Day. To that end, the following is needed:

- **Processing Equipment:** To process absentee by mail ballot, we request two additional DS200 tabulators to be able to deploy these at 2 of our polling places with substantial absentee ballots. This will allow absentee ballots to be fed into one tabulator, while having one tabulator just designated to in-person voters.

	<u>Total cost</u>	<u>Units</u>	<u>Unit costs</u>
<b>DS200 Tabulator</b>	\$11,500	#2	\$5,750
<b>DS200 Modem (Results)</b>	\$600	#2	\$300
<b>Equipment Shipping</b>	\$230		
<b>Total</b>	<b>\$12,330</b>		

### Additional Workers for Pre-Election Tasks & In-person Absentee Voting

The City of Appleton has already mailed out over 17,000 absentee ballots and requests continue to increase. To return and sort these ballots, as well as keep up with new requests, the City will be bringing in poll workers to help with these tasks.

These workers may work any where from 8 hours a week to 40 hours per week, at rates from \$8.75 per hour to \$11.57 per hour.

Additional poll workers will also be necessary to safely and efficiently administer in-person absentee voting at City Hall during the 14 days preceding the election. In-person absentee voting will occur for at least 8 hours a day for 9 days and we would plan to utilize at least 5 individuals a day to administer this.

### Absentee Envelopes & Supplies

The City of Appleton has ordered many supplies related to absentee ballots such as envelopes and stickers to use old envelopes with the recent residency requirement change. Additional stickers will be necessary and supplies to open and count these absentee ballots, such as letter openers and sorting trays will be necessary for Election Day.

### Conclusion

The investments outlined above will allow the City of Appleton to reduce the risk of exposure to coronavirus for voters, election staff and poll workers; identify best practices; innovate to efficiently and effectively educate our residents about how to exercise their right to vote; be intentional and strategic in reaching our historically disenfranchised residents and

communities; and, above all, ensure the right to vote in a diversity of communities throughout the county. Thank you for the opportunity to submit this request.



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Hearing Meeting Date:** October 13, 2020

**Common Council Public Hearing Meeting Date:** November 4, 2020  
(Public Hearing on Rezoning)

**Item:** Rezoning #8-20 – Sixth Addition to Emerald Valley

**Case Manager:** Don Harp

### GENERAL INFORMATION

**Owner/Applicant:** Robert DeBruin, Emerald Valley Estates, LLC – owner/applicant

**Parcel #:** Part of 31-1-7600-00

**Petitioner's Request:** The owner/applicant is requesting a zoning change of 6.905 acres of land from AG Agricultural District to R-1B Single-Family District to construct the sixth addition to the Emerald Valley subdivision. This phase consists of 15 lots.

### BACKGROUND

The subject property was annexed to the City in 2004 as part of the French Road Annexation, and a zoning classification of AG Agricultural District was assigned at that time. In 2005, a preliminary plat had been submitted for the overall property, which called for the creation of a total of 252 residential lots.

The Preliminary Plat for the Sixth and Seven Addition to Emerald Valley was submitted to the City on September 29, 2020. The Preliminary Plat is currently under review and it is anticipated to be placed on the October 27, 2020 Plan Commission Agenda for action.

### STAFF ANALYSIS

**Proposed Zoning Classification:** The purpose of the R-1B Single-Family District is to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium-sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses.

**Existing Conditions:** The portion of the lot to be rezoned is currently undeveloped and zoned AG Agricultural District.

**Zoning Ordinance Review Criteria:** Lot development standards (Section 23-93 – R-1B Single-Family District) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
  - *The proposed lots shown on the preliminary plat satisfy this standard.*

- Minimum lot width: Fifty (50) feet.
  - *The proposed lots shown on the preliminary plat satisfy this standard.*

**Surrounding Zoning and Land Uses:**

North: AG Agricultural District – undeveloped land  
South: R-1B Single-Family District – residential uses  
East: R-1B Single-Family District – residential uses  
West: Proposed R-1B Single-Family District – residential uses

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton 2010-2030 Comprehensive Plan Map identifies this parcel for future Single-Family/Two-Family residential land uses.

*Overall Community Goals*

**Goal 1 – Community Growth (Chapter 10)**

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

**Findings:** The proposed single-family zoning classification supports this goal. The proposed zoning classification will allow the construction of residential housing units on the subject site after the platting process has been completed.

**Goal 3 – Housing Quality, Variety, and Affordability (Chapter 5)**

*Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.*

**Findings:** The proposed single-family zoning classification supports this goal. The proposed zoning classification will allow the construction of residential housing units on subject site after the platting process has been completed. Maintaining an adequate supply of housing units will help to address affordability for Appleton residents and ensures an adequate supply of housing styles to all income levels.

**5.1 OBJECTIVE:** *Continue efforts to ensure an adequate supply of housing affordable to all income levels in the community.*

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

**Findings:** The request is consistent with these objectives because the single-family zoning classification will allow the subject site to be developed with residential housing units. Maintaining an adequate supply of housing units will help to address affordability for Appleton residents and ensures an adequate supply of housing styles to all income levels. The proposal is compatible with the existing single-family dwellings development on adjacent properties.

*6.3 OBJECTIVE: Create an environment that is safe and conducive to walking and bicycling throughout the entire city.*

*6.3.2 Maintain existing sidewalks and implement plans to install new sidewalks in targeted areas where they do not exist. Continue the City's policies to require sidewalks in new neighborhoods.*

*6.3.5 Continue to implement the City's On-Street Bike Lane Plan and the Sidewalk Installation Policy as approved by the Common Council to ensure multi-modal transportation opportunities.*

**Findings:** The proposed development will be a continuation of the lot-block pattern and straight street patterns previously established by the earlier phases of Emerald Valley Subdivision. As new homes are built, new sidewalk segments will be installed in this area of the City. Once all sidewalk segments are connected together, opportunities for walking to services, schools, and parks and transit will exist in the area of the City. These objectives and policies appear to be met.

*7.1 OBJECTIVE: Provide a pattern of development that minimizes impacts to municipal services and utilities.*

*7.1.1 Prioritize development and redevelopment that minimizes the need for additional public and private infrastructure such as water storage facilities and sewage lift stations.*

**Findings:** The anticipated development is consistent with this objective and policy, as adequate public infrastructure exists in this area of the City.

*9.5 OBJECTIVE: Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.*

*10.4.1 Continue to guide residential growth to locations either contiguous to or within presently urbanized areas. As peripheral development occurs, it should be at a compact, urban density to ensure new neighborhoods can be efficiently served by public infrastructure.*

**Findings:** The proposed development will be contiguous to an existing residential area which can be efficiently served by connecting to existing public infrastructure located in this area of the City.

**Standards for Zoning Map Amendments:** Per Section 23-65(d)(3) of the Municipal Code, all recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals, and policies of the City and with the intent of the Zoning Ordinance. It would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

Related excerpts are listed below.

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
  1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030 objectives and policies stated above.*
  2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map is inadequate to meet the demands for such development.
  3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
  4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
  1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning.*
  2. The effect of the proposed rezoning on surrounding uses. *Single-family uses are already present to the north, east and south of the subject site. The rezoning request is being made to accommodate the 6<sup>th</sup> addition of this residential subdivision which will expand this residential neighborhood. Therefore, the proposed rezoning request is unlikely to create adverse impacts on the surrounding uses.*

**Technical Review Group Report (TRG):** This item appeared on the September 22, 2020 TRG Agenda. No negative comments were received from participating departments.

**RECOMMENDATION**

---

Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #8-20 to rezone the subject property from AG Agricultural District to R-1B Single-Family District as shown on the attached maps, **BE APPROVED**.

## REZONING LEGAL DESCRIPTION CURRENTLY ZONED AG TO BE REZONED TO R1-B

PART OF THE NORTHWEST 1/4, NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 6; THENCE SOUTH 00 DEGREES 02 MINUTES 25 SECONDS EAST, ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 1131.30 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 35 SECONDS WEST, A DISTANCE OF 676.42 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTH LINE OF THE SECOND ADDITION TO EMERALD VALLEY, A DISTANCE OF 321.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTH LINE OF THE THIRD ADDITION TO EMERALD VALLEY, A DISTANCE OF 134.60 FEET; THENCE 25.16 FEET ALONG AN ARC OF A CURVE TO THE LEFT, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF PROVIDENCE AVENUE, SAID CURVE HAVING A RADIUS OF 333.00 FEET AND A CHORD THAT BEARS NORTH 27 DEGREES 04 MINUTES 53.0 SECONDS WEST, 25.15 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF PROVIDENCE AVENUE, A DISTANCE OF 66.21 FEET; THENCE 23.86 FEET ALONG AN ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 267.00 FEET AND A CHORD THAT BEARS NORTH 30 DEGREES 47 MINUTES 18.5 SECONDS WEST, 23.85 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 171.18 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, 110.00 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 260.00 FEET; THENCE NORTH 42 DEGREES 48 MINUTES 38 SECONDS WEST, 60.83 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 320.00 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 120.00 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 145.00 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 353.00 FEET TO THE NORTHWEST CORNER OF LOT 53 OF THE FIRST ADDITION TO EMERALD VALLEY; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE WESTERLY LINE OF SAID LOT 53, A DISTANCE OF 145.00 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF AQUAMARINE AVENUE, A DISTANCE OF 25.00 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF AQUAMARINE AVENUE, A DISTANCE OF 60.00 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTHWESTERLY LINE OF LOT 99 OF THE FOURTH ADDITION TO EMERALD VALLEY, A DISTANCE OF 131.00 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE SOUTHWESTERLY LINE OF THE FOURTH ADDITION TO EMERALD VALLEY, A DISTANCE OF 800.00 FEET TO THE POINT OF BEGINNING. CONTAINING 300,775 SQUARE FEET [6.905 ACRES].

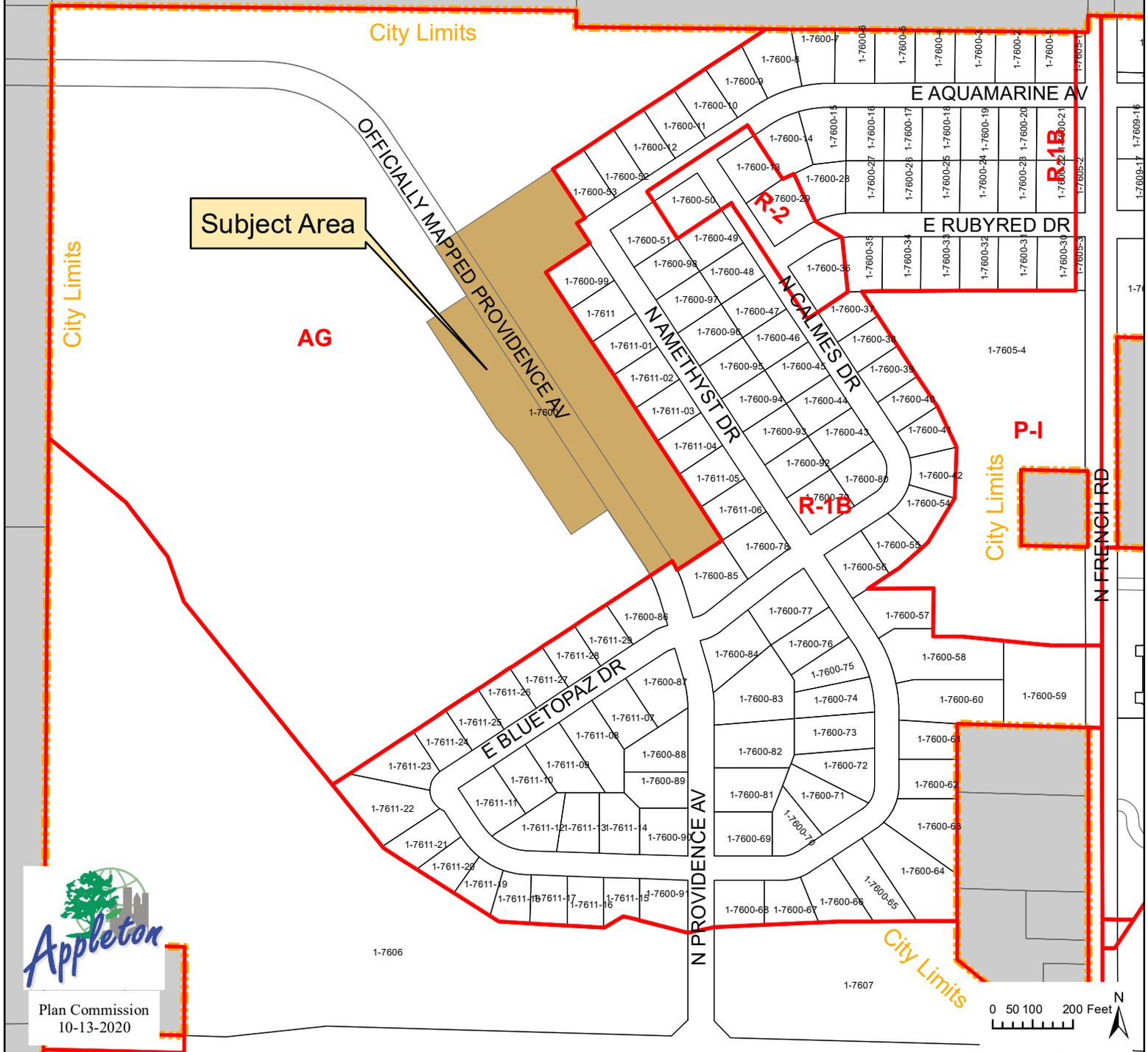
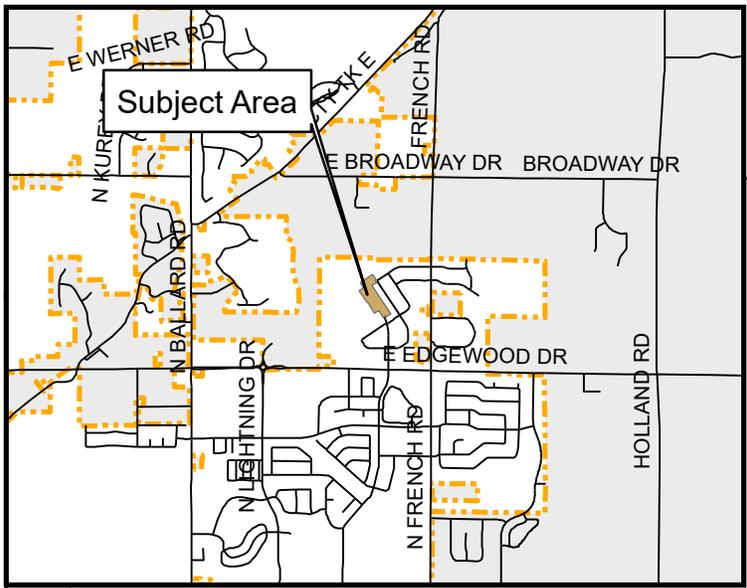
PROJECT NO. 1-0534-010

DATE: September 8, 2020

FILE: Q:\1-0534-010 6th Add to Emerald Valley Estates\Rezoning\Rezoning LegalDesc.doc

A.Sedlar

Rezoning  
6th Addition to Emerald Valley  
AG Agricultural District to  
R-1B Single-family District  
Zoning Map



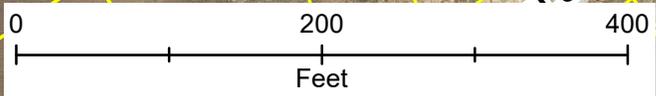
Rezoning  
6th Addition to Emerald Valley  
AG Agricultural District to  
R-1B Single-family District  
Aerial Map

