



City of Appleton

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

Meeting Agenda - Final-revised Common Council

Wednesday, January 17, 2018

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

[18-0081](#) Common Council Meeting Minutes of December 19, 2017

Attachments: [CC Minutes 12-19-17_Special.pdf](#)

[18-0080](#) Common Council Meeting Minutes of December 20, 2017

Attachments: [CC Minutes 12-20-17.pdf](#)

- H. BUSINESS PRESENTED BY THE MAYOR

[18-0082](#) National Wear Red Day Proclamation

[18-0083](#) Appointment to the Library Board

- I. PUBLIC HEARINGS

[17-2023](#) Public Hearing - Rezoning #8-17

Attachments: [RZ #8-17_Public Hearing Notice.pdf](#)

[17-2024](#) Public Hearing for Text Amendment to Chapter 23 Zoning Ordinance and Map - Article X. Floodplain Zoning

Attachments: [PH Notice Text Amendment.pdf](#)

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[18-0029](#) Approve Amendment No. 2 to SRF Consulting Group, Inc. for additional services related to the Railroad Quiet Zone Feasibility & Implementation Plan in an amount of \$3,000 for a revised not to exceed contract of \$31,856.

Attachments: [Railroad Quiet Zone.pdf](#)

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[17-1684](#) Resolution #22-R-17; Resolution regarding The Social Station and Alcohol Consumption

Attachments: [Resolution #22-R-17 Social Station.pdf](#)

[22-R-17; Alcohol Consumption on the Social Station MEMO to SL .pdf](#)

[Green Bay Ordinance- Comm. Quadricycle.pdf](#)

[Commercial Quadricycle Resolution Options S&L 1-9-18.pdf](#)

Legislative History

10/25/17 Safety and Licensing held
Committee
Held until the next Safety & Licensing Committee meeting potentially on November 15th.

11/15/17 Safety and Licensing held
Committee

11/15/17 Common Council held
This item was held in Committee. No action was taken on the item.

12/13/17 Safety and Licensing recommended for approval
Committee

12/13/17 Safety and Licensing amended
Committee
The following substitution amendment was made to the Resolution:

NOW THEREFORE BE IT RESOLVED, Commercial Quadricycles be permitted to have passengers who are of the age of twenty-one (21) or older possess up to thirty-six (36) fluid ounces of malt beverages per person. Commercial Quadricycles may only operate until 10:30 PM daily and only operate on approved routes.

12/20/17 Common Council referred to the Safety and Licensing
Committee

1/10/18 Safety and Licensing recommended for approval
Committee

1/10/18 Safety and Licensing amended
Committee

The item was amended to reflect Option 2. in the document provided by the Attorney's Office. The amendment includes the document as written, strikes items ii. 1. & 2. and adds a provision that the Police Department reviews/approves routes proposed by the applicant and allows for an appeal process to go to the Safety & Licensing Committee.

[17-2037](#)

Operator's License application of Cueren M. Egeland, W750 County Road VV, Seymour

Attachments: [Cueren M. Egeland.pdf](#)
[SL Denial 1-10-18.pdf](#)

Legislative History

1/10/18 Safety and Licensing recommended for denial
Committee

[17-2032](#)

"Class B" Beer/Liquor License application of Tudy Wilder LLC, d/b/a Wilder's Bistro, 2639 S. Oneida St. Suite 1, Terrance A. Wilder, Agent, contingent upon approval from all departments.

Attachments: [Wilder's Bistro application.pdf](#)

Legislative History

1/10/18 Safety and Licensing recommended for approval
Committee

[17-2033](#)

Class "B" Beer License application of McFleshman's Brewing Co LLC, Bobby L. Fleshman, Agent, 115 S. State St., contingent upon approval from all departments.

Attachments: [McFleshmans Brewing Co application.pdf](#)

Legislative History

1/10/18 Safety and Licensing recommended for approval
Committee

[17-2034](#)

Secondhand Article Dealer License Renewal application of The Attique Resale, James A. Boylan, 415 N. Oneida Street, contingent upon approval from all departments.

Legislative History

1/10/18 Safety and Licensing recommended for approval
Committee

[17-2041](#) Operator Licenses

Attachments: [Operator's Licenses for 1-10-18 S & L.pdf](#)

Legislative History

1/10/18	Safety and Licensing Committee	recommended for approval
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[18-0003](#) "Class B" Beer/Liquor License temporary change of premise description of Dairyland Brew Pub, Dorri Schmit, 1216 E. Wisconsin Avenue, January 27, 2018 or February 10, 2018, contingent upon approval from all departments.

Attachments: [Change of Description - Dairyland Brew Pub.pdf](#)

Legislative History

1/10/18	Safety and Licensing Committee	recommended for approval
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[18-0020](#) "Class A" Liquor License application of Fishtail LLC, Buddi S. Subedi, 415 S. Memorial Drive, contingent upon approval from all departments.

Attachments: [Memorial Petroleum.pdf](#)

Legislative History

1/10/18	Safety and Licensing Committee	recommended for approval
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[18-0034](#) Secondhand Article Dealer License Renewal application of Heid Music, Kristin J. Masarik, Applicant, 308 E. College Avenue, contingent upon approval from all departments.

Legislative History

1/10/18	Safety and Licensing Committee	recommended for approval
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3. MINUTES OF THE CITY PLAN COMMISSION

[17-1902](#) Request to approve the proposed Zoning Ordinance Text and Map Amendments to Article X Floodplain Zoning of Chapter 23 of the Municipal Code relating to Section 23-206(b)(1)(i) Official maps and revisions, as identified in the attached staff report

Attachments: [StaffReport_ZOText&MapAmendment_FloodplainZoning_12-12-17.pdf](#)

Legislative History

12/12/17	City Plan Commission	recommended for approval
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Proceeds to Council on January 17, 2018.

[17-1907](#)

Request to approve Rezoning #8-17 for Creekside Estates, as shown on the attached maps, from R-1A Single-Family District and R-2 Two-Family District to R-1B Single-Family District

Attachments: [StaffReport Rezoning #8-17 Creekside Estates 12-12-17.pdf](#)

Legislative History

12/12/17 City Plan Commission recommended for approval
Proceeds to Council on January 17, 2018.

[17-1909](#)

Request to approve the Creekside Estates Preliminary Plat as shown on the attached maps and subject to the attached conditions

Attachments: [StaffReport Preliminary Plat Creekside Estates 12-12-17.pdf](#)

Legislative History

12/12/17 City Plan Commission recommended for approval
Proceeds to Council on January 17, 2018.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[18-0077](#)

Resolution #23-R-17

Resolution Regarding Financing Option for the Fox Cities Exhibition Center

Submitted by: Alderperson Plank - District 7 & Alderperson Baranowski - District 5

Referred to: Mayor's Office

Be It Resolved:

Upon receipt of work preformed by R.W. Baird with respect to financing of the Fox Cities Exhibition Center, a report of their findings be presented to the Finance Committee and/or the full Common Council in a timely manner. The presentation will be conducted by a representative employed by R.W. Baird. The City Attorney and Finance Director of the City of Appleton will be present for consultation.

The Finance Committee and/or Common Council will then determine and authorize the financing mechanism to be used to fund the Fox Cities Exhibition Center.

[18-0078](#) Approve the financing method for the Fox Cities Exhibition Center

Attachments: [Baird FCEC Presentation 1-8-18.pdf](#)
[Room Tax Collections.pdf](#)
[FCEC Financing Comparison Memo 011518.pdf](#)
[FRED Graph.pdf](#)
[Private Placement Bonds.pdf](#)
[Term Sheet 10.26.17.pdf](#)

[18-0079](#) Resolution #24-R-17

Resolution Regarding Pledge & Security Agreement with Respect to
Financing of the Fox Cities Exhibition Center
Submitted by: Alderperson Plank - District 7 & Alderperson Baranowski -
District 5
Referred to: Attorney's Office

Be It Resolved:

The Finance Committee and/or Common Council, with consultation from
the Office of the City Attorney of Appleton, review the Pledge and Security
Agreement document authorizing financing of the Fox Cities Exhibition
Center.

Upon this review, the Common Council will approve the document in final
form prior to its execution.

[18-0007](#) Request to approve short-term loan not to exceed \$31,000,000 to the
Appleton Redevelopment Authority (ARA) for the construction of the Fox
Cities Exhibition Center to be repaid upon ARA's closing of long-term
financing for the project which is anticipated in early 2018.

Attachments: [FCEC Financing - ARA Loan 2018.pdf](#)

Legislative History

1/8/18	Finance Committee	recommended for approval
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[18-0008](#)

Request to approve the following 2017 Budget adjustment:

Facilities Management Capital Projects Fund

Fire Station #4 Repair Project	+\$23,000
MSB Fire Protection System Upgrade Project	- \$23,000

to reallocate funds for the emergency repairs of the garage floor at Fire Station #4.

Attachments: [2017 Fire Station #4 Emergency Repairs and Budget Adjustment .pdf](#)

Legislative History

1/8/18	Finance Committee	recommended for approval
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[18-0021](#)

Request to approve payment to von Briesen & Roper, S.C. for real estate services performed under the "Hourly Services" provision of the Phase III agreement related to the construction of the Fox Cities Exhibition Center and approve the following related 2017 Budget adjustment:

Exhibition Center Capital Projects Fund

Consulting Services	+ \$489
Debt Proceeds/Room Tax	+ \$489

to provide funding for real estate services related to the construction of the Fox Cities Exhibition Center.

Attachments: [von Briesen Bill 10-31-17.pdf](#)

Legislative History

1/8/18	Finance Committee	recommended for approval
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[18-0031](#)

Request to approve Rocky Bleier Run/Water Street Relocation Order.

Attachments: [Rocky Bleier-Water St - Relocation Order \(FINAL\).pdf](#)

Legislative History

1/8/18	Finance Committee	recommended for approval
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[18-0046](#)

Request to approve accepting the professional construction management services of Miron Construction for the Jones Park renovation conditioned upon Miron's offer to donate their fee.

Attachments: [2018 Jones Park Renovation Sole Source \(002\).pdf](#)

Legislative History

1/8/18	Finance Committee	recommended for approval
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- [18-0048](#) Request to approve Rocky Bleier Run/Water Street Relocation Order (north side of street).

Attachments: [Rocly Bleier Run \(north side of street\) - Relocation Order 1.pdf](#)

Legislative History

1/8/18 Finance Committee recommended for approval

- [18-0049](#) Request to approve North Edgewood Estates Development Agreement.

Attachments: [Coenen Dev Agrm - City - Clean - 01-05-2018.pdf](#)

Legislative History

1/8/18 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

- [18-0040](#) Request to overhire for the Waste Water Operations Supervisor position to be able to train the new employee prior to retirement date of current employee.

Attachments: [Ops Supervisor Overhire 01-05-09.pdf](#)

Legislative History

1/10/18 Human Resources & Information Technology Committee recommended for approval

- [18-0041](#) Request from Police to approve the Support Services Division to be moved from the Assistant Chief to the Investigative Services Captain. Also to create two Lead positions, one in the Communication Specialist Unit and one in the Records Unit.

Attachments: [Police TO reorg memo.pdf](#)
[Police Lead Positions memo request Allcox.pdf](#)
[Police TO approved 3-1-17.pdf](#)
[Police TO draft Jan 2018.pdf](#)

Legislative History

1/10/18 Human Resources & Information Technology Committee recommended for approval

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION**10. MINUTES OF THE BOARD OF HEALTH****M. CONSOLIDATED ACTION ITEMS****N. ITEMS HELD****O. ORDINANCES**

[18-0085](#) Ordinances 1-18 to 15-18

Attachments: [Ordinances going to Council 1-17-18.pdf](#)

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

[18-0084](#) Explanation of next steps regarding the financing of the Fox Cities Exhibition Center

S. ADJOURN

Kami Lynch, City Clerk

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



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Meeting Minutes - Final Common Council

Tuesday, December 19, 2017

7:00 PM

Council Chambers

SPECIAL

A. CALL TO ORDER

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

B. ROLL CALL OF ALDERPERSONS

Present: 13 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt and Mayor Timothy Hanna

Excused: 3 - Alderperson Ed Baranowski, Alderperson Keir Dvorachek and Alderperson Bob Baker

C. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

The following were present:

City Attorney Walsh, Deputy City Attorney Behrens, City Clerk Lynch, Director of Community & Economic Development Harkness, Director of Finance Saucerman, Health Officer Eggebrecht, Bill Mc Cormick, Police, Director of Public Works Vandehey, Library Director Rortvedt, Valley Transit General Manager Mc Donald

The following were excused:

Fire, Human Resources, Parks, Recreation & Facilities, Information Technology, & Utilities

D. ACTION ITEMS

[17-2010](#)

Suspend the Rules and Convene into the Committee of the Whole

Attachments: [MemotoCouncil_TaxReformBill_12-18-17.pdf](#)

Alderperson Konetzke moved, seconded by Alderperson Plank, that the Common Council convene into the Committee of the Whole. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

Absent: 4 - Alderperson Ed Baranowski, Mayor Timothy Hanna, Alderperson Keir Dvorachek and Alderperson Bob Baker

BLUFF SITE

[17-2012](#)

Approve Development Agreement for development of Bluff Site (Finance Committee)

Attachments: [Fully Executed Dev Agrm Bluff Site 12-19-17.pdf](#)

Plank moved, seconded by Alderperson Spears that the Development Agreement be amended at M. 3.9 to add:

Segregated parking shall occur during normal USV business hours.

Roll Call. Motion carried by the following vote:

Aye: 12 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

Excused: 3 - Alderperson Ed Baranowski, Alderperson Keir Dvorachek and Alderperson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

Plank moved, seconded by Williams to amend the Development Agreement Section 6. to strike 'use best efforts' and replace it with 'will commit to a project not to exceed \$25 million'.

Roll Call. Motion failed by the following vote:

Aye: 5 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Kyle Lobner, Alderperson Cathy Spears and Alderperson Chris Croatt

Nay: 7 - Alderperson Curt Konetzke, Alderperson Patti Coenen, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker and Alderperson Christine Williams

Excused: 3 - Alderperson Ed Baranowski, Alderperson Keir Dvorachek and Alderperson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

Alderperson Lobner moved, seconded by Alderperson Croatt, that the Development Agreement be approved as amended. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Chris Croatt and Mayor Timothy Hanna

Excused: 3 - Alderperson Ed Baranowski, Alderperson Keir Dvorachek and Alderperson Bob Baker

Abstained: 1 - Alderperson Cathy Spears

- [17-2013](#) Approve City ownership (acquisition) of parking ramp (Finance Committee; Municipal Services Committee)
- [17-2016](#) Approve City providing 1,000 parking stalls for project (Community and Economic Development Committee; Municipal Services Committee)
- [17-2018](#) Approve City acquiring property for contribution to development project (Finance Committee)
- [17-2020](#) Approve construction of parking structure including designated spaces (Finance Committee; Municipal Services Committee; Community and Economic Development Committee)
- [17-2014](#) Approval of modification to Oneida Street (Municipal Services Committee; Community and Economic Development Committee)
- [17-2015](#) Vacation of streets (Municipal Services Committee; City Plan Commission)

ZUELKE BUILDING

- [17-2017](#) Approval of Development Agreement with Zuelke Building, LLC for redevelopment of Zuelke Building at 103 West College Avenue (Community and Economic Development Committee)

Attachments: [Zuelke - Dev Agrm - Final - 12-19-2017.pdf](#)
 [Zuelk Building Revised Presentation 12 19 17 copy.pdf](#)

Aldersperson Croatt moved, seconded by Aldersperson Martin, that the Development Agreement be approved. Roll Call. Motion carried by the following vote:

Aye: 12 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears and Aldersperson Chris Croatt

Excused: 3 - Aldersperson Ed Baranowski, Aldersperson Keir Dvorachek and Aldersperson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

- [17-2019](#) Approve financial reimbursement of eligible project expenses not to exceed \$2,019,500 plus interest (Finance Committee)

[17-2021](#)

Approve access easement for underground parking (Municipal Services Committee; Parks and Recreation Committee)

[17-2011](#)

Reconvene to Common Council

Aldersperson Croatt moved, seconded by Aldersperson Martin, that the Common Council rise and report. Roll Call. Motion carried by the following vote:

Aye: 12 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears and Aldersperson Chris Croatt

Excused: 3 - Aldersperson Ed Baranowski, Aldersperson Keir Dvorachek and Aldersperson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

[17-2022](#)

Report of the Committee of the Whole

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

Aye: 11 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears and Aldersperson Chris Croatt

Excused: 3 - Aldersperson Ed Baranowski, Aldersperson Keir Dvorachek and Aldersperson Bob Baker

Abstained: 2 - Aldersperson Curt Konetzke and Mayor Timothy Hanna

Motion by Konetzke, seconded by Croatt to reconsider the Report of the Committee of the Whole. Roll Call. Motion Failed 0/12.

E. ADJOURN

Aldersperson Spears moved, seconded by Aldersperson Coenen, that the meeting be adjourned at 8:40 p.m. Roll Call. Motion carried by the following vote:

Aye: 13 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears, Aldersperson Chris Croatt and Mayor Timothy Hanna

Excused: 3 - Aldersperson Ed Baranowski, Aldersperson Keir Dvorachek and Aldersperson Bob Baker

Kami Lynch, City Clerk



City of Appleton

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Meeting Minutes - Final Common Council

Wednesday, December 20, 2017

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 Croatt

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 16 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Mayor Timothy Hanna, Alderperson Keir Dvorachek and Alderperson Bob Baker

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

City Attorney Walsh, Deputy City Attorney Behrens, City Clerk Lynch, Director of Community & Economic Development Harkness, Director of Finance Saucerman, Fire Chief Vander Wyst, Health Officer Eggebrecht, Human Resources Director Matz, Library Director Rortvedt, Diversity Coordinator Nelson, Police Chief Thomas, Director of Public Works Vandehey, Valley Transit General Manager Mc Donald.

The following departments were excused:

Information Technology, Parks Recreation & Facilities, Utilities

F. PUBLIC PARTICIPATION

The following individuals spoke during public participation:

Brian Beyer, 1014 S Lawe St. Re: Item 17-1848 Operator License

Chris Burns, W6068 Nolan Dr. Re: Item 17-1684 Social Station/Quadricycle Resolution

The following spoke on Item 17-1837 Health in All Policies Ordinance:

Jeanne Roberts, 1100 E Florida Ave

Lee Vogel, N2621 Meade St.

Kim Bitdermann, 400 Ahnap St. Menasha

Beth Menzel, 3610 N Maple Edge Ct

Jeanine Knapp, 1118 E Grant St.

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES**17-2007**

Common Council Meeting Minutes of December 6, 2017 Organizational Meeting

Attachments: [CC Minutes 12-6-17 Organizational.pdf](#)

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

Aye: 15 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears, Aldersperson Chris Croatt, Aldersperson Keir Dvorachek and Aldersperson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

17-2008

Common Council Meeting Minutes of December 6, 2017

Attachments: [CC Minutes 12-6-17.pdf](#)

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

Aye: 15 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears, Aldersperson Chris Croatt, Aldersperson Keir Dvorachek and Aldersperson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR**I. PUBLIC HEARINGS**

J. SPECIAL RESOLUTIONS

[17-2009](#)

Special Resolution Authorizing the ARA to Purchase Property at 222 N. Oneida Street

Attachments: [Memo - ARA Acquisition 12-20-17 Council.pdf](#)
 [Menn Bldg - Resolution for Council.pdf](#)

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

Aye: 15 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears, Aldersperson Chris Croatt, Aldersperson Keir Dvorachek and Aldersperson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

K. ESTABLISH ORDER OF THE DAY

[17-1684](#)

Resolution #22-R-17; Resolution regarding The Social Station and Alcohol Consumption

Attachments: [Resolution #22-R-17 Social Station.pdf](#)
 [22-R-17; Alcohol Consumption on the Social Station MEMO to SL .pdf](#)

This Report Action Item was referred to the Safety and Licensing Committee due back on 1/10/2018.

[17-1848](#)

Operator License application of Brian R. Beyer, 1014 S. Lawe Street.

Attachments: [Brian R. Beyer.pdf](#)
 [SL Denials 12-13-17.pdf](#)

Aldersperson Lobner moved, seconded by Aldersperson Croatt, that the Council uphold the Committee's recommendation to deny the Operator License. A notwithstanding vote was taken (Aye vote approves the license). Roll Call. Motion carried and the license was approved by the following vote:

Aye: 11 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Cathy Spears, Aldersperson Keir Dvorachek and Aldersperson Bob Baker

Nay: 4 - Aldersperson Kyle Lobner, Aldersperson Greg Dannecker, Aldersperson Christine Williams and Aldersperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[17-1837](#)

CONSOLIDATED ACTION ITEMS:

17-1754 Municipal Services Committee - recommended for denial 11/20/17

17-1716 Board of Health - recommended for approval 12/13/17

17-1740 Community & Economic Development Committee - recommended for denial 11/29/17

Aldersperson Baranowski moved, seconded by Aldersperson Croatt, that the Health in all Policies Ordinance be amended to be a policy rather than an ordinance. Roll Call. Motion failed by the following vote:

Aye: 7 - Aldersperson Kathleen Plank, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Matt Reed, Aldersperson Christine Williams and Aldersperson Chris Croatt

Nay: 8 - Aldersperson William Siebers, Aldersperson Kyle Lobner, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Cathy Spears, Aldersperson Keir Dvorachek and Aldersperson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

Aldersperson Lobner moved, seconded by Aldersperson Martin, that the Health in All Policies Ordinance be approved. Roll Call. Motion carried by the following vote:

Aye: 10 - Aldersperson William Siebers, Aldersperson Ed Baranowski, Aldersperson Kyle Lobner, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Cathy Spears, Aldersperson Chris Croatt, Aldersperson Keir Dvorachek and Aldersperson Bob Baker

Nay: 5 - Aldersperson Kathleen Plank, Aldersperson Curt Konetzke, Aldersperson Patti Coenen, Aldersperson Matt Reed and Aldersperson Christine Williams

Abstained: 1 - Mayor Timothy Hanna

[17-1962](#)

Request to write off \$18,943.22 of accounts receivable invoices and \$11,965.77 of personal property taxes (outstanding over one year).

Attachments: [Written off accounts list.pdf](#)

Aldersperson Baranowski moved, seconded by Aldersperson Croatt, that the write-off request be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears, Aldersperson Chris Croatt, Aldersperson Keir Dvorachek and Aldersperson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

[17-1925](#)

Approve updated Water Leak Policy based on feedback from the Public Service Commission.

Attachments: [Water Leak Policy 6-22-17 \(strike bold\).pdf](#)
 [Water Leak Policy 6-22-17 \(clean copy\).pdf](#)
 [PSC page X-4.pdf](#)

Alderson Baranowski moved, seconded by Alderson Konetzke, that the Water Leak Policy be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears, Alderson Chris Croatt, Alderson Keir Dvorachek and Alderson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

[17-1960](#)

Request to approve the maximum pay for performance adjustment provision under - V. Procedures, Section D. Compensation Plan Components (b) Pay for Performance of the Salary Administration Policy.

Attachments: [Salary Administration Policy 2017partially revised-with max P4P.pdf](#)

Alderson Lobner moved, seconded by Alderson Konetzke, that the Pay for Performance adjustment be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears, Alderson Chris Croatt, Alderson Keir Dvorachek and Alderson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

[17-1885](#)

Operator's Licenses

Attachments: [Operator's Licenses for 12-13-17 S & L.pdf](#)

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

Aye: 14 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Alderperson Bob Baker

Abstained: 2 - Alderperson Patti Coenen and Mayor Timothy Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

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

Aye: 15 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Alderperson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[17-1936](#)

Award 2018 Materials Testing Contract (M-18), to OMNNI Associates, Inc. in an amount not to exceed \$100,000.

Attachments: [2018 Materials Testing Contract \(M-18\).pdf](#)

This Report Action Item was approved.

[17-1937](#)

Award 2018 Contract for Operation, Maintenance, Monitoring and Capital Improvements at the Closed City of Appleton Landfill to SCS Engineers in an amount not to exceed \$126,823.

Attachments: [2018 Contract for Operation, Maintenance, Monitoring and Capital Improvements.pdf](#)

This Report Action Item was approved.

[17-1940](#)

Request from Emerald Valley Estates LLC to have the \$160 Warrant Fee waived for parcel 31-1-7509-03 located on Cherryvale Avenue.

Attachments: [Emerald Valley Estates LLC wave weed fee.pdf](#)
[Emerald Valley Estates LLC extra attachment .pdf](#)

This Report Action Item was approved.

[17-1941](#)

Award Contract for design services for the Roemer Road Box Culvert, Ballard Road Box Culvert and Glenhurst Lane Bridge to OMNNI Associates in an amount not to exceed \$62,700.

Attachments: [Roemer Rd & Ballard RdBox Culvert.pdf](#)

This Report Action Item was approved.

[17-1943](#)

Approve traffic-related ordinance changes for the Lawrence Street/Elm Street/Eighth Street Reconstruction Project.

Attachments: [Lawrence, Elm, Eighth Street.pdf](#)

This Report Action Item was approved.

[17-1947](#)

Approve 2018 Sole Source Purchasing Request for various traffic equipment and technologies.

Attachments: [2018 Sole Source Purchasing traffic equipment.pdf](#)

This Report Action Item was approved.

[17-1987](#)

Request from Images Bar for a permanent street occupancy permit to construct an addition 5" into into the S. Oneida Street right-of-way at 1200 S. Oneida Street.

Attachments: [1200 S Oneida St-Permanent Street Occ.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[17-1883](#)

Request to sole source the purchase of Genesis heavy rescue equipment from Reliant Fire Aparatus

Attachments: [Authorization to Purchase Heavy Rescue Equipment - Single Source.pdf](#)

This Report Action Item was approved.

[17-1753](#)

"Class A" Beer/Liquor License Change of Agent of Dolgencorp LLC d/b/a Dollar General Store #6535, Anthony W. Hawks, Agent, 1320 W. Wisconsin Ave., contingent upon approval from the Police Department.

This Report Action Item was approved.

[17-1776](#)

"Class A" Beer/Liquor License Change of Agent of Walgreen Co. d/b/a Walgreens #07323, Richard Varick, Agent, 3330 E. Calumet St., contingent upon approval from the Police Department.

This Report Action Item was approved.

[17-1797](#)

Secondhand Jewelry Dealer License Renewal application of Avenue Jewelers, Jason A. Druxman, Applicant, 303 E. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[17-1823](#)

Secondhand Article Dealer License Renewal application of ecoATM, LLC, Hunter E. Bjorkman, Applicant, 3701 E. Calumet St., contingent upon approval from all departments.

This Report Action Item was approved.

[17-1832](#)

Reserve "Class B" Beer/Liquor License application of Appleton Holdings LLC d/b/a Fox Cities Exhibition Center, Jay J. Schumerth, Agent, 355 W. Lawrence St., contingent upon approval from all departments.

Attachments: [Appleton Holdings LLC.pdf](#)

This Report Action Item was approved.

[17-1846](#)

"Class B" Beer/Liquor License temporary change of premise description of MIP LLC, d/b/a McGuinness Irish Pub, Christopher A. Meyer, Agent, 201 S. Walnut St., March 15-18, 2018 and August 2-5, 2018, contingent upon approval from all departments.

Attachments: [Change of Description-McGuinness Irish Pub 2018.pdf](#)

This Report Action Item was approved.

[17-1847](#)

Class "A" Beer/Cider License application of Kavya Gas Inc., Jayant Patel, Agent, 1201 N. Badger Ave., contingent upon approval from all departments.

Attachments: [Kavya Gas Inc application.pdf](#)

This Report Action Item was approved.

[17-1850](#)

Class "B" Beer and "Class C" Wine License application of Bowl Ninety-One LLC, Thong Vue, Agent, 100 E. College Ave., contingent upon approval from all departments.

Attachments: [Bowl Ninety-One LLC application.pdf](#)

This Report Action Item was approved.

[17-1858](#)

Secondhand Article Dealer License Renewal application of Warehouse Office Products, Jeffrey S. Lemery, Applicant, 1825 N. Richmond St., contingent upon approval from all departments.

This Report Action Item was approved.

[17-1859](#)

Secondhand Article Dealer License Renewal application of Kay Jewelers #4739, Megan L. Stepniewski, Applicant, 3845 E. Calumet St., contingent upon approval from all departments.

This Report Action Item was approved.

[17-1861](#)

Secondhand Jewelry Dealer License Renewal application of Scanlan Jewelers, Judy A. Scanlan, Applicant, 2031 E. Calumet St., contingent upon approval from all departments.

This Report Action Item was approved.

[17-1865](#)

"Class C" Wine License application of King Brokerage Ltd d/b/a Outer Edge Stage, Lyssa M. King, Agent, 303 N. Oneida St., contingent upon approval from all departments.

Attachments: [King Brokerage LTD Wine application.pdf](#)

This Report Action Item was approved.

[17-1866](#)

Secondhand Jewelry Dealer License Renewal application of Tennie's Jewelry, Brian D. Frisch, Applicant, 208 E. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[17-1867](#)

Secondhand Article Dealer License Renewal application of Richmond Resale LLC, Dean M. Vandenhoy, Applicant, 204 N. Richmond St., contingent upon approval from all departments.

This Report Action Item was approved.

[17-1868](#)

Secondhand Jewelry Dealer License Renewal application of Expert Jewelry Repair, Randy L. Kester, Applicant, 636 W. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[17-1869](#)

Secondhand Jewelry Dealer License Renewal application of Krieger Jewelers, Jamie L. Boyce, Applicant, 934 W. Northland Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[17-1870](#)

Secondhand Article Dealer License Renewal application of Scooter G Sports, Scott A. Gonnering, Applicant, 621 W. Northland Ave., Ste A., contingent upon approval from all departments.

This Report Action Item was approved.

[17-1871](#)

Secondhand Article Dealer License Renewal application of Beatnik Betty's Resale Butik, Monika L. Austin, Applicant, 214 E. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[17-1893](#)

Reserve "Class B" Beer/Liquor License Change of Agent of El Jaripeo Appleton LLC, d/b/a El Jaripeo, Oscar A. Sandoval Rosales, Agent, 3401 E. Evergreen Dr., contingent upon approval from the Police Department.

This Report Action Item was approved.

[17-1901](#)

Secondhand Article Dealer License application of Attic on the Ave, Shaine M. Werth, Applicant, 506 W. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[17-1903](#)

Secondhand Article Dealer License Renewal application of Play It Again Sports, Shane A. Herron, Applicant, 611 W. Northland Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[17-1904](#)

Secondhand Article Dealer License Renewal application of Replay Toys, Chris L. Freimuth, Applicant, 127 E. Wisconsin Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[17-1906](#)

Secondhand Article Dealer License Renewal application of Side Quest Gaming LLC, John J. Steudel, Applicant, 502 W. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[17-1908](#)

Secondhand Article Dealer License Renewal application of The Exclusive Company, J.A. Giombetti, Applicant, 770 W. Northland Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[17-1910](#)

Secondhand Article Dealer License Renewal application of Game Stop #3349, Troy Crawford, Applicant, 2640 W. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[17-1911](#)

Secondhand Article Dealer License Renewal application of Game Stop #5520, Troy Crawford, Applicant, 3825 E. Calumet St., #500., contingent upon approval from all departments.

This Report Action Item was approved.

[17-1912](#)

"Class B" Beer/Liquor Licenses (4) Change of Agent of Appleton Holdings, LLC d/b/a Radisson Paper Valley Hotel 333 W. College Ave. and Reserve "Class B" Beer/Liquor License of Appleton Holdings, LLC d/b/a Fox Cities Exhibition Center, 355 W. Lawrence St., Brian A. Eschenbauch, Agent, contingent upon approval from the Police Department.

This Report Action Item was approved.

[17-1988](#)

Secondhand Article Dealer License Renewal application of Tiffani's Bridal & Consignment, Tiffani R. Ebben, Applicant, 1314 W. College Ave. #6, contingent upon approval from all departments.

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[17-1963](#)

Request to award Unit Y-17 Ballard Road Storm Sewer Tunnel to Super Excavators, Inc in the amount of \$1,284,002 with a 10% contingency of \$128,400 for a project total not to exceed \$1,412,402.

Attachments: [Award of Contract Unit Y-17.pdf](#)

This Report Action Item was approved.

[17-1964](#)

Request to approve Change Order No. 1 to contract 02-17 for Unit I-17 C.T.H. "JJ" / Lightning Drive Sewer and Water for adjustments to final installed quantities, primarily stone backfill material, in the amount of \$20,797 resulting in a decrease to contingency from \$22,413 to \$1,616. No change to overall contract amount.

Attachments: [Unit I-17 Change Order #1.pdf](#)

This Report Action Item was approved.

[17-1983](#)

Request to approve the following 2017 Budget adjustment:

City Hall Capital Projects Fund

Election Equipment	+\$82,398
Fund Balance	- \$82,398

to approve the purchase of voting equipment from Outagamie County in 2017

Attachments: [Voting Equip 12-8-17.pdf](#)

This Report Action Item was approved.

[17-1984](#)

Request to approve the following 2018 Budget adjustment:

City Hall Capital Projects Fund

Fund Balance	+\$110,000
Election Equipment	- \$110,000

to remove spending authority for voting equipment from the 2018 Budget

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[17-1934](#)

Request to award continued services associated with Wetland Banking Feasibility Analysis to Stantec Consulting Services, Inc. for Phase II as outlined in the attached proposal dated December 6, 2017, said services fall within the originally budgeted \$25,000 (Associated with previous Action Item #17-1394)

Attachments: [Wetland Banking Feasibility Analysis Memo Phase 2_12-6-17.pdf](#)
 [Wetland Banking Feasibility Analysis Memo 9-6-17.pdf](#)
 [Appleton_MitigationBankProspectus_20171206_proposal 629173.pdf](#)

This Report Action Item was approved.

[17-1935](#)

Request to approve the Business Enhancement Grant Guidelines for Tax Incremental Financing District #11 - East College Avenue area

Attachments: [Memo on Business Enhancement Grant Program December 2017.pdf](#)
 [Business Enhancement Grant Program DRAFT TIF11.pdf](#)

This Report Action Item was approved.

[17-1938](#)

Request to approve the Business Enhancement Grant Guidelines for Tax Incremental Financing District #12 - Downtown West

Attachments: [Memo on Business Enhancement Grant Program December 2017.pdf](#)
[Business Enhancement Grant Program DRAFT TIF12.pdf](#)

This Report Action Item was approved.

[17-1976](#)

Request to award the demolition contract (barn, silo, house and septic) for 210 W. Edgewood Drive in the Town of Grand Chute to Statewide Razing Inc. in the amount of \$26,500.00 plus a 10% contingency of \$2,650.00 for a project total not to exceed \$29,150.00

Attachments: [210 W Edgewood Demo Memo 12-7-17.pdf](#)
[210 W Edgewood Rent vs Demo Memo 12-5-17.pdf](#)

This Report Action Item was approved.

7. MINUTES OF THE UTILITIES COMMITTEE

[17-1922](#)

CRITICAL TIMING - Award 2017F Evergreen Drive and Alvin Street Stormwater Management Design and Permitting, in an amount not to exceed \$59,700 with McMahon Associates, Inc.

Attachments: [2017 Evergreen Alvin DESIGN Contract Award.pdf](#)

This Report Action Item was approved.

[17-1923](#)

Approve modifications to Municipal Code, Chapter 20 Section 20-237, regarding Bed & Breakfast Classification and minimum charges.

Attachments: [Stormwater - 20-237 changes.pdf](#)

This Report Action Item was approved.

[17-1924](#)

Award 2018 Stormwater Management Plan Review to raSmith in an amount not to exceed \$50,000.

Attachments: [2018A SWM Plan Review Memo Util Cmte.pdf](#)
[2018A SWM Plan Review Memo Util Cmte REVISED.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[17-1538](#)

Request to approve the 2018 Seasonal Pay Plan with a 1.25% adjustment and addition of Election Workers to the schedule.

Attachments: [2018 Seasonal Pay Plan.pdf](#)
[Seasonal Pay Plan for Election Workers memo.pdf](#)

This Report Action Item was approved.

[17-1974](#)

Request to approve Valley Transit to eliminate the .5 Road Supervisor, .5 Communication Technician and .6 Administrative Assistant and create a 1.0 Operations Supervisor position.

Attachments: [VT reorganization request 12-2017.pdf](#)

This Report Action Item was approved.

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

[17-1950](#)

Approve the Intermunicipal Agreement with Outagamie County for Specialized Transportation Services for 2018 Contingent on Outagamie County Approval

Attachments: [2018 Outagamie County Contract.pdf](#)

This Report Action Item was approved.

[17-1951](#)

Approve the Intermunicipal Agreement with Winnebago County for Specialized Transportation Services for 2018 Contingent on Winnebago County Approval

Attachments: [2018 Winnebago County Contract.pdf](#)

This Report Action Item was approved.

[17-1952](#)

Approve the Intermunicipal Agreement with Calumet County for Specialized Transportation Services for 2018 Contingent on Calumet County Approval

Attachments: [2018 Calumet County Contract.pdf](#)

This Report Action Item was approved.

[17-1953](#)

Approve the Intermunicipal Agreement with the City of Neenah and the Village of Fox Crossing for the Northern Winnebago Dial A Ride Service for 2018 Contingent on City of Neenah and the Village of Fox Crossing Approval

Attachments: [2018 Northern Winnebago Dial-A-Ride Contract.pdf](#)

This Report Action Item was approved.

[17-1954](#)

Approve a New Hope Temporary Five Month Extension

Attachments: [New Hope Extension 2018.pdf](#)

This Report Action Item was approved.

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

[17-1716](#)

Health in All Policies Ordinance

Attachments: [HiAP Ordinance-Official Form.pdf](#)
 [Health in All Policies Letters of Support.pdf](#)
 [YMCA Letter of Support- HIAP Ord..pdf](#)
 [WOTFV Support Letter 12-18-17.pdf](#)

This was approved under Consolidated Action Items.

[17-1740](#)

Health in All Policies Ordinance

Attachments: [HiAP Ordinance - Official Form \(Clean\) - 10-31-2017.pdf](#)
 [HealthinAllPolicies LOS ECWRPC.pdf](#)
 [HealthinAllPolicies LOS ThedaCare.pdf](#)
 [HealthinAllPolicies LOS United Way.pdf](#)

This was approved under Consolidated Action Items.

[17-1754](#)

R/B- Approve Article V of Chapter 7 of the Municipal Code relating to Health in All Policies.

Attachments: [Article V of Chapter 7.pdf](#)

This was approved under Consolidated Action Items.

O. ORDINANCES

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

City of Appleton – Resolution #25-R-17

December 20, 2017

Submitted by: Alderperson Spears – District 12

Referred to: Organizational Meeting

Whereas, Council has deemed that active interaction of social media should not be allowed during Committee meetings and Council meetings between Council and its citizens;

There is no way for a citizen watching a live stream to notify a Committee member that they cannot watch or hear the meeting;

Therefore be it resolved that a mechanism be put in place for the public to contact the City regarding the loss of communication.

R. OTHER COUNCIL BUSINESS

Motion by Baranowski, seconded by Croatt to Suspend the Council Rules to discuss the cancellation of the January 3, 2018 Common Council meeting. Roll Call. Motion carried 15/0.

Motion by Baranowski, seconded by Meltzer to Cancel the January 3, 2018 Common Council meeting. Roll Call. Motion carried 15/0.

S. ADJOURN

Alderperson Baranowski moved, seconded by Alderperson Spears, that the meeting be adjourned at 8:08 p.m. Roll Call. Motion carried by the following vote:

Aye: 16 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Mayor Timothy Hanna, Alderperson Keir Dvorachek and Alderperson Bob Baker

Kami Lynch, City Clerk

NOTICE OF PUBLIC HEARING

#8-17

RE: Proposed Zone Change

A public hearing will be held in the Council Chambers, City Hall, Appleton, Wisconsin, on January 17, 2018, at 7:00 P.M., or as soon thereafter as can be heard, to consider the following proposed zone change:

Rezoning #8-17 has been initiated by owner/applicant, Emerald Valley Estates, LLC, and Apple Tree Appleton Four, LLC, to rezone Property Tax ID #31-1-7509-03 and part of Property Tax ID #31-1-7512-73 from R-1A Single-Family District and R-2 Two-Family District to R-1B Single-Family District. The R-1B District is intended to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses.

Purpose of the Rezoning: Facilitate the construction of the Creekside Estates Subdivision consisting of 13 single-family lots along Cherryvale Avenue, south of Ashbury Drive.

Legal Description:

PART OF LOT 273 AND ALL OF LANDS DESIGNATED "LANDS TO BE DEDICATED THE CITY FOR PARK", ALL BEING PART OF FIRST ADDITION TO APPLE CREEK ESTATES, LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 SECTION 08, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, CONTAINING 168,488 SQUARE FEET (3.8680 ACRES) OF LAND DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SECTION 08; THENCE ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 08, S88°59'32"E 2419.02 FEET TO THE WEST RIGHT OF WAY LINE OF CHERRYVALE AVE; THENCE, ALONG SAID WEST RIGHT OF WAY LINE, 60.57 FEET ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 1105.18 FEET AND A CHORD OF 60.56 FEET WHICH BEARS N08°50'22"E TO THE POINT OF BEGINNING; THENCE N88°59'32"W, 173.16 FEET; THENCE N01°00'28"E, 134.74 FEET; THENCE N14°44'20"E, 863.37 FEET; THENCE N69°48'36"E 28.91 FEET TO A POINT ON SAID WEST RIGHT OF WAY LINE; THENCE, ALONG SAID WEST RIGHT OF WAY LINE, 702.64 FEET ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 1039.18 FEET AND A CHORD OF 689.17 FEET WHICH BEARS S00°52'46"E; THENCE, CONTINUING ALONG SAID WEST RIGHT OF WAY LINE, S18°29'09"W, 150.66 FEET; THENCE, CONTINUING ALONG SAID WEST RIGHT OF WAY LINE, 155.78 FEET ALONG THE ARC OF A CURVE TO THE LEFT WITH A RADIUS OF 1105.18 FEET AND A CHORD OF 155.65 FEET WHICH BEARS S14°26'52"W TO THE POINT OF BEGINNING AND INCLUDING TO THE CENTERLINE OF THE ADJACENT RIGHT-OF-WAY LINE OF CHERRYVALE AVENUE, SUBJECT TO ALL EASEMENTS, AND RESTRICTIONS OF RECORD.

December 20, 2017

KAMI LYNCH
City Clerk

RUN: December 26, 2017
January 2, 2018

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN of a Public Hearing to be held before the City Common Council in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, on Wednesday, January 17, 2018, at 7:00 P.M., or as soon thereafter as can be heard, for the purpose of considering the following map and text amendment to Chapter 23 Zoning Ordinance of the Municipal Code that are required by state and federal law.

Article X. Floodplain Zoning Division 1. Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions. Sec. 23-206 (b) (1) i. LOMR – LOMR – Case #17-05-3854P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) Fox River Cross Section AS through AW, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0319D, effective February 16, 2018. This reflects changes along the Fox River from just upstream of railroad to just downstream of South Oneida Street.

A copy of the proposed map amendment and text amendment to Chapter 23 of the Zoning Ordinance is available in the Appleton Community and Economic Development Department or the Office of the City Clerk from 8:00 a.m. until 4:30 p.m., Monday through Friday.

All persons interested are invited to attend this meeting and will be given an opportunity to be heard.

Any questions regarding the proposed text amendment to Chapter 23 Zoning Ordinance of the Municipal Code should be directed to Don Harp, Principal Planner at 920-832-6466.

December 20, 2017

KAMI LYNCH
City Clerk

RUN: December 26, 2017
January 2, 2018

REASONABLE ACCOMODATIONS FOR PERSON WITH DISABILITES WILL BE MADE
UPON REQUEST AND IF FEASIBLE.



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: December 12, 2017
Re: Amendment to the scope of services & contract amount for the Railroad Quiet Zone Feasibility & Implementation Plan consulting services contract

The Department of Public Works is proposing to amend the scope of services & contract amount for the Railroad Quiet Zone Feasibility & Implementation Plan consulting services contract with SRF Consulting Group, Inc.

The scope additions would include the following:

- Analyze possible changes to supplemental safety measures (SSMs) at approximately five crossings and their effect on the City's Quiet Zone Application.
- Prepare and submit an amendment to the City's Quiet Zone Application. Work with FRA representatives as necessary.

This amendment will allow the consultant to work with City staff to address potential SSM changes that may be necessary based on new information that has been identified during the SSM design process.

In February of 2016, a contract with SRF Consulting Group, Inc., was approved in the amount not to exceed \$27,356 (which was subsequently amended to \$28,856). In order to allow for completion of the additional services outlined above, we request that the contract be amended to an amount not to exceed \$31,856 (an addition of \$3000).



SRF PROJECT NAME:	RR Quiet Zone Feasibility Study and Implementation Plan
SRF PROJECT NO.:	9138.00
SRF CLIENT NAME:	City of Appleton
CLIENT AWARD NO.	16-186

AMENDMENT NO. 2

This Amendment No. 2 (the "Amendment") is issued under Agreement 16-186 (the "Agreement") dated February 24, 2016, between the City of Appleton and SRF Consulting Group, Inc.; who are the parties.

- I. This Amendment shall have on the date that all required signatures are obtained.
- II. This Amendment No. 2 is subject to all applicable provisions of the referenced Agreement, which is incorporated herein by reference and any additional terms and conditions expressly set forth in the Amendment. Upon execution by the parties, this Amendment is hereby incorporated by reference into the Agreement.

ARTICLE 1: SCOPE OF SERVICES AND COMPENSATION ADJUSTMENT

1.1 SERVICES. SRF shall complete the following tasks:

- (a) Prepare and submit an amendment to the Quiet Zone Application documenting the substitution and/or addition of channelization devices in place of non-traversable medians at multiple crossings in the proposed quiet zone. This will include revisions to the Application text, proposed improvement layouts, and a recalculation of existing and final risk levels in the corridor.
- (b) Additional coordination with project stakeholders as needed.

1.2 COMPENSATION ADJUSTMENT. In consideration for the changes necessary to complete the Services required by this Amendment, the Client agrees to pay SRF on an hourly basis for a maximum amount to exceed **\$3,000.00** (the "Amendment Price").

1.3 MAXIMUM PAYMENT. **\$31,856.00** (the "Total Contract Price").

ARTICLE 2: INCORPORATION OF ATTACHMENTS.

2.1 By this reference, the following attachments constitute a part of this Agreement:

ATTACHMENT 1: Client Email

THE BALANCE OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK



ARTICLE 3: ENTIRE AGREEMENT.

The Original Agreement, any and all other previous amendments are incorporated into this Amendment by reference. Except as amended herein, the terms and conditions of the Original Agreement and any previous amendment remain in full force and effect.

The parties hereto have executed this Agreement on the day and year indicated below. The Client and SRF have duly executed this Agreement, effective from this instrument to be executed the day and year mentioned below.

SRF CONSULTING GROUP, INC.

WITNESS

x 

(Signature)

NAME: CHRISTOPHER RYAN

(Type or Print)

TITLE:

DATE:

x 

(Signature)

NAME: PAUL MARTENS

Type or Print

TITLE: CFO

DATE:

x 

(Signature)

NAME: ANDREW MIELKE

(Type or Print)

TITLE: PRINCIPAL

DATE:

CITY OF APPLETON

WITNESS

x
(Signature)

NAME:

(Type or Print)

TITLE:

DATE:

x
(Signature)

NAME: TIMOTHY M. HANNA

(Type or Print)

TITLE: MAYOR

DATE:

ADDITIONAL SIGNATURES PAGE 3



CONTINUED

CITY OF APPLETON

WITNESS

X
(Signature)

NAME:
(Type or Print)

TITLE:

DATE:

WITNESS

X
(Signature)

NAME:
(Type or Print)

TITLE:

DATE:

X
(Signature)

NAME: KAMI LYNCH
(Type or Print)

TITLE: CITY CLERK

DATE:

X
(Signature)

NAME: JAMES P. WALSH
(Type or Print)

TITLE: CITY ATTORNEY

DATE:

ATTACHMENT 1

From: Eric Lom
To: [Christopher Ryan](#)
Subject: Contract Amendment
Date: Wednesday, December 13, 2017 10:31:07 AM
Attachments: [image001.png](#)

Chris,

Following up on our conversation last week...

As I mentioned, I'm currently working through the design details for each of the SSM locations that were identified in the QZ application. Somewhat unsurprisingly, this has turned up some issues we had not anticipated. They are as follows:

- Second Street: We may need to shorten the east island, if possible, due to the need for large trucks to move into and out of the parking lot located on the SE quad of the crossing.
- Outagamie/Melvin: We may need to eliminate (or severely shorten) the south island if possible. The business located on the SE quad of the crossing generates a fair amount of trucking that accesses the property from the north. Because of the disjointed street network in this area, the only other way they would be able to access the property is to come SB on Mason Street. This is not an option, however, due to the low-clearance RR bridge on Mason Street.
- Atlantic Street: As we discussed, this street is now up for reconstruction in 2022. For this reason, I'd like to use "QuickCurb" instead of a median island in the interim period (we would want to replace the "QuickCurb" and install median islands in conjunction with the reconstruction project in 2022).
- Lawe Street: Same issue as Atlantic Street. However, at this crossing, we have the added issue of how to deal with the very large access on the SW quad. The QZ application says we'll "install curb and gutter" through that area. I'm wondering if we could install "QuickCurb" or similar in the interim period between 2018 and 2022).
- Appleton/Packard: Here's a situation where we could add some "Quick Curb" in an effort to offset some of the losses I've described above. We could extend it from 76' to 100' on the west leg, if necessary. We could also add a short 15' piece on the east leg if necessary.

Hopefully the info above gives you a good initial sense of what I'm hoping you can work through for us. It will be somewhat iterative for sure, and I'm sure we'll need to discuss how small we're willing to let our "cushion" get.

My plan is to take a contract amendment through our process, which would give us an approval on January 17th if all goes well. Can you put together a scope and a cost estimate for us to discuss?

Thanks in advance. Let me know if you think we need to discuss further.

Eric

Eric S. Lom, P.E.

City of Appleton – **Resolution #22-R-17**

October 18, 2017

Submitted by: Alderperson Martin – District 4

Referred to: Safety & Licensing Committee

Whereas, The Social Station intends to be the premier attraction in Northeast Wisconsin and the Fox Cities , eventually become the preferred activity for sight-seeing and entertainment and group activities.

Whereas, the tour is a great entertainment service for craft beer tours, narrated history tours, singles-mingle events, birthday parties, bachelorette/bachelor parties, fitness expeditions, mystery tours or scavenger hunts, at the coolest places in Downtown Appleton and the riverfront in Appleton. Wisconsin.

Whereas, The Social Station mission is to create unique, memorable and enjoyable group cycle experience.

Whereas, The Social Station promotes active living in a healthy and socially responsible manner while adhering to the highest safety standards and regulations

Whereas, The Social Station has laid out a great road map of up to 2 routes.

1. South on State Street to Lawrence Street crossing North at College Avenue, West on Washing Street, Division Street jog onto College Avenue West to Walnut Street, Right on Walnut Street, Left on Johnston Street, back on State Street , south on State Street crossing over College Avenue.

2.South on State Street to Jackman Street along the riverfront on Water Street, RIGHT on Olde Oneida Street, cross Oneida Street up into Riverview Gardens. Return on Olde Oneida Street, East on Water Street, cross College Ave, West on Washing Street, Division Street jog onto College Avenue West to Walnut Street, Right onto to Walnut Street, and Left on Johnston Street back to State Street, south on State Street crossing over College Ave..

NOW THEREFORE BE IT RESOLVED, The Social Station be permitted to have up to three beverages of malt beverages, wine in individual servings, hard sodas, hard seltzer's and similar canned beverages and or craft beers per person. Served only to twenty-one years of age and served only till 11:00 PM daily.

LEGAL SERVICES DEPARTMENT

Office of the City Attorney

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

TO: Kyle Lobner, Chair of the Safety and Licensing Committee
Members of the Safety and Licensing Committee

FROM: Darrin Glad, Assistant City Attorney

DATE: November 8, 2017

RE: 22-R-17; Alcohol Consumption on the "Social Station"

This memo is in response to Ald. Konetzke's request for information on how State laws or other guidelines affect the proposed resolution.

The proposed resolutions states:

NOW THEREFORE BE IT RESOLVED, The Social Station be permitted to have up to three beverages of malt beverages, wine in individual servings, hard sodas, hard seltzer's and similar canned beverages or craft beers per person. Served only to twenty-one years of age and served only till 11:00 PM daily.

The Appleton Municipal Code, section 9-55 states that "No person may consume a fermented malt beverage while a passenger on a commercial quadricycle...within the city of Appleton."

Wisconsin Statutes, section 340.01(8m) defines a commercial quadricycle as "a vehicle with fully operative pedals for propulsion entirely by human power, that has 4 wheels and is operated in a manner similar to a bicycle, that is equipped with at least 12 seats for passengers, that is designed to be occupied by a driver and by passengers providing pedal power to the drive train of the vehicle, that is used for commercial purposes, and that is operated by the vehicle owner or an employee of the owner."

As it relates to the proposed resolution, Wisconsin Statutes, section 346.94(23) regulates commercial quadricycles in following manner:

No person may drive a commercial quadricycle occupied by passengers after 10:30 p.m. or after any earlier time established by ordinance under s. [349.18 \(1\) \(d\)](#).

No person may drive a commercial quadricycle on which any alcohol beverages other than fermented malt beverages are carried or consumed.

No person may drive a commercial quadricycle on which any alcohol beverages are sold, including delivery on the commercial quadricycle of alcohol beverages previously sold by a caterer.

No person may possess on, or carry onto, a commercial quadricycle more than 36 fluid ounces of fermented malt beverages.

The proposed resolution is in direct conflict with section 9-55 of the Appleton Municipal Code. The concerns then shift to what is intended to be done by this resolution; repeal that section of the Code,

carve out an exception for just one business, or something else. There are additional general concerns if the resolution results in the special treatment to a single entity.

The next issues arise from the conflicts with State law. First, the proposed resolution's limitation of three beverages is not entirely consistent with the State law prohibiting the amount to be not more than 36 fluid ounces. There may be a need to clarify, as there already exists a prohibition on having more than 36 fluid ounces.

Similarly, the proposed resolution describes the types of alcoholic beverages to be allowed on the "Social Station" which is directly in conflict with the State law prohibiting alcohol beverages other than fermented malt beverages.

The proposed resolution conflicts with both of the State law prohibitions on serving of alcohol and driving an occupied commercial quadricycle after 10:30 PM.

In addition to the conflict with the Code and State law, there are other concerns over the enforcement of any violations. Currently, the Social Station operates under a limousine license that does not contemplate the alcohol consumption described in the proposed resolution. There is a need to clarify the intention of the resolution. For example, is the intention to create a separate licensing and enforcement procedure? If so, would that procedure be for all "commercial quadricycles" in Appleton or just the Social Station?

There is an additional concern over the routes and the Police Chief's position. Previously, Police Chief Thomas expressed concern over keeping commercial quadricycles off College Avenue. The proposed resolution describes two routes that were acceptable to Chief Thomas, but as the resolution is currently written, those routes are not binding on the Social Station and unenforceable.

GENERAL ORDINANCE NO. 4-17

AN ORDINANCE AMENDING SECTION 6.215, GREEN BAY MUNICIPAL CODE, RELATING TO COMMERCIAL QUADRICYCLES

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 6.215, Green Bay Municipal Code, is hereby amended to read:

6.215 COMMERCIAL QUADRICYCLE LICENSING.

(1) DEFINITIONS.

(a) “Applicant” means the individual applying for a license under this section or any person who is an officer of a corporation that is applying for a license under this section.

(b) “Commercial Quadricycle” means a vehicle with fully operative pedals for propulsion entirely by human power that:

1. has 4 wheels and is operated in a manner similar to a bicycle,
2. is equipped with at least 12 seats for passengers,
3. is designed to be occupied by a driver and by passengers providing pedal power to the drive train of the vehicle,
4. is used for commercial purposes, and
5. is operated by the vehicle owner or an employee of the owner.

(c) “Commercial Quadricycle Business” means any enterprise that owns a commercial quadricycle or manages the operation of a commercial quadricycle.

(d) “Commercial Quadricycle Operator’s License” means a public vehicle operator’s license as described in Green Bay Municipal Code § 6.21.

(e) “Public Commercial Quadricycle Operator” means any person who operates a commercial quadricycle or commercial quadricycle which transport passengers for hire or compensation.

GENERAL ORDINANCE NO. 4-17

Page 2

(2) LICENSES REQUIRED.

(a) Commercial Quadricycle Business License. No person may engage in a Commercial Quadricycle Business unless each Commercial Quadricycle used in the business is licensed. A Commercial Quadricycle Business license shall expire on December 31 of each year.

(b) Operator's License. No person may operate a Commercial Quadricycle for purposes upon a highway or public road unless the person is licensed as a Public Commercial Quadricycle Operator. The Public Commercial Quadricycle Operator's License shall expire on ~~May 31~~ **December 31** of each year.

(3) COMMERCIAL QUADRICYCLE BUSINESS APPLICATION PROCESS.

(a) Application. A person wishing to operate a Commercial Quadricycle Business shall apply to the City Clerk for a business license pursuant to GBMC § 6.21(2)(a) using an approved form and pay the Clerk a \$25 license fee for each Commercial Quadricycle managed by the person. The Clerk shall forward the application to the police department for review. The police department shall deny the application if any of the following applies:

1. The circumstances of a pending criminal charge against the Applicant substantially relate to the licensed activity:
2. The Applicant has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the particular job or licensed activity.
3. The Applicant made a false statement on the application.
4. The Applicant is under 18 years old.

(b) Route approval. If the police department approves the application for a Commercial Quadricycle Business License, the police department shall forward the application to the Protection and Welfare Committee for the Committee to approve, deny, or amend the proposed route. The Common Council shall affirm, reverse, or modify the Committee's decision.

~~(b)~~**(c)** Appeal. If the police department denies an application for a Commercial Quadricycle Business license, the Applicant may appeal within 15 days after the police department mails a notice of denial to the Applicant. If the Applicant files a timely appeal

GENERAL ORDINANCE NO. 4-17

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with the Clerk, the Clerk shall schedule an appeal hearing before the Protection & Welfare Committee.

~~(e)~~**(d)** Hearing Before Committee. The Committee may approve any application placed on its agenda only if the Applicant is qualified under this section and may place conditions upon approval. The Common Council shall affirm, reverse or modify the Committee's decision.

~~(d)~~**(e)** Issuance. The Clerk shall issue the Commercial Quadricycle Business license if the applicant has been approved by the Common Council and has satisfied all other provisions of this section.

~~(e)~~**(f)** Vehicle Inspection. Before a Commercial Quadricycle Business may operate a Commercial Quadricycle on a highway, the Applicant shall obtain a license sticker from the police department by passing an inspection. The police department shall collect \$25 for each Commercial Quadricycle inspection. This paragraph does not apply to a Commercial Quadricycle owned or operated by:

1. A nonprofit corporation that provides to the police department proof that the vehicle passed a state vehicle inspection.

2. An organization which is exempt from federal income tax under IRC § 501(c)(3) that provides to the police department proof that the vehicle passed a state vehicle inspection.

~~(f)~~**(g)** Maintain liability insurance coverage for the Commercial Quadricycle containing the limits of not less than \$500,000 per occurrence combined single limit bodily injury and property damage, issued by a company authorized to do business in the State of Wisconsin. A certificate of insurance coverage specific to each Commercial Quadricycle shall be filed with the Risk Management Division.

~~(g)~~**(h)** Police Department Review. The police department shall affix a license sticker to the rear of each inspected Commercial Quadricycle if the department determines that the Commercial Quadricycle is:

1. Licensed with the City Clerk.
2. In a safe operating condition.
3. Insured as required by this section.

GENERAL ORDINANCE NO. 4-17

Page 4

4. Conspicuously displaying on the exterior driver and passenger side of the vehicle:

a. The name or trade name of the public vehicle business.

b. The phone number of the public vehicle business.

c. A unique number assigned by the Commercial Quadricycle Business that identifies the particular vehicle.

5. Conspicuously displaying within the front passenger compartment:

a. A display holder within which Commercial Quadricycle Operators can show their licenses while operating the Commercial Quadricycle.

(4) COMMERCIAL QUADRICYCLE OPERATOR'S LICENSE APPLICATION PROCESS.

(a) Application. A person wishing to obtain a Commercial Quadricycle Operator's License shall apply to the City Clerk using a Common Council approved form and pay to the Clerk the proper license fee and submit an acceptable passport-sized photo. The Clerk shall forward the application to the police department for review. If the police department approves the application, it shall forward its recommendation to the Clerk. The police department shall deny the application if any of the following applies:

1. The circumstances of a pending criminal charge against the Applicant substantially relate to the licensed activity.

2. The Applicant has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the particular job or licensed activity.

3. The Applicant made a false statement on the application.

4. The Applicant is under 18 years old.

(b) Appeal. If the police department denies an application for a Commercial Quadricycle Operator's License, the Applicant may appeal within 15 days after the police department mails a notice of denial to the Applicant. If the Applicant files a timely appeal with the Clerk, the Clerk shall schedule an appeal hearing before the Protection & Welfare Committee. The Committee shall approve the application only if the Applicant

GENERAL ORDINANCE NO. 4-17

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is qualified under this section and may place conditions upon approval. The Common Council shall affirm, reverse or modify the Committee's decision.

(c) Issuance. The Clerk shall issue a Commercial Quadricycle Operator's License if the Applicant has been approved by the police department or the Common Council and has satisfied all other provisions of this section.

(5) COMMERCIAL QUADRICYCLE REGULATIONS. The owner and operator of a Commercial Quadricycle are both responsible for ensuring compliance with this subsection.

(a) Licensees must adhere to the routes specified in their submitted application. New routes must be applied for and approved by the Common Council before a licensee may use the new routes. Temporary routes must be applied for and approved by the ~~Special Events Committee~~ **Chief of Police or his or her designee.** **A temporary route application must be submitted in writing and include a proposed map no later than three (3) business days prior to the applicant's proposed first date of operation of the temporary route. No Licensee shall operate a Commercial Quadricycle on a street closed off to public traffic regardless of whether the street is included in an approved route.** Any deviation from a new or temporary route without approval shall be a violation of this section.

(b) Commercial Quadricycle operation is permitted between the hours of 10:00 am and 10:30 pm. Commercial Quadricycle operation does not include the use of a Commercial Quadricycle for maintenance, inspection, or without passengers.

(c) It is unlawful for any person to operate or to permit another to operate a Commercial Quadricycle at other times or in other locations than those approved by the Common Council or ~~Special Events Committee~~ **the Chief of Police or his or her designee.**

(d) No Public Commercial Quadricycle Operator shall drive, or be permitted by a Public Commercial Quadricycle Operator to drive, a Commercial Quadricycle without a valid Wisconsin driver's license, or a valid driver's license issued by any other state in the United States.

(e) Passengers on a Commercial Quadricycle may possess on or carry onto the Commercial Quadricycle no more than 36 ounces of fermented malt beverages as defined in Wis. Stat. § 125.02(6). No other alcohol beverages, as defined in ch. 125, Wis. Stats., may be possessed on, carried upon, or consumed upon a Commercial Quadricycle.

GENERAL ORDINANCE NO. 4-17

Page 6

- (f) No glass containers may be carried on a Commercial Quadricycle.
- (g) Restrictions on possession, transportation and consumption of alcohol beverages in the operation of Commercial Quadricycles upon city highways and public places shall apply to operation of Commercial Quadricycles when used for non-revenue producing events or transportation in addition to regular commercial activities.
- (h) No driver of a Commercial Quadricycle may consume alcohol while the Commercial Quadricycle is occupied by passengers.
- (i) No person may drive a Commercial Quadricycle with an alcohol concentration of more than 0.02.
- (j) No person may drive a Commercial Quadricycle on which any alcohol beverages are carried or consumed other than fermented malt beverages under this section.
- (k) No person may drive a Commercial Quadricycle on which alcohol beverages are sold and may not transport alcohol beverages on a Commercial Quadricycle for the purposes of sale or delivery upon sale.
- (l) Passengers shall be advised by the operator, driver or other person responsible for the operation of the Commercial Quadricycle that no alcohol beverages shall be possessed on, carried upon, or consumed on a Commercial Quadricycle in violation of city ordinance or state statute, and shall conspicuously post a notice of these restrictions upon the Commercial Quadricycle in a form and manner approved by the city.
- (m) The operator of the Commercial Quadricycle shall hold a valid operator's license pursuant to § 6.215(4), Green Bay Municipal Code.
- (n) The operator of the Commercial Quadricycle shall operate the vehicle at all times in compliance with applicable local and state traffic **and parking** laws.
- (o) Failure of a person to comply with the regulations of this section or to operate in accordance with the approved plan of operation shall constitute grounds for suspension or revocation as provided in § 6.21(6), Green Bay Municipal Code.

GENERAL ORDINANCE NO. 4-17

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(p) The Common Council may adopt and from time to time amend the regulations relating to Commercial Quadricycles and their operations, including, but not limited to, hours of operations, routes, vehicle markings and safety equipment.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 20th day of February, 2017.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

JWF:bc

02/07/17

Two potential options for the Commercial Quadricycle resolution that seem viable:

1) Repeal and replace the current Commercial Quadricycle ordinance (ACO 9-55)ⁱ with an ordinance based off of the City of Green Bay's Commercial Quadricycles ordinance, or

2) Continue licensing Commercial Quadricycles as limousines and

a. Repeal current Commercial Quadricycle ordinance (ACO 9-55);

NOTE: There is no need to adopt Wis. Stat. §346.94(23)ⁱⁱ, as it has already been adopted in ACO 19-1(b)(61) as well as the penaltiesⁱⁱⁱ under ACO 19-1(b)(62).

b. Expressly add that Commercial Quadricycles as defined in Wis. Stat. §340.01(8m)^{iv} shall be licensed as a limousine;

c. Create provision regarding the routes (2 likely options)

i. Copy the provisions that Green Bay uses in their ordinance regarding routes, or

ii. Identify locations where Commercial Quadricycles aren't allowed, possibly:

1. All state highways, except for College Ave. between Division and Walnut Streets, or (NOTE: Oneida St. is not a State Highway north of 441)
2. College Ave. except for area between Division and Walnut Streets; Oneida Street south of College Ave.; and N. Richmond St./S. Memorial Dr.

d. Create a provision that violations of the routes are punishable under the General Penalty provisions (ACO 1-16)

e. Amend ACO 9-729(d)^v to add language to the limousine licensing penalty to include that 3 violations of the routes provision within 1 year shall have the license automatically revoked.

ⁱ **ACO 9-55. Quadricycles.** No person may consume a fermented malt beverage while a passenger on a commercial quadricycle, as that term is defined in §340.01(8m), Wis. Stats. within the city of Appleton.

ⁱⁱ **Wis. Stat. §346.94(23) COMMERCIAL QUADRICYCLES.**

(a) In this subsection:

1. "Alcohol beverages" has the meaning given in s. 125.02 (1).

2. "Fermented malt beverages" has the meaning given in s. 125.02 (6).

(b) No driver of a commercial quadricycle may consume alcohol while the commercial quadricycle is occupied by passengers.

(c) No person may drive a commercial quadricycle while the person has an alcohol concentration of more than 0.02.

(d) No person may drive a commercial quadricycle occupied by passengers after 10:30 p.m. or after any earlier time established by ordinance under s. 349.18 (1) (d).

(e) No person may drive a commercial quadricycle on which any alcohol beverages other than fermented malt beverages are carried or consumed. No person may drive a commercial quadricycle on which any alcohol beverages are sold, including delivery on the commercial quadricycle of alcohol beverages previously sold by a caterer.

(f) No person may possess on, or carry onto, a commercial quadricycle more than 36 fluid ounces of fermented malt beverages.

(g) Upon conviction of a driver of a commercial quadricycle for a violation of this subsection, the court shall enter an order permanently prohibiting the person from driving a commercial quadricycle. No person may drive a commercial quadricycle in violation of such an order.”

iii **Wis. Stat. §346.95(12)**

(a) Any person violating s. 346.94 (23) (b), (c), (d), (e), or (f) may be required to forfeit not less than \$200 nor more than \$500.

(b) Any person violating s. 346.94 (23) (g) may be required to forfeit not less than \$1,000 nor more than \$2,000.

iv **Wis. Stat. §340.01(8m)** “Commercial quadricycle” means a vehicle with fully operative pedals for propulsion entirely by human power, that has 4 wheels and is operated in a manner similar to a bicycle, that is equipped with at least 12 seats for passengers, that is designed to be occupied by a driver and by passengers providing pedal power to the drive train of the vehicle, that is used for commercial purposes, and that is operated by the vehicle owner or an employee of the owner.

v **ACO 9-729(d)** Any driver licensed under this section who shall be found guilty or shall plead guilty to violations of the traffic code of the City three (3) times within any one (1) year shall have his license automatically revoked. