



City of Appleton

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

Meeting Agenda - Final Common Council

Wednesday, February 6, 2019

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. PUBLIC PARTICIPATION
- G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES
[19-0093](#) Common Council Meeting Minutes of January 16, 2019

Attachments: [CC Minutes 1-16-19.pdf](#)

- H. BUSINESS PRESENTED BY THE MAYOR
[19-0098](#) Fire Department Award Presentations for 2018
-Citizen Good Samaritan
-Citizen Awards of Merit
-Fire Department Employee of the Year

[19-0099](#) Parade Committee Appointment

Attachments: [APPT TO PARADE COMM 020619.pdf](#)

[19-0100](#) Appointment to the Business Improvement District Board of Directors

Attachments: [APPT TO BID BOARD 020619.pdf](#)

- I. PUBLIC HEARINGS

[19-0104](#) Public Hearing to amend the City of Appleton Official Map for the future extensions of N. Kurey Drive and E. Werner Road

Attachments: [Public Hearing - Extensions of N. Kurey Dr & E. Werner Rd.pdf](#)

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[19-0091](#) Approve proposed 1-year extension of the Bicycle and Pedestrian Engineering on-call Consulting Services Contract with Alta Planning and Design in an amount not to exceed \$12,000.

Attachments: [1 year extension of the Bicycle and Pedestrian Engineering on-call Contract.pdf](#)

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[19-0067](#) Class "B" Beer and "Class C" Wine application of Garden View Family Restaurant LLC, Located at 216 E College Ave., Rose Villanueva Salinas, Agent, contingent upon approval from all departments.

Attachments: [Liquor License Garden View Application.pdf](#)

[19-0080](#) Operator's Licenses

Attachments: [Operator's Licenses for 1-23-19 S & L.pdf](#)

3. MINUTES OF THE CITY PLAN COMMISSION

[19-0027](#) Request to approve Amendment to the City of Appleton Official Map for the future extensions of N. Kurey Drive and E. Werner Road, generally located adjacent to existing Kurey Drive and Werner Road in the area north of E. Broadway Drive, east of N. Meade Street and south of Mackville Road, (part of Tax Id #'s 31-1-9310-19, 31-1-9310-7, 31-1-9310-6, 31-1-9310-18, 31-1-9310-17, 31-1-9310-5, 31-1-9310-2, 31-1-9310-4, 31-1-9310-13, 31-1-9310-14, 31-1-9310-16 and 040099301 [within the Town of Center]), as shown on the attached maps

Attachments: [StaffReport FutureKureyandWerner OfficialMapAmendment For1-8-19.pdf](#)

Legislative History

1/8/19 City Plan Commission recommended for approval
Proceeds to Council on February 6, 2019.

[19-0063](#) Request to approve the Spartan Drive at Meade Street Annexation located west of N. Meade Street, between E. Edgewood Drive and E. Broadway Drive, currently in the Town of Grand Chute, as shown on the attached maps, subject to the stipulation in the attached staff report

Attachments: [StaffReport SpartanDrMeadeSt Annexation For01-22-19.pdf](#)

Legislative History

1/22/19 City Plan Commission recommended for approval

[19-0064](#) Request to approve the Lucht Annexation (E. Broadway Drive) located north of Plamann Park, between N. Meade Street and N. Ballard Road, currently in the Town of Grand Chute, as shown on the attached maps, subject to the stipulation in the attached staff report

Attachments: [StaffReport Lucht Annexation For01-22-19.pdf](#)

Legislative History

1/22/19 City Plan Commission recommended for approval

[19-0071](#) Request to approve the dedication of land for public right-of-way for the alley located north of Wisconsin Avenue between N. Morrison Street and N. Durkee Street (northern limits of the parcels at 208 & 218 E. Wisconsin Avenue - portion of Tax Id #'s 31-6-0521-00 and 31-6-0520-00), as shown on the attached maps

Attachments: [StaffReport Wisconsin-Morrison AlleyDedication For1-22-19.pdf](#)

Legislative History

1/22/19 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[19-0084](#) Request to approve retaining Stafford Rosenbaum for St. Joseph's site.

Legislative History

1/21/19 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[19-0089](#) Request to approve the Development Agreement between the City of Appleton and Gabriel Lofts, LLC in Tax Increment Financing District No. 11

Attachments: [Memo Recommend Gabriel Lofts LLC Dev Agrmt.pdf](#)
[Gabriels - Dev Agrm - City - Clean - 01-28-2019.pdf](#)

7. MINUTES OF THE UTILITIES COMMITTEE

[19-0073](#) Approval to single source and award the 2019I Valley Road Stormwater Management Alternatives Evaluation in an amount not to exceed \$37,400 and authorization to single source the future design contract and construction related services contract with McMahon Associates, Inc.

Attachments: [2019 Valley Road Stormwater Evaluation Contract Award.pdf](#)

Legislative History

1/22/19 Utilities Committee recommended for approval

[19-0087](#) Approve Intergovernmental Agreement with the City of Menasha and Village of Fox Crossing for stormwater management related to the urbanization of Valley Road.

Attachments: [Valley Road.pdf](#)

Legislative History

1/22/19 Utilities Committee recommended for approval

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

[19-0103](#) Ordinances 1-19 to 5-19

Attachments: [Ordinances going to Council 2-6-19.pdf](#)

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

[19-0106](#) Resolution #15-R-18

Attachments: [#15-R-18 Truancy.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

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Meeting Minutes - Final Common Council

Wednesday, January 16, 2019

7:00 PM

Council Chambers

A. CALL TO ORDER

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

B. INVOCATION

The Invocation was offered by Alderperson Williams.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konetzke, Alderperson Joe Martin, Alderperson Ed Baranowski, Alderperson Rachel Raasch, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Mayor Timothy Hanna

Excused: 2 - Alderperson Bob Baker and Alderperson Patti Coenen

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

City Attorney Walsh, Deputy City Attorney Behrens, City Clerk Lynch, Director of Finance Saucerman, Fire Chief Hansen, Health Officer Eggebrecht, Library Director Rortvedt, Director of Parks, Recreation & Facilities Gazza, Police Lt. Berkley, Director of Public Works Vandehey, Director of Utilities Shaw, Valley Transit General Manager Mc Donald

The following were excused:

Community & Economic Development

Human Resources

Information Technology

F. PUBLIC PARTICIPATION

Mark Stein, 2509 N. Locust Street spoke on Item 18-1859, his Operator License Application

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[19-0060](#)

Common Council Meeting Minutes of December 19, 2018

Attachments: [CC Minutes 12-19-18.pdf](#)

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

Aye: 13 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Curt Konezke, Aldersperson Joe Martin, Aldersperson Ed Baranowski, Aldersperson Rachel Raasch, Aldersperson Kathleen Plank, Aldersperson Matt Reed, Aldersperson Christine Williams, Aldersperson Cathy Spears, Aldersperson Kyle Lobner, Aldersperson Chris Croatt and Aldersperson Keir Dvorachek

Excused: 2 - Aldersperson Bob Baker and Aldersperson Patti Coenen

Abstained: 1 - Mayor Timothy Hanna

- H. BUSINESS PRESENTED BY THE MAYOR
- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY

[18-1859](#)

Operator's License application of Mark S. Stein, 2509 N. Locust Street

Attachments: [Mark S. Stein.pdf](#)
[SL Denial- Stein, 1-9-19.pdf](#)
[Stein PD Letter 1-9-19.pdf](#)
[Mark Stein Letters 1-16-2019.pdf](#)
[Mark Stein Letter -Addl 1-16-19.pdf](#)

A notwithstanding vote was taken on this item.

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

Aye: 9 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Curt Konezke, Aldersperson Joe Martin, Aldersperson Ed Baranowski, Aldersperson Rachel Raasch, Aldersperson Cathy Spears, Aldersperson Kyle Lobner and Aldersperson Keir Dvorachek

Nay: 4 - Aldersperson Kathleen Plank, Aldersperson Matt Reed, Aldersperson Christine Williams and Aldersperson Chris Croatt

Excused: 2 - Aldersperson Bob Baker and Aldersperson Patti Coenen

Abstained: 1 - Mayor Timothy Hanna

[19-0030](#)

Request to approve the following 2019 Budget adjustment:

Public Works Capital Projects Fund

Capital Outlay - Oneida Street Bridge Project	+\$850,000
Proceeds of General Obligation Debt	+\$850,000

to increase budget to fund the cost of soils management related to the Oneida Street Bridge Project (2/3 vote required)

Attachments: [Budget Adjustment for Oneida Bridge Soils Management.pdf](#)

Alderson Plank moved, seconded by Alderson Croatt, that the Item be amended to strike the current item and replace it with the following:

To transfer funds from the Downtown Development CIP to the Bridge Improvement CIP for the estimated cost of soils management related to the Oneida Bridge/Rocky Bleier Run/Jones Park Parking Lot Project.

Roll Call. Motion to amend carried by the following vote:

Aye: 11 - Alderson Vered Meltzer, Alderson Curt Konezke, Alderson Joe Martin, Alderson Ed Baranowski, Alderson Rachel Raasch, Alderson Kathleen Plank, Alderson Matt Reed, Alderson Christine Williams, Alderson Cathy Spears, Alderson Chris Croatt and Alderson Keir Dvorachek

Nay: 2 - Alderson William Siebers and Alderson Kyle Lobner

Excused: 2 - Alderson Bob Baker and Alderson Patti Coenen

Abstained: 1 - Mayor Timothy Hanna

Alderson Plank moved, seconded by Alderson Croatt, that the Budget Adjustment be approved as amended. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderson Vered Meltzer, Alderson Curt Konezke, Alderson Joe Martin, Alderson Ed Baranowski, Alderson Rachel Raasch, Alderson Kathleen Plank, Alderson Matt Reed, Alderson Christine Williams, Alderson Cathy Spears, Alderson Kyle Lobner, Alderson Chris Croatt and Alderson Keir Dvorachek

Nay: 1 - Alderson William Siebers

Excused: 2 - Alderson Bob Baker and Alderson Patti Coenen

Abstained: 1 - Mayor Timothy Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderson Baranowski moved, Alderson Konezke seconded, to approve the balance of the agenda. The motion carried by the following vote:

Aye: 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konezke, Alderperson Joe Martin, Alderperson Ed Baranowski, Alderperson Rachel Raasch, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Alderperson Keir Dvorachek

Excused: 2 - Alderperson Bob Baker and Alderperson Patti Coenen

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[19-0007](#) Approve Resolution #13-R-18 Interstate 41 Public Safety Resolution.

Attachments: [Resolution #13-R-18.pdf](#)

This Report Action Item was approved.

[19-0010](#) Approve Inter Governmental Agreement for French Road Traffic and Planning Study from STH 96 to CTH JJ.

Attachments: [French Road Traffic.pdf](#)

This Report Action Item was approved

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[19-0016](#) Operator's License application of Benjamin Lasfalk, 516 Nicolet Blvd.

Attachments: [Benjamin D. Lasfalk.pdf](#)
[SL Denial-Lasfalk 1-9-19.pdf](#)
[B. Lasfalk Recommendation Letter.pdf](#)
[Lasfalk PD Denial Letter 1-9-19.pdf](#)

This Report Action Item was approved.

[18-1863](#) Pawnbroker License Renewal application of JGB LLC d/b/a Mister Money, Gregory A. Baer, Applicant, 1933B N. Richmond St., contingent upon approval from all departments.

This Report Action Item was approved.

[19-0017](#) Secondhand Article License Renewal application of Scott A. Gonnering, d/b/a Scooter G Sports, 129 E. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[19-0018](#) Secondhand Article License Renewal application of James A. Boylan, d/b/a The Attique Resale, 415 N. Oneida St., contingent upon approval from all departments.

This Report Action Item was approved.

[19-0019](#) Secondhand Article License Renewal application of Dean M. Vandenhoy, d/b/a Richmond Resale, LLC, 204 N. Richmond St., contingent upon approval from all departments.

This Report Action Item was approved.

[19-0052](#) "Class A" Liquor and Class "A" Beer License Application from Pedro Juarez of Lindo Michoacan Mexican Restaurant, LLC, located at 211 N Richmond Street.

Attachments: [Lindo Michoacan Class A Application-S&L 1-9-19.pdf](#)

This Report Action Item was approved.

[19-0057](#) Operator's Licenses

Attachments: [Operator's Licenses for 1-9-19 S & L.pdf](#)

This Report Action Item was approved.

[19-0058](#) Affidavit of Correction for Ward Designation of Leona Pond Annexation

Attachments: [Memo- Leona Pond Annex. Ward Correction.pdf](#)
[Leona Pond Annexation Ward Correction.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[19-0023](#)

Action Item: Request Approval of Updated Athletic Facilities - Rental and Fee Schedule Policy

Attachments: [Athletic Facilities - Rental and Fee Schedule Policy Memo.doc](#)
[2019 Athletic Facilities Policy - REDLINE.pdf](#)
[2019 Athletic Facilities Policy - CLEAN.pdf](#)

This Report Action Item was approved.

5. MINUTES OF THE FINANCE COMMITTEE

[19-0029](#)

Request to award 2017 AWWTP Improvements Project Bid to August Winter and Sons Inc in the amount of \$1,721,500 plus a 10% contingency of \$172,150 for a total cost not to exceed \$1,893,650

Attachments: [AWWTP Improvements Bid Award_August Winter Sons.pdf](#)

This Report Action Item was approved.

[19-0031](#)

Request to award Unit I-18 Oneida Street Bridge over Jones Park to Pheifer Brothers Construction, Inc in the amount of \$5,460,841 with a 2.3% contingency of \$124,856 for a project total not to exceed \$5,585,697, including the waiver of any bid irregularities and acceptance of the bid from Pheifer Brothers as being in the best interests of the City. This contract award is contingent upon approval of the additional \$850,000 in borrowed funding (via separate approval process)

Attachments: [Award of Contract Unit I-18.pdf](#)

This Report Action Item was approved.

[19-0059](#)

Request to approve the following 2019 Budget adjustment:

Valley Transit

Capital Outlay - Bus Purchase	+\$3,500,000
Grant Proceeds	+\$2,800,000
Fund Balance - Depreciation Reserve	+ \$700,000

to record purchase of (7) buses funded by an FTA Grant and depreciation reserve (2/3 vote required)

Attachments: [Bus Purchase Memo.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**7. MINUTES OF THE UTILITIES COMMITTEE**[19-0009](#)

Award Sole Source Stormwater Consulting Services Contract 2019G for French Road Urbanization Stormwater Analysis with raSmith in an amount not to exceed \$28,000.

Attachments: [2019G raSmith Contract Util Memo 01-08-2019 final.pdf](#)

This Report Action Item was approved.

[19-0051](#)

Award North Edgewood Sanitary Lift Station Design and Related Services to McMahon Associates, Inc. in the amount of \$105,031.00 with a 5% contingency of \$5,249.00 for a project total not to exceed \$110,280.00.

Attachments: [North Edgewood Sanitary Lift Station design.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE**9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION**[18-1821](#)

Approve the Intermunicipal Agreement with the City of Neenah and the Village of Fox Crossing for the Northern Winnebago Dial A Ride Service for 2019 Contingent on City of Neenah and the Village of Fox Crossing Approval

Attachments: [NW Dial-A-Ride - 2019 revised.pdf](#)

This Report Action Item was approved.

[19-0043](#)

Authorization to Purchase Buses and Approve Subsequent Budget Amendment

Attachments: [Bus Purchase Memo.pdf](#)

[Letter to FCTC 12.14.2018.pdf](#)

[Capital Assistance Grant DOA.pdf](#)

This Report Action Item was approved.

10. MINUTES OF THE BOARD OF HEALTH

[19-0053](#)

AT&T Noise Variance Request

Attachments: [AT&T Noise Variance Request.pdf](#)

This Report Action Item was approved.

M. CONSOLIDATED ACTION ITEMS

[19-0061](#)

Consolidated Action Items Re: 2019 Budget Adjustment for Bus Purchase:

Item 19-0059 Finance Committee

Item 19-0043 Fox Cities Transit Commission

This Report Action Item was approved.

N. ITEMS HELD

O. ORDINANCES

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

S. CLOSED SESSION

[19-0070](#)

The Common Council may go into closed session according to State Statute §19.85(1)(e) for the purpose of discussing the investment of public funds concerning the Fox Cities Exhibition Center invoices and then will reconvene into open session.

Alderson Croatt moved, seconded by Alderson Spears, that the Common Council convene into closed session at 7:33 p.m. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Curt Konezke, Alderson Joe Martin, Alderson Rachel Raasch, Alderson Kathleen Plank, Alderson Matt Reed, Alderson Christine Williams, Alderson Cathy Spears, Alderson Kyle Lobner, Alderson Chris Croatt and Alderson Keir Dvorachek

Nay: 1 - Alderson Ed Baranowski

Excused: 2 - Alderson Bob Baker and Alderson Patti Coenen

Abstained: 1 - Mayor Timothy Hanna

T. ADJOURN

Motion by Lobner, seconded by Croatt to reconvene into open session. Roll Call. Motion carried 13/0 and at 8:12 p.m. the Common Council reconvened in open session.

No action was taken in Closed Session.

Alderman Lobner moved, seconded by Alderman Croatt, that the meeting be adjourned at 8:13 p.m. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderman William Siebers, Alderman Vered Meltzer, Alderman Curt Konezke, Alderman Joe Martin, Alderman Ed Baranowski, Alderman Rachel Raasch, Alderman Kathleen Plank, Alderman Matt Reed, Alderman Christine Williams, Alderman Cathy Spears, Alderman Kyle Lobner, Alderman Chris Croatt, Alderman Keir Dvorachek and Mayor Timothy Hanna

Excused: 2 - Alderman Bob Baker and Alderman Patti Coenen

Kami Lynch, City Clerk



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

OFFICE OF THE MAYOR
Timothy M. Hanna
100 North Appleton Street
Appleton, Wisconsin 54911-4799
(920) 832-6400 FAX (920) 832-5962
email: mayor@appleton.org

February 1, 2019

Members of the Common Council:

The following is being presented for your confirmation at the February 6 Council meeting:

PARADE COMMITTEE

Appointment of one (1) member to fill the vacated Chairman term by Greg Otis:

COREY OTIS
1-year term to expire 12/2019

Corey Otis has officially served on the Appleton Parade Committee since 2000, and has helped with nearly every parade since the 1980s. He has never actually seen an Appleton parade, but has never missed one either.

Corey graduated from Appleton East High school in 1993, and has taught English Language Arts at his alma mater since 2000. Corey graduated from UW- Madison in 1997 with a degree in journalism, he earned this teaching certificate from Lawrence University in 2000. Corey's family has strong roots in Appleton, his father was the Appleton Parade Chairman from 1985-2018 and his mother was a nurse at St. Elizabeth's Hospital for 42 years. His wife, Kristi, teaches first grade at Ferber Elementary School. Together they have two sons, Caleb is a freshman at UW-Stout, and Eli is a sophomore at Appleton East high School.

It is with pleasure that I make this recommendation.

Sincerely,

TIMOTHY M. HANNA
Mayor of Appleton



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

OFFICE OF THE MAYOR
Timothy M. Hanna
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(920) 832-6400 FAX (920) 832-5962
email: mayor@appleton.org

February 1, 2019

Members of the Common Council:

The following is being presented for your confirmation at the February 6 Council meeting:

BUSINESS IMPROVEMENT DISTRICT BOARD OF DIRECTORS

Appointment of one (1) member to fill the vacated term by Mark Behnke:

BILL WETZEL
3-year term to expire 12/2021

Bill is the owner of Acoca Coffee and recently purchased his building in partnership with Natasha and Mike. Bill has been active with Appleton Downtown Incorporated committees and very engaged in their programs. He brings passion and vision to every project he is involved in.

It is with pleasure that I make this recommendation.

Sincerely,

TIMOTHY M. HANNA
Mayor of Appleton

N O T I C E

PROPOSED AMENDMENT
For the City of Appleton
OFFICIAL MAP
PUBLIC HEARING

Wednesday, February 6, 2019
7:00 P.M., Council Chambers, City Hall, 100 North Appleton Street

At Which Time Anyone Interested In This Proposal
May Be Heard

The Official Map may be amended to provide for:

The Department of Public Works is requesting to amend the City of Appleton Official Map for the future extensions of N. Kurey Drive and E. Werner Road

WERNER ROAD 66' R/W:

A part of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, of Section 36, Township 22 North, Range 17 East, City of Appleton and the Town of Center, Outagamie County, Wisconsin, containing 5.656 acres of land and being further described by:

Commencing at the South $\frac{1}{4}$ corner of said Section 36;

Thence South $89^{\circ}33'20''$ East 599.27 feet coincident with the South line of the SE $\frac{1}{4}$ of said Section 36;

Thence North $00^{\circ}00'00''$ East 2153.52 feet to the Northerly line of Werner Road at its Westerly terminus per the Glacier Ridge Plat and being the point of beginning;

Thence South $34^{\circ}07'24''$ East 66.15 feet (recorded as 66.20 feet) coincident with the Westerly line of Werner Road;

Thence Southwesterly 2.34 feet along the arc of a curve to the left having a radius of 55.00 feet and the chord of which bears South $59^{\circ}31'50''$ West 2.34 feet;

Thence South $55^{\circ}52'37''$ West 1,036.02 feet;

Thence Westerly 261.11 feet along the arc of curve to the right having a radius of 433.00 feet and the chord of which bears South $73^{\circ}09'08''$ West 257.17 feet;

Thence North $89^{\circ}34'20''$ West 166.74 feet;

Thence Westerly 280.77 feet along the arc of curve to the left having a radius of 367.00 feet and the chord of which bears South $68^{\circ}30'39''$ West 273.98 feet;

Thence South $46^{\circ}35'38''$ West 808.76 feet;

Thence Westerly 665.50 feet along the arc of curve to the right having a radius of 866.00 feet and the chord of which bears South 68°36'32" West 649.24 feet;
Thence North 89°22'34" West 531.44 feet to the East line of Meade Street;
Thence North 00°08'12" East 66.00 feet coincident with the East line of Meade Street;
Thence South 89°22'33" East 532.00 feet;
Thence Easterly 614.78 feet along the arc of a curve to the left having a radius of 800.00 feet and the chord of which bears North 68°36'32" East 599.76 feet;
Thence North 46°35'38" East 808.76 feet;
Thence Easterly 331.27 feet along the arc of curve to the right having a radius of 433.00 feet and the chord of which bears North 68°30'39" East 323.25 feet;
Thence South 89°34'20" East 166.74 feet;
Thence Easterly 221.31 feet along the arc of curve to the left having a radius of 367.00 feet and the chord of which bears North 73°09'08" East 217.97 feet;
Thence North 55°52'37" East 1,038.36 feet to the point of beginning.

KUREY DRIVE 66' R/W:

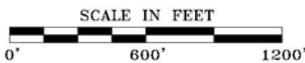
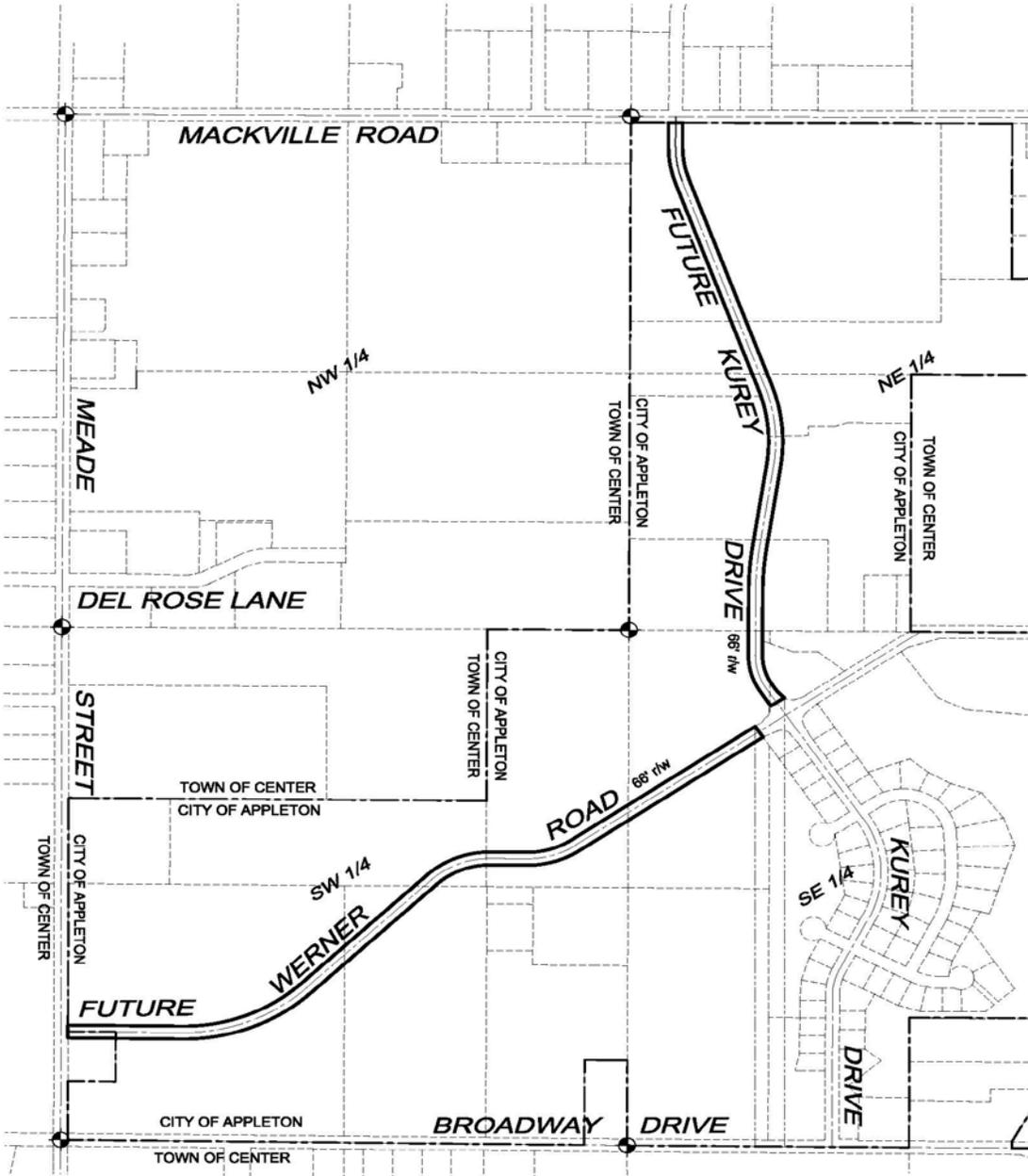
A part of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, of Section 36, Township 22 North, Range 17 East, City of Appleton and the Town of Center, Outagamie County, Wisconsin containing 4.6742 acres of land and being further described by:

Commencing at the South $\frac{1}{4}$ corner of said Section 36;
Thence South 89°33'20" East 736.57 feet coincident with the South line of the SE $\frac{1}{4}$ of said Section 36;
Thence North 00°00'00" East 2302.79 feet to the Northeasterly line of Kurey Drive at its Northerly terminus per the Glacier Ridge Plat and being the point of beginning;
Thence South 56°05'50" West 76.79 feet;
Thence North 34°07'23" West 85.93 feet;
Thence Northerly 199.79 feet along the arc of curve to the right having a radius of 333.00 feet and the chord of which bears North 16°56'06" West 196.81 feet;
Thence North 00°15'12" East 328.86 feet;
Thence Northerly 232.76 feet along the arc of curve to the right having a radius of 1,533.00 feet and the chord of which bears North 04°36'11" East 232.54 feet;
Thence North 08°57'10" East 421.88 feet;
Thence Northerly 389.43 feet along the arc of curve to the left having a radius of 767.00 feet and the chord of which bears North 05°35'34" West 385.26 feet;
Thence North 20°08'18" West 1,130.22 feet;
Thence Northerly 188.73 feet along the arc of curve to the right having a radius of 533.00 feet and the chord of which bears North 09°59'41" West 187.74 feet;
Thence North 00°08'57" East 123.42 feet;
Thence South 89°51'03" East 66.00 feet;
Thence South 00°08'57" West 123.42 feet;
Thence Southerly 165.36 feet along the arc of curve to the left having a radius of 467.00 feet and the chord of which bears South 09°59'41" East 164.49 feet;
Thence South 20°08'18" East 1,130.22 feet;

Thence Southerly 422.94 feet along the arc of curve to the right having a radius of 833.00 feet and the chord of which bears South 05°35'34" East 418.41 feet;
Thence South 08°57'10" West 421.88 feet;
Thence Southerly 222.74 feet along the arc of curve to the left having a radius of 1,467.00 feet and the chord of which bears South 04°36'11" West 222.53 feet;
Thence South 00°15'12" West 328.86 feet;
Thence Southerly 160.20 feet along the arc of a curve to the left having a radius of 267.04 feet and the chord of which bears South 16°55'59" East 157.80 feet;
Thence South 34°07'23" East 33.02 feet;
Thence Southeasterly 21.26 feet along the arc of a curve to the left having a radius of 85.19 feet and the chord of which bears South 41°15'31" East 21.20 feet;
Thence South 48°22'00" East 33.19 feet to the point of beginning.

OFFICIAL MAP

WERNER ROAD AND KUREY DRIVE: Being a part of the NW 1/4 of the NE 1/4, SW 1/4 of the NE 1/4, NW 1/4 of the SE 1/4, NE 1/4 of the SW 1/4, SE 1/4 of the SW 1/4 and the SW 1/4 of the SW 1/4 of Section 36, Township 22 North, Range 17 East, City of Appleton and Town of Center, Outagamie County, Wisconsin.



CITY OF APPLETON

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

DRAFTED BY: T. KROMM
H:\Acad\Official Map\KureyDr_WernerRd_2018

January 9, 2019

Kami Lynch
City Clerk

RUN: January 22, 2019
January 29, 2019

REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES WILL BE MADE UPON
REQUEST AND IF FEASIBLE.



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

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

To: Municipal Services Committee
From: Eric Lom, City Traffic Engineer
Date: January 16, 2019
Re: Proposed 1-year extension of the *Bicycle and Pedestrian Eng'g On-Call Consulting Services contract*

In late 2016, the Department of Public Works solicited proposals for *Bicycle and Pedestrian Engineering On-Call Consulting Services*, and subsequently entered into a one-year contract (extendable to two years) with Alta Planning + Design. Based on the consultant's excellent performance, the contract was later extended through the end of the 2018 calendar year.

As a result of the consultant's continued excellent performance, the Department is proposing to extend this contract through the end of 2019.

Based on budgeted funds, we propose a not-to-exceed contract amount of \$12,000.

Original Alcohol Beverage Retail License Application

Submit to municipal clerk.

For the license period beginning _____ 20 _____ ;
ending _____ 20 _____ ;

TO THE GOVERNING BODY of the: Town of }
 Village of } Appleton
 City of }

County of outagamie Aldermanic Dist. No. _____ (if required by ordinance)

LICENSE REQUESTED		FEE
TYPE		
<input type="checkbox"/> Class A beer		\$
<input checked="" type="checkbox"/> Class B beer		\$
<input checked="" type="checkbox"/> Class C wine		\$
<input type="checkbox"/> Class A liquor		\$
<input type="checkbox"/> Class A liquor (cider only)		\$ N/A
<input type="checkbox"/> Class B liquor		\$
<input type="checkbox"/> Reserve Class B liquor		\$
<input type="checkbox"/> Class B (wine only) winery		\$
Publication fee		\$
TOTAL FEE		\$

1. The named Individual Partnership Limited Liability Company
 Corporation / Nonprofit Organization

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): Garden View Family Restaurant LLC

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

Title	Name (Last, First, M.I.)	Home Address	Post Office & Zip Code
President/Member	<u>Salinas Villanueva Rose</u>	<u>125 E. Calumet St. App. WI 54915</u>	
Vice President/Member			
Secretary/Member			
Treasurer/Member			
Agent	<u>Rose Villanueva Salinas</u>		
Directors/Managers			

3. Trade Name Garden View Restaurant Business Phone Number _____
4. Address of Premises 216 E. College Ave. Post Office & Zip Code Appleton WI 54911

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? Yes No
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? Yes No
8. (a) Corporate/limited liability company applicants only: Insert state WI and date Sep. 12 of registration.
(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? Yes No
(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? Yes No
- (NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. 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.) next to The Bar will be the refrigerator entire building

10. Legal description (omit if street address is given above): _____
11. (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? _____
12. 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
13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776]. Yes No
14. 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.

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

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>1/10/19</u>	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

Operator's Licenses for 1/23/19 S & L

Approved

James J. Carter	631 Strawberry Ln Kimberly
Angelina B. Cousineau	5475 W Edgewood Dr Appleton
Rachel S. Couillard	417 Durkee St #3 Appleton
Mark. A. Doering	1209 N Drew St Appleton
Black D. Fowler	1785 Sanctuary Ct #94 Appleton
Jason L. Gengler	2400 W Cherokee Dr Appleton
Niruta Khatri	155 W Calumet St Appleton
Daniel Knueppel	537 E Calumet St Appleton
Kenneth R. Loehrke	8255 Cty Rd T Larsen
Moria M. McHugh	W7197 Prairie Ct Greenville
Margaret A. O'Neill	2316 N Rankin St Appleton
Dominic I. Pingel	418 6 th St Menasha
Tiffany R. Schepis	421 E Brewster St Appleton
Samantha J. Schilly	730 Fairwood Dr Apt 4 Neenah
Robyn L. Schulz	209 Berkley St Neenah
Justin D. Schuman	413 E Evergreen Dr Kaukauna
Haley J. Sorensen	1604 Acorn Ct Menasha
Noah P. Spinner	740 N Mayflower Dr Apt 3 Appleton
Chyenne S. Steffens	1409 E Taft Ave Appleton
Juan C. Vera	2125 N Appleton St Appleton
Teresa M. Verkuilen	1225 E Pauline St Appleton



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: January 8, 2019

Common Council Public Hearing Meeting Date: February 6, 2019
(Public Hearing on Official Map Amendment)

Item: Official Map Amendment to identify future extensions of N. Kurey Drive and E. Werner Road

Case Manager: Jessica Titel

GENERAL INFORMATION

Owners: Matthew Schlueter, Kurey Ridge, LLC, Kurey Brothers Partnership, Ronald Kurey, et al and George & Sharon Nemecek (Town of Center)

Applicant: City of Appleton Department of Public Works

Address/Parcel: Future Kurey Drive and Future Werner Road (part of Tax Id #'s 31-1-9310-19, 31-1-9310-7, 31-1-9310-6, 31-1-9310-18, 31-1-9310-17, 31-1-9310-5, 31-1-9310-2, 31-1-9310-4, 31-1-9310-13, 31-1-9310-14, 31-1-9310-16 and 040099301 [within the Town of Center])

Petitioner's Request: The applicant is requesting to amend the City of Appleton Official Map to identify future extensions of Kurey Drive and Werner Road.

BACKGROUND

The Preliminary Plat for Glacier Ridge Subdivision was approved by the Common Council on April 18, 2007. The preliminary plat laid out the road network for the future subdivision and included 564 lots. A Development Agreement for land within the Glacier Ridge Preliminary Plat was approved by the Common Council on November 7, 2007.

The final plat for the first phase of the Glacier Ridge development was approved by the Plan Commission on February 11, 2008 and the Common Council on March 5, 2008. This phase included 63 lots and 3 outlots. Since then, no additional plats have been approved for the Glacier Ridge Subdivision.

As annexations and new developments take place in the City, it is important to review and identify the need for future arterial and collector streets to adequately serve the multi-modal transportation needs of that area. The area bounded by Meade Street, Mackville Road, Ballard Road and Broadway Drive has an approved Development Agreement for the Glacier Ridge development that identifies a north/south collector street and an east/west collector street. Officially mapping these identified future collector streets reserves the locations for street purposes and acts as an advisory to developers who can take these mapped locations into consideration when planning future developments. The proposed future extensions of Kurey Drive and Werner Road mirrors the layout proposed with the Glacier Ridge Preliminary Plat.

STAFF ANALYSIS

Existing Site Conditions: The future extension of Kurey Drive encompasses approximately 4.6742 acres, and the future extension of Werner Road encompasses approximately 5.656 acres. The planned roadways are located adjacent to existing Kurey Drive and Werner Road in the area north of East Broadway Drive, east of North Meade Street and south of Mackville Road. Future Kurey Drive will connect to Mackville Road and future Werner Road will connect to Meade Street. East Broadway Drive, Kurey Drive and Werner Road are classified as collector streets on the City’s Arterial/Collector Plan. Currently, the land proposed for the future road extensions is undeveloped.

Changes to Official Map: Per Section 16-37 of the Municipal Code, the Common Council may, whenever necessary and as provided in Wisconsin Statutes §62.23(6), change the Official Map so as to widen, narrow, extend, or close existing streets, highways, and parkways. Any changes to the Official Map shall be filed with the County Register of Deeds.

Surrounding Zoning and Land Uses: The majority of the surrounding area adjacent to the future road extensions is under the jurisdiction of the City of Appleton (north, south, east, and west), aside from a small area near the proposed intersection of future Werner Road and Meade Street, which is located within the Town of Center. The land north of Mackville Road is within the Town of Center. The uses are generally agricultural and single family in nature.

North: AG Agricultural District. The adjacent land uses to the north are currently agricultural.

South: AG Agricultural District and the Town of Center. The adjacent land uses to the south are currently agricultural.

East: AG Agricultural District. The adjacent land uses to the east are currently agricultural.

West: AG Agricultural District. The adjacent land uses to the west are currently agricultural.

Appleton Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies the majority of the land adjacent to the proposed future road extensions for future one and two family residential uses. There is a small area of land on the south side of the future Werner Road extension and near the proposed intersection of Meade Street identified for future commercial uses. The proposed Official Map amendment is supported by the City’s *Comprehensive Plan 2010-2030*, including the related excerpts listed below.

Goal 1 – Community Growth

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

OBJECTIVE 6.1 Transportation:

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

Official Map Amendment – Future Extensions of N. Kurey Drive and E. Werner Road

January 8, 2019

Page 3

OBJECTIVE 6.8 Transportation:

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

OBJECTIVE 10.1 Land Use:

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

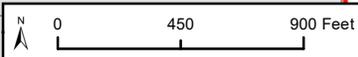
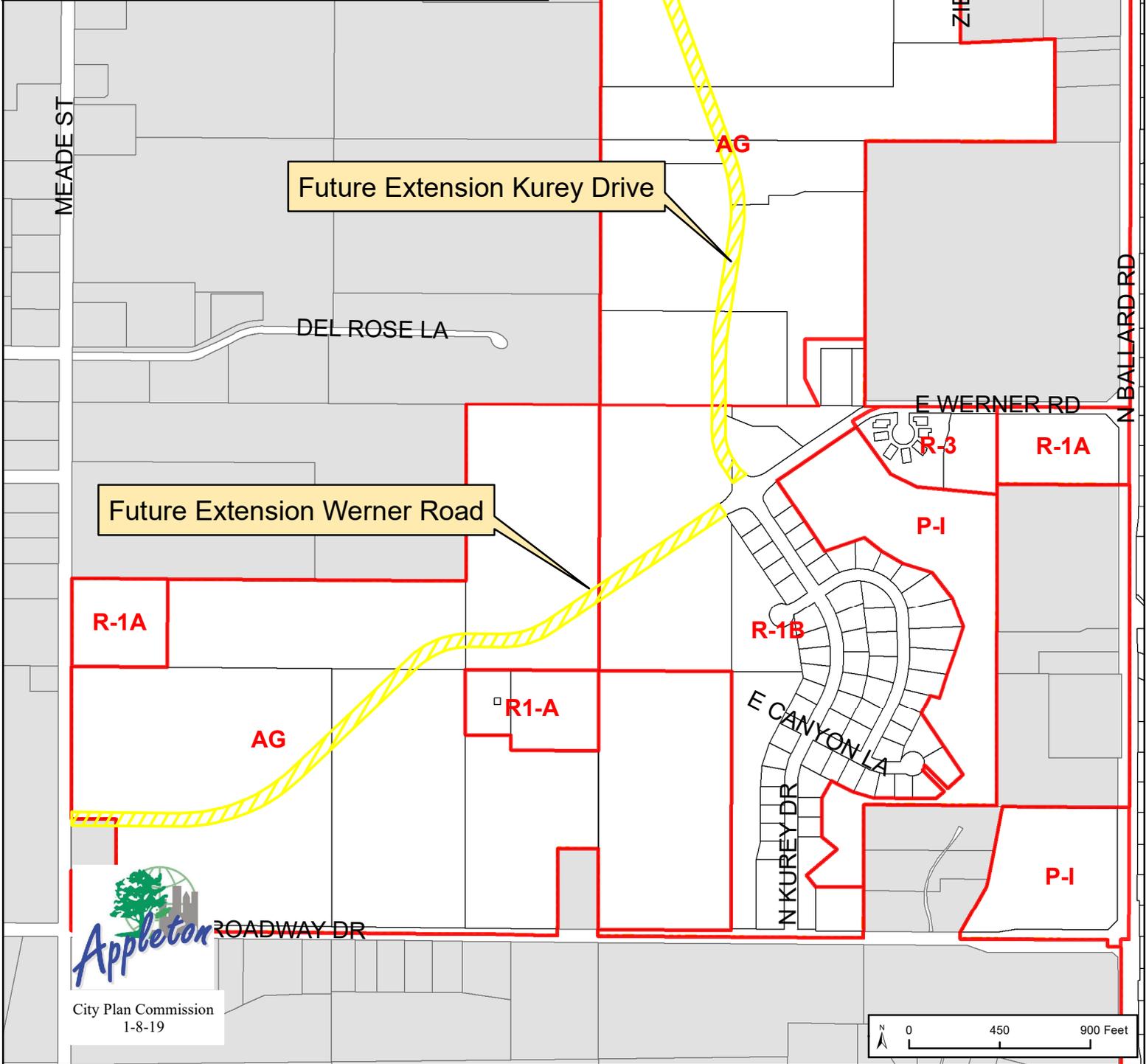
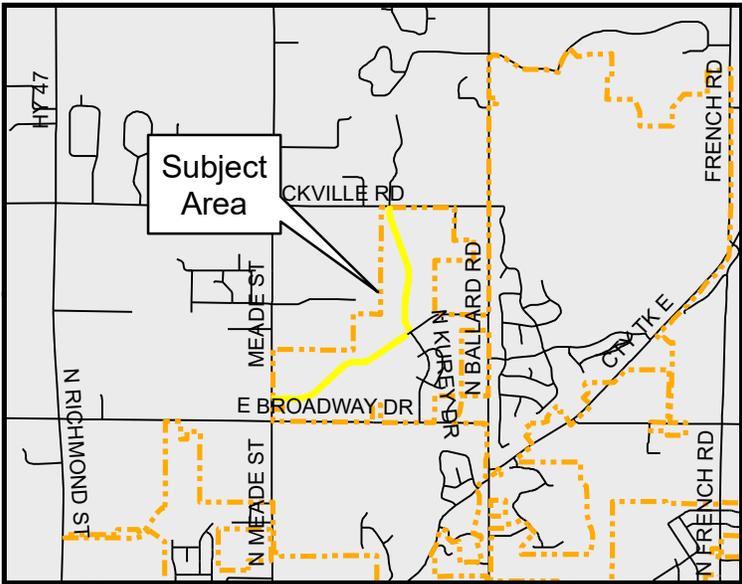
Policy 10.1.2 Adopt, and as necessary, amend an Official Map that designates street right-of-way requirements, existing and future city parks, school sites, and utility locations, along with other features permitted by state statute.

Technical Review Group (TRG) Report: This item was discussed at the December 18, 2018 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that the amendment to the City of Appleton Official Map, for the future extensions of N. Kurey Drive and E. Werner Road (part of Tax Id #'s 31-1-9310-19, 31-1-9310-7, 31-1-9310-6, 31-1-9310-18, 31-1-9310-17, 31-1-9310-5, 31-1-9310-2, 31-1-9310-4, 31-1-9310-13, 31-1-9310-14, 31-1-9310-16 and 040099301 [within the Town of Center]), as shown on the attached maps, **BE APPROVED.**

Official Map Amendment
Future Extension of Kurey Drive
Future Extension of Werner Road
Zoning Map

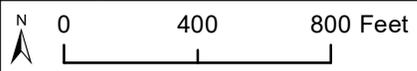


Official Map Amendment
Future Extension of Kurey Drive
Future Extension of Werner Road
Aerial Map



Future Extension Kurey Drive

Future Extension Werner Road



City Plan Commission
1-8-19



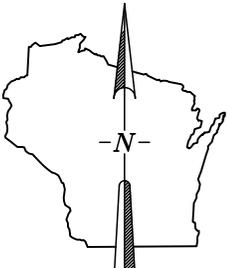
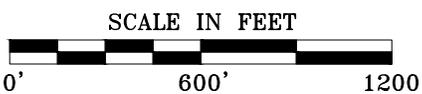
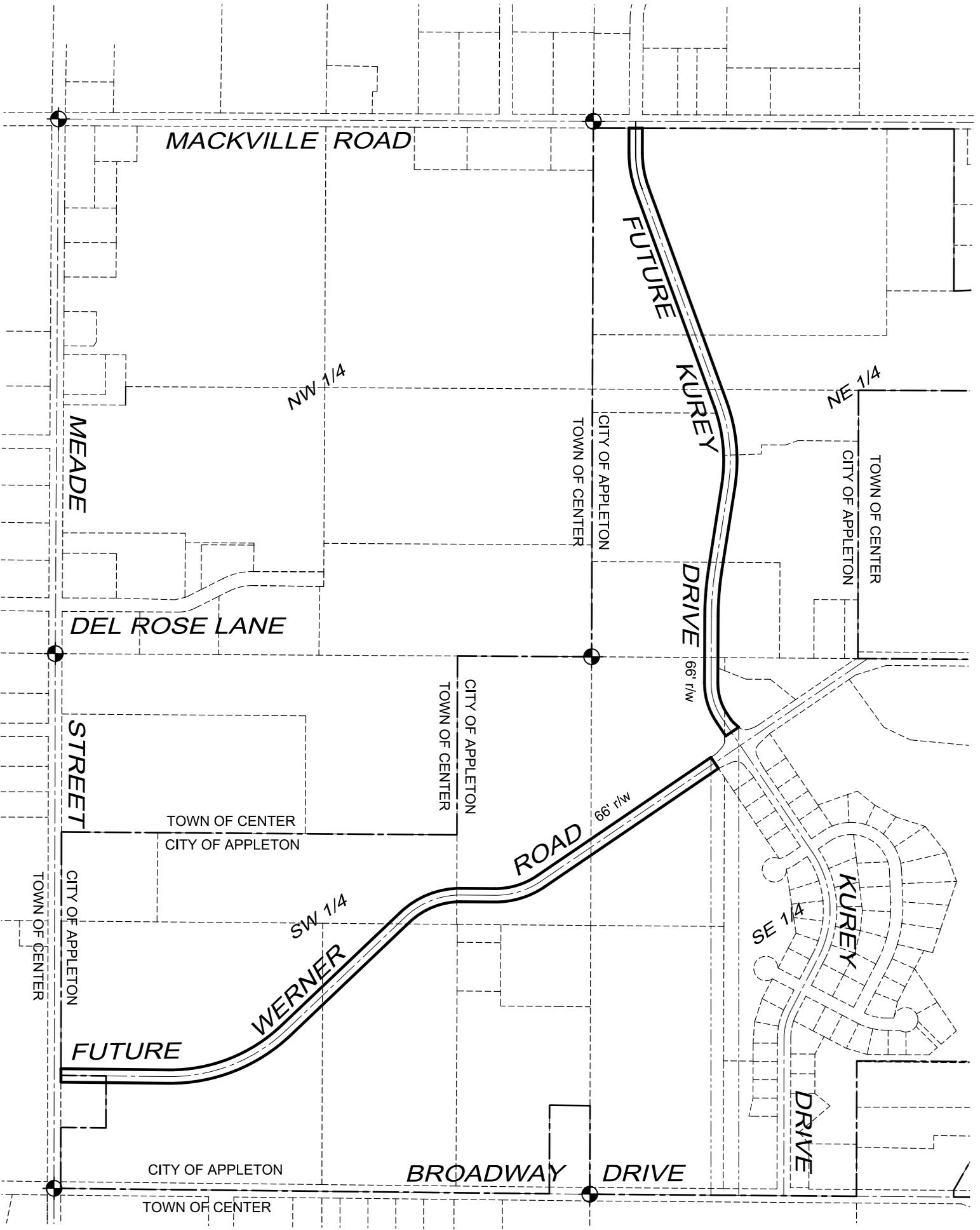
"...meeting community needs...enhancing quality of

Purpose Statement

As annexations and new developments take place in the City, it is important to review and identify the need for future arterial and collector streets to adequately serve the multi-modal transportation needs of that area. The area bounded by Meade Street, Mackville Road, Ballard Road and Broadway Drive has an approved Development Agreement that identifies a north/south collector street and an east/west collector street. Officially mapping these identified future collector streets reserves the locations for street purposes and acts as an advisory to developers who can take these mapped locations into consideration when planning future developments.

OFFICIAL MAP

WERNER ROAD AND KUREY DRIVE: Being a part of the NW 1/4 of the NE 1/4, SW 1/4 of the NE 1/4, NW 1/4 of the SE 1/4, NE 1/4 of the SW 1/4, SE 1/4 of the SW 1/4 and the SW 1/4 of the SW 1/4 of Section 36, Township 22 North, Range 17 East, City of Appleton and Town of Center, Outagamie County, Wisconsin.



CITY OF APPLETON
DEPT. OF PUBLIC WORKS
ENGINEERING DIVISION
100 NORTH APPLETON STREET
APPLETON, WI 54911
DRAFTED BY: T. KROMM
H:\Acad\Official Map\KureyDr_WernerRd_2018

OFFICIAL MAP OF A PART OF WERNER ROAD AND KUREY DRIVE

WERNER ROAD 66' R/W:

A part of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, of Section 36, Township 22 North, Range 17 East, City of Appleton and the Town of Center, Outagamie County, Wisconsin, containing 5.656 acres of land and being further described by:

Commencing at the South $\frac{1}{4}$ corner of said Section 36;

Thence South 89°33'20" East 599.27 feet coincident with the South line of the SE $\frac{1}{4}$ of said Section 36;

Thence North 00°00'00" East 2153.52 feet to the Northerly line of Werner Road at its Westerly terminus per the Glacier Ridge Plat and being the point of beginning;

Thence South 34°07'24" East 66.15 feet (recorded as 66.20 feet) coincident with the Westerly line of Werner Road;

Thence Southwesterly 2.34 feet along the arc of a curve to the left having a radius of 55.00 feet and the chord of which bears South 59°31'50" West 2.34 feet;

Thence South 55°52'37" West 1,036.02 feet;

Thence Westerly 261.11 feet along the arc of curve to the right having a radius of 433.00 feet and the chord of which bears South 73°09'08" West 257.17 feet;

Thence North 89°34'20" West 166.74 feet;

Thence Westerly 280.77 feet along the arc of curve to the left having a radius of 367.00 feet and the chord of which bears South 68°30'39" West 273.98 feet;

Thence South 46°35'38" West 808.76 feet;

Thence Westerly 665.50 feet along the arc of curve to the right having a radius of 866.00 feet and the chord of which bears South 68°36'32" West 649.24 feet;

Thence North 89°22'34" West 531.44 feet to the East line of Meade Street;

Thence North 00°08'12" East 66.00 feet coincident with the East line of Meade Street;

Thence South 89°22'33" East 532.00 feet;

Thence Easterly 614.78 feet along the arc of a curve to the left having a radius of 800.00 feet and the chord of which bears North 68°36'32" East 599.76 feet;

Thence North 46°35'38" East 808.76 feet;

Thence Easterly 331.27 feet along the arc of curve to the right having a radius of 433.00 feet and the chord of which bears North 68°30'39" East 323.25 feet;

Thence South 89°34'20" East 166.74 feet;

Thence Easterly 221.31 feet along the arc of curve to the left having a radius of 367.00 feet and the chord of which bears North 73°09'08" East 217.97 feet;

Thence North 55°52'37" East 1,038.36 feet to the point of beginning.

OFFICIAL MAP OF A PART OF WERNER ROAD AND KUREY DRIVE

KUREY DRIVE 66' R/W:

A part of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, of Section 36, Township 22 North, Range 17 East, City of Appleton and the Town of Center, Outagamie County, Wisconsin containing 4.6742 acres of land and being further described by:

Commencing at the South $\frac{1}{4}$ corner of said Section 36;

Thence South $89^{\circ}33'20''$ East 736.57 feet coincident with the South line of the SE $\frac{1}{4}$ of said Section 36;

Thence North $00^{\circ}00'00''$ East 2302.79 feet to the Northeasterly line of Kurey Drive at its Northerly terminus per the Glacier Ridge Plat and being the point of beginning;

Thence South $56^{\circ}05'50''$ West 76.79 feet;

Thence North $34^{\circ}07'23''$ West 85.93 feet;

Thence Northerly 199.79 feet along the arc of curve to the right having a radius of 333.00 feet and the chord of which bears North $16^{\circ}56'06''$ West 196.81 feet;

Thence North $00^{\circ}15'12''$ East 328.86 feet;

Thence Northerly 232.76 feet along the arc of curve to the right having a radius of 1,533.00 feet and the chord of which bears North $04^{\circ}36'11''$ East 232.54 feet;

Thence North $08^{\circ}57'10''$ East 421.88 feet;

Thence Northerly 389.43 feet along the arc of curve to the left having a radius of 767.00 feet and the chord of which bears North $05^{\circ}35'34''$ West 385.26 feet;

Thence North $20^{\circ}08'18''$ West 1,130.22 feet;

Thence Northerly 188.73 feet along the arc of curve to the right having a radius of 533.00 feet and the chord of which bears North $09^{\circ}59'41''$ West 187.74 feet;

Thence North $00^{\circ}08'57''$ East 123.42 feet;

Thence South $89^{\circ}51'03''$ East 66.00 feet;

Thence South $00^{\circ}08'57''$ West 123.42 feet;

Thence Southerly 165.36 feet along the arc of curve to the left having a radius of 467.00 feet and the chord of which bears South $09^{\circ}59'41''$ East 164.49 feet;

Thence South $20^{\circ}08'18''$ East 1,130.22 feet;

Thence Southerly 422.94 feet along the arc of curve to the right having a radius of 833.00 feet and the chord of which bears South $05^{\circ}35'34''$ East 418.41 feet;

Thence South $08^{\circ}57'10''$ West 421.88 feet;

Thence Southerly 222.74 feet along the arc of curve to the left having a radius of 1,467.00 feet and the chord of which bears South $04^{\circ}36'11''$ West 222.53 feet;

Thence South $00^{\circ}15'12''$ West 328.86 feet;

Thence Southerly 160.20 feet along the arc of a curve to the left having a radius of 267.04 feet and the chord of which bears South $16^{\circ}55'59''$ East 157.80 feet;

Thence South $34^{\circ}07'23''$ East 33.02 feet;

Thence Southeasterly 21.26 feet along the arc of a curve to the left having a radius of 85.19 feet and the chord of which bears South $41^{\circ}15'31''$ East 21.20 feet;

Thence South $48^{\circ}22'00''$ East 33.19 feet to the point of beginning.



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: January 22, 2019

Common Council Meeting Date: February 6, 2019

Item: Spartan Drive at Meade Street Annexation

Case Manager: David Kress

GENERAL INFORMATION

Owner/Applicant: City of Appleton

Address/Parcel: Part of Tax Id #101006800 and part of Tax Id #101006802 in the Town of Grand Chute. The subject property is located west of North Meade Street, between East Edgewood Drive and East Broadway Drive.

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

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

Population of Such Territory: 0

Annexation Area: 2.0388 acres m/l

BACKGROUND

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

On March 5, 2008, Common Council adopted Ordinance 51-08, which amended the City's Official Map to officially map the location of an east-west roadway to be known as Spartan Drive. The public right-of-way dedication for part of Spartan Drive, located immediately south of the subject area, was approved by Common Council on September 21, 2016 and formalized with the recording of Certified Survey Map 7356.

On June 20, 2018, Common Council approved a Relocation Order for the subject area, with the purpose to construct officially mapped Spartan Drive and an associated stormwater pond. The property needed for the project was acquired in subsequent months and is included in this annexation request.

Spartan Drive at Meade Street Annexation
January 22, 2019
Page 2

Before Common Council approves the annexation ordinance, the City must allow a 20-day statutory review period, which starts when the Wisconsin Department of Administration (DOA) receives the annexation application materials and fee. The DOA received the annexation application materials and fee on January 7, 2019, so this requirement will be satisfied prior to Common Council taking action at their February 6, 2019 meeting.

STAFF ANALYSIS

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

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

Surrounding Zoning Classification and Land Uses:

North: Town of Grand Chute. The adjacent land uses to the north are currently single-family residential.

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

East: Town of Grand Chute. The adjacent land uses to the east are currently single-family residential and Plamann Park.

West: Town of Grand Chute. The adjacent land uses to the west are currently agricultural.

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

Spartan Drive at Meade Street Annexation
January 22, 2019
Page 3

Goal 1 – Community Growth

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

Goal 4 – Transportation

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

OBJECTIVE 6.1 Transportation:

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

OBJECTIVE 6.8 Transportation:

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

OBJECTIVE 7.5 Utilities and Community Facilities:

Implement effective stormwater management practices.

Technical Review Group (TRG) Report: This item was discussed at the December 18, 2018 Technical Review Group meeting. No negative comments were received from participating departments.

FUTURE ACTIONS

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

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

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

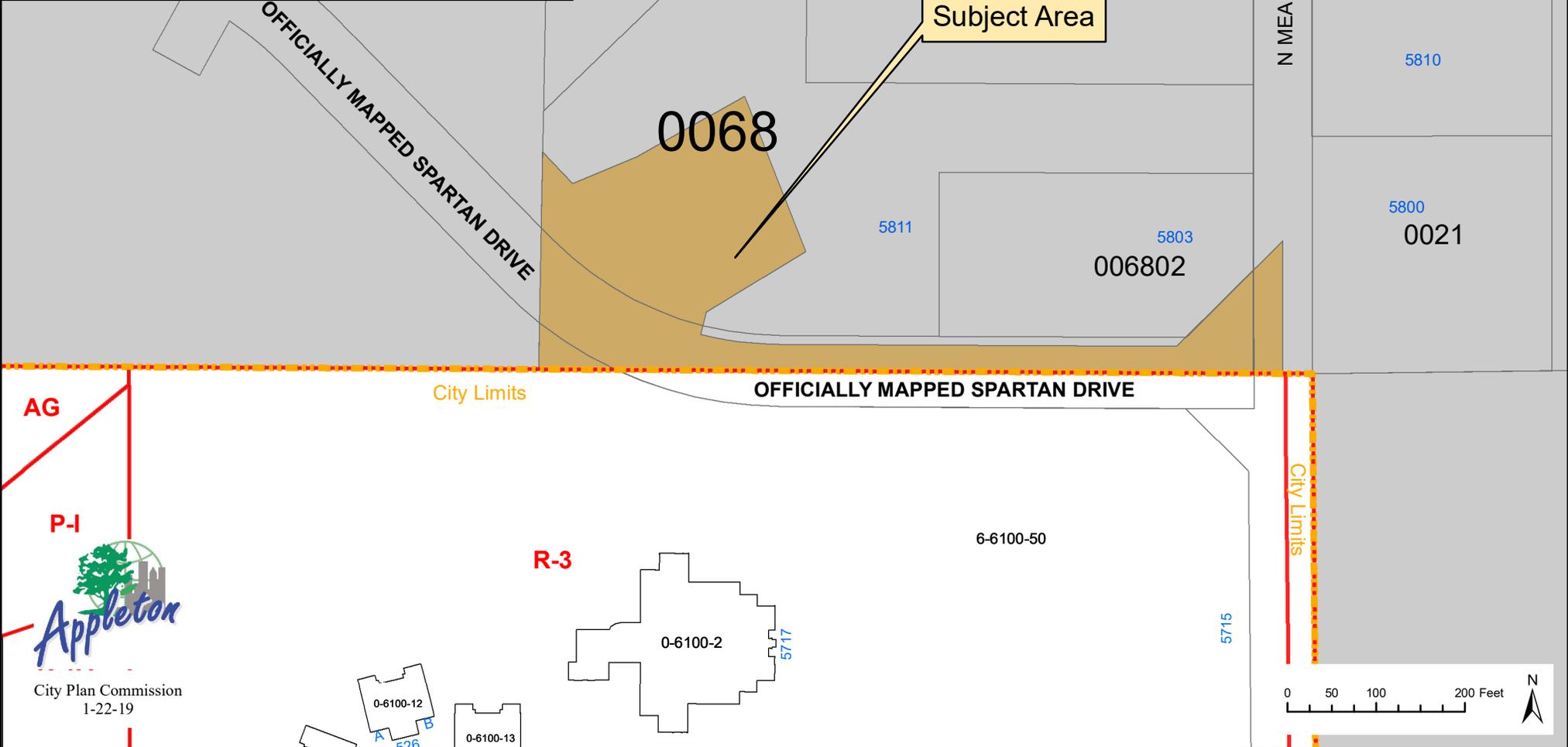
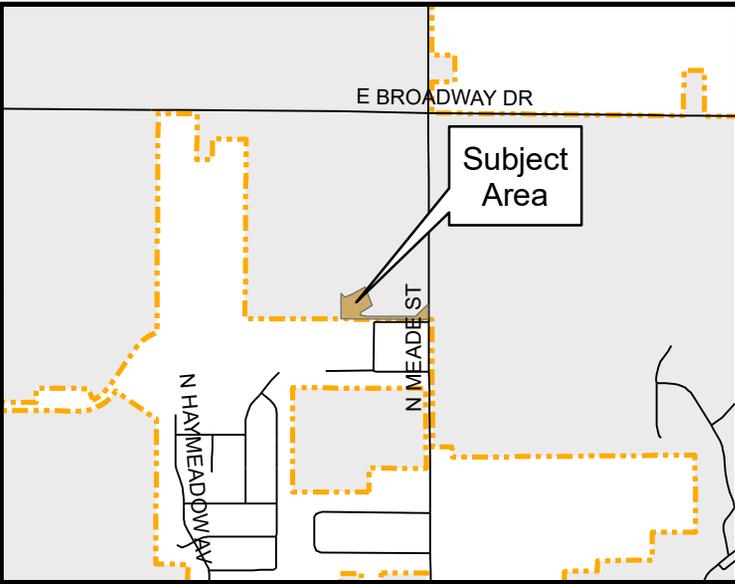
It is anticipated that a Certified Survey Map (CSM) will be prepared to reconfigure lot lines and dedicate public right-of-way. The dedication of land for public right-of-way for Spartan Drive requires action by Plan Commission and Common Council. CSMs are administratively reviewed and approved by City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

RECOMMENDATION

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

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

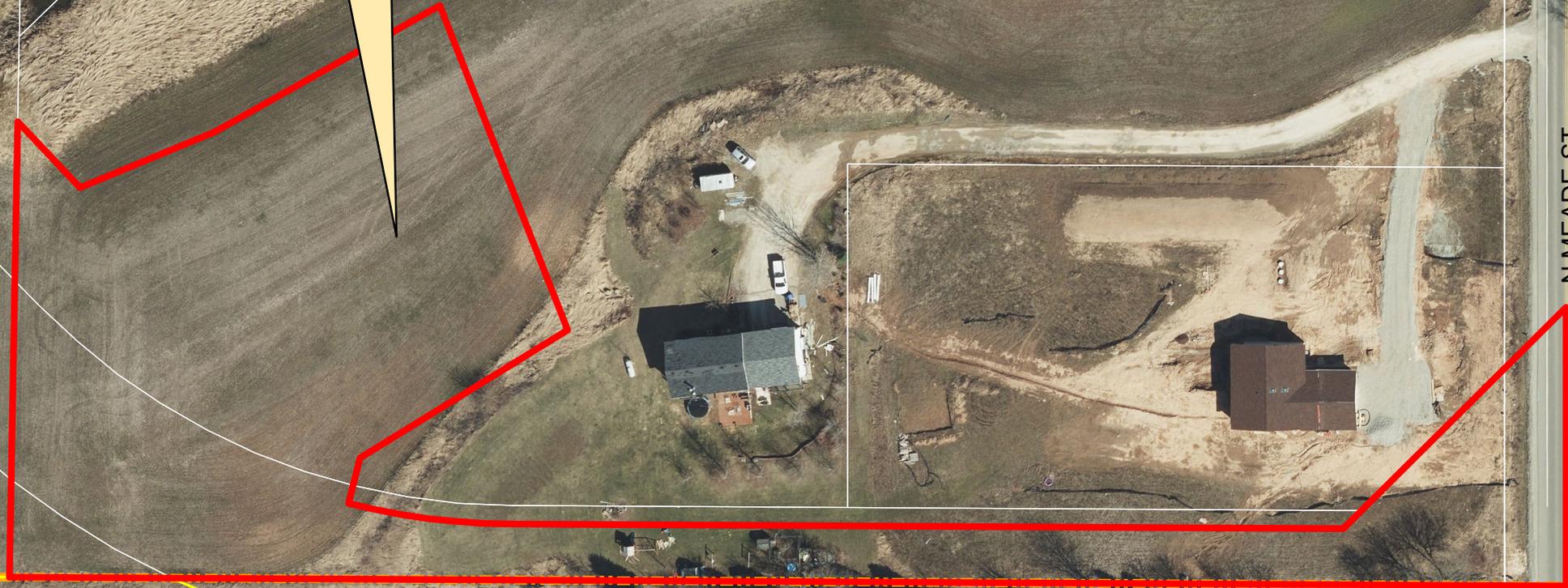
Annexation
Spartan Drive at Meade Street
Town of Grand Chute
Zoning Map



City Plan Commission
1-22-19

Annexation
Spartan Drive at Meade Street
Town of Grand Chute
Aerial Map

Subject Area



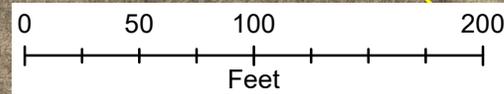
City Plan Commission
1-22-19

City Limits

E SPARTAN DR

N WESTIN ST

N MEADE ST





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

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

A part of Lot One (1) and part of Lot Two (2) of CERTIFIED SURVEY MAP NO. 4431, located in and being a part of the Southeast Quarter (SE $\frac{1}{4}$) of the Fractional Northeast Quarter (NE $\frac{1}{4}$) of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 88,809 Square Feet (2.0388 Acres) of land and described as follows:

Commencing at the East $\frac{1}{4}$ corner of said Section 2 and being the point of beginning;

Thence North $89^{\circ}40'21''$ West 839.03 feet along the South line of the Fractional NE $\frac{1}{4}$ of said Section 2 and being coincident with the South line of Lot 1 and 2 of said Certified Survey Map No. 4431;

Thence North $01^{\circ}03'01''$ East 245.13 feet being coincident with the West line of said Lot 1;

Thence South $43^{\circ}27'00''$ East 48.98 feet;

Thence North $67^{\circ}23'29''$ East 78.51 feet;

Thence North $60^{\circ}46'47''$ East 139.15 feet;

Thence South $21^{\circ}27'49''$ East 187.73 feet;

Thence South $58^{\circ}24'35''$ West 131.24 feet;

Thence South $14^{\circ}06'00''$ West 25.35 feet;

Thence Southeasterly 88.94 feet along the arc of a curve to the left having a radius of 370.00 feet and the chord of which bears South $82^{\circ}47'12''$ East 88.73 feet;

Thence South $89^{\circ}40'21''$ East 448.18 feet;

Thence North $45^{\circ}09'52''$ East 169.22 feet to the East line of the Fractional NE $\frac{1}{4}$ of said Section 2;

Thence South $00^{\circ}00'05''$ West 150.00 feet coincident to the East line of the Fractional NE $\frac{1}{4}$ of said Section 2 to the Point of Beginning. Said lands subject to all easements and restrictions of record.

Area of lands to be annexed contains 2.0388 acres m/l.

Tax Parcel numbers of lands to be annexed: part of 101006800 and part of 101006802.

The current population of such territory is 0.

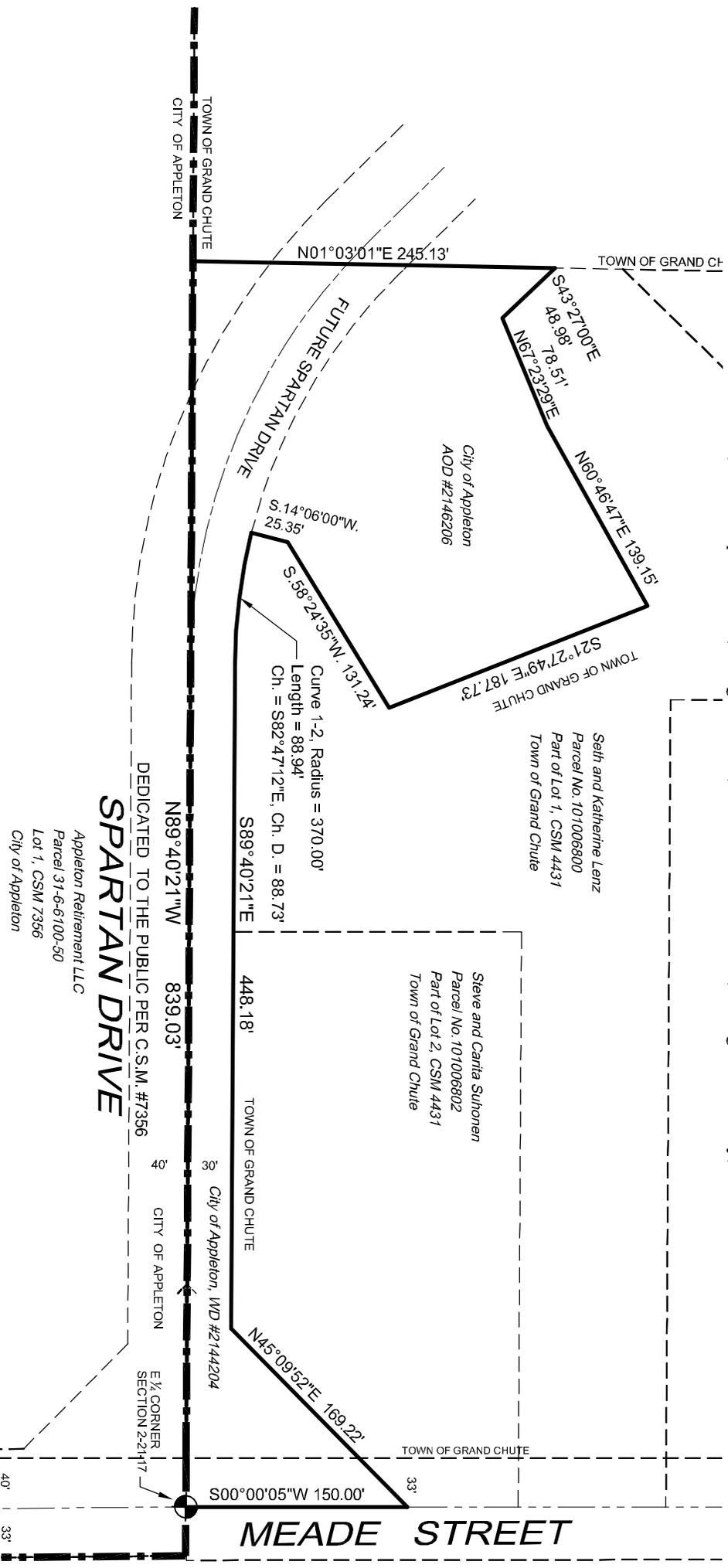
We, the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexation, incorporation, or consolidation proceedings, if any.

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

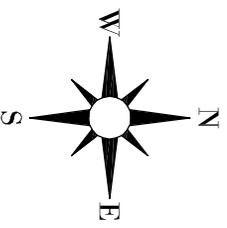
Signature of Petitioner	Owner	Date of Signing	Address of Petitioner (Include Zip Code)
	City of Appleton	12/28/18	100 N. Appleton Street Appleton, WI 54911
Timothy Hanna, Mayor, City of Appleton			

ANNEXATION EXHIBIT

Part of Lot One (1) and part of Lot Two (2) of CERTIFIED SURVEY MAP NUMBER 4431 filed in Volume 24 of Certified Survey Maps on Page 4431 as Document Number 1498193 in the Outagamie County Register of Deeds Office, located in the Southeast Quarter (SE 1/4) of the Fractional Northeast Quarter (NE 1/4) of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin.



Variable width r/w per CSM 6277



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, EAST LINE OF NE 1/4 OF SECTION 2-21-17 RECORDED AS N00°00'00"E H:\Acad\annex2018\Spartan_Drive_0924_2018

CITY OF APPLETON

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

920-832-6474
DRAFTED BY: T. KROMM



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: January 22, 2019

Common Council Meeting Date: February 6, 2019

Item: Lucht Annexation (E. Broadway Drive)

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner/Applicant: Kevin and Shana Lucht

Address/Parcel: Tax Id #101001800 in the Town of Grand Chute. The subject property is located north of Plamann Park, between North Meade Street and North Ballard Road.

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

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

Population of Such Territory: 0

Annexation Area: 1.0 acres m/l

BACKGROUND

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

Before Common Council approves the annexation ordinance, the City must allow a 20-day statutory review period, which starts when the Wisconsin Department of Administration (DOA) receives the annexation application materials and fee. The DOA received the annexation application materials and fee on January 9, 2019, so this requirement will be satisfied prior to Common Council taking action at their February 6, 2019 meeting.

STAFF ANALYSIS

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

Lucht Annexation

January 22, 2019

Page 2

- The area proposed for annexation is contiguous to the existing City boundary. The subject property connects to the City of Appleton at the East Broadway Drive right-of-way.
- Annexation of the site in question is consistent with the Intermunicipal Boundary Agreement with the Town of Grand Chute.
- City water infrastructure is already installed within the East Broadway Drive right-of-way. Annexation to the City of Appleton would be required before the subject property could connect to the City water.
- Currently, the subject property consists of vacant, undeveloped land.
- Sanitary sewer service is not currently available by the City of Appleton.
- The owner is requesting that the City Plan Commission initiate a rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of R-1B Single-Family District. The temporary zoning classification must be made permanent in accordance with Section 23-65(d), Zoning Map Amendments, within 90 days, or the zoning will revert to AG Agricultural District.

Surrounding Zoning Classification and Land Uses:

North: AG Agricultural District. The adjacent land use to the north is currently agricultural.

South: Town of Grand Chute. The adjacent land use to the south is currently park land (Plamann Park).

East: Town of Grand Chute. The adjacent land use to the east is currently single-family residential.

West: Town of Grand Chute. The adjacent land use to the west is currently single-family residential.

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

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.

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.

Technical Review Group (TRG) Report: This item was discussed at the January 2, 2019 Technical Review Group meeting. No negative comments were received from participating departments. Discussion included the determination that the City would also annex the adjacent East Broadway Drive right-of-way and request dedication of the adjacent right-of-way.

FUTURE ACTIONS

- Per Section 23-65(e) of the Municipal Code, a temporary zoning classification is assigned to newly annexed territory, with permanent zoning taking place following the annexation process. All territory annexed to the City is assigned a zoning classification as recommended by Plan Commission. The Plan Commission shall consider the following criteria in selection of an appropriate zoning district for the annexed land:
 - The existing land uses within the territory to be annexed;
 - The surrounding land uses that exist on adjacent properties regardless of municipal boundary lines;
 - The comprehensive plan of the City.
- The owner is requesting that Plan Commission initiate a rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of R-1B Single-Family District. A rezoning initiated directly by Plan Commission will be processed in accordance with Section 23-65(d), Zoning Map Amendments, which includes review and action by the Common Council.
- It is anticipated that a quit claim deed to dedicate the East Broadway Drive right-of-way will be submitted to the City by the owners. The City Attorney's Office has prepared the necessary documents.

RECOMMENDATION

Staff recommends that the Lucht Annexation (E. Broadway Drive), as shown on the attached maps, **BE APPROVED** with the following stipulation:

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



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

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

A parcel of land located in and being a part of the Fractional Northwest Quarter (NW ¼) of Section One (1), Township Twenty-One (21) North, Range Seventeen (17) East, Town of Grand Chute, Outagamie County, Wisconsin, containing 1.00 Acres of land, more or less and described as follows:

- Commencing at the Northwest corner of said Section 1;
- Thence South 89°22'34" East 1,168.10 feet (recorded as S.89°27'E. 1,168.10 feet) along the North line of the Fractional NW ¼ of said Section 1 to the point of beginning;
- Thence continue South 89°22'34" East 143.0 feet (recorded as S.89°27'E. 143.0 feet) along the North line of the Fractional NW ¼ of said Section 1 to the Northwest corner of lands described in Volume 757 of Records, page 296;
- Thence South 00°00'34" East 299.0 feet (recorded as S.00°03'E. 299.0 feet) along the West line of lands described in Volume 757 of Records, page 296 and along the West line of said lands extended;
- Thence South 88°29'26" West 146.41 feet (recorded as S.88°27'W. 146.40 feet);
- Thence North 00°37'26" East 304.43 feet (recorded as N.00°35'E. 304.44 feet) to the point of beginning.

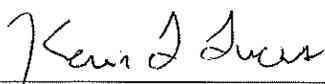
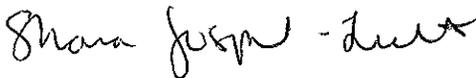
I/We, the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexation, incorporation, or consolidation proceedings, if any.

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

Area of lands to be annexed contains 1.0 acres m/l.

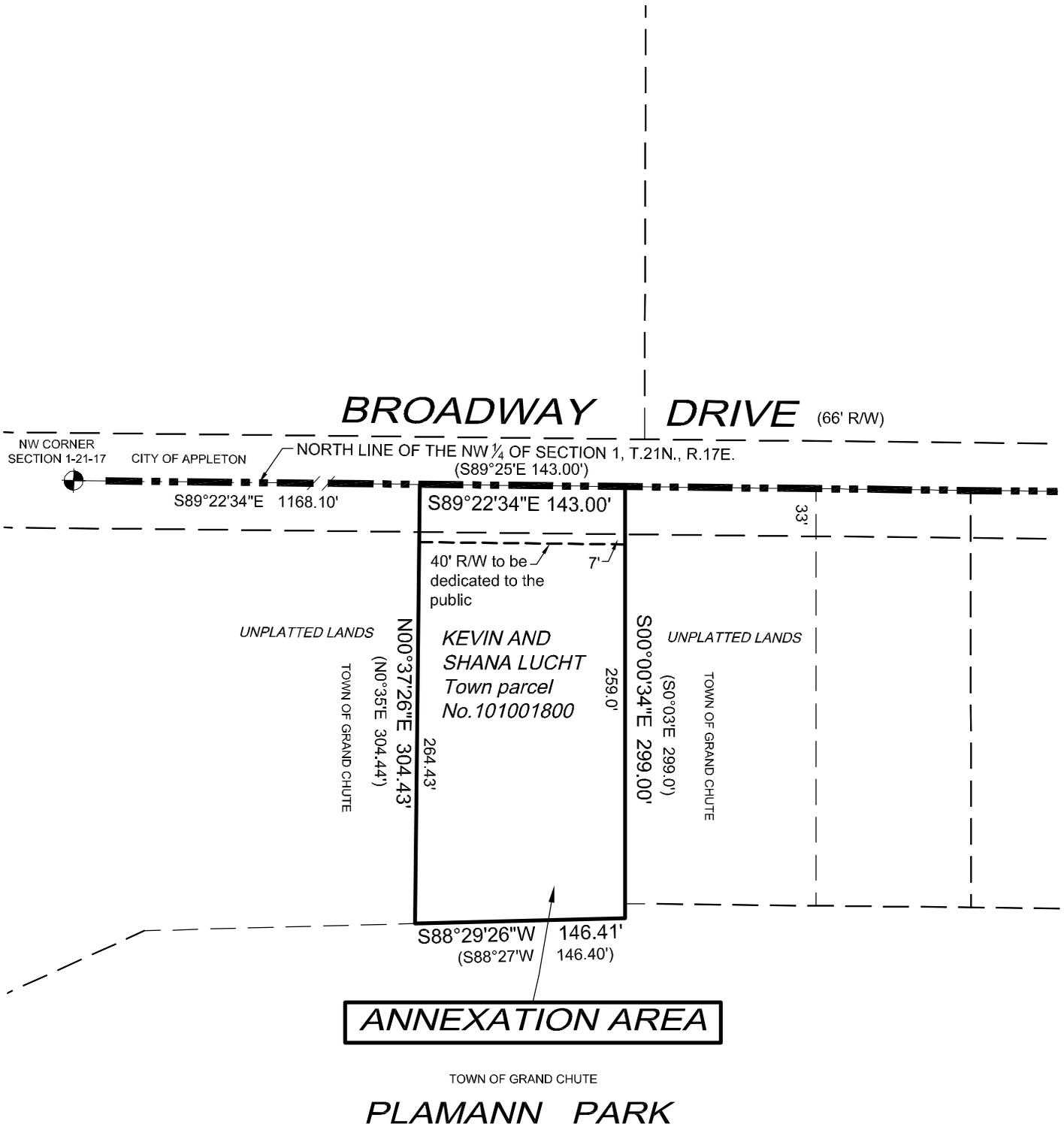
Tax Parcel numbers of lands to be annexed: 101001800.

The current population of such territory is 0.

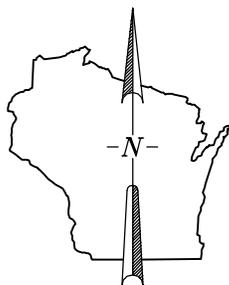
Signature of Petitioner	Owner	Date of Signing	Address of Petitioner
 Kevin Lucht	Kevin Lucht	1-4-19	1024 E. Lindbergh Street Appleton, WI 54911
 Shana Joseph-Lucht	Shana Joseph-Lucht	1/4/19	1024 E. Lindbergh Street Appleton, WI 54911

ANNEXATION EXHIBIT

A part of Fractional Northwest 1/4 of Section 1, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin.



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, NORTH LINE OF NW 1/4 SECTION 1, T.21N., R.17E.; recorded to bear N89°22'34"W
 H:\Acad\Annex\2019\Lucht_Broadway_Dr_1228_2018



SCALE IN FEET



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

LUCHT ANNEXATION

PARCEL: 101001800

Owner: Kevin Lucht and Shana Lucht

Document #2145904

ANNEXATION DESCRIPTION:

A parcel of land located in and being a part of the Fractional Northwest Quarter (NW ¼) of Section One (1), Township Twenty-One (21) North, Range Seventeen (17) East, Town of Grand Chute, Outagamie County, Wisconsin, containing 1.00 Acres of land, more or less and described as follows:

Commencing at the Northwest corner of said Section 1;

Thence South 89°22'34" East 1,168.10 feet (recorded as S.89°27'E. 1,168.10 feet) along the North line of the Fractional NW ¼ of said Section 1 to the point of beginning;

Thence continue South 89°22'34" East 143.0 feet (recorded as S.89°27'E. 143.0 feet) along the North line of the Fractional NW ¼ of said Section 1 to the Northwest corner of lands described in Volume 757 of Records, page 296;

Thence South 00°00'34" East 299.0 feet (recorded as S.00°03'E. 299.0 feet) along the West line of lands described in Volume 757 of Records, page 296 and along the West line of said lands extended;

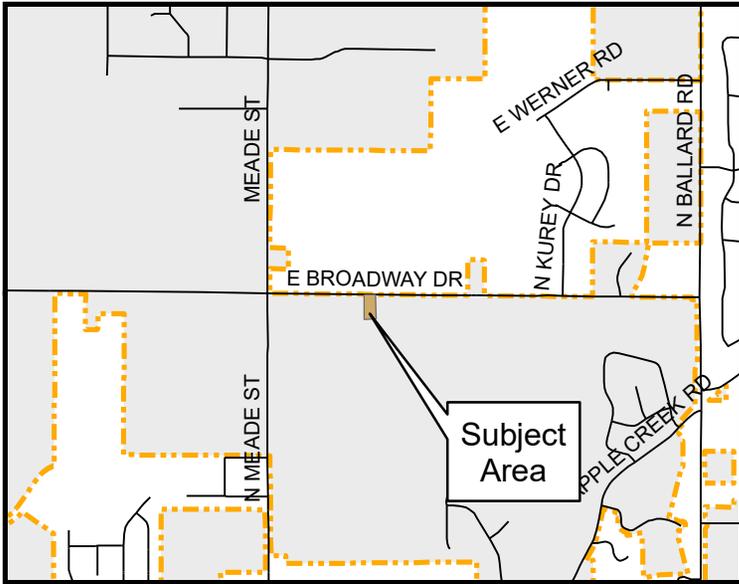
Thence South 88°29'26" West 146.41 feet (recorded as S.88°27'W. 146.40 feet);

Thence North 00°37'26" East 304.43 feet (recorded as N.00°35'E. 304.44 feet) to the point of beginning.

AS A CONDITION OF ANNEXATION THE ABOVE LISTED OWNERS HEREBY AGREE TO DEDICATE A PORTION OF LAND AS PUBLIC RIGHT OF WAY BEING DESCRIBED AS FOLLOWS:

The North 40 feet of lands described in a Warranty Deed, recorded as Document #2145904, located in and being a part of the Fractional Northwest Quarter (NW ¼) of Section One (1), Township Twenty-One (21) North, Range Seventeen (17) East, Town of Grand Chute, Outagamie County, Wisconsin.

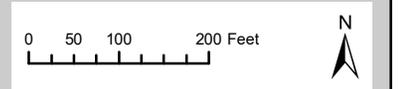
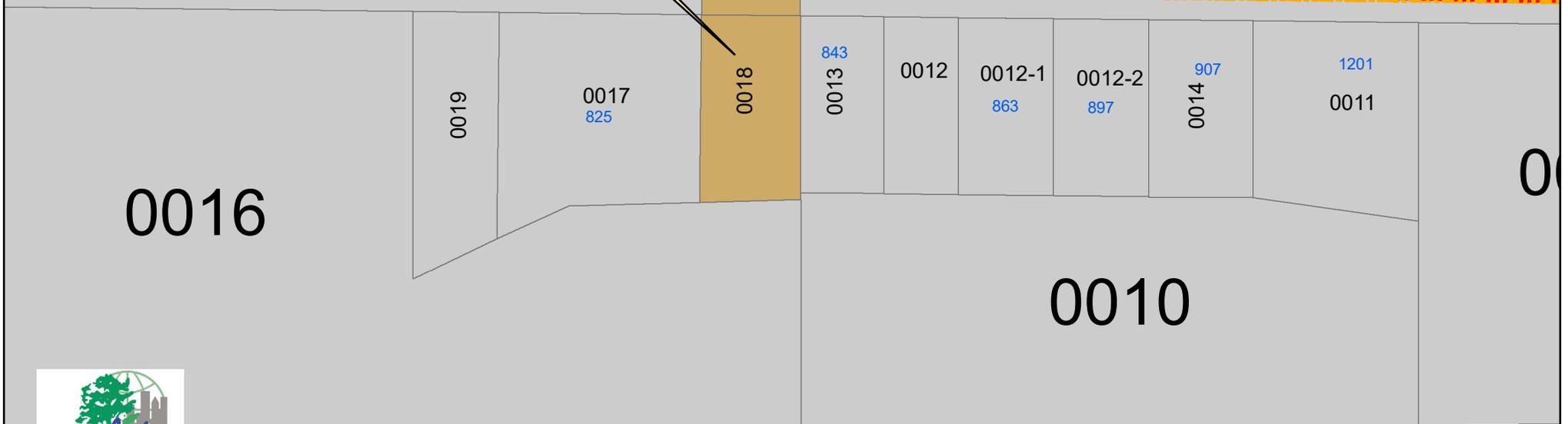
Annexation Lucht Property Town of Grand Chute Zoning Map



AG

Subject Area

E BROADWAY DR



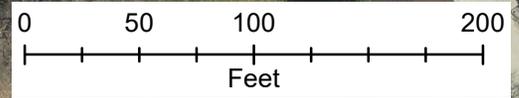
Annexation
Lucht Property
Town of Grand Chute
Aerial Map

Subject Area

E BROADWAY DR



City Plan Commission
1-22-19





REPORT TO CITY PLAN COMMISSION

Plan Commission Public Meeting Date: January 22, 2019

Common Council Meeting Date: February 6, 2019

Item: Dedication of Public Right-of-Way for an existing alley (northern portion of the parcels located at 208 & 218 E. Wisconsin Avenue).

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner/Applicant: Gorman Investment, LLC and Simon Bakery, Inc. / City of Appleton c/o Ross Buetow

Location: Existing alley located along the northern limits of the parcels at 208 & 218 E. Wisconsin Avenue (Portion of Tax Id #'s 31-6-0521-00 and 31-6-0520-00)

Petitioner's Request: The applicant is requesting a dedication of land for public right-of-way for an alley to match the existing use.

BACKGROUND

The area proposed to be dedicated for public right-of-way is land that has historically been used and maintained as a public alley; however, it was recently discovered that the land has never been dedicated as public right-of-way. This dedication of public right-of-way for the alley will rectify this oversight and allow the City to continue maintaining this land as public right-of-way.

STAFF ANALYSIS

Public Right-of-Way Dedication: Approximately 2,313 square feet of land is included in the proposed right-of-way dedication. This includes part of parcel #'s 31-6-0521-00 and 31-6-0520-00.

Street Classification: The proposed right-of-way dedication is a public alley and is not identified on the City's Arterial/Collector Plan.

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

North: P Parking District and R-2 Two-Family District. The adjacent land uses to the north are currently two-family residential and a surface parking lot.

South: C-2 General Business District. The adjacent land use to the south is currently commercial.

East: R-1B Single-Family District and C-2 General Business District. The adjacent land use to the east is currently public right-of-way (alley).

Street Dedication – Alley

January 22, 2019

Page 2

West: R-2 Two-Family District and C-2 General Business District. The adjacent land use to the west is currently public right-of-way (alley).

Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future mixed use. The proposed public right-of-way dedication is consistent with the following goal of the *Comprehensive Plan 2010-2030*.

Goal 4 – Transportation

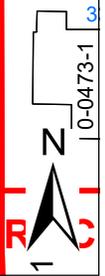
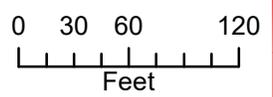
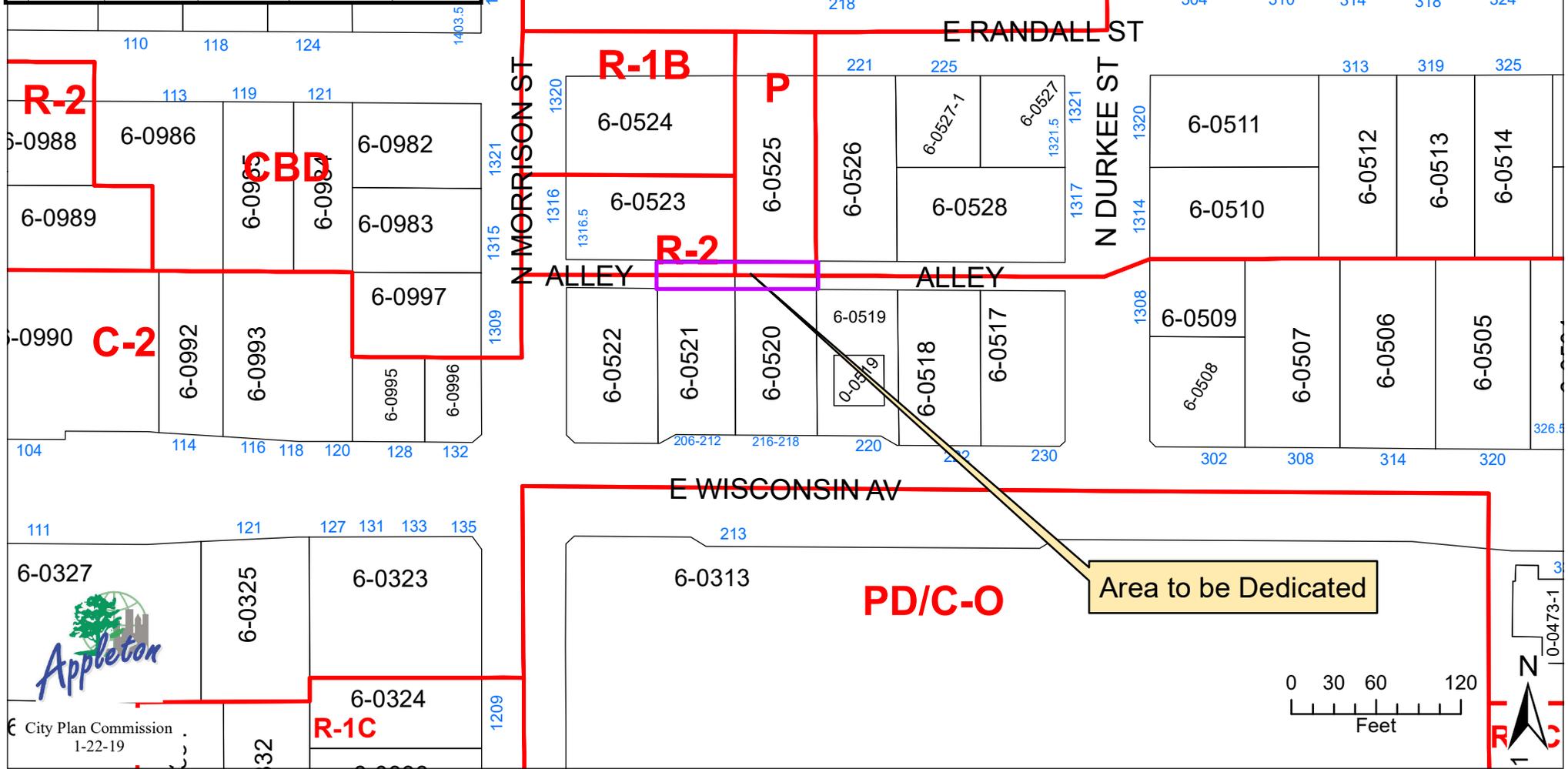
Appleton will support a comprehensive transportation network that provides viable options for pedestrian, bicycle, highway, rail, and air transportation, both locally and within the region.

Technical Review Group (TRG) Report: This item was discussed at the November 6, 2018 Technical Review Group meeting. No negative comments were received from participating departments.

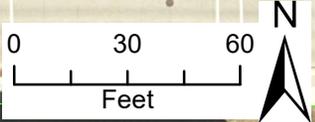
RECOMMENDATION

Staff recommends the dedication of land for public right-of-way for the alley located north of Wisconsin Avenue between N. Morrison Street and N. Durkee Street (northern limits of the parcels at 208 & 218 E. Wisconsin Avenue – portion of Tax Id #'s 31-6-0521-00 and 31-6-0520-00), as shown on the attached maps, **BE APPROVED**.

208 & 218 E. Wisconsin Avenue
Public Road Dedication
Zoning Map



208 & 218 E. Wisconsin Avenue
Public Road Dedication
Aerial Map



20' WIDE ALLEY NORTH OF WISCONSIN WEST OF DURKEE STREET

PARCEL: 31-6-0520-00

Owner: Simon Bakery Inc., a Wisconsin Company

Part of Lot Four (4) of Block Two (2), **HERMAN ERBS 6TH WARD ADDITION**, being located in the Southeast Quarter (SE ¼) of Section 23, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City containing 1,213 square feet of land and being further described by:

Commencing at the Southeast corner of said Section 23;

Thence North 89°37'37" West 2160.70 feet along the South line of the SE¼ of said Section 23 to the Southerly extension of the West line of said Lot 4;

Thence North 00°05'19" West 164.29 feet along said Westerly extension and then coincident with the West line of said Lot 4 to the Northwest corner thereof and being the point of Beginning;

Thence South 89°56'44" East 58.00 feet coincident with the North line of said Lot 4 to the Northeast corner thereof;

Thence South 00°04'53" East 20.97 feet coincident with the East line of said Lot 4;

Thence North 89°49'44" West 58.00 feet to the West line of said Lot 4;

Thence North 00°05'19" West 20.85 feet coincident with the West line of said Lot 4 to the point of beginning.

PARCEL: 31-6-0521-00

Owner: Gorman Investments LLC

The North 10 feet of the East 55 feet of Lot Six (6) and the South 10 feet of the East 55 feet of Lot Seven (7) All in Block Two (2), **HERMAN ERBS 6TH WARD ADDITION**, being located in the Southeast Quarter (SE ¼) of Section 23, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City, containing 1,100 square feet of land m/l.



MEMO

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

TO: Community & Economic Development Committee
CC: Director Harkness, Director Saucerman, Deputy City Attorney Behrens
FROM: Monica Stage, Deputy Director
DATE: January 23, 2019
RE: Request Approval of the Development Agreement between the City of Appleton and Gabriel Lofts, LLC in TIF District #11

Tax Increment Financing District Number 11 (TIF District #11) was created by the City of Appleton in August 2017 under the authority provided by Wisconsin Statute Section 66.1105 "Tax Increment Law" to eliminate blight and stimulate the redevelopment of this urban corridor. TIF District #11 was created as a "Blighted District" based upon the finding that at least 50%, by area of the real property within the District, is blighted within the meaning of Wisconsin Statute Section 66.1105 and 66.1333.

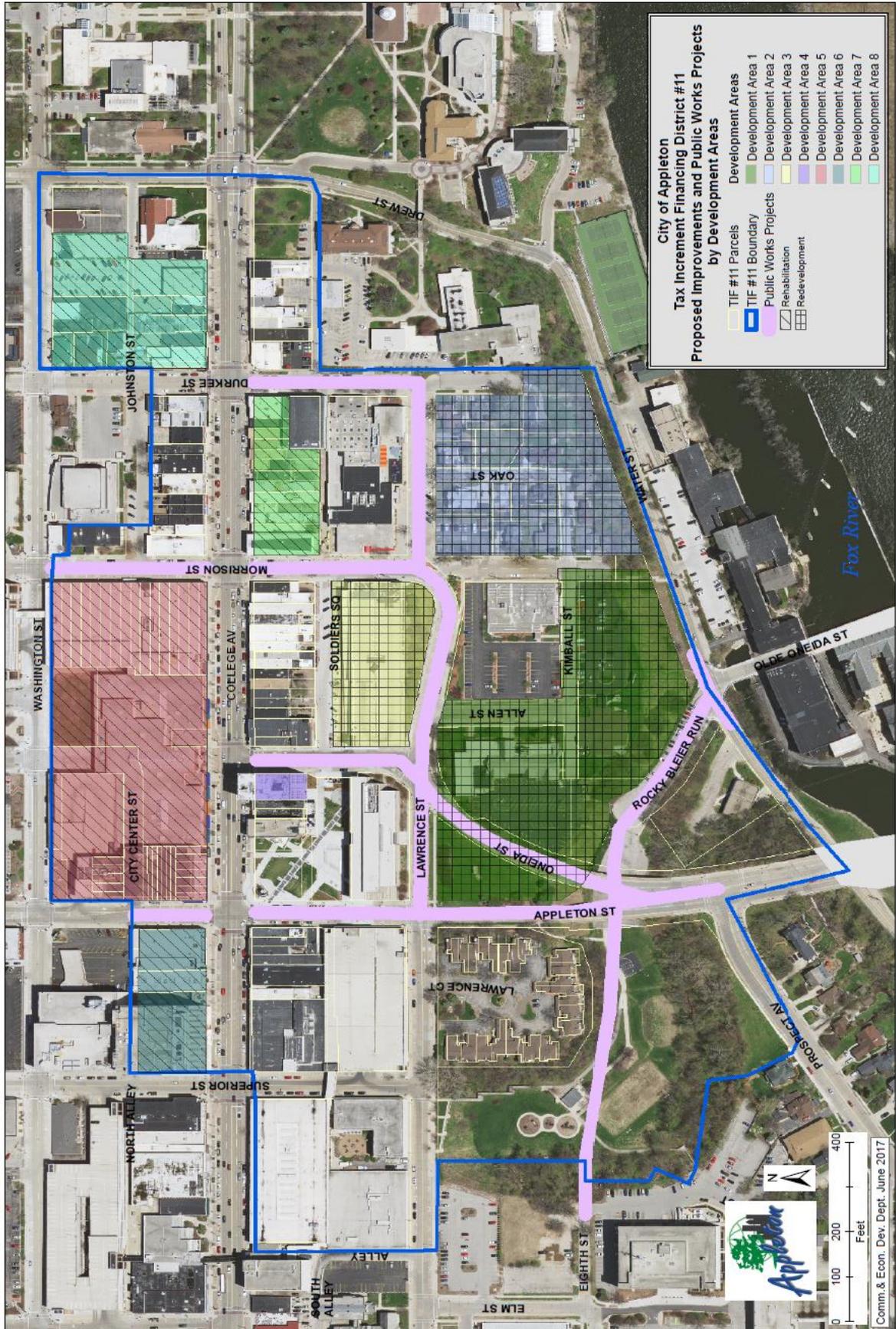
TIF District #11 is located along East College Avenue from approximately Drew Street to just west of Superior Street, south to Water Street and north to E. Washington Street. A map of TIF District #11 is included on the following page.

Gabriel Lofts, LLC has requested assistance to support the rehabilitation of the historic building at 201 East College Avenue, in addition to the demolition and reconstruction of the buildings at 207-209 East College Avenue; to create a cohesive mixed-used development with approximately twenty-one (21) residential units, first floor commercial space and parking. A conceptual site plan is included as Exhibit B of the Development Agreement.

Based on the analysis of current value of the property, projected value of the property and review of proposed expenses, TIF District #11 could make available the lesser of: i) \$900,000 or ii) twenty-one percent (21%) of the Tax Increment Value as of January 1, 2023, plus interest thereon to support the rehabilitation and construction work for Gabriel Lofts, LLC. The TIF investment would be payable over the next approximately 20 years based on the increased property tax payments with payments terminating when the Contribution is paid in full or August 15, 2039, whichever occurs first.

Staff Recommendation:

The Development Agreement between the City of Appleton and Gabriel Lofts, LLC BE APPROVED.



TAX INCREMENT DISTRICT NO. 11 DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the "Agreement") is dated as of the ___ day of February, 2019, by and among Gabriel Lofts, LLC, a Wisconsin limited liability company ("Developer") and the City of Appleton, a Wisconsin municipal corporation (the "City").

RECITALS

Developer and the City acknowledge the following:

A. Developer owns or will acquire the real property located at 201 E. College Avenue (Parcel 31-2-0031-00), 207 E. College Avenue (Parcel 31-2-0030-00) and 209 E. College Avenue (Parcel 31-2-0031-00), Appleton, WI more particularly described in Exhibit A, attached hereto (collectively the "Property").

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

C. Subject to obtaining the financial assistance set forth herein, Developer has proposed improvements to the Property to create a mixed-use project containing approximately 21 residential apartments as well as ground floor retail and/or office space (the "Project") that, among other things, includes rehabilitation of a historic commercial building as well as new construction. All references to the Project include the Property.

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

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

F. The City, pursuant to Common Council Action dated February ____, 2019 has approved this Agreement and authorized the execution of this Agreement by the proper City officers on the City's behalf.

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

H. The base value of the Property for purposes of this Agreement, including calculating increment generated by the Project, is \$643,800. The Developer estimates the project will create up to an additional \$4,000,000 in incremental value.

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

AGREEMENT

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

ARTICLE I UNDERTAKINGS OF THE DEVELOPER

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

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

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

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

ARTICLE II UNDERTAKINGS OF THE CITY

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

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

2.3 Subject to all of the terms, covenants and conditions of this Agreement and applicable provisions of law, and as an inducement by the City to Developer to carry out the Project, upon completion of the Project (which shall be defined as issuance of occupancy permits for all apartments within the Project (hereafter "completion")) the City will provide payments to Developer solely from future Tax Increments (derived from both real and personal

property) to assist with Developer's Project Costs. The City's total payment of Tax Increment Revenue to the Developer shall not exceed the lesser of: i) \$900,000; or ii) twenty-one percent (21%) of the Tax Increment Value as of January 1, 2023, plus interest thereon (the "Contribution").

The Contribution will be paid to Developer as follows:

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

2.3.2 Payments under this Agreement shall be due in annual installments on August 15 of the calendar year following the first tax year after completion of the Project and continuing on each August 15 thereafter for a period of time described in Sec. 4.2

2.3.3 Interest on the Contribution shall begin to accrue upon completion of the Project. The interest rate on the Contribution shall be the lesser of 1) the interest rate paid by the Developer to the primary lender for the Project, as evidenced by the note indicating the loan amount; or, 2) five percent (5%).

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

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

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

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

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

ARTICLE III
PAYMENT OF TAXES

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

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

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

ARTICLE IV
CONDITIONS TO PAYMENT; TERMINATION OF AGREEMENT

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

4.1.1 The Project's completion.

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

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

4.2.2 The statutory life of the District expires (in September 2044).

4.2.3 Developer fails to complete the Project on or before December 31, 2022, subject to extension for Force Majeure.

ARTICLE V
CONFLICT OF INTEREST

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

ARTICLE VI
WRITTEN NOTICES

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

FOR THE CITY:

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

With a copy to:

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

FOR DEVELOPER:

Gabriel Lofts, LLC
c/o Mr. Paul Klister
100 West Lawrence Street, Suite 214
Appleton, WI 54911

With a copy to:

Bruce T. Block, Esq.
Reinhart Boerner Van Deuren s.c.
1000 North Water Street, Suite 1700
Milwaukee, WI 53202

ARTICLE VII ASSIGNMENT

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

ARTICLE VIII NO PARTNERSHIP OR VENTURE

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

ARTICLE IX MISCELLANEOUS

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

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

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

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

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

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

[Signatures on following pages]

DEVELOPER:

Gabriel Lofts, LLC

By: _____
_____, Principal

STATE OF WISCONSIN)
 : ss.
OUTAGAMIE COUNTY)

Personally came before me this ____ day of _____, 2019,
_____, Principal, to me known to be the person who executed the
foregoing instrument and acknowledged the same in the capacity and for the purposes therein
intended.

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

SCHEDULE OF EXHIBITS

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

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

All of Lots Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), and Fifteen (15) in Block Three (3), APPLETON PLAT (AKA 2nd Ward Plat), City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City.
Tax Key Nos. 31-2-0029-00, 31-2-0030-00, 31-2-0031-00

EXHIBIT B

PROPOSED IMPROVEMENTS

The project budget is \$5,400,000 and is depicted as follows:



Department of Public Works – Engineering Division

MEMO

TO: Utilities Committee

FROM: Paula Vandehey, Director of Public Works
Sue Olson, Staff Engineer
Pete Neuberger, Staff Engineer

DATE: January 14, 2019

RE: Approval to single source and award the 2019I Valley Road Stormwater Management Alternatives Evaluation in an amount not to exceed \$37,400 and authorization to single source the future design contract and construction related services contract with McMahon Associates, Inc.

The Department of Public Works is requesting approval to single source and award the 2019I Valley Road Stormwater Management Alternatives Evaluation contract with McMahon Associates, Inc. in an amount not to exceed \$37,400, and approval to negotiate the future design contract and construction related services contract with McMahon Associates, Inc. to design and assist with constructing the selected alternative without an RFP process. After this contract, \$548,820 will remain in the stormwater consulting services budget.

Valley Road from just east of Memorial Drive to just west of Oneida Street is programmed for reconstruction in 2021 per an agreement with the City of Menasha and the Village of Fox Crossing. This reconstruction will change the street from a rural section with roadside ditches to an urban section with curb and gutter. The specific street cross section was approved in October 2018 through the standard public information and Municipal Services Committee processes.

Changing a street from a rural to an urban cross section requires appropriate stormwater management. There are multiple regulations to consider, including but not limited to, WDNR NR 151 water quality standards, City of Appleton, City of Menasha and Village of Fox Crossing stormwater ordinances, TMDL requirements and possibly wetland regulations. Before pavement design can be finalized, the stormwater management practices must be determined and coordinated with the paving design. Design and construction are subject to future contracts and Committee and Council approval.

Staff is recommending to single source this contract to McMahon Associates because of the amount of work that they have already completed in this watershed for all three communities. They worked on the Red Oak Ravine project for the City of Appleton and have a model of the watershed already developed from various previous projects. It would not be cost effective for another consultant to repeat work that McMahon has already completed.

The following tasks are included in the Stormwater Management Alternatives Evaluation:

- Attend up to six (6) meetings with the three communities, regulatory agencies and stakeholders
- Perform a wetland delineation within the Valley Road right-of-way
- Create a list of all applicable regulations and permits
- Update the existing XPSWMM model for water quantity and refine it for this small scale project
- Evaluate the existing conveyance system and proposed alternatives with the updated XPSWMM model
- Create a WinSLAMM model for water quality
- Evaluate up to three alternatives to address the runoff for quantity and quality

- Perform up to three iterations of each alternative based on discussions with municipalities and regulatory agencies
- Prepare a report and cost estimates
- Develop a cost allocation methodology for each alternative for the three communities

Since the design scope of the stormwater practice(s) selected to address the runoff cannot be accurately identified at this time, staff is also requesting approval to negotiate the contract for the design and development of construction bid documents with McMahon Associates, Inc., provided their work on the alternative evaluation is deemed satisfactory. This future design contract is subject to approval of the Utilities Committee and Common Council at the appropriate time. Construction Related Services, if needed, will be budgeted in 2020 and a future contract for those services will also be subject to the approval of the Utilities Committee and Common Council at the appropriate time.

AN ORDINANCE AMENDING SECTION 16-37 CHAPTER 16 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON AND THE OFFICIAL MAP WHICH IS A PART THEREOF, BY MAKING THE FOLLOWING CHANGES IN THE OFFICIAL MAP AS NOW PROVIDED.

(City Plan Commission 2/6/2019)

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

Section 1: That Section 16-37 of Chapter 16 of the Municipal Code of the City of Appleton and the Official Map, which is a part thereof, is amended by making the following changes:

To officially map the future extension of East Werner Road (66' right-of-way)

LEGAL DESCRIPTION:

A part of the Northwest ¼ of the Southeast ¼, the Northeast ¼ of the Southwest ¼, the Southeast ¼ of the Southwest ¼ and the Southwest ¼ of the Southwest ¼, of Section 36, Township 22 North, Range 17 East, City of Appleton and the Town of Center, Outagamie County, Wisconsin, containing 5.656 acres of land and being further described by:

*Commencing at the South ¼ corner of said Section 36;
Thence South 89°33'20" East 599.27 feet coincident with the South line of the SE ¼ of said Section 36;
Thence North 00°00'00" East 2153.52 feet to the Northerly line of Werner Road at its Westerly terminus per the Glacier Ridge Plat and being the point of beginning;
Thence South 34°07'24" East 66.15 feet (recorded as 66.20 feet) coincident with the Westerly line of Werner Road;
Thence Southwesterly 2.34 feet along the arc of a curve to the left having a radius of 55.00 feet and the chord of which bears South 59°31'50" West 2.34 feet;
Thence South 55°52'37" West 1,036.02 feet;
Thence Westerly 261.11 feet along the arc of curve to the right having a radius of 433.00 feet and the chord of which bears South 73°09'08" West 257.17 feet;
Thence North 89°34'20" West 166.74 feet;
Thence Westerly 280.77 feet along the arc of curve to the left having a radius of 367.00 feet and the chord of which bears South 68°30'39" West 273.98 feet;
Thence South 46°35'38" West 808.76 feet;
Thence Westerly 665.50 feet along the arc of curve to the right having a radius of 866.00 feet and the chord of which bears South 68°36'32" West 649.24 feet;
Thence North 89°22'34" West 531.44 feet to the East line of Meade Street;
Thence North 00°08'12" East 66.00 feet coincident with the East line of Meade Street;*

*Thence South 89°22'33" East 532.00 feet;
Thence Easterly 614.78 feet along the arc of a curve to the left having a radius of 800.00 feet and the chord of which bears North 68°36'32" East 599.76 feet;
Thence North 46°35'38" East 808.76 feet;
Thence Easterly 331.27 feet along the arc of curve to the right having a radius of 433.00 feet and the chord of which bears North 68°30'39" East 323.25 feet;
Thence South 89°34'20" East 166.74 feet;
Thence Easterly 221.31 feet along the arc of curve to the left having a radius of 367.00 feet and the chord of which bears North 73°09'08" East 217.97 feet;
Thence North 55°52'37" East 1,038.36 feet to the point of beginning.*

COMMON DESCRIPTION:

Future extension of East Werner Road, generally located adjacent to existing Werner Road in the area north of East Broadway Drive, east of North Meade Street and south of Mackville Road

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.

2-19

AN ORDINANCE AMENDING SECTION 16-37 CHAPTER 16 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON AND THE OFFICIAL MAP WHICH IS A PART THEREOF, BY MAKING THE FOLLOWING CHANGES IN THE OFFICIAL MAP AS NOW PROVIDED.

(City Plan Commission 2/6/2019)

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

Section 1: That Section 16-37 of Chapter 16 of the Municipal Code of the City of Appleton and the Official Map, which is a part thereof, is amended by making the following changes:

To officially map the future extension of North Kurey Drive (66' right-of-way)

LEGAL DESCRIPTION:

A part of the Northwest ¼ of the Northeast ¼, the Southwest ¼ of the Northeast ¼ and the Northwest ¼ of the Southeast ¼, of Section 36, Township 22 North, Range 17 East, City of Appleton and the Town of Center, Outagamie County, Wisconsin containing 4.6742 acres of land and being further described by:

*Commencing at the South ¼ corner of said Section 36;
Thence South 89°33'20" East 736.57 feet coincident with the South line of the SE ¼ of said Section 36;
Thence North 00°00'00" East 2302.79 feet to the Northeasterly line of Kurey Drive at its Northerly terminus per the Glacier Ridge Plat and being the point of beginning;
Thence South 56°05'50" West 76.79 feet;
Thence North 34°07'23" West 85.93 feet;
Thence Northerly 199.79 feet along the arc of curve to the right having a radius of 333.00 feet and the chord of which bears North 16°56'06" West 196.81 feet;
Thence North 00°15'12" East 328.86 feet;
Thence Northerly 232.76 feet along the arc of curve to the right having a radius of 1,533.00 feet and the chord of which bears North 04°36'11" East 232.54 feet;
Thence North 08°57'10" East 421.88 feet;
Thence Northerly 389.43 feet along the arc of curve to the left having a radius of 767.00 feet and the chord of which bears North 05°35'34" West 385.26 feet;
Thence North 20°08'18" West 1,130.22 feet;
Thence Northerly 188.73 feet along the arc of curve to the right having a radius of 533.00 feet and the chord of which bears North 09°59'41" West 187.74 feet;
Thence North 00°08'57" East 123.42 feet;
Thence South 89°51'03" East 66.00 feet;
Thence South 00°08'57" West 123.42 feet;
Thence Southerly 165.36 feet along the arc of curve to the left having a radius of 467.00 feet and the chord of which bears South 09°59'41" East 164.49 feet;
Thence South 20°08'18" East 1,130.22 feet;
Thence Southerly 422.94 feet along the arc of curve to the right having a radius of 833.00 feet and the chord of which bears South 05°35'34" East 418.41 feet;
Thence South 08°57'10" West 421.88 feet;
Thence Southerly 222.74 feet along the arc of curve to the left having a radius of 1,467.00 feet and the chord of which bears South 04°36'11" West 222.53 feet;
Thence South 00°15'12" West 328.86 feet;
Thence Southerly 160.20 feet along the arc of a curve to the left having a radius of 267.04 feet and the chord of which bears South 16°55'59" East 157.80 feet;
Thence South 34°07'23" East 33.02 feet;
Thence Southeasterly 21.26 feet along the arc of a curve to the left having a radius of 85.19 feet and the chord of which bears South 41°15'31" East 21.20 feet;
Thence South 48°22'00" East 33.19 feet to the point of beginning.*

COMMON DESCRIPTION:

Future extension of North Kurey Drive, generally located adjacent to existing Kurey Drive in the area north of East Broadway Drive, east of North Meade Street and south of Mackville Road

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.

3-19

**AN ORDINANCE ANNEXING TERRITORY
TO THE CITY OF APPLETON, WISCONSIN.
(Spartan Drive at Meade Street Annexation)**

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

Section 1. Territory Annexed. In accordance with §66.0217 of the Wisconsin Statutes for 2015 – 2016 and the *Unanimous Petition for Direct Annexation* filed with the City Clerk on January 3, 2019, the following described territory in the Town of Grand Chute, Outagamie County, Wisconsin, lying contiguous to the City of Appleton, is hereby annexed to the City of Appleton, Wisconsin:

*A part of Lot One (1) and part of Lot Two (2) of **CERTIFIED SURVEY MAP NO. 4431**, located in and being a part of the Southeast Quarter (SE ¼) of the Fractional Northeast Quarter (NE ¼) of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 88,809 Square Feet (2.0388 Acres) of land and described as follows:*

*Commencing at the East ¼ corner of said Section 2 and being the point of beginning;
Thence North 89°40'21" West 839.03 feet along the South line of the Fractional NE ¼ of said Section 2 and being coincident with the South line of Lot 1 and 2 of said Certified Survey Map No.4431;
Thence North 01°03'01" East 245.13 feet being coincident with the West line of said Lot 1;
Thence South 43°27'00" East 48.98 feet;
Thence North 67°23'29" East 78.51 feet;
Thence North 60°46'47" East 139.15 feet;
Thence South 21°27'49" East 187.73 feet;*

*Thence South 58°24'35" West 131.24 feet;
Thence South 14°06'00" West 25.35 feet;
Thence Southeasterly 88.94 feet along the arc of a curve to the left having a radius of
370.00 feet and the chord of which bears South 82°47'12" East 88.73 feet;
Thence South 89°40'21" East 448.18 feet;
Thence North 45°09'52" East 169.22 feet to the East line of the Fractional NE ¼ of said
Section 2;
Thence South 00°00'05" West 150.00 feet coincident to the East line of the Fractional NE
¼ of said Section 2 to the Point of Beginning. Said lands subject to all easements and
restrictions of record.*

Tax Parcel numbers of land to be annexed: PART OF PARCELS: 101006800 and 101006802

The current population of such territory is 0 people.

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

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

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

Temp AG (Temporary Agricultural District)

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

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

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

(Lucht Annexation)

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

Section 1. Territory Annexed. In accordance with §66.0217 of the Wisconsin Statutes for 2015 – 2016 and the *Unanimous Petition for Direct Annexation* filed with the City Clerk on January 4, 2019, the following described territory in the Town of Grand Chute, Outagamie County, Wisconsin, lying contiguous to the City of Appleton, is hereby annexed to the City of Appleton, Wisconsin:

A parcel of land located in and being a part of the Fractional Northwest Quarter (NW ¼) of Section One (1), Township Twenty-One (21) North, Range Seventeen (17) East, Town of Grand Chute, Outagamie County, Wisconsin, containing 1.00 Acres of land, more or less and described as follows:

Commencing at the Northwest corner of said Section 1;

Thence South 89°22'34" East 1,168.10 feet (recorded as S.89°27'E. 1,168.10 feet) along the North line of the Fractional NW ¼ of said Section 1 to the point of beginning;

Thence continue South 89°22'34" East 143.0 feet (recorded as S.89°27'E. 143.0 feet) along the North line of the Fractional NW ¼ of said Section 1 to the Northwest corner of lands described in Volume 757 of Records, page 296;

Thence South 00°00'34" East 299.0 feet (recorded as S.00°03'E. 299.0 feet) along the West line of lands described in Volume 757 of Records, page 296 and along the West line of said lands extended;

Thence South 88°29'26" West 146.41 feet (recorded as S.88°27'W. 146.40 feet);

Thence North 00°37'26" East 304.43 feet (recorded as N.00°35'E. 304.44 feet) to the point of beginning.

Tax Parcel number of lands to be annexed: 101001800

The current population of such territory is 0 people.

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

Section 3. Ward Designation. The territory described in Section 1 of this ordinance is hereby made a part of the Sixty-first (61st) Ward, attached to the Seventh (7th) Aldermanic District of the City of Appleton, Outagamie County, subject to the ordinances, rules and regulations of the City governing wards.

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

Temporary AG (Temporary Agricultural District)

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

Section 6. Effective Date. This ordinance shall take effect upon passage and publication; and after the February 19, 2019 Spring Primary Election.

5-19

**AN ORDINANCE AMENDING ORDINANCE
NO. 37-18 ANNEXING TERRITORY
TO THE CITY OF APPLETON, WISCONSIN.**

(Leona Pond Annexation)
(Safety and Licensing 2/6/2019)

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

Section 1. Territory Annexed. In accordance with §66.0217 of the Wisconsin Statutes for 2015 – 2016 and the *Unanimous Petition for Direct Annexation* filed with the City Clerk on January 31, 2018,

the following described territory in the Town of Grand Chute, Outagamie County, Wisconsin, lying contiguous to the City of Appleton, is hereby annexed to the City of Appleton, Wisconsin:

PART OF PARCEL: 102009900
Owner: City of Appleton
AOD Document #2124074

*Part of Lot Nine (9), Lot Ten (10) and Lot Eleven (11) of **ROWE'S SUBDIVISION**, and part of Lot One (1) of **CERTIFIED SURVEY MAP NUMBER 6101** filed in Volume 36 of Certified Survey Maps on Page 6101 as Document Number 1866751 in the Outagamie County Register of Deeds Office, located in the Fractional Southwest Quarter (SW ¼) of Section 19, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 11.3366 Acres of land m/l and being described by:*

Commencing at the Southwest corner of said Section 19;

Thence North 00° 22' 42" East 1353.51 feet along the West line of the SW ¼ of said Section 19;

Thence North 76° 51' 35" East 33.94 feet to the Northwest corner of Lot 1 of said Certified Survey Map No.6101 and being coincident with the Southerly line of the Wisconsin Central Ltd. Railroad right of way and being the Point of Beginning;

Thence continue North 76° 51' 35" East 1321.82 feet along the Southerly line of the Wisconsin Central Ltd. Railroad right of way and being coincident with the Northerly line of Lot 1 of said Certified Survey Map No.6101;

Thence South 00° 44' 00" West 503.74 feet;

Thence South 66° 58' 00" West 829.60 feet;

Thence South 00° 47' 05" West 550.34 feet to the Northwesterly line of Wisconsin Avenue (a.k.a. S.T.H. 96);

Thence South 65° 57' 11" West 27.55 feet and being coincident to the Northwesterly line of Wisconsin Avenue to the East line of Bell Air Subdivision;

Thence North 00° 47' 05" East 1154.90 feet and being coincident to the East line of said Bell Air Subdivision to the Northerly line of Richard Street;

Thence South 76° 51' 35" West 514.22 feet and being coincident with the Northerly line of Richard Street to the East line of Ballard Road;

Thence North 00° 22' 42" East 51.42 feet and being coincident with the East line of Ballard Road to the Point of Beginning.

The current population of such territory is 0 people.

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

Section 3. Ward Designation. The territory described in Section 1 of this ordinance is hereby

made a part of the Sixtieth (60th) Ward, attached to the Second (2nd) Aldermanic District of the City of Appleton, Outagamie County, subject to the ordinances, rules and regulations of the City governing wards.

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

Temporary AG (Temporary Agricultural District)

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

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

CITY OF APPLETON/CITY OF MENASHA/VILLAGE OF FOX CROSSING
Valley Road – west of Chain Drive to east of Forestview Court

INTERGOVERNMENTAL AGREEMENT

FOR STORMWATER MANAGEMENT RELATED TO THE URBANIZATION OF VALLEY ROAD

PROJECT TITLE: Valley Road Urbanization

DATE: December 7, 2018

PROPOSED IMPROVEMENT

The City of Appleton, hereinafter called “Appleton”, the City of Menasha, herein called “Menasha” and the Village of Fox Crossing, herein called “Fox Crossing” through their undersigned duly authorized officers or officials, hereby enter into an agreement to address stormwater management related to the urbanization of Valley Road from west of Chain Drive to east of Forestview Court. Per a separate document, the cost share for roadway, sidewalk, storm sewer/inlets, engineering and inspection has been agreed upon. This agreement is to address stormwater management associated with the urbanization of the project as follows:

1. Appleton will be the lead agency for the project.
2. Appleton will hire McMahan Associates for consulting services including conducting a wetland determination, developing a stormwater management plan, and submitting for the applicable DNR permit(s).
3. The parties agree that the Total Suspended Solids and Total Phosphorous removed with this project are from sources in all three municipalities and will assist each community with meeting their TMDL goals. Therefore, a separate agreement shall be approved and signed by all three parties documenting ownership of the constructed stormwater practice(s), long-term maintenance responsibility, maintenance cost share, and water quality improvements granted to each community.
4. The cost share for McMahan’s consulting services will be based on frontage within each municipal boundary. City of Appleton 1722’ (34%), City of Menasha 1260’ (25%) and Village of Fox Crossing 2028’ (41%).
5. The cost share for the stormwater practice(s) shall be determined under a future agreement.

City of Appleton

Attest:

Printed Name:

By:

Timothy M. Hanna, Mayor

Attest:

Printed Name:

By:

Kami Scofield, City Clerk

Provision has been made to pay the liability
that will accrue under this contract.

Approved as to form:

Anthony D. Saucerman, Finance Director

James P. Walsh, City Attorney

City of Menasha

Attest: _____

Printed Name:

Attest: _____

Printed Name:

By: _____

By: _____

Village of Fox Crossing

Attest: _____

Printed Name:

Attest: _____

Printed Name:

By: _____

By: _____

Resolution # 15-R-18 - Truancy

December 19, 2018

Submitted by:

Alderson Meltzer – District 2, Alderson Raasch – District 6, Alderson Baker – District 9

Referred To: Attorney's Office

WHEREAS nearly 700 students have gone through truancy court in Outagamie County between 2013 and 2018, and criminalizing truancy is harmful to all children and their families;

And WHEREAS several appeals courts have overturned truancy court rulings;

And WHEREAS some district attorneys are already shifting cases to social workers and Health and Human Services;

THEREFORE BE IT RESOLVED that the City of Appleton end the practice of GPS monitoring and jail for truant students AND support removing truancy from the criminal code in the State of Wisconsin.