Subject Area

OFFICIALLY MAPPED PROVIDENCE AV



City Plan Commission  
10-13-2020



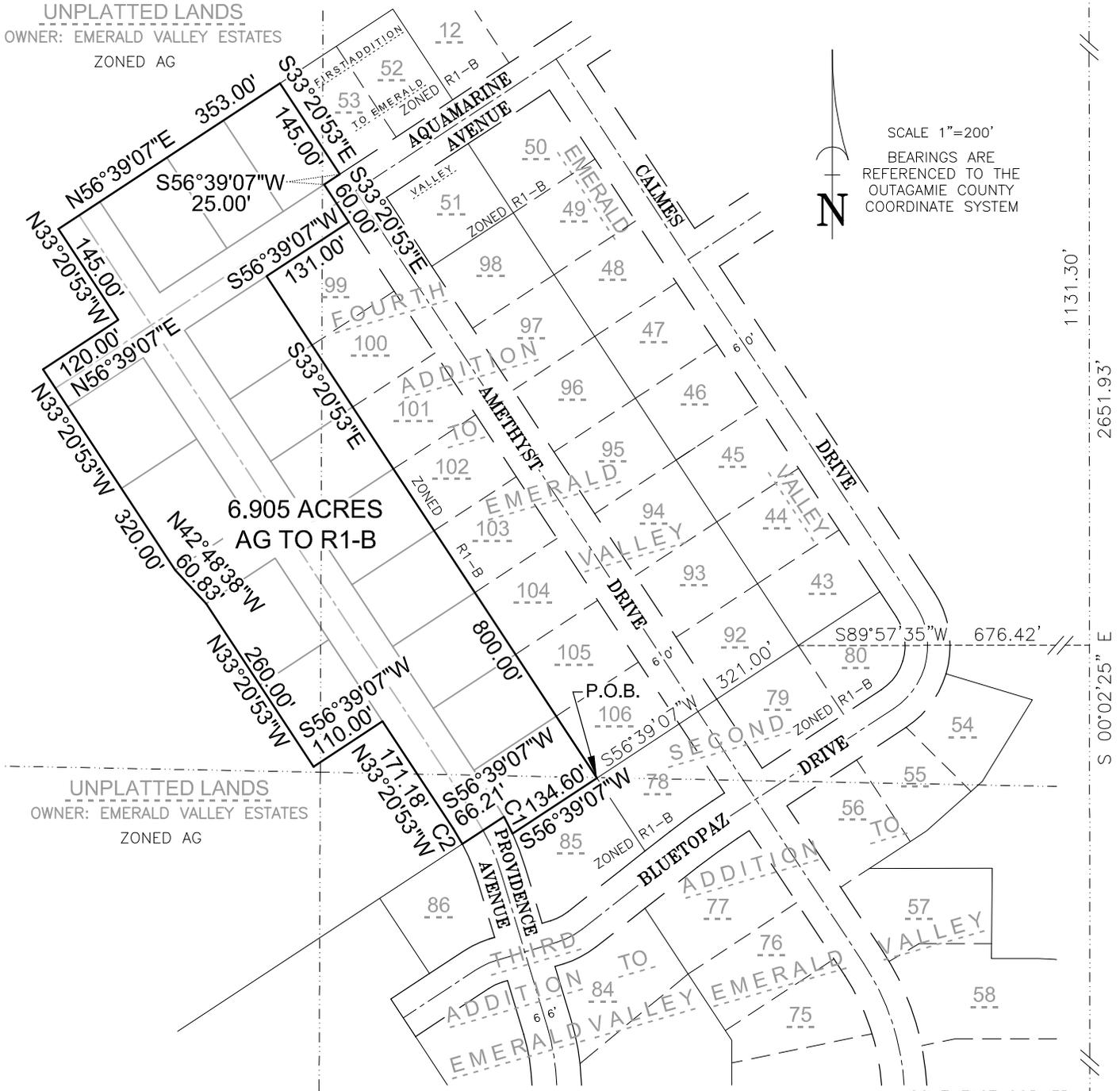
# REZONING REFERENCE MAP

PART OF THE NORTHWEST 1/4, NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

EAST 1/4 CORNER  
SECTION 6  
T21N, R18E

UNPLATTED LANDS  
OWNER: EMERALD VALLEY ESTATES  
ZONED AG

SCALE 1"=200'  
BEARINGS ARE REFERENCED TO THE OUTAGAMIE COUNTY COORDINATE SYSTEM



**CURVE TABLE**

CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD	TANGENT IN	TANGENT OUT
1	333.00'	004°19'42"	25.16'	N 27°04'53.0" W	25.15'	N 24°55'02" W	N 29°14'44" W
2	267.00'	005°07'09"	23.86'	N 30°47'18.5" W	23.85'	N 28°13'44" W	N 33°20'53" W

**Martenson & Eisele, Inc.**



1377 Midway Road  
Menasha, WI 54952  
www.martenson-eisele.com  
info@martenson-eisele.com  
920.731.0381 1.800.236.0381

Planning  
Environmental  
Surveying  
Engineering  
Architecture

PROJECT NO. 1-0534-010  
FILE 1-0534-010zone.dwg  
THIS INSTRUMENT WAS DRAFTED BY: A.Sedlar



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Hearing Meeting Date:** October 13, 2020

**Common Council Public Hearing Meeting Date:** November 4, 2020  
(Public Hearing on Rezoning)

**Item:** Rezoning #9-20 – Seventh Addition to Emerald Valley

**Case Manager:** Don Harp

### GENERAL INFORMATION

**Owner/Applicant:** Robert DeBruin, Emerald Valley Estates, LLC – owner/applicant

**Parcel #:** Part of 31-1-7600-00

**Petitioner's Request:** The owner/applicant is requesting a zoning change of 12.68 acres of land from AG Agricultural District to R-1B Single-Family District to construct the seventh addition to the Emerald Valley subdivision. This phase consists of 35 lots.

### BACKGROUND

The subject property was annexed to the City in 2004 as part of the French Road Annexation, and a zoning classification of AG Agricultural District was assigned at that time. In 2005, a preliminary plat had been submitted for the overall property, which called for the creation of a total of 252 residential lots.

The Preliminary Plat for the Sixth and Seven Addition to Emerald Valley was submitted to the City on September 29, 2020. The Preliminary Plat is currently under review and it is anticipated to be placed on the October 27, 2020 Plan Commission Agenda for action.

### STAFF ANALYSIS

**Proposed Zoning Classification:** The purpose of the R-1B Single-Family District is to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium-sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses.

**Existing Conditions:** The portion of the lot to be rezoned is currently undeveloped and zoned AG Agricultural District.

**Zoning Ordinance Review Criteria:** Lot development standards (Section 23-93 – R-1B Single-Family District) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
  - *The proposed lots shown on the preliminary plat satisfy this standard.*

- Minimum lot width: Fifty (50) feet.
  - *The proposed lots shown on the preliminary plat satisfy this standard.*

**Surrounding Zoning and Land Uses:**

North: AG Agricultural District – undeveloped land  
South: R-1B Single-Family District – residential uses  
East: Proposed R-1B Single-Family District – residential uses  
West: P-I Public Institutional District – City drainage corridor

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton 2010-2030 Comprehensive Plan Map identifies this parcel for future Single-Family/Two-Family residential land uses.

*Overall Community Goals*

**Goal 1 – Community Growth (Chapter 10)**

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

**Findings:** The proposed single-family zoning classification supports this goal. The proposed zoning classification will allow the construction of residential housing units on the subject site after the platting process has been completed.

**Goal 3 – Housing Quality, Variety, and Affordability (Chapter 5)**

*Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.*

**Findings:** The proposed single-family zoning classification supports this goal. The proposed zoning classification will allow the construction of residential housing units on subject site after the platting process has been completed. Maintaining an adequate supply of housing units will help to address affordability for Appleton residents and ensures an adequate supply of housing styles to all income levels.

**5.1 OBJECTIVE:** *Continue efforts to ensure an adequate supply of housing affordable to all income levels in the community.*

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

**Findings:** The request is consistent with these objectives because the single-family zoning classification will allow the subject site to be developed with residential housing units. Maintaining an adequate supply of housing units will help to address affordability for Appleton residents and ensures an adequate supply of housing styles to all income levels. The proposal is compatible with the existing single-family dwellings development on adjacent properties.

*6.3 OBJECTIVE: Create an environment that is safe and conducive to walking and bicycling throughout the entire city.*

*6.3.2 Maintain existing sidewalks and implement plans to install new sidewalks in targeted areas where they do not exist. Continue the City's policies to require sidewalks in new neighborhoods.*

*6.3.5 Continue to implement the City's On-Street Bike Lane Plan and the Sidewalk Installation Policy as approved by the Common Council to ensure multi-modal transportation opportunities.*

**Findings:** The proposed development will be a continuation of the lot-block pattern and straight street patterns previously established by the earlier phases of Emerald Valley Subdivision. As new homes are built, new sidewalk segments will be installed in this area of the City. Once all sidewalk segments are connected together, opportunities for walking to services, schools, and parks and transit will exist in the area of the City. These objectives and policies appear to be met.

*7.1 OBJECTIVE: Provide a pattern of development that minimizes impacts to municipal services and utilities.*

*7.1.1 Prioritize development and redevelopment that minimizes the need for additional public and private infrastructure such as water storage facilities and sewage lift stations.*

**Findings:** The anticipated development is consistent with this objective and policy, as adequate public infrastructure exists in this area of the City.

*9.5 OBJECTIVE: Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.*

*10.4.1 Continue to guide residential growth to locations either contiguous to or within presently urbanized areas. As peripheral development occurs, it should be at a compact, urban density to ensure new neighborhoods can be efficiently served by public infrastructure.*

**Findings:** The proposed development will be contiguous to an existing residential area which can be efficiently served by connecting to existing public infrastructure located in this area of the City.

**Standards for Zoning Map Amendments:** Per Section 23-65(d)(3) of the Municipal Code, all recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals, and policies of the City and with the intent of the Zoning Ordinance. It would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

Related excerpts are listed below.

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
  1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030 objectives and policies stated above.*
  2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map is inadequate to meet the demands for such development.
  3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
  4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
  1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning.*
  2. The effect of the proposed rezoning on surrounding uses. *Single-family uses are already present to the south and proposed to the east of the subject site. The rezoning request is being made to accommodate the 7<sup>th</sup> addition of this residential subdivision which will expand this residential neighborhood. Therefore, the proposed rezoning request is unlikely to create adverse impacts on the surrounding uses.*

**Technical Review Group Report (TRG):** This item appeared on the September 22, 2020 TRG Agenda. No negative comments were received from participating departments.

**RECOMMENDATION**

---

Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #9-20 to rezone the subject property from AG Agricultural District to R-1B Single-Family District as shown on the attached maps, **BE APPROVED**.

## REZONING LEGAL DESCRIPTION CURRENTLY ZONED AG TO BE REZONED TO R1-B

PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 6; THENCE SOUTH 88 DEGREES 19 MINUTES 36 SECONDS EAST, ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 700.09 FEET; THENCE NORTH 01 DEGREES 40 MINUTES 24 SECONDS EAST, A DISTANCE OF 677.57 FEET TO THE POINT OF BEGINNING; THENCE NORTH 39 DEGREES 00 MINUTES 29 SECONDS WEST, ALONG THE NORTHERLY LINE OF CERTIFIED SURVEY MAP NO. 6311, A DISTANCE OF 507.47 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 150.33 FEET; THENCE NORTH 47 DEGREES 11 MINUTES 22 SECONDS EAST, 60.83 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 122.22 FEET; THENCE 7.78 FEET ALONG AN ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 270.00 FEET AND A CHORD THAT BEARS NORTH 32 DEGREES 31 MINUTES 20.0 SECONDS WEST, 7.78 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 669.89 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, 130.00 FEET; THENCE SOUTH 42 DEGREES 48 MINUTES 38 SECONDS EAST, 60.83 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, 260.00 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 110.00 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, 171.18 FEET; THENCE 23.86 FEET ALONG AN ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 267.00 FEET AND A CHORD THAT BEARS SOUTH 30 DEGREES 47 MINUTES 18.5 SECONDS EAST, 23.85 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTHERLY LINES OF THE THIRD ADDITION TO EMERALD VALLEY AND FIFTH ADDITION TO EMERALD VALLEY, A DISTANCE OF 949.22 FEET THE POINT OF BEGINNING. CONTAINING 552,321 SQUARE FEET [12.680 ACRES].

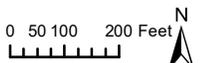
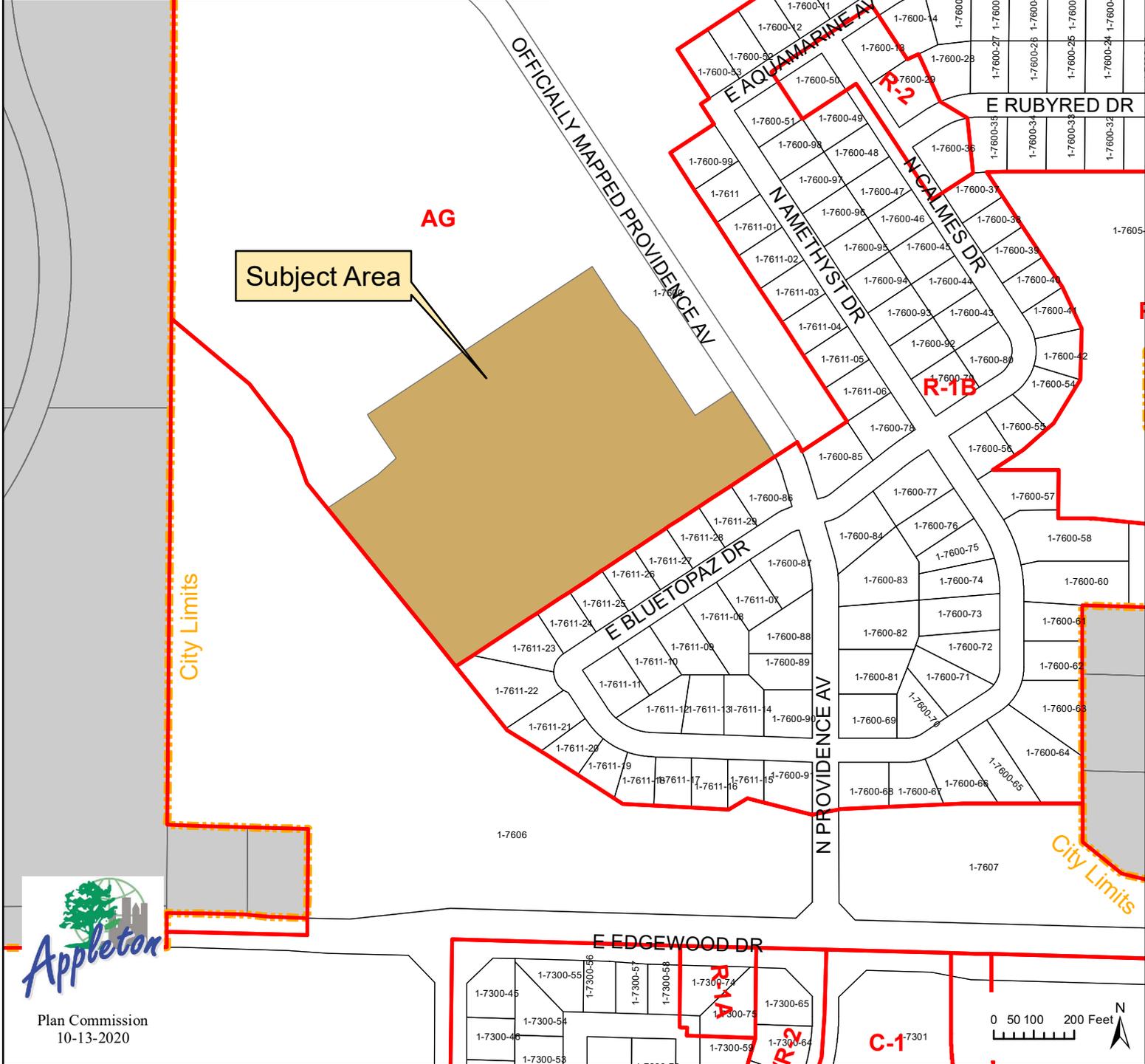
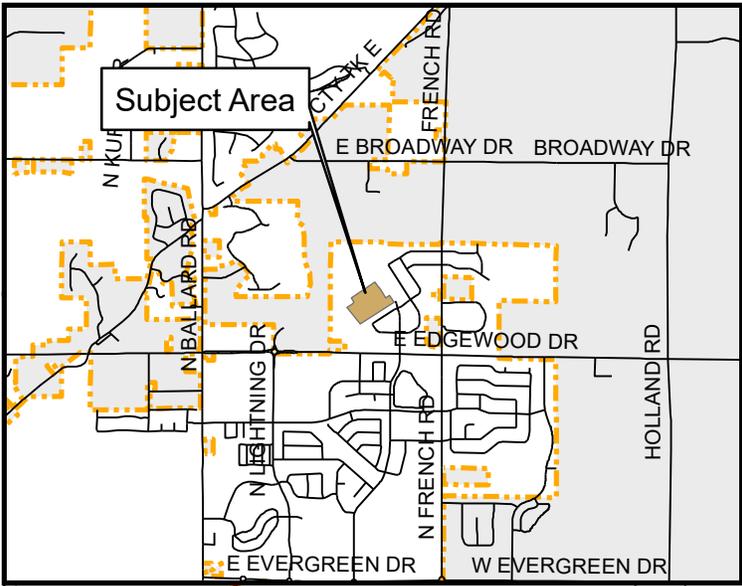
PROJECT NO. 1-0534-010

DATE: September 8, 2020

FILE: Q:\1-0534-010 6th Add to Emerald Valley Estates\Rezoning\Seventh Addition\Rezoning LegalDesc.doc

A.Sedlar

# Rezoning 7th Addition to Emerald Valley AG Agricultural District to R-1B Single-family District Zoning Map



Rezoning  
7th Addition to Emerald Valley  
AG Agricultural District to  
R-1B Single-family District  
Aerial Map

Subject Area

OFFICIALLY MAPPED PROVIDENCE AV

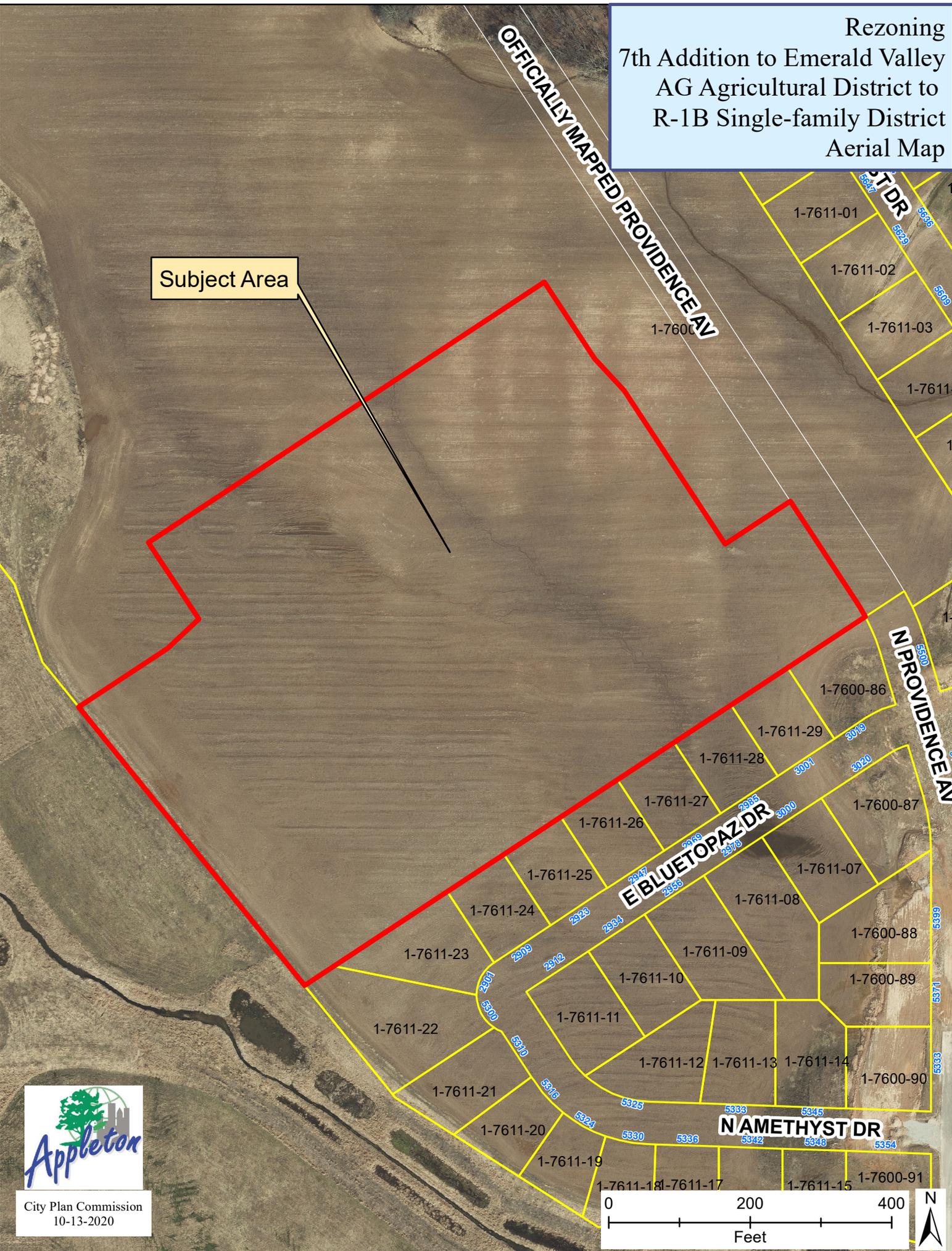
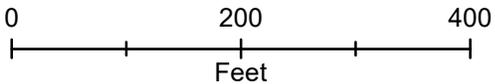
N PROVIDENCE AV

E BLUETOPEZ DR

N AMETHYST DR



City Plan Commission  
10-13-2020



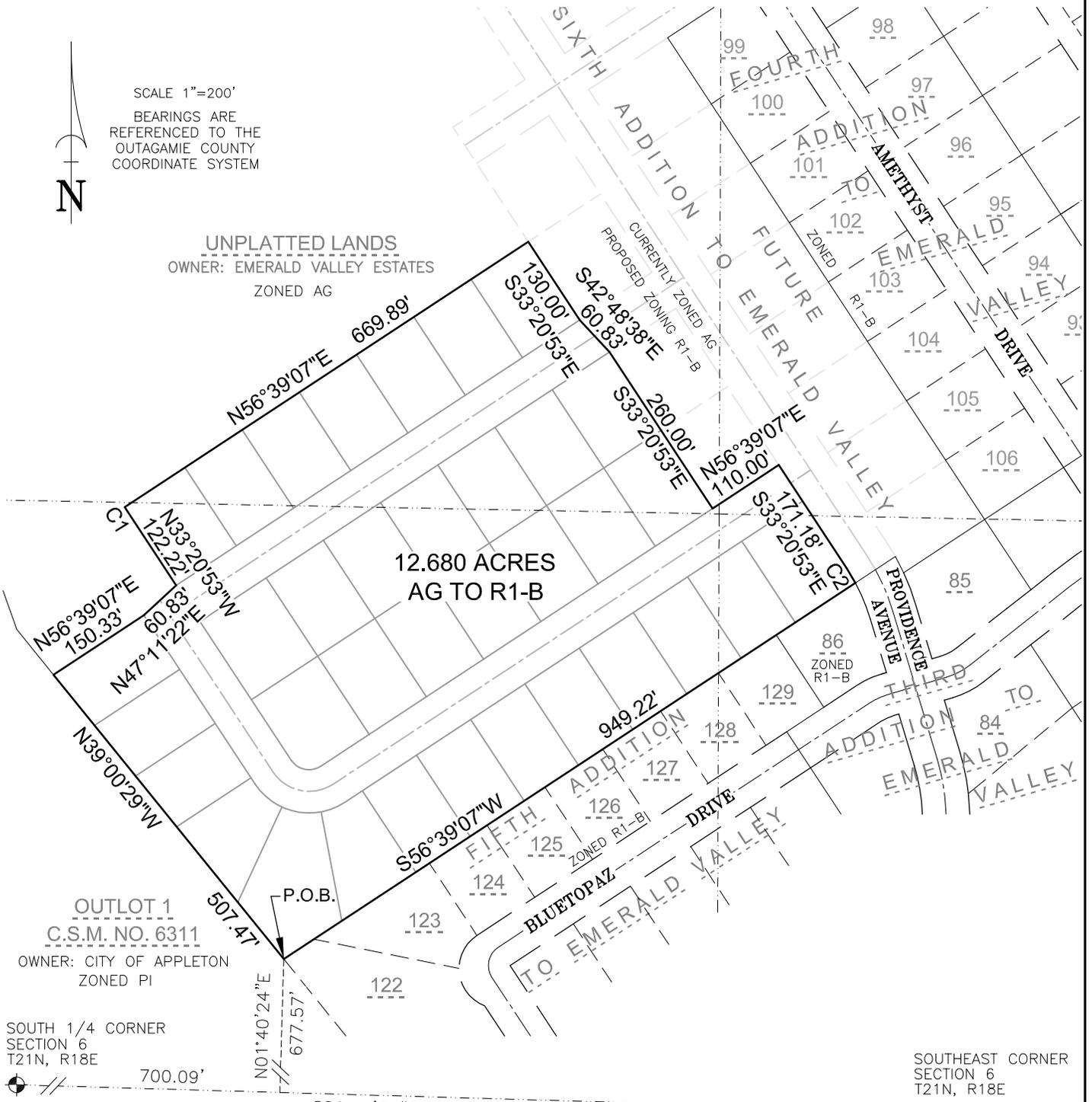
# REZONING REFERENCE MAP

PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



SCALE 1"=200'  
BEARINGS ARE REFERENCED TO THE OUTAGAMIE COUNTY COORDINATE SYSTEM

UNPLATTED LANDS  
OWNER: EMERALD VALLEY ESTATES  
ZONED AG



SOUTH 1/4 CORNER  
SECTION 6  
T21N, R18E  
700.09'

SOUTHEAST CORNER  
SECTION 6  
T21N, R18E

**CURVE TABLE**

CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD	TANGENT IN	TANGENT OUT
1	270.00'	001°39'06"	7.78'	N 32°31'20.0" W	7.78'	S 31°41'47" E	S 33°20'53" E
2	267.00'	005°07'09"	23.86'	S 30°47'18.5" E	23.85'	N 28°13'44" W	N 33°20'53" W

**Martenson & Eisele, Inc.**



1377 Midway Road  
Menasha, WI 54952  
www.martenson-eisele.com  
info@martenson-eisele.com  
920.731.0381 1.800.236.0381

Planning  
Environmental  
Surveying  
Engineering  
Architecture

PROJECT NO. 1-0534-010  
FILE 1-0534-010zone\_7thAdd.dwg  
THIS INSTRUMENT WAS DRAFTED BY: A.Sedlar



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** October 27, 2020

**Common Council Meeting Date:** November 4, 2020

**Item:** Preliminary Plat – Sixth and Seventh Addition to Emerald Valley

**Case Manager:** Don Harp

### GENERAL INFORMATION

**Owner/Applicant:** Robert DeBruin, Emerald Valley Estates, LLC – owner/applicant

**Parcel #:** Part of #31-1-7600-00

**Petitioner's Request:** The owner/applicant is proposing to subdivide property under a multi-phased approach.

### BACKGROUND

Rezoning #8-20 and #9-20 (AG Agricultural District to R-1B Single-family District) for both subdivision phases were recommended for approval by the Plan Commission on October 13, 2020. The public hearing and final Common Council action on the rezoning is scheduled for November 4, 2020.

The Final Plat for the Fifth Addition to Emerald Valley consisting of 23 residential lots was approved by the Common Council on April 4, 2018.

The Final Plat for the Fourth Addition to Emerald Valley consisting of 15 residential lots was approved by the Common Council on March 21, 2018.

The Final Plat for the Third Addition to Emerald Valley consisting of 11 residential lots was approved by the Common Council on May 3, 2017.

The Final Plat for the Second Addition to Emerald Valley consisting of 28 residential lots was approved by the Common Council on September 17, 2014.

The Final Plat for the First Addition to Emerald Valley consisting of 3 residential lots was approved by the Common Council on June 2, 2010.

The Final Plat for Emerald Valley consisting of 50 residential lots was approved by the Common Council on June 6, 2007.

**Preliminary Plat – Sixth and Seventh Add to Emerald Valley**  
**October 27, 2020**  
**Page 2**

The subject property was annexed to the City in 2004 as part of the French Road Annexation, and a zoning classification of AG Agricultural District was assigned at that time. On September 29, 2020, a concept plan for future phases of Emerald Valley subdivision showing future roads, lots and park land was presented to the City, which called for the creation of an additional 57 residential lots and 4 outlots.

**STAFF ANALYSIS**

---

**Existing/Proposed Conditions:** The subject area to be subdivided is currently undeveloped. Emerald Valley Sixth Addition consists of 6.905 acres and will be divided into fifteen (15) single-family lots. Emerald Valley Seventh Addition consists of 12.680 acres and will be divided into thirty-five (35) single-family lots.

**Future Actions:** Rezoning #8-20 and #9-20 for subject site is also being presented at the November 4, 2020 Common Council meeting to rezone the subject site from AG Agricultural District to R-1B Single-family District.

**Zoning Ordinance Review Criteria:** R-1B Single-Family Residential District lot development standards (Section 23-93) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
  - *The proposed average lots size ranges from 12,670 square feet to 13,750 square feet. All lots exceed this minimum requirement.*
- Minimum lot width: Fifty (50) feet.
  - *The proposed lots average lot width is 100 feet. All lots exceed this minimum requirement.*
- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard, Six (6) foot side yard, and Twenty-five (25) foot rear yard.
  - *Required front yard setback had been shown on the Preliminary Plat. Required setbacks will be reviewed through the building permit review process.*
- Maximum building height: Thirty-five (35) feet.
  - *This will be reviewed through the building permit review process.*
- Maximum lot coverage. Fifty percent (50%).
  - *This will be reviewed through the building permit review process.*

**Preliminary Plat – Sixth and Seventh Add to Emerald Valley**  
**October 27, 2020**  
**Page 3**

**Compliance with the Appleton Subdivision Regulations:** This subdivision complies with the Appleton Subdivision Regulations, except for the code section listed below.

Per Section 17-26(g) of the Municipal Code, “Excessive lot depth in relation to width shall be avoided. A proportion of two (2) length to one (1) width shall normally be considered a desirable maximum for lot widths of sixty (60) feet or more.”

*Analysis: Lot 154 of Emerald Valley Sixth Addition slightly exceeds the 2 depth to 1 width ratio (2.5 to 1). This lot is situated on a curve in the road and is slightly deeper than the other proposed lots because the side lot lines form a point at the rear of lot.*

Pursuant to Section 17-3(f) of the Municipal Code, when the Common Council finds that extraordinary hardship or injustice will result from strict compliance with this ordinance, it may vary the terms thereof to the extent deemed necessary and proper to grant relief, provided that the modification meets the following three standards:

- (1) The modification is due to physical features of the site or its location.
- (2) The modification is the least deviation from this ordinance which will mitigate the hardship.
- (3) The modification is not detrimental to the public interest and is in keeping with the general spirit and intent of this ordinance.

Based upon the above analysis, it would appear the standards established by Section 17-3(f) Modification of Regulations have been met.

**Access and Traffic:** The primary vehicular access to the Emerald Valley Sixth and Seventh Addition is via Providence Avenue and Aquamarine Avenue. Turquoise Trail, Jasper Lane and Sunstone Road form a U-shaped road which will intersect with Providence Avenue. The full 60 and 66 foot road right-of-way widths for the proposed streets will be dedicated to the City with the Final Plat.

**Surrounding Zoning and Land Uses:**

North: AG Agricultural District – undeveloped land  
South: R-1B Single-Family District – residential uses  
East: Proposed R-1B Single-Family District – residential uses  
West: P-I Public Institutional District – City drainage corridor

**2010-2030 Comprehensive Plan:** Community Development staff has reviewed this proposed subdivision and determined it is compatible with the One and Two-Family Residential uses shown on the City’s 2010-2030 Comprehensive Plan Future Land Use Map.

**Parks and Open Space:** The Appleton Subdivision Regulations do require parkland dedication or fee in lieu for residential subdivisions. The parkland fees pursuant to Chapter 17 of the Appleton Municipal Code have been waived in exchange for parkland as illustrated in the current Emerald Valley Development Agreement and on the concept plan submitted to City staff on September 29, 2020.

## **Preliminary Plat – Sixth and Seventh Add to Emerald Valley**

**October 27, 2020**

**Page 4**

**Technical Review Group Report (TRG):** This item appeared on the October 6, 2020 TRG Agenda. No negative comments were received from participating departments.

**City Surveyor Comments:** Emerald Valley 6th and 7th Addition Preliminary Plats list benchmark data as being on City of Appleton Datum. The statement should be corrected as the City of Appleton does not have a datum. Currently, City benchmark monuments are referenced to either NGVD 1929 or NAVD 88 datum or both. Proposed subdivisions within the City limits, at this time, should be referenced to NAVD 88 datum.

The benchmarks listed on the preliminary plat appear to reference 1929 datum. The difference between 1929 and 88 datum in this geographical area is approximately 0.05’.

All street and utility design should be revised if necessary and referenced to NAVD 88 datum.

### **RECOMMENDATION**

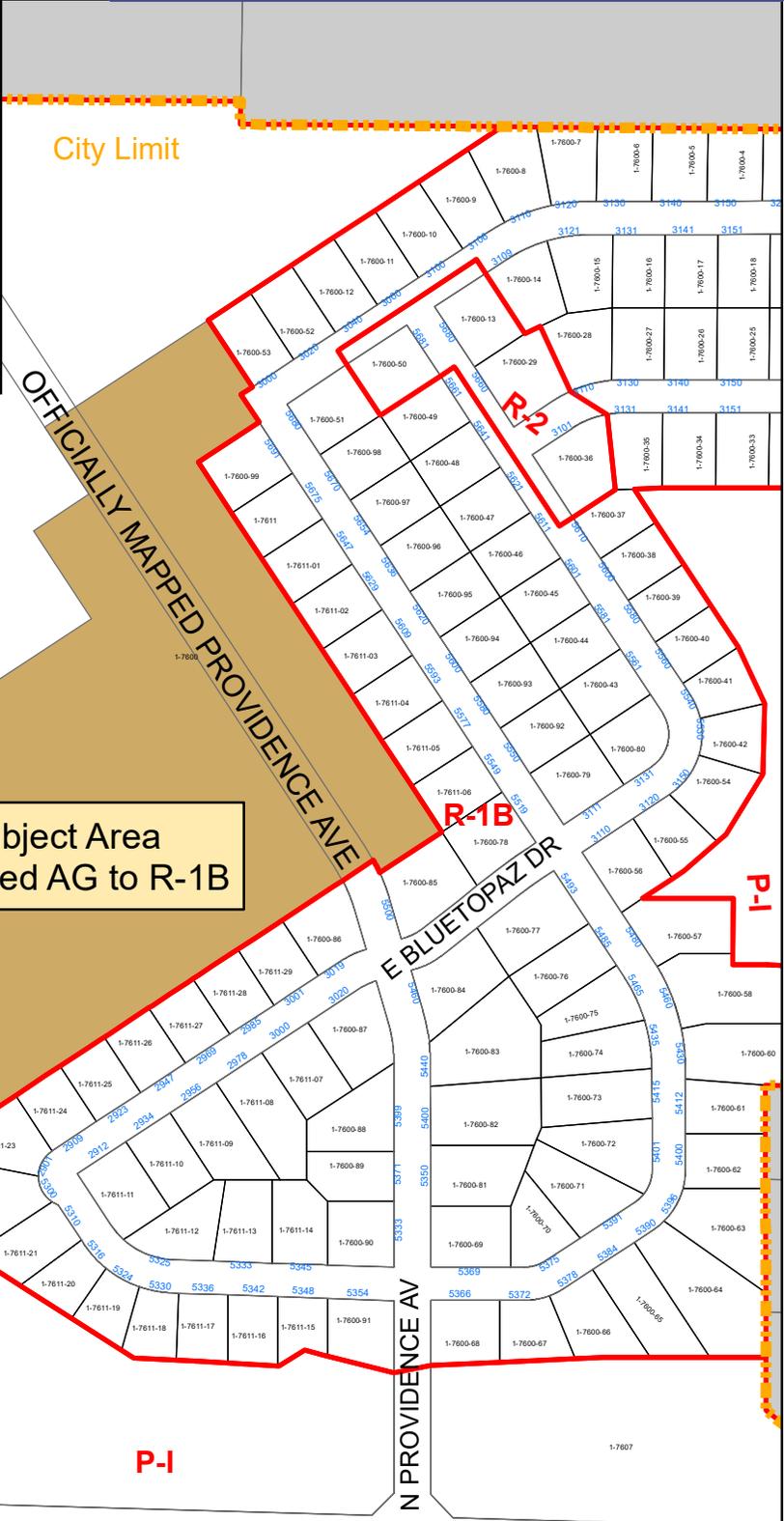
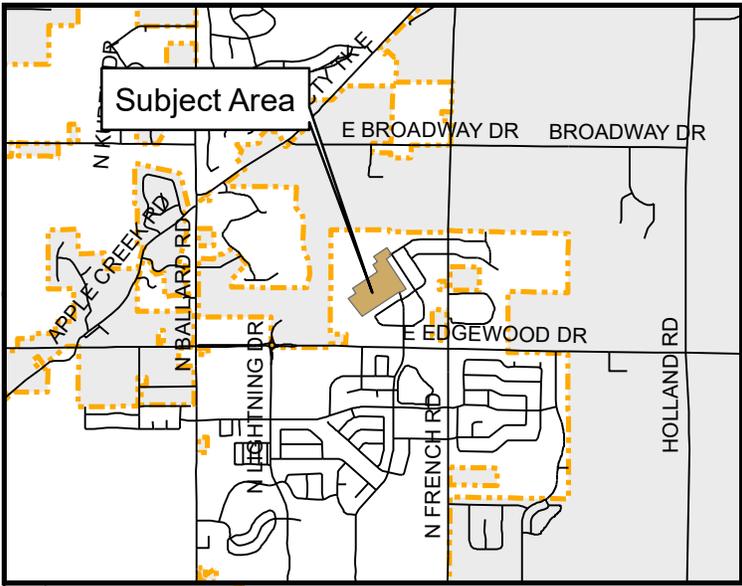
---

The Preliminary Plat for the Sixth and Seventh Addition to Emerald Valley, **BE APPROVED** subject to the following conditions and as shown on the attached maps:

1. The listed benchmarks monument, street and utility design to match the City of Appleton records NAVD 88 datum not NGVD 1929, revise both preliminary plats as necessary.
2. Utilize a different street suffix on the Final Plat, as the City’s street name policy does not allow for the street suffix “Trail” shown in the proposed Turquoise Trail and the street suffix “Road” shown in the proposed Sunstone Road. Use any of the following street suffixes for these street names “Drive”, “Lane”, “Place”, or “Way”.
3. Grant relief from the two (2) length to one (1) width ratio, per Section 17-26(g) of the Municipal Code as stated in the staff report for Lot 154.
4. All requirements from the City of Appleton Department of Public Works, Engineering Division shall be met to the satisfaction of the City Engineer prior to the City affixing signatures on the Final Plat.
5. A Development Agreement is required between the City and applicant that identifies the duties and responsibilities with respect to development of the subject land.
6. The owner/applicant shall submit to the City the Final Plat within 36 months after the last required approval of the Preliminary Plat. If the Final Plat is not submitted within said 36 months, the City (and any other approving authority) may refuse to approve the Final Plat and shall recommence the procedure for Preliminary Plat approval or may extend the time for submission of the Final Plat.

**NOTE:** If approved, the Preliminary Plat for the Sixth and Seventh Addition to Emerald Valley and Rezoning #8-20 and #9-20 from AG Agricultural District to R-1B Single-family District (October 13, 2020 Plan Commission agenda item) will be reported out at the same Common Council meeting on November 4, 2020.

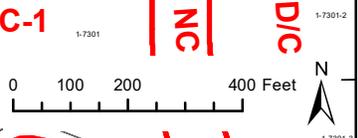
# Preliminary Plat 6th and 7th Addition to Emerald Valley Zoning Map



**Subject Area  
proposed AG to R-1B**



City Plan Commission  
10-27-2020



Preliminary Plat  
6th and 7th Addition to Emerald Valley  
Aerial Map



Subject Area

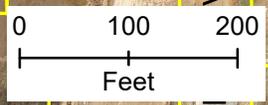
OFFICIALLY MAPPED PROVIDENCE AVE

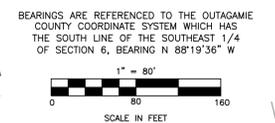
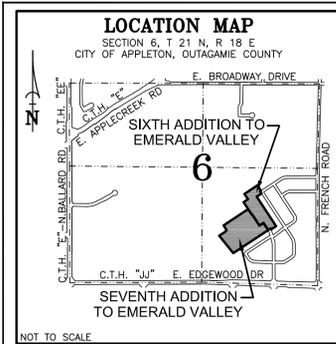
E AQUAMARINE

N AMETHYST DR

E BLUETOPAZ DR

VIDENCE AV





BENCHMARK DATA		
I.D.	DESCRIPTION	ELEVATION:
BM1	HYDRANT ELEVATION ON TOP SHOULDER, CITY NO. 3026	755.97
BM2	HYDRANT ELEVATION ON TOP SHOULDER, CITY NO. 3880	757.94
BM3	HYDRANT ELEVATION ON TOP SHOULDER, CITY NO. 3866	757.13

BENCHMARKS ARE ON CITY OF APPLETON DATUM

**SOIL TYPES LOCATED WITHIN THE SIXTH AND SEVENTH ADDITION TO EMERALD VALLEY**  
 B1A - BRIGGSVILLE SILT LOAM  
 M1A - MANAWA SILTY CLAY LOAM  
 M1B - MANISTEE LOAMY FINE SAND

**OWNER AND DEVELOPER**  
 BOB DEBRUIN  
 EMERALD VALLEY ESTATES, LLC  
 2100 FREEDOM ROAD  
 LITTLE CHUTE, WI 54140  
 PHONE: 920-731-8111

**OBJECTING AND APPROVING AUTHORITIES**  
 DEPARTMENT OF ADMINISTRATION  
 CITY OF APPLETON



TOPOGRAPHIC LEGEND	
[Symbol]	MAPPED FLOODWAY
[Symbol]	MAPPED 100 YEAR FLOOD
[Symbol]	CONTOUR W/ ELEVATION
[Symbol]	SOIL BORING
[Symbol]	EXIST. WOODS LINE
[Symbol]	DELIMITED WETLANDS
[Symbol]	OVERHEAD POWER LINES
[Symbol]	UNDERGROUND ELECTRIC
[Symbol]	UNDERGROUND TELEPHONE
[Symbol]	UNDERGROUND GAS
[Symbol]	UNDERGROUND CABLE TV
[Symbol]	EXIST. HYDRANT
[Symbol]	POWER POLE
[Symbol]	GUY
[Symbol]	LIGHT POLE
[Symbol]	TELEPHONE PEDESTAL
[Symbol]	ELECTRIC PEDESTAL
[Symbol]	CABLE PEDESTAL
[Symbol]	WATER VALVE
[Symbol]	GAS VALVE
[Symbol]	WATER STOP BOX
[Symbol]	EXIST. STORM MANHOLE
[Symbol]	STORM INLET
[Symbol]	YARD DRAIN
[Symbol]	EXIST. SANITARY MANHOLE
[Symbol]	EXIST. SAN. SEWER
[Symbol]	EXIST. STO. SEWER
[Symbol]	EXIST. WATER MAIN
[Symbol]	1" O.D. IRON PIPE FOUND
[Symbol]	3/4" O.D. REBAR FOUND
[Symbol]	1-1/4" O.D. REBAR FOUND
[Symbol]	LOT AREA IN SQ.FT.

CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD	TANGENT IN	TANGENT OUT
1	333.00'	004°19'42"	25.16'	N 27°04'53.0" W	25.15'	N 24°55'02" W	N 29°14'44" W
2	333.00'	004°06'09"	23.84'	N 31°17'48.5" W	23.84'	N 29°14'44" W	N 33°20'53" W
3	333.00'	008°29'51"	49.00'	N 29°07'57.5" W	48.96'	N 24°55'02" W	N 33°20'53" W
4	267.00'	005°07'09"	23.86'	N 30°47'18.5" W	23.85'	N 28°13'44" W	N 33°20'53" W
5	270.00'	001°39'06"	7.78'	S 32°31'20.0" E	7.78'	S 31°41'47" E	S 33°20'53" W
6	30.00'	090°00'00"	47.12'	S 78°20'53.0" E	42.43'	S 33°20'53" E	N 56°39'07" E
7	90.00'	090°00'00"	141.37'	S 78°20'53.0" E	127.28'	S 33°20'53" E	N 56°39'07" E
8	90.00'	022°38'26"	35.56'	N 67°58'20.0" E	35.33'	N 79°17'33" E	N 56°39'07" E
9	90.00'	035°31'33"	55.81'	S 82°56'37.5" E	54.92'	S 65°10'48" E	N 79°17'33" E
10	90.00'	031°49'55"	50.00'	S 49°15'50.0" E	49.36'	S 33°20'53" E	S 65°10'48" E

SUPPLEMENTARY DATA FOR THE SIXTH ADDITION TO EMERALD VALLEY		SUPPLEMENTARY DATA FOR THE SEVENTH ADDITION TO EMERALD VALLEY	
GROSS AREA	300,775 SQ.FT.	GROSS AREA	155,450 SQ.FT.
ROAD AREA	6,905 ACRES	ROAD AREA	108,854 SQ.FT.
NET SUBDIVISION AREA	1206,275 SQ.FT.	NET SUBDIVISION AREA	443,467 SQ.FT.
LINAL FEET OF ROAD	71,552 LINAL FEET	LINAL FEET OF ROAD	11,471 LINAL FEET
AVERAGE LOT SIZE	13,750 SQ.FT.	AVERAGE LOT SIZE	12,670 SQ.FT.
TYPICAL LOT SIZE	100' x 135'	TYPICAL LOT SIZE	100' x 135'
NUMBER OF LOTS	15	NUMBER OF LOTS	35
FUTURE ZONING	AG	FUTURE ZONING	AG
LOT AREA MINIMUM	6,000 SQ.FT.	LOT AREA MINIMUM	6,000 SQ.FT.
FRONT YARD SETBACK	20 FT.	FRONT YARD SETBACK	20 FT.
SIDE YARD SETBACK	6 FT.	SIDE YARD SETBACK	6 FT.
REAR YARD SETBACK	25 FT.	REAR YARD SETBACK	25 FT.
MINIMUM LOT WIDTH	50 FT	MINIMUM LOT WIDTH	50 FT

**NOTES**  
 THE OWNER/SUBDIVIDER HAS NOTICE OR KNOWLEDGE OF ANY ENVIRONMENTAL PROBLEM (THE EXISTENCE OF HAZARDOUS OR TOXIC SUBSTANCES) OF ANY SORT ON THE PROPERTY BEING TRANSFERRED. THE OWNER/SUBDIVIDER UNDERSTANDS THAT IT WILL PAY FOR ANY COSTS TO REMEDY ANY ENVIRONMENTAL PROBLEMS ENCOUNTERED DURING CONSTRUCTION OF ANY OF THE PUBLIC IMPROVEMENTS REQUIRED BY THE CITY OR IN THE DEVELOPER'S AGREEMENT. THE OWNER/SUBDIVIDER UNDERSTANDS THAT THEY SHALL BE INDIVIDUALLY RESPONSIBLE FOR ANY ENVIRONMENTAL PROBLEM FOUND ON THE LAND, TRANSFERRED TO THE CITY ON THE PLAT DURING THE CONSTRUCTION OF ROADS OR OTHER DEDICATIONS AND AGREE TO HOLD THE CITY HARMLESS UNTIL CONSTRUCTION, INSTALLATION OR GRADING IS COMPLETE.

A DRAINAGE PLAN HAS BEEN FILED WITH THE DEPARTMENT OF PLANNING, ZONING & SANITATION OFFICE. MAINTENANCE OF ALL DRAINAGE WAYS AND ASSOCIATED STRUCTURES WITHIN THE SUBDIVISION OR SERVING THE SUBDIVISION IS THE SOLE RESPONSIBILITY OF THE PROPERTY OWNERS OF THE SUBDIVISION.

UPON FAILURE OF THE PROPERTY OWNERS TO PERFORM MAINTENANCE OF THE DRAINAGE WAYS AND ASSOCIATED STRUCTURES, THE CITY RETAINS THE RIGHT TO PERFORM MAINTENANCE AND/OR REPAIRS WHICH SHALL BE EQUALLY ASSESSED AMONGST THE PROPERTY OWNERS OF THE SUBDIVISION WITH A DRAINAGE COVENANT.

LOT LINE GRADES ESTABLISHED BY THE DRAINAGE PLAN FOR THE SIXTH AND SEVENTH ADDITIONS TO EMERALD VALLEY ARE MANDATORY. IT IS THE RESPONSIBILITY OF THE LOT OWNER TO COMPLY WITH THESE ESTABLISHED ELEVATIONS.

UTILITY EASEMENTS, LOCATIONS AND WIDTHS WILL BE SHOWN ON THE FINAL PLAT.

CONTOURS ARE ONE FOOT INTERVALS AND BASED ON CITY OF APPLETON DATUM.

**SIXTH ADDITION TO EMERALD VALLEY LEGAL DESCRIPTION**  
 PART OF THE NORTHWEST 1/4, NORTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 6; THENCE SOUTH 00 DEGREES 02 MINUTES 25 SECONDS EAST, ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 1131.30 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 35 SECONDS WEST, A DISTANCE OF 676.42 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTH LINE OF THE SECOND ADDITION TO EMERALD VALLEY, A DISTANCE OF 321.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTH LINE OF THE THIRD ADDITION TO EMERALD VALLEY, A DISTANCE OF 134.60 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF PROVIDENCE AVENUE, SAID CURVE HAVING A RADIUS OF 333.00 FEET AND A CHORD THAT BEARS NORTH 27 DEGREES 04 MINUTES 53 SECONDS WEST, 25.15 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF PROVIDENCE AVENUE, A DISTANCE OF 66.21 FEET; THENCE 23.86 FEET ALONG AN ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 247.00 FEET AND A CHORD THAT BEARS NORTH 30 DEGREES 47 MINUTES 18 SECONDS WEST, 23.85 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 171.18 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, 110.00 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 260.00 FEET; THENCE NORTH 42 DEGREES 48 MINUTES 38 SECONDS WEST, 60.83 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 320.00 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 120.00 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 145.00 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 353.00 FEET TO THE NORTHWEST CORNER OF LOT 53 OF THE FIRST ADDITION TO EMERALD VALLEY; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE WESTERLY LINE OF SAID LOT 53, A DISTANCE OF 145.00 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF AQUAMARINE AVENUE, A DISTANCE OF 25.00 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF AQUAMARINE AVENUE, A DISTANCE OF 60.00 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTHWESTERLY LINE OF LOT 99 OF THE FOURTH ADDITION TO EMERALD VALLEY, A DISTANCE OF 131.00 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE SOUTHWESTERLY LINE OF THE FOURTH ADDITION TO EMERALD VALLEY, A DISTANCE OF 800.00 FEET TO THE POINT OF BEGINNING. CONTAINING 300,775 SQUARE FEET (6.905 ACRES).

**SEVENTH ADDITION TO EMERALD VALLEY LEGAL DESCRIPTION**  
 PART OF THE NORTHWEST 1/4, NORTHWEST 1/4, SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 6; THENCE SOUTH 88 DEGREES 19 MINUTES 36 SECONDS EAST, ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 700.09 FEET; THENCE NORTH 01 DEGREES 40 MINUTES 24 SECONDS EAST, A DISTANCE OF 677.57 FEET TO THE POINT OF BEGINNING; THENCE NORTH 39 DEGREES 00 MINUTES 29 SECONDS WEST, ALONG THE NORTHERLY LINE OF CERTIFIED SURVEY MAP NO. 6311, A DISTANCE OF 507.47 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 150.33 FEET; THENCE NORTH 47 DEGREES 11 MINUTES 22 SECONDS EAST, 60.83 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 122.22 FEET; THENCE 7.78 FEET ALONG AN ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 270.00 FEET AND A CHORD THAT BEARS NORTH 32 DEGREES 31 MINUTES 20 SECONDS WEST, 7.78 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 669.89 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, 130.00 FEET; THENCE SOUTH 42 DEGREES 48 MINUTES 38 SECONDS EAST, 60.83 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, 260.00 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 110.00 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, 171.18 FEET; THENCE 23.86 FEET ALONG AN ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 267.00 FEET AND A CHORD THAT BEARS SOUTH 30 DEGREES 47 MINUTES 18 SECONDS EAST, 23.85 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTHERLY LINES OF THE THIRD ADDITION TO EMERALD VALLEY AND FIFTH ADDITION TO EMERALD VALLEY, A DISTANCE OF 949.22 FEET TO THE POINT OF BEGINNING. CONTAINING 552,321 SQUARE FEET (12.680 ACRES).

**SURVEYOR'S CERTIFICATE**  
 I, GARY A. ZAHNINGER, HEREBY CERTIFY THAT THIS PRELIMINARY PLAT IS A CORRECT REPRESENTATION OF ALL EXISTING LAND DIVISIONS AND FEATURES, AND THAT I HAVE COMPLIED WITH THE PROVISIONS OF THE CITY OF APPLETON SUBDIVISION ORDINANCE.

DATED THIS THE 28TH DAY OF SEPTEMBER, 2020

EXISTING UTILITY SCHEDULE			
STRUCTURE ID#	RIM ELEVATION	INVERT ELEVATION	STRUCTURE DEPTH (FT.)
SAN MH 23	753.24	INV 8" N/S 739.32	13.50
69-21	752.44	INV 8" N/S 738.58	13.44
SAN MH 53	755.77	INV 8" NE 741.72	14.05
48-386	753.20	INV 8" NW/SW 741.84	13.04
STO MH B19	753.08	INV 36" S 743.14	9.94
B2-30	751.54	INV 24" N/W 743.94	8.90
STO MH A12	755.77	INV 36" SE/NW 742.94	9.45
STO MH A13	755.61	INV 24" SE/NW 746.32	10.31
		INV 36" NE 745.30	
		INV 24" NW 746.10	
		INV 15" SW 746.70	

**Martenson & Eisele, Inc.**  
 1377 Midway Road  
 Menasha, WI 54952  
 www.martenson-eisele.com  
 info@martenson-eisele.com  
 920.731.0381 1.800.236.0381

Planning  
 Environmental  
 Surveying  
 Engineering  
 Architecture

NO.	DATE	DRAWN BY	CHECKED	APPROVED

**SIXTH ADDITION AND SEVENTH ADDITION TO EMERALD VALLEY**  
 PART OF THE NORTHWEST 1/4, NORTHWEST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

SCALE	DATE
1" = 80'	SEPT 2020
COMPUTER FILE	
1-0534-010pp.dwg	
DRAWING NO.	
1-0534-010	



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** October 27, 2020

**Common Council Meeting Date:** November 4, 2020

**Item:** Final Plat – Trail View Estates South

**Case Manager:** David Kress, Principal Planner

### GENERAL INFORMATION

**Owners/Applicants:** Emerald Valley Estates, LLC and B&H Properties, Inc. c/o Robert De Bruin

**Address/Parcel #:** Generally located between French Road and Cherryvale Avenue, south of the creek/trail corridor (part of Tax Id #31-1-6410-00 and #31-1-7513-00).

**Petitioner's Request:** The applicant is proposing to subdivide the property into 25 lots for single-family residential development.

### BACKGROUND

Parcel #31-1-7513-00 was annexed to the City in 1997 with the Northeast Annexation, and parcel #31-1-6410-00 was annexed in 2011 with the North French Road Annexation.

On September 2, 2020, Common Council approved Comprehensive Plan Amendment #1-20 and Rezoning #6-20. Comprehensive Plan Amendment #1-20 amended the City's Future Land Use Map from the Multi-Family Residential designation to the One and Two-Family Residential designation for parcels #31-1-6410-00 and #31-1-6411-00. Rezoning #6-20 rezoned parcels #31-1-6410-00, #31-1-7513-00, and #31-1-6411-00 from R-3 Multi-Family District, R-2 Two-Family District, and temporary AG Agricultural District to R-1B Single-Family District.

The Trail View Estates South Preliminary Plat, to subdivide all of parcels #31-1-6410-00, #31-1-7513-00, and #31-1-6411-00, was approved by Common Council on September 2, 2020.

On September 2, 2020, Common Council approved the Trail View South Development Agreement to set forth the City of Appleton, Village of Little Chute, and developer duties and responsibilities with respect to development of the subject land.

### STAFF ANALYSIS

**Existing Conditions:** The subject property consists of vacant, undeveloped land. The area to be platted for single-family development totals approximately 7.2827 acres, which will be divided into 25 lots.

**Comparison between Final Plat and Preliminary Plat:** The Preliminary Plat covered a larger area (32.0110 acres), whereas the Final Plat is for part of Tax Id #31-1-6410-00 and #31-1-7513-00 (7.2827 acres). However, the Final Plat is generally consistent with the Preliminary Plat layout in terms of the shape, size, and location of the lots. This is the first phase of lots for the broader subdivision development area.

## **Final Plat – Trail View Estates South**

**Page 2**

**October 27, 2020**

**Zoning Ordinance Review Criteria:** The current lot development standards for the R-1B Single-Family District (Section 23-93 of the Municipal Code) are as follows.

- Minimum lot area: 6,000 square feet.
  - *The proposed lots range in size from 7,500 square feet to 15,746 square feet. All lots exceed this requirement.*
- Minimum lot width: 50 feet.
  - *The proposed lots range in width from approximately 51 feet to approximately 225 feet. All lots exceed this requirement.*
- Minimum front, side, and rear yard setbacks: 20 feet front yard (25 feet on arterial street), 6 feet side yard, and 25 feet rear yard.
  - *Required front yard setback is shown on the Final Plat. Setbacks will be reviewed through the building permit review process.*
- Maximum building height: 35 feet.
  - *This will be reviewed through the building permit review process.*
- Maximum lot coverage: 50%.
  - *This will be reviewed through the building permit review process.*

**Compliance with the Appleton Subdivision Regulations:** This subdivision complies with the Appleton subdivision regulations, and no modification of regulations has been requested for this phase of development.

**Access and Traffic:** Vehicular access to the subject lots is provided by an existing collector street, Cherryvale Avenue, which connects to Gladiolus Place and an extension of Golden Gate Drive. The street right-of-way for Golden Gate Drive, Callalilly Lane, Gladiolus Place, and Begonia Drive will be dedicated to the public with the Final Plat. All streets are shown as 60-foot wide right-of-way. Outagamie County has no objections to the proposed street names. The City's street name policy would not typically allow for two words (Golden Gate Drive), but this is a street extension from the Village of Little Chute. The newly-established street names appear to comply with the City's street name policy.

### **Surrounding Zoning Classification and Land Uses:**

**North:** R-1B Single-Family District and NC Nature Conservancy District. The adjacent land uses to the north are currently a mix of single-family residential and public open space uses, including the Apple Creek corridor and recreational trail.

**South:** Village of Little Chute. The adjacent land uses to the south are currently single-family residential.

**East:** R-3 Multi-Family District and R-1B Single-Family District. The adjacent land to the east is currently vacant, undeveloped land.

**West:** R-1B Single-Family District. The adjacent land to the west is currently vacant, undeveloped land.

**Final Plat – Trail View Estates South**

**Page 3**

**October 27, 2020**

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

*Goal 1 – Community Growth*

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

*Goal 3 – Housing Quality, Variety, and Affordability*

*Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.*

**OBJECTIVE 5.3 Housing and Neighborhoods:**

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

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

**OBJECTIVE 10.1 Land Use:**

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

**OBJECTIVE 10.4 Land Use:**

*Plan for compact, efficient, and fiscally responsible growth of residential, commercial, and industrial development in new neighborhoods in order to implement the principles of smart growth.*

*Policy 10.4.1 Continue to guide residential growth to locations either contiguous to or within presently urbanized areas. As peripheral development occurs, it should be at a compact, urban density to ensure new neighborhoods can be efficiently served by public infrastructure.*

**Parks and Open Space:** Section 17-29 of the Municipal Code requires parkland dedication or fee in lieu of dedication for residential subdivisions. Since no parkland will be dedicated on the subject property, park fees will be due prior to the City signing the Final Plat, which is consistent with the Trail View South Development Agreement. For lots zoned R-1B Single-Family District, park fees are \$300 per lot.

**Technical Review Group (TRG) Report:** This item appeared on the October 6, 2020 TRG agenda. Comments were received from participating departments and captured in the stipulations found below.

**RECOMMENDATION**

---

The Trail View Estates South Final Plat, as shown on the attached maps, **BE APPROVED** subject to the following conditions:

1. The Final Plat shall be recorded within 12 months from the approval date of the last approving authority and within 36 months from the approval date of the first approving authority. Failure to do so requires the subdivider to recommence the entire procedure for Final Plat approval.

## **Final Plat – Trail View Estates South**

**Page 4**

**October 27, 2020**

2. For lots zoned R-1B Single-Family District, park fees are \$300 per lot. Park fees of \$7,500 shall be paid to the City of Appleton Finance Department prior to City signatures being affixed to the Final Plat.
3. The description at the top of sheet 1 reads "... being part of of the Southeast ...". This typo is also found in the Surveyor's Certificate. Delete the duplicate "of" as needed.
4. Per Section 17-12(b)(1) of the Municipal Code, identify the corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto. On sheet 1, include a "City of Appleton" label at the south end of the subject area.
5. Along the southeast lot lines of Lots 11-13, the total dimension listed (92.52') is incorrect. Along the west lot lines of Lots 20-21, the total dimension listed (122.00') is incorrect. Revise as necessary.
6. The location map in the upper right corner of sheet 1 needs to be updated.
7. There are currently two different property owners, but only Emerald Valley Estates LLC is listed under the Owner's Certificate. A deed is needed from B&H Properties Inc. to Emerald Valley Estates LLC for that portion of parcel #31-1-6410-00 included in the plat (or the entire parcel). This appears to be anticipated, since there is a blank Doc No. \_\_\_\_\_ on sheet 2.
8. The legend should be revised to reflect minimum monument lengths which are 24" and 30" based on their relationship to the Plat boundary and or road alignment.
9. Lot 25 and Lot 23 are missing monument symbols.
10. A Stormwater Permit with Stormwater Management Plan (SWMP) is required. An application was submitted for review on July 13, 2020. Review comments were issued to the engineer by City on 7/30/2020, which involved revisions to the SWMP and Engineering Plans, and may require revisions to the Plat. Revisions to the SWMP and Engineering Plans were received on 10/13/2020. A formal review by the City's stormwater review consultant is ongoing. Additional comments are expected pending the results of that review, which may impact the Final Plat and any subsequent submittals.
11. For stormwater flows tributary to the Village of Little Chute, provide written approval from the Village for all flows directed to the Village, and provide written confirmation from the Village that the Village's North French Pond is in place and suitable for meeting the applicable stormwater management requirements for the development.
12. Show the contour line lying a vertical distance of two feet above the elevation of the 100-year recurrence interval flood. Per Section 17-26(i)(1) of the Municipal Code, subdivided lots shall have at least 50% of the minimum required lot area, based upon the respective zoning district, at least two feet above the elevation of the 100-year recurrence interval flood.

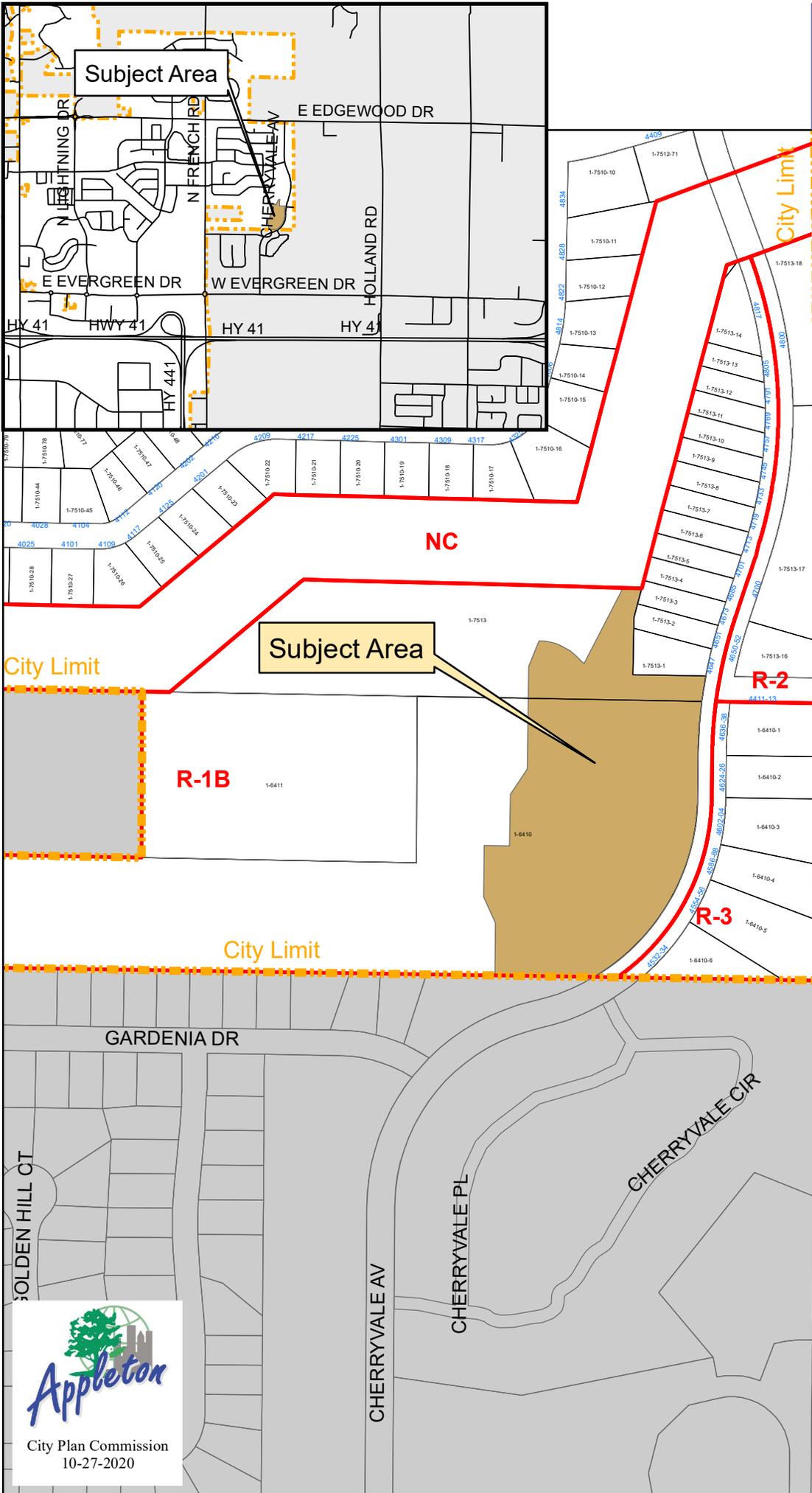
**Final Plat – Trail View Estates South**

**Page 5**

**October 27, 2020**

13. The following streets within the Final Plat are to be classified as follows:
  - a. Golden Gate Drive: Local Street
  - b. Callalilly Lane: Local Street
  - c. Gladiolus Place: Local Street
  - d. Begonia Drive: Local Street
14. Development is subject to conditions of the Intergovernmental Cooperation Agreement between the Village of Little Chute and City of Appleton that was approved in 2013 and amended in 2020.
15. Development is subject to conditions of the Land Dedication Agreement between B&H Properties, Inc. and the City of Appleton that was approved by Common Council on June 5, 2013.
16. Development is subject to conditions of the Development Agreement between the City of Appleton, Village of Little Chute, and Emerald Valley Estates, LLC that was approved by Common Council on September 2, 2020.
17. All requirements from the City of Appleton Department of Public Works, Engineering Division shall be met to the satisfaction of the City Engineer prior to the City affixing signatures on the Final Plat.

# Trail View Estates South Final Plat Zoning Map



Subject Area

Subject Area

City Limit

City Limit

City Limit

R-1B

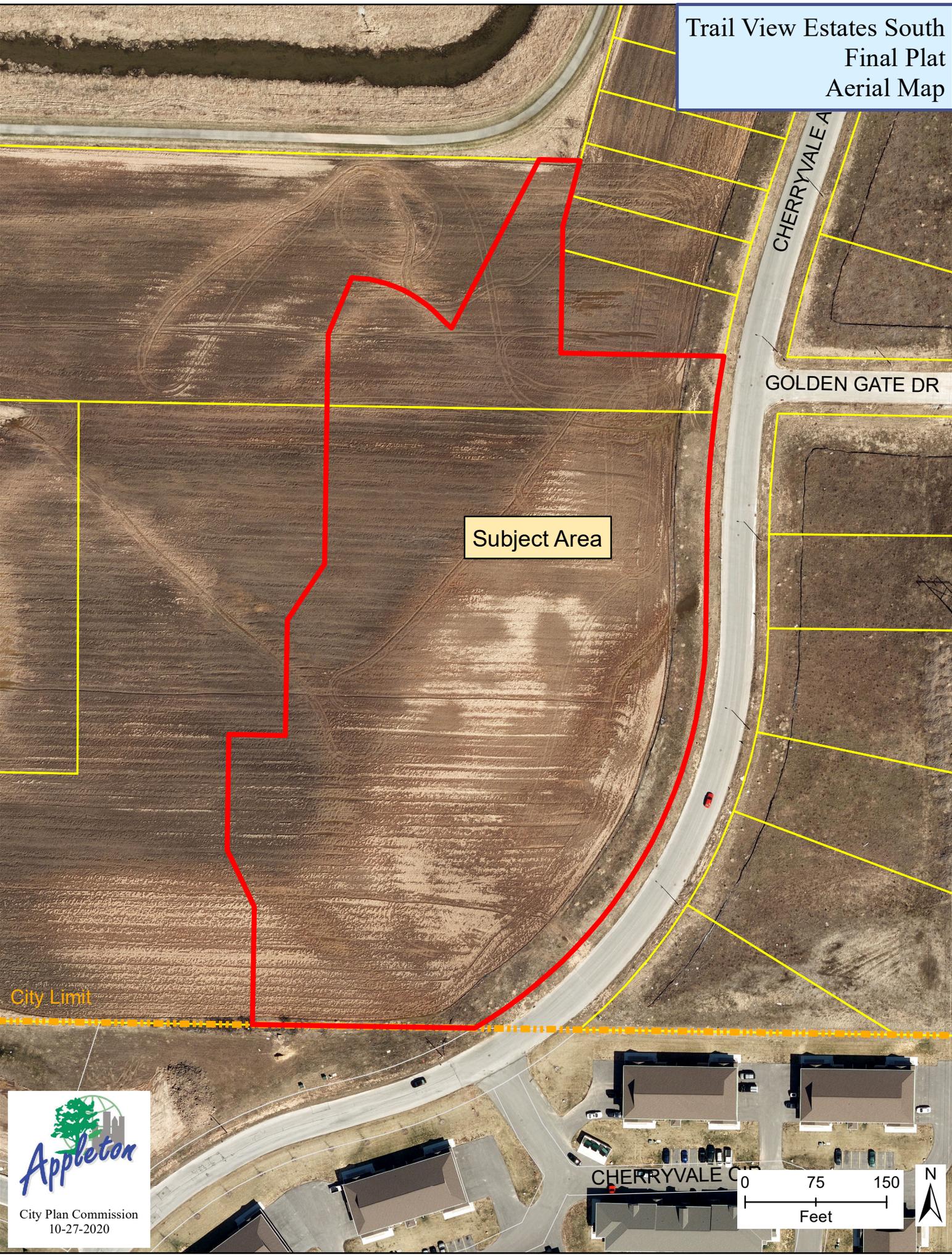
NC

R-2

R-3



Trail View Estates South  
Final Plat  
Aerial Map



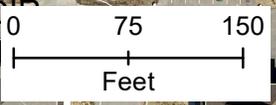
Subject Area

CHERRYVALE A

GOLDEN GATE DR

City Limit

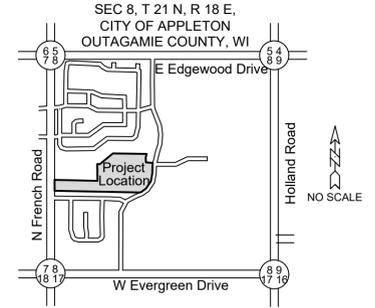
CHERRYVALE C



# Trail View Estates South

Part of Outlot 1, Trail View Estates, being part of the Southeast 1/4 of the Northwest 1/4 and part of Lot 2, Certified Survey Map 3566, being located in part of the Northeast 1/4 of the Southwest 1/4 of Section 8, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

## LOCATION MAP



Bearings are referenced to the East line of the Southwest 1/4, Section 08, T21N, R18E, bearing N00°36'25"E, base on the Outagamie County Coordinate System.

LINE TABLE		
Line	Bearing	Length
L1	S 89°07'03" E	24.01'

North Line of the Southwest 1/4  
 N88°59'32"W 2696.76'  
 2007.41'  
 West 1/4 Corner  
 Section 8, T21N, R18E  
 Masonry Nail W/Washer, Found

Center of Section  
 Section 8, T21N, R18E  
 1-1/4" Rebar, Found

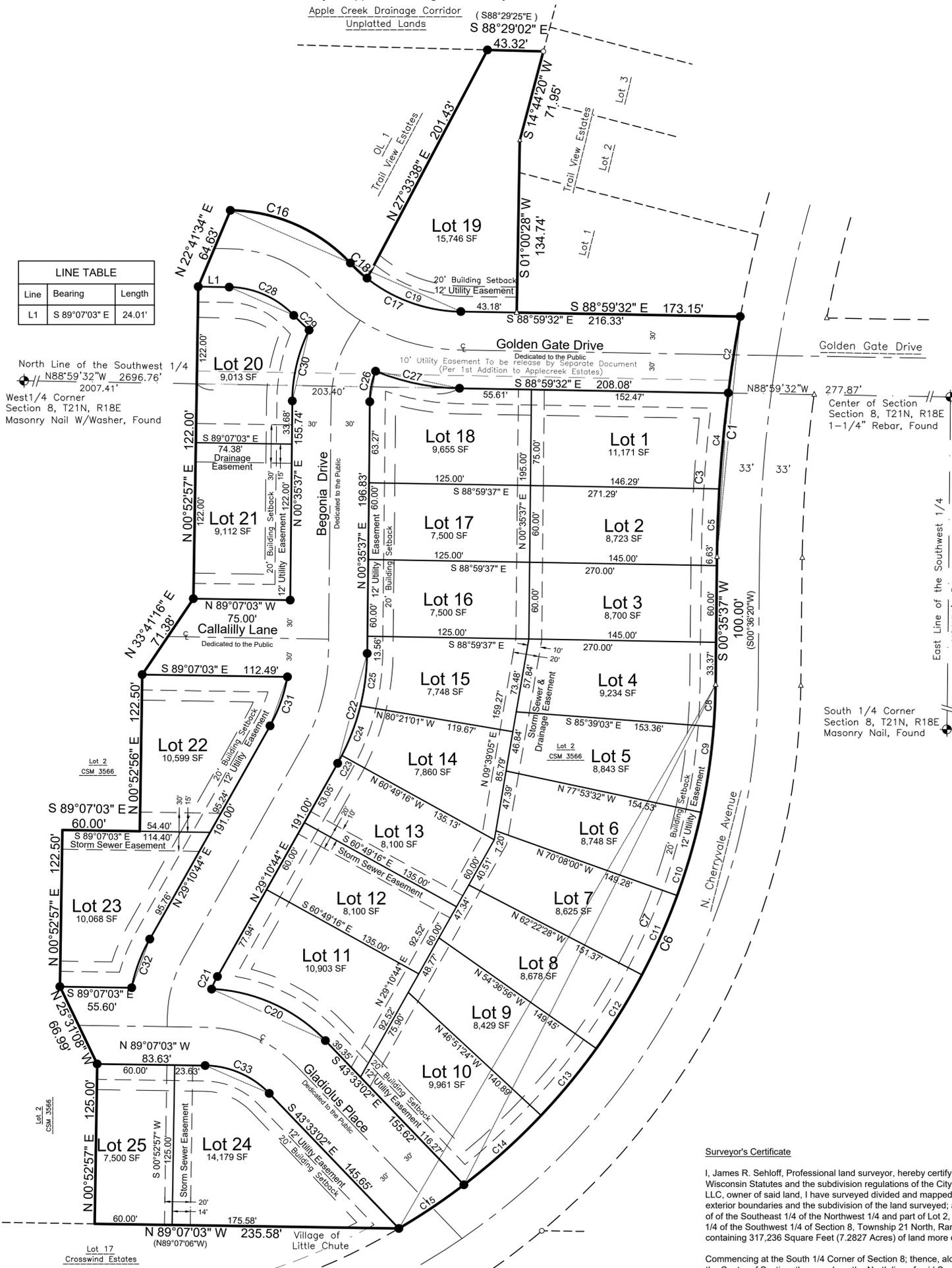
South 1/4 Corner  
 Section 8, T21N, R18E  
 Masonry Nail, Found

## NOTES

1. All linear measurements have been made to the nearest one hundredth of a foot.
2. All bearings are computed and measured to the nearest second.
3. North Line of Cross Wind Estates was determined by best fitting all monuments found along that line.

## LEGEND

- △ 1/4" Rebar Found
- 3/4" Rebar Found
- 1 1/2" x 18" Steel Rebar @ 4.30lbs/LF SET
- All Other Corners
- 1/2" x 18" Steel Rebar @ 1.50lbs/LF SET
- SF Lot Areas In Square Feet
- ( ) Recorded As



## Surveyor's Certificate

I, James R. Sehloff, Professional land surveyor, hereby certify: That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the City of Appleton, and under the direction of Emerald Valley Estates, LLC, owner of said land, I have surveyed divided and mapped North Edgewood Estates 2; that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is part of Outlot 1, Trail View Estates, being part of the Southeast 1/4 of the Northwest 1/4 and part of Lot 2, Certified Survey Map 3566, being located in part of the Northeast 1/4 of the Southwest 1/4 of Section 8, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 317,236 Square Feet (7.2827 Acres) of land more or less, described as follows:

Commencing at the South 1/4 Corner of Section 8; thence, along the East line of the Southwest 1/4, N00°36'25"E, 2626.36 feet to the Center of Section; thence, along the North line of said Southwest 1/4, N88°59'32"W, 277.87 feet to a point on the West right of way line of N. Cherryvale Avenue, said point also being the point of beginning; thence, along the West right of way line, 128.63 feet, along the arc of a curve to the left with a radius of 1105.18 feet and a chord of 128.56 feet which bears S03°55'41"W; thence, continuing along said West right of way line, S00°35'37"W, 100.00 feet; thence, continuing along the West right of way line, 512.88 feet, along the arc of a curve to the right with a radius of 500.00 feet and a chord of 490.69 feet which bears S29°58'47"W to a point on the North line of Crosswinds Estates; thence, along said North line, N89°07'03"W, 235.58 feet; thence N00°52'57"E 125.00 feet; thence N25°31'08"W, 66.99 feet; thence N00°52'57"E, 122.50 feet; thence S89°07'03"E, 60.00 feet; thence N00°52'57"E, 122.50 feet; thence N33°41'16"E, 71.38 feet; thence N00°52'57"E, 244.00 feet; thence N22°41'34"E, 64.63 feet; thence, 104.44 feet, along the arc of a curve to the right with a radius of 130.00 feet and a chord of 101.66 feet which bears S66°06'05"E; thence, 17.54 feet, along the arc of a curve to the left with a radius of 120.00 feet and a chord of 17.53 feet which bears S47°16'23"E; thence N27°33'38"E, 201.43 feet to the North line of Outlot 1 of Trail View Estates; thence, along said North line, S88°29'02"E, 43.32 feet to the East line of said Outlot 1; thence, along said East line, S14°44'20"W, 71.95 feet; thence, continuing along said East line S01°00'28"W, 134.74 feet to the South line of Lot 1 of said Trail View Estates; thence, along said South line, S88°59'32"E 173.15 feet to said West right of way line of N. Cherryvale Avenue; thence, along the West right of way line, 60.57 feet, along the arc of a curve to the left with a radius of 1105.18 feet and a chord of 60.56 feet which bears S08°49'51"W the point of beginning, subject to all easements, and restrictions of record.

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified \_\_\_\_\_, 20\_\_\_\_  
 Department of Administration

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

James R. Sehloff, Wisconsin Professional Land Surveyor No. S-2692

**DAVEL ENGINEERING & ENVIRONMENTAL, INC.**  
 Civil Engineers and Land Surveyors  
 1164 Province Terrace, Menasha, WI 54952  
 Ph: 920-991-1866 Fax: 920-441-0804  
 www.davel.pro

File: 6025Final.dwg  
 Date: 09/24/2020  
 Drafted By: jim  
 Sheet: 1 of 2  
 Revision Date: Sep 24, 2020

# Trail View Estates South

Part of Outlot 1, Trail View Estates, being part of of the Southeast 1/4 of the Northwest 1/4 and part of Lot 2, Certified Survey Map 3566, being located in part of the Northeast 1/4 of the Southwest 1/4 of Section 8, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

## Owner's Certificate

Emerald Valley Estates, LLC, a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as the property owner, does hereby certify that said limited liability company caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

Emerald Valley Estates, LLC, does further certify this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

City of Appleton  
Department of Administration

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

In the presence of: Emerald Valley Estates, LLC

\_\_\_\_\_  
Robert A. DeBruin, Managing Member

State of Wisconsin)

\_\_\_\_\_ County) ss

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above the property owner(s) to me known to be the persons who executed the foregoing instrument and acknowledge the same.

\_\_\_\_\_  
Notary Public, Wisconsin My Commission Expires \_\_\_\_\_

## Utility Easement Provisions

An easement for electric, natural gas, and communications service is hereby granted by

Emerald Valley Estates, LLC, Grantor, to:

Wisconsin Electric Power Company and Wisconsin Gas, LLC, Wisconsin corporations doing business as We Energies, Grantee, SBC, Grantee, and Time Warner Cable, Grantee

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without written consent of grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

Emerald Valley Estates, LLC

\_\_\_\_\_  
Robert A. DeBruin, Managing Member

\_\_\_\_\_  
Date

## City of Appleton Approval

Resolved, that the plat of Trail View Estates South, in the City of Appleton, Outagamie County, Emerald Valley Estates, LLC, owners, is hereby approved by the Common Council of the City of Appleton.

\_\_\_\_\_  
Mayor Date

I hereby certify that the foregoing is a copy of a resolution adopted by the the Common Council of the City of Appleton.

\_\_\_\_\_  
Clerk Date

## Treasurer's Certificate

We, being the duly elected, qualified and acting Treasurer's of the City of Appleton and Outagamie County, do hereby certify that in accordance with the records in our office, there are no unredeemed tax sales and unpaid taxes, or special assessments on and of the land included in this plat.

\_\_\_\_\_  
City Treasurer Date

\_\_\_\_\_  
County Treasurer Date

This Final Plat is contained wholly within the property described in the following recorded instruments:

The property owner of record:	Recording Information:	Parcel Number(s):
Emerald Valley Estates, LLC	Doc No. 2092715	311-7513-00
	Doc No. _____	311-6410-00

## Drainage Maintenance and Storm Sewer Easement Provisions

An easement for Drainage and Storm Sewer is hereby granted by:

Emerald Valley Estates, LLC, Grantor, to:

THE CITY OF APPLETON, Grantee,

- Purpose:** The purpose of this easement is for the Grantee to access, install, regrade, replace, relocate, operate, maintain, resize storm sewer, drainage ditch/swale, and associated appurtenances. Grantee does hereby agree to compensate Grantor fully for any damage caused directly or indirectly from said maintenance, repair, replacement or relocation of said storm sewer, drainage ditch/swale and associated appurtenances that occur outside of the easement area. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with grantee's use of the easement area.
- Access:** Grantee or its agents shall have the right to enter the grantor's land for the purpose of exercising its rights in the easement area.
- Buildings or Other Structures:** Buildings or any other type of structure shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Drainage Easement" or "Storm Sewer & Drainage Easement".
- Elevation:** The grantor agrees that the elevation of the existing ground surface within the easement area will not be altered without the written consent of grantee.
- Restoration:** Grantee agrees that it will restore subsurface materials on grantor's land, as nearly as is reasonably possible, to the prior existing condition when conducting all future maintenance, reziling or repair activities. Grantor shall be responsible for all surface restoration. Grantee shall not be required to restore or compensate for any improvements or improved surfaces such as, but not limited to, curb and gutter, hard pavements, sidewalks, structures, trees, shrubs and landscaping, disturbed as a result of the maintenance activities described herein.
- Notification:** Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work. Grantee and Grantor agree to cooperate in good faith to minimize interference or disruption to the normal facility operations. Grantee shall provide advance notice to Grantor (except in emergency situations, in which event notice shall be provided as soon as is practical) of any activity with a reasonable likelihood of interfering or disrupting the operation Grantor's facility, and to conduct such activities at mutually agreeable times.
- Drainage Easements are conveyance paths for storm water.** The placement of fill in a drainage easement, which interferes with the flow or changes to the shape of the drainage easement by the lot owner or his agent, is prohibited. Upon failure of lot owner's to maintain said drainage ways and easements as designed, the City of Appleton retains the right to perform maintenance and or repairs. The payment of said maintenance and or repairs shall be equally assessed to the adjacent lot owners.

This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

Emerald Valley Estates, LLC

\_\_\_\_\_  
Robert A. DeBruin, Managing Member

\_\_\_\_\_  
Date

## CURVE TABLE

Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle	Tangent Bearing-in	Tangent Bearing-out
C1	1105.18'	S 05°29'50" W	188.94'	189.17'	9°48'26"	S 10°24'03" W	S 00°35'37" W
C2	1105.18'	S 08°49'51" W	60.56'	60.57'	3°08'25"	S 10°24'03" W	S 07°15'38" W
C3	1105.18'	S 03°55'41" W	128.56'	128.63'	6°40'08"	S 07°15'45" W	S 00°35'37" W
C4	1105.18'	S 05°18'39" W	75.20'	75.22'	3°53'58"	S 07°15'38" W	S 03°21'40" W
C5	1105.18'	S 01°58'39" W	53.38'	53.38'	2°46'03"	S 03°21'40" W	S 00°35'37" W
C6	500.00'	S 29°58'47" W	490.69'	512.88'	58°46'19"	S 00°35'37" W	S 59°21'56" W
C7	500.00'	N 26°29'34" E	436.79'	452.02'	51°47'53"	N 52°23'30" E	N 00°35'37" E
C8	500.00'	S 02°28'17" W	32.77'	32.77'	3°45'20"	S 00°35'37" W	S 04°20'57" W
C9	500.00'	S 08°13'43" W	67.66'	67.71'	7°45'32"	S 04°20'57" W	S 12°06'28" W
C10	500.00'	S 15°59'14" W	67.66'	67.71'	7°45'32"	S 12°06'28" W	S 19°52'00" W
C11	500.00'	S 23°44'46" W	67.66'	67.71'	7°45'32"	S 19°52'00" W	S 27°37'32" W
C12	500.00'	S 31°30'18" W	67.66'	67.71'	7°45'32"	S 27°37'32" W	S 35°23'04" W
C13	500.00'	S 39°15'50" W	67.66'	67.71'	7°45'32"	S 35°23'04" W	S 43°08'36" W
C14	500.00'	S 47°46'03" W	80.62'	80.71'	9°14'54"	S 43°08'36" W	S 52°23'30" W
C15	500.00'	S 55°52'43" W	60.82'	60.86'	6°58'26"	S 52°23'30" W	S 59°21'56" W
C16	130.00'	N 66°06'05" W	101.66'	104.44'	46°01'57"	S 43°05'06" E	S 89°07'03" E
C17	120.00'	N 66°02'19" W	93.60'	96.15'	45°54'26"	S 88°59'32" E	S 43°05'06" E
C18	120.00'	N 47°16'23" W	17.53'	17.54'	8°22'34"	S 51°27'40" E	S 43°05'06" E
C19	120.00'	N 70°13'36" W	77.21'	78.61'	37°31'53"	N 51°27'40" W	N 88°59'32" W
C20	130.00'	S 65°26'10" E	96.92'	99.31'	43°46'16"	S 87°19'19" E	S 43°33'02" E
C21	70.00'	N 24°45'42" E	10.78'	10.79'	8°50'05"	N 20°20'39" E	N 29°10'44" E
C22	180.00'	N 14°53'11" E	88.87'	89.80'	28°35'07"	N 29°10'44" E	N 00°35'37" E
C23	180.00'	N 28°04'24" E	6.95'	6.95'	2°12'41"	N 29°10'44" E	N 26°58'03" E
C24	180.00'	N 20°22'27" E	41.34'	41.43'	13°11'13"	N 26°58'03" E	N 13°46'50" E
C25	180.00'	N 07°11'14" E	41.34'	41.43'	13°11'13"	N 13°46'50" E	N 00°35'37" E
C26	70.00'	N 10°35'52" E	24.32'	24.44'	20°00'30"	N 00°35'37" E	N 20°36'07" E
C27	180.00'	S 78°21'49" E	66.40'	66.78'	21°15'26"	S 67°44'06" E	S 88°59'32" E
C28	70.00'	S 66°06'05" E	54.74'	56.24'	46°01'57"	S 89°07'03" E	S 43°05'06" E
C29	180.00'	S 45°42'47" E	16.51'	16.51'	5°15'21"	S 43°05'06" E	S 48°20'27" E
C30	130.00'	S 13°14'01" W	56.89'	57.36'	25°16'48"	N 25°52'25" E	N 00°35'37" E
C31	120.00'	S 19°24'10" W	40.75'	40.95'	19°33'10"	N 09°37'35" E	N 29°10'44" E
C32	130.00'	S 20°13'28" W	40.47'	40.63'	17°54'33"	N 29°10'44" E	N 11°16'12" E
C33	70.00'	S 66°20'03" E	54.21'	55.67'	45°34'01"	N 89°07'03" W	N 43°33'02" W

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified \_\_\_\_\_, 20\_\_\_\_

Department of Administration



File: 6025Final.dwg  
Date: 09/23/2020  
Drafted By: jim  
Sheet: 2 of 2  
Revision Date: Sep 23, 2020



"...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](mailto:dean.gazza@appleton.org)

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 10/26/2020

RE: Action: Award the City of Appleton's "Wastewater D- Building HVAC Upgrades Phase 1 Project" contract to BP Mechanical, Inc. in the amount of \$93,976 with a contingency of 10% for a project total not to exceed \$103,374.

The 2019/2020 Capital Improvement Plan includes \$900,000 to make upgrades to the Wastewater Treatment Plant HVAC systems. Of that amount, \$704,000 has been allocated to the first phase of a two-phase project to upgrade the HVAC system for the A & S Buildings. The remaining balance of \$196,000 has been allocated for HVAC upgrades at the D-Building along with boiler system upgrades. This contract is to replace the HVAC system in the AWWTP D-Building Lab. The existing HVAC system for the D-Building Lab is at the end of its useful life and is in need of replacement.

The bids were received as follows:

<b>BP Mechanical, Inc. (low bid)</b>	<b>\$93,976</b>
Southport Engineered Systems	\$129,990
August Winter & Son, Inc.	\$131,347
Great Lakes Mechanical, Inc.	\$154,300

Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to BP Mechanical, Inc. 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 BP Mechanical, Inc. in the amount of \$93,976 plus a contingency of 10% only to be utilized as needed.

Please contact me at 832-5572 or at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org) with any questions.



# Wisconsin Elections Commission

212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984  
(608) 266-8005 | elections@wi.gov | elections.wi.gov

---

## 2020 WEC CARES Subgrant

### Notice of WEC CARES Subgrant Award

Wisconsin Elections Commission  
212 East Washington Avenue, 3rd Floor  
PO Box 7984; Madison, WI 53707-7984

**Subgrantee: City of Appleton, Outagamie, Calumet and Winnebago Counties**

**Subgrantee DUNS Number: 053090312**

**Date: 8/27/2020**

### City of Appleton, Outagamie, Calumet and Winnebago Counties, DUNS Number

**053090312**, has been awarded **\$44,974.40** (a \$200 base subgrant plus an additional \$1.10 per registered voter as of June 1, 2020) under the WEC CARES Subgrant, issued by the Wisconsin Elections Commission. These funds are a subgrant of the 2020 HAVA CARES Act Grant, Agreement Number WI20101CARES, CFDA Number 90.404, authorized by the U.S. Congress under Section 101 of the Help America Vote Act of 2002 (HAVA) (Public Law 107-252), provided for in the *Coronavirus Aid, Relief and Economic Security (CARES) Act (Public Law 116-136)* and issued by the U.S. Election Assistance Commission (Funding Source: EAC1651DB2020DR-2020-61000001-410001-EAC1908000000) for which the Wisconsin Elections Commission was awarded on April 6, 2020.

As a sub-recipient, your jurisdiction must adhere to all applicable federal requirements including Office of Management and Budget (OMB) guidance: Title 2 C.F.R. Subtitle A, Chapter II, Part 200-Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. § 200).

#### I. ALLOWABLE USES

**Purpose and Use of Funds.** The CARES Act makes clear that grant funds are for ADDITIONAL costs associated with the national emergency related to coronavirus and are to be spent “to prevent, prepare for, and respond to coronavirus, domestically or internationally, for the 2020 Federal election cycle.” Additional costs are those incurred outside of the jurisdiction’s budgeted costs for the 2020 federal elections or those costs that are solely incurred due to the pandemic. For the purpose of this subgrant, those allowable uses span the period **January 20, 2020 through November 30, 2020** and include the seven following categories:

1. ADDITIONAL BALLOT SUPPLIES, PRINTING, AND POSTAGE COSTS for higher levels of absentee or vote by mail processes, including printers, scanners, and envelope openers costing less than \$5000 per unit.
2. ADDITIONAL CLEANING SUPPLIES, CLEANING SERVICES AND PROTECTIVE EQUIPMENT including additional disinfectants, wipes, paper towels, deep cleaning services for polling places pre- and post-election, masks, gloves, gowns, face shields, plexiglass, thermometers

Wisconsin Elections Commissioners

Ann S. Jacobs, chair | Marge Bostelmann | Julie M. Glancey | Dean Knudson | Robert Spindell | Mark L. Thomsen

---

Administrator  
Meagan Wolfe

and other equipment for staff and poll workers' virus protection for in-person absentee voting sites, election day polling places and absentee central-count locations.

3. **ADDITIONAL STAFFING FOR PROCESSING** of higher levels of absentee ballot requests and absentee ballot tabulation, as expanded hours, overtime, Hazard Pay and associated benefits costs for election staff and poll workers or unbudgeted temporary election staff or poll workers and for additional staffing for cleaning polling locations and creating other protective measures.
4. **ADDITIONAL MAILINGS FOR PUBLIC COMMUNICATION** of changes in registration, absentee ballot request options, or voting procedures, including information on coronavirus precautions being implemented during the voting process.
5. **ADDITIONAL ABSENTEE DROP-BOXES**, installation, and security.
6. **ADDITIONAL SPACE LEASING** for new polling places when existing sites are closed or relocated due to the pandemic.
7. **ACQUISITION OF ADDITIONAL EQUIPMENT** necessary to process the higher volume of absentee ballots. This includes new automated letter opening equipment, paper folding machines, high speed or central count tabulators, and mobile IT equipment. (This "Equipment" category defined as costing equal or greater than \$5000 per unit. Equipment costs less than \$5000 should instead be reported under the applicable category above, most likely Additional Ballot Supplies. Additional reporting and documentation are required for allowable equipment purchases as outlined in the below referenced CFR sections.)

Per the Code of Federal Regulations, Title 2 (2 CFR) §200.33:

"Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000. See also §§200.12 Capital assets, 200.20 Computing devices, 200.48 General purpose equipment, 200.58 Information technology systems, 200.89 Special purpose equipment, and 200.94 Supplies."

## II. DOCUMENTATION, AUDIT, AND REPORTING

**DOCUMENTATION:** The receiving jurisdiction must maintain all documentation of purchases made using subgrant funds provided by this subgrant until December 31, 2024. Documentation includes receipts, invoices, payroll reports, etc. and notations to document that claimed expenditures are due to the pandemic.

A standard inventory list of all items purchased using subgrant funds must be created and maintained by the jurisdiction for purposes of any state or federal audit. Such original purchasing documentation and inventory lists shall be retained by the receiving jurisdiction until the WEC authorizes destruction of said records.

**AUDIT:** All subgrant funds are subject to audit by the Commission and/or the federal government to ensure funds have been spent appropriately and in accordance with all applicable state and federal laws.

Pursuant to Wis. Stat. § 5.05(11), if the federal government objects to the use of any funds provided to a municipality under the subgrant, the municipality shall repay the amount of the subgrant to the Commission.

**REPORTING:** September 15, 2020 and December 1, 2020. A Check-In is due September 15, 2020 that covers the period of January 20, 2020 – September 1, 2020. The final report is due December 1, 2020, covering January 20, 2020 – November 30, 2020. By those two deadlines, all receiving jurisdictions must complete and submit to the Commission the WEC CARES Subgrant Expenditures Reporting template for the corresponding period reporting the total pandemic-related election expenditures claimed in the seven categories listed below and detailed above:

1. **Ballots/Ballot Supplies/Printing/Postage**
2. **Cleaning Supplies & Services / Protective Equipment**
3. **Additional Staffing**
4. **Public Communications**
5. **Absentee Ballot Drop-Boxes**
6. **Additional Leasing**
7. **Equipment**

### III. TIMELINES

- **EXPENDITURE PERIOD:** January 20, 2020 – November 30, 2020. Allowable expenses must have been incurred between January 20, 2020 through November 30, 2020. All bills/invoices do NOT have to be paid by November 30, 2020, but the expenses need to be incurred by that date to qualify under the subgrant.
- **SUBGRANT AGREEMENT RETURN DEADLINE:** September 1, 2020. The Commission will expedite the disbursement of funds as the agreements are received. Commission staff will award subgrants as a \$200 base subgrant plus an additional \$1.10 per registered voter as of June 1, 2020. Subgrant allocation is within the sole discretion of the Commission staff administering the subgrant program. Subgrant funds may be received through electronic transfer to a jurisdiction's shared revenues account (if available) or a physical check may be sent to a jurisdiction's shared revenues location. For questions related to the processing of subgrant checks, please contact the Commission's financial team via the WEC Help Desk at (608) 261-2028 or [elections.finance@wi.gov](mailto:elections.finance@wi.gov)
- **PANDEMIC EXPENDITURE REPORTING DEADLINES:** Check-In September 15, 2020 and Final Report December 1, 2020. The jurisdiction's final report of all sufficiently documented pandemic expenditures in the seven categories listed in Section II of this agreement, is due December 1, 2020. This deadline allows the Commission's financial staff to meet its federal grant reporting deadlines, therefore it is important for jurisdictions to file the final expenditure report on time. The Commission will provide to participating jurisdictions a template report, and the jurisdiction will fill in the seven total expenditure amounts for the seven categories in Section II of this agreement. This is an important deadline. If a report is not received by December 1, 2020, the jurisdiction may be required to return all subgrant funds received. The same report is to be used for the September 15, 2020 Check-In but covering the period of January 20, 2020 – September 1, 2020.
- **RETURN OF UNUSED FUNDS:** December 15, 2020. Jurisdictions must return any unused subgrant funds by December 15, 2020. Also, if a jurisdiction fails to submit a Pandemic Expenditure Report by December 1, 2020, the jurisdiction may be required to return all subgrant funds received.

### IV. CERTIFICATIONS

In your signed WEC CARES Agreement, you certified the following:

- As the receiving jurisdiction, we certify that we will solely use the WEC CARES Subgrant funds for costs incurred due to the pandemic affecting the 2020 federal elections.
- As the receiving jurisdiction, we certify that we do or will have the necessary processes and systems in place to comply with the reporting requirements.

- As the receiving jurisdiction, we will maintain all documentation of purchases made using subgrant funds provided in this subgrant until December 31, 2024.
- As the receiving jurisdiction, we will return any unused funds by December 15, 2020.
- As the receiving jurisdiction, by September 15, 2020 and December 1, 2020 we will submit to the Commission a simple report of the total expenditures in the seven categories detailed above: 1. Ballots/Ballot Supplies/Printing/Postage, 2. Cleaning/PPE, 3. Staffing, 4. Public Communications, 5. Absentee Ballot Drop-Boxes, 6. Space Leasing/Polling Place Relocation, and 7. Equipment.
- As the receiving jurisdiction, we further certify that we will follow all state and federal laws, including adherence to all applicable federal requirements including Office of Management and Budget (OMB) guidance: Title 2 C.F.R. Subtitle A, Chapter II, Part 200-Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. § 200) found here: (<https://www.govinfo.gov/app/collection/cfr/2019/>)

## **Julia Billingham, MAcc**

Senior Accountant

WI Elections Commission

212 East Washington Avenue, 3rd Floor

PO Box 7984; Madison, WI 53707-7984

Direct: 608.266.2094; General WEC: 608.266.8005

[julia.billingham@wisconsin.gov](mailto:julia.billingham@wisconsin.gov)

<http://elections.wi.gov>





CENTER FOR  
TECH AND  
CIVIC LIFE

October 12, 2020

Appleton City, Wisconsin

City Clerk

100 N. Appleton Street

Appleton, WI 54911

Dear Kami Lynch,

I am pleased to inform you that based on and in reliance upon the information and materials provided by Appleton City, and the special circumstances Appleton City faces administering elections in 2020, the Center for Tech and Civic Life (“CTCL”), a nonprofit organization tax-exempt under Internal Revenue Code (“IRC”) section 501(c)(3), has decided to award a grant to support the work of Appleton City (“Grantee”).

The following is a description of the grant:

**AMOUNT OF GRANT:** \$ 18,330.00 USD

**PURPOSE:** The grant funds must be used exclusively for the public purpose of planning and operationalizing safe and secure election administration in Appleton City in 2020 (“Purpose”).

Before CTCL transmits these funds to Grantee, CTCL requires that Grantee review and sign this agreement (“Grant Agreement”) and agree to use the grant funds in compliance with the Grant Agreement and with United States tax laws and the laws and regulations of your state and jurisdiction (“Applicable Laws”). Specifically, by signing this letter Grantee certifies and agrees to the following:

1. Grantee is a local government unit or political subdivision within the meaning of IRC section 170(c)(1).
2. This grant shall be used only for the Purpose described above, and for no other purposes.
3. Due to special circumstances Grantee faces administering elections in 2020, Grantee has produced a plan for safe and secure election administration in 2020, including an assessment of election administration needs and budget estimates for such assessment (“Safe Voting Plan”). The Safe Voting Plan is attached to this agreement. Grantee shall expend the total amount of grant funds listed in the Safe Voting Plan as detailed in the Safe Voting Plan, but may reallocate funds between budget items listed in the Safe Voting Plan or to any other permissible public purpose listed in the online grant application with notice by electronic mail to CTCL. Such reallocation does not require the permission of CTCL.
4. Grantee shall not use any part of this grant to make a grant to another organization, except in the case where the organization is a local government unit or political subdivision within the meaning of IRC section 170(c)(1) or a nonprofit organization tax-exempt under IRC section 501(c)(3), and the subgrant is intended to accomplish the Purpose of this grant. Grantee shall take reasonable steps to ensure that any such subgrant is used in a manner consistent with the terms and conditions of this Grant Agreement, including requiring that subgrantee agrees in writing to comply with the terms and conditions of this Grant Agreement.
5. The grant project period of June 15, 2020 through December 31, 2020 represents the dates between which covered costs may be applied to the grant. The Grantee shall expend the amount of this grant for the Purpose by December 31, 2020.
6. Grantee is authorized to receive this grant from CTCL and certifies that (a) the receipt of these grant funds does not violate any Applicable Laws, and (b) Grantee has taken all required, reasonable and necessary steps to receive, accept and expend the grant in accordance with the Purpose and Applicable Law.
7. The Grantee shall produce a brief report explaining and documenting how grant funds have been expended in support of the activities described in paragraph 3. This report shall be sent to CTCL no later than January 31, 2021 in a format approved by CTCL and



shall include with the report a signed certification by Grantee that it has complied with all terms and conditions of this Grant Agreement.

8. This grant may not supplant previously appropriated funds. The Grantee shall not reduce the budget of the Municipal Clerk (“the Election Department”) or fail to appropriate or provide previously budgeted funds to the Election Department for the term of this grant. Any amount supplanted, reduced or not provided in contravention of this paragraph shall be repaid to CTCL up to the total amount of this grant.
9. CTCL may discontinue, modify, withhold part of, or ask for the return all or part of the grant funds if it determines, in its sole judgment, that (a) any of the above terms and conditions of this grant have not been met, or (b) CTCL is required to do so to comply with applicable laws or regulations.
10. The grant project period of June 15, 2020 through December 31, 2020 represents the dates between which covered costs for the Purpose may be applied to the grant.

Your acceptance of and agreement to these terms and conditions and this Grant Agreement is indicated by your signature below on behalf of Grantee. Please have an authorized representative of Grantee sign below, and return a scanned copy of this letter to us by email at [grants@techandcivicliflife.org](mailto:grants@techandcivicliflife.org).

On behalf of CTCL, I extend my best wishes in your work.

Sincerely,



Tiana Epps Johnson

Executive Director

Center for Tech and Civic Life



GRANTEE

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



# City of Appleton Safe Voting Plan

## Overview

The City of Appleton faces significant challenges in executing the November 3, 2020 general election.

Specifically, the City of Appleton faced inadequate staffing to keep up with absentee ballot requests, difficulty processing absentees at the polling places in August due to extra time taken to feed absentee ballots into tabulators, the exhaustion of the postage budget for the mailing of record numbers of absentee ballots.

For the general election, the number of **total registered voters is expected to be exceed, 43,500** with ballots split between the two modes of voting. This document offers an assessment of resources needed for the City of Appleton to safely and thoroughly prepare for the general election.

**A preliminary budget overview estimate on top of what is already available to the City is as follows:**

Absentee Ballot Processing Equipment- 2 more units	\$12,330
Additional Poll Workers to assist with Pre-election tasks	\$1,000
In-person Voting Help	\$4,000
Absentee Envelopes & Supplies	\$1,000
<b>Total</b>	<b>\$18,330</b>

## Needs Assessment & Costs

The following sections outline initial details of the operation and costs associated with each of the aforementioned categories.

### Absentee Ballot Processing Equipment

For the November elections, we anticipate absentee-by-mail turnout to be somewhere around 65% of registered voters. Adequate supplies and equipment critical to efficiently and

accurately managing and processing absentee ballots on Election Day. To that end, the following is needed:

- **Processing Equipment:** To process absentee by mail ballot, we request two additional DS200 tabulators to be able to deploy these at 2 of our polling places with substantial absentee ballots. This will allow absentee ballots to be fed into one tabulator, while having one tabulator just designated to in-person voters.

	<u>Total cost</u>	<u>Units</u>	<u>Unit costs</u>
<b>DS200 Tabulator</b>	\$11,500	#2	\$5,750
<b>DS200 Modem (Results)</b>	\$600	#2	\$300
<b>Equipment Shipping</b>	\$230		
<b>Total</b>	<b>\$12,330</b>		

### Additional Workers for Pre-Election Tasks & In-person Absentee Voting

The City of Appleton has already mailed out over 17,000 absentee ballots and requests continue to increase. To return and sort these ballots, as well as keep up with new requests, the City will be bringing in poll workers to help with these tasks.

These workers may work any where from 8 hours a week to 40 hours per week, at rates from \$8.75 per hour to \$11.57 per hour.

Additional poll workers will also be necessary to safely and efficiently administer in-person absentee voting at City Hall during the 14 days preceding the election. In-person absentee voting will occur for at least 8 hours a day for 9 days and we would plan to utilize at least 5 individuals a day to administer this.

### Absentee Envelopes & Supplies

The City of Appleton has ordered many supplies related to absentee ballots such as envelopes and stickers to use old envelopes with the recent residency requirement change. Additional stickers will be necessary and supplies to open and count these absentee ballots, such as letter openers and sorting trays will be necessary for Election Day.

### Conclusion

The investments outlined above will allow the City of Appleton to reduce the risk of exposure to coronavirus for voters, election staff and poll workers; identify best practices; innovate to efficiently and effectively educate our residents about how to exercise their right to vote; be intentional and strategic in reaching our historically disenfranchised residents and

communities; and, above all, ensure the right to vote in a diversity of communities throughout the county. Thank you for the opportunity to submit this request.



*"...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](mailto:dean.gazza@appleton.org)

TO: Finance Committee

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

DATE: 10/26/2020

RE: Action: Request approval of Change Order #1 for contract 36-20 for 2019 AWWTP Electrical Distribution Upgrades Phase 2 Project for refeeding and removal of the E-Building's transformers and MCC's in the amount of \$95,800 resulting in a decrease of the contingency from \$230,590 to \$134,790. No change to the overall contract amount.

This change order is to remove and relocate the electrical equipment in the E-Building at the AWWTP. The E-Building has two transformers and two Motor Control Centers (MCC's) that feed several pieces of electrical equipment for primary aeration. During the design for Phase 3, a comprehensive analysis was completed that studied all aspects of the lower electrical distribution system and process equipment needs. The result of this analysis indicated if we were to relocate the existing electrical equipment in the E-Building, and install the new substation in that location, we could eliminate a future blower replacement project that would save \$700,000 in the 2024 budget. Therefore, the relocation of the E-Building's electrical equipment should be completed in conjunction with the current Phase 2 Project.

Please feel free to contact me at 832-5572 with any questions, or by email at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org).



**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](mailto:dean.gazza@appleton.org)

TO: Finance Committee

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

DATE: 10/26/2020

RE: Action Item: Award the Engineering Contract for the 2020 AWWTP V2-F2 Buildings Road Replacement Project to McMahon in the amount of \$42,790 plus a 5% contingency for a total not to exceed a project engineering cost of \$44,930.

**PROJECT**

The 2020/2021 Capital Improvement Budget allocated monies to replace the road leading from the V2 Building to the F2 Building at the Appleton Wastewater Treatment Plant. Overall, the road replacement will include stormwater modeling, demolition, new base, new storm sewer, and new concrete pavement. This memo addresses selecting a design consultant to create plans, specifications, and oversee construction administration for the 2020 AWWTP V2-F2 Road Replacement Project.

**BACKGROUND**

The Parks, Recreation and Facilities Management Department (PRFMD) is responsible for all concrete and asphalt pavement associated with City facilities, including roads, parking lots, building approaches, walkways, sidewalks, trails, entrances, etc. In 2017 PRFMD hired a consultant to complete a condition assessment and create an implementation schedule for the AWWTP paved surfaces. This funding request recognizes the need to replace the road between the V2 and the F2 Buildings based on the condition report prepared by our consulting engineer.

**RFP PROCESS:**

The request for proposal was distributed to four engineering firms. Representatives from three of the four firms attended a pre-proposal meeting where the project was defined along with the project scope. Two of the firms, EXP and KL Engineering, opted not to provide a proposal based on the specifics of this project. The proposals were reviewed and scored by PRFMD, AWWTP and DPW staff prior to the opening of the bid tabulation document. The following table identifies the engineering firms along with their proposal score and proposal pricing:

**Table 1: Engineering Firms and RFQ Results**

<b>Firm:</b>	<b>TOTAL PTS</b>	<b>BID TOTAL</b>	<b>Value (Point/\$)</b>
McMahon	<b>585</b>	\$42,790	<b>137</b>
Omni	<b>315</b>	\$31,550	<b>100</b>
KL - DNP	NA	NA	NA
EXP - DNP	NA	NA	NA

\*DNP = Did Not Propose

\*NA – Not Applicable

The evaluation team completed their review and scoring of the submitted proposals. The evaluation team found that McMahon had scored the highest and provided a proposal that best meets the City’s needs. The team also found that the Omni firm had provided a competitive proposal. The evaluation team completed the value evaluation to assess whether or not the additional costs for the McMahon proposal were worth justifying. The formula produced results that McMahon provided the best overall project value including costs.

The McMahon team has extensive experience with similar AWWTP projects. Their proposal demonstrated a comprehensive approach that delivered construction and improvement alternatives that will best fit the City’s needs.

**RECOMMENDATION**

Award the Engineering Contract for the 2020 AWWTP V2-F2 Buildings Road Replacement Project to McMahon in the amount of \$42,790 plus a 5% contingency for a total not to exceed project engineering cost of \$44,930.

Please contact me at 832-5572 or at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org) with any questions.

**ADOPTED: November 4, 2020**  
**PUBLISHED: November 9, 2020**  
Office of the City Clerk

**126-20**

**AN ORDINANCE AMENDING CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON AND THE OFFICIAL ZONING MAP WHICH IS A PART THEREOF, BY MAKING THE FOLLOWING CHANGES IN THE DISTRICT AS NOW PROVIDED.**

(City Plan Commission 11/4/2020)

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

**Section 1:** That Zoning Ordinance, Chapter 23 of the Municipal Code of the City of Appleton and the Official Zoning Map, which is a part thereof, is amended by making the following changes:

To rezone part of Property Tax Id #31-1-7600-00, generally located along the east and west sides of officially mapped Providence Avenue for the 6<sup>th</sup> Addition to Emerald Valley, from AG Agricultural District to R-1B Single-Family District. (Rezoning #8-20 – Emerald Valley Estates LLC, Robert DeBruin)

**LEGAL DESCRIPTION:**

PART OF THE NORTHWEST 1/4, NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 6; THENCE SOUTH 00 DEGREES 02 MINUTES 25 SECONDS EAST, ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 1131.30 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 35 SECONDS WEST, A DISTANCE OF 676.42 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTH LINE OF THE SECOND ADDITION TO EMERALD VALLEY, A DISTANCE OF 321.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTH LINE OF THE THIRD ADDITION TO EMERALD VALLEY, A DISTANCE OF 134.60 FEET; THENCE 25.16 FEET ALONG AN ARC OF A CURVE TO THE LEFT, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF PROVIDENCE AVENUE, SAID CURVE HAVING A RADIUS OF 333.00 FEET AND A CHORD THAT BEARS NORTH 27 DEGREES 04 MINUTES 53.0 SECONDS WEST, 25.15 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG

THE NORTHERLY RIGHT-OF-WAY LINE OF PROVIDENCE AVENUE, A DISTANCE OF 66.21 FEET; THENCE 23.86 FEET ALONG AN ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 267.00 FEET AND A CHORD THAT BEARS NORTH 30 DEGREES 47 MINUTES 18.5 SECONDS WEST, 23.85 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 171.18 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, 110.00 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 260.00 FEET; THENCE NORTH 42 DEGREES 48 MINUTES 38 SECONDS WEST, 60.83 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 320.00 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 120.00 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 145.00 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 353.00 FEET TO THE NORTHWEST CORNER OF LOT 53 OF THE FIRST ADDITION TO EMERALD VALLEY; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE WESTERLY LINE OF SAID LOT 53, A DISTANCE OF 145.00 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF AQUAMARINE AVENUE, A DISTANCE OF 25.00 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF AQUAMARINE AVENUE, A DISTANCE OF 60.00 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTHWESTERLY LINE OF LOT 99 OF THE FOURTH ADDITION TO EMERALD VALLEY, A DISTANCE OF 131.00 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE SOUTHWESTERLY LINE OF THE FOURTH ADDITION TO EMERALD VALLEY, A DISTANCE OF 800.00 FEET TO THE POINT OF BEGINNING. CONTAINING 300,775 SQUARE FEET [6.905 ACRES].

**COMMON DESCRIPTION:**

Part of Property Tax Id #31-1-7600-00, generally located along the east and west sides of officially mapped Providence Avenue for the 6<sup>th</sup> Addition to Emerald Valley

**Section 2:** This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication the Director of Community and Economic Development is authorized and directed to make the necessary changes to the Official Zoning Map in accordance with this Ordinance.

Dated: November 4, 2020

---

**Jacob A. Woodford, Mayor**  
City Law A19-1150

**Kami Lynch, City Clerk**

**ADOPTED: November 4, 2020**  
**PUBLISHED: November 9, 2020**  
Office of the City Clerk

**127-20**

**AN ORDINANCE AMENDING CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON AND THE OFFICIAL ZONING MAP WHICH IS A PART THEREOF, BY MAKING THE FOLLOWING CHANGES IN THE DISTRICT AS NOW PROVIDED.**

(City Plan Commission 11/4/2020)

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

**Section 1:** That Zoning Ordinance, Chapter 23 of the Municipal Code of the City of Appleton and the Official Zoning Map, which is a part thereof, is amended by making the following changes:

To rezone part of Property Tax Id #31-1-7600-00, generally located on west of officially mapped Providence Avenue for the 7<sup>th</sup> Addition to Emerald Valley, from AG Agricultural District to R-1B Single-Family District. (Rezoning #9-20 – Emerald Valley Estates LLC, Robert DeBruin)

**LEGAL DESCRIPTION:**

PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 6; THENCE SOUTH 88 DEGREES 19 MINUTES 36 SECONDS EAST, ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 700.09 FEET; THENCE NORTH 01 DEGREES 40 MINUTES 24 SECONDS EAST, A DISTANCE OF 677.57 FEET TO THE POINT OF BEGINNING; THENCE NORTH 39 DEGREES 00 MINUTES 29 SECONDS WEST, ALONG THE NORTHERLY LINE OF CERTIFIED SURVEY MAP NO. 6311, A DISTANCE OF 507.47 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 150.33 FEET; THENCE NORTH 47 DEGREES 11 MINUTES 22 SECONDS EAST, 60.83 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 122.22 FEET; THENCE 7.78 FEET ALONG AN ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 270.00 FEET AND A CHORD THAT BEARS NORTH 32 DEGREES 31 MINUTES 20.0 SECONDS WEST, 7.78 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07

SECONDS EAST, 669.89 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, 130.00 FEET; THENCE SOUTH 42 DEGREES 48 MINUTES 38 SECONDS EAST, 60.83 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, 260.00 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 110.00 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, 171.18 FEET; THENCE 23.86 FEET ALONG AN ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 267.00 FEET AND A CHORD THAT BEARS SOUTH 30 DEGREES 47 MINUTES 18.5 SECONDS EAST, 23.85 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTHERLY LINES OF THE THIRD ADDITION TO EMERALD VALLEY AND FIFTH ADDITION TO EMERALD VALLEY, A DISTANCE OF 949.22 FEET THE POINT OF BEGINNING. CONTAINING 552,321 SQUARE FEET [12.680 ACRES].

**COMMON DESCRIPTION:**

Part of Property Tax Id #31-1-7600-00, generally located west of officially mapped Providence Avenue for the 7<sup>th</sup> Addition of Emerald Valley

**Section 2:** This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication the Director of Community and Economic Development is authorized and directed to make the necessary changes to the Official Zoning Map in accordance with this Ordinance.

Dated: November 4, 2020

---

Jacob A. Woodford, Mayor  
City Law A19-1150

---

Kami Lynch, City Clerk

**Resolution #16-R-20**

**Re-establishing the Ellen Kort Peace Park Committee as Standing Subcommittee of Parks, Recreation & Facilities**

Date: September 16, 2020

Submitted By: Alderperson Schultz, District 9 & Alderperson Fenton, District 6

Referred To: City Attorney's Office

WHEREAS; in 2017, upon Common Council adoption of both the future name and future function of the former We Energies / Waste Water treatment plant properties, as the "Ellen Kort Peace Park", an ad-hoc community committee was formed to steer the concept and design of the future park, namely the Ellen Kort Peace Park Committee, and;

WHEREAS: The Ellen Kort Peace Park Committee presented a design brief to the Urban Landscaping and Design firm of Lunde Williams, which included numerous unique recommendations for amenities, spacial function and flow and numerous expressionistic elements, unlike those typically offered in a city or neighborhood park, and;

WHEREAS: in 2018, The Master Plan for Ellen Kort Peace Park received an Honor Award from the Wisconsin Chapter of American Society of Landscape Architects for analysis and planning due in no small part to the inclusion and exploration of these conceptual "peace-themed" components presented in the steering committees' design brief, and;

WHEREAS: with the Master Plan for Ellen Kort Peace Park established as a foundation for the final design process to begin in the fall of 2021, and considering the many extraordinary park elements requiring further exploration to realize their potential role in the overall mission of this one-of-a-kind Peace Park, now therefore,

BE IT RESOLVED, that the Common Council of Appleton direct the Parks, Recreation and Facilities Director to establish the "Ellen Kort Peace Park Committee" as a standing subcommittee under Park and Recreation and task it with continuing the important work of advising City staff on final park design and formerly vetting and providing recommendations on all ideas brought forth on the Peace Park's behalf, and;

BE IT FURTHER RESOLVED, that the Committee membership shall consist of no less than but not limited to 6 members, including alderman from District 11 or designee, one representative of the Ellen Kort family, one representative from Appleton Downtown, Inc, one representative of Sculpture Valley or other arts based non-profit advocacy organization, and 2 members of the public appointed by the Mayor



## LEGAL SERVICES DEPARTMENT

### Office of the City Attorney

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

**TO:** Jacob A. Woodford, Mayor

**FROM:** Christopher R. Behrens, City Attorney 

**DATE:** October 21, 2020

**RE:** Resolution #16-R-20/Schultz  
Re-establishing the Ellen Kort Peace Park Committee as Standing Subcommittee of  
Parks, Recreation & Facilities submitted September 16, 2020

---

Mayor Woodford:

The above-referenced Resolution was referred for my review, comment and opinion.

This Resolution, in my opinion, is most appropriately referred to the Parks and Recreation Committee for its consideration. With that being said, the resolution itself likely misstates the type of advisory body it is proposing. Specifically, this Resolution repeatedly refers to creation of a standing subcommittee of the Parks and Recreation Committee; however, a subcommittee consists only of members of the broader committee. The membership being proposed in this Resolution includes members outside of the committee and accordingly would not be a standing subcommittee but rather an advisory group.

Additionally, the function of this advisory group may overlap with the function of a similar advisory group created by the Council that oversees the installation of art on City property. That distinction and delegation of responsibility would be a decision of the Parks and Recreation Committee and ultimately the Common Council.

In summary, this Resolution is best considered by the Parks and Recreation Committee. If that committee determines that a formalized advisory group such as the one being proposed is necessary it will have a fair amount of work in defining that group, its scope of authority in advising the Parks and Recreation Committee and related expectations and responsibilities.

CRB:jlg  
20-0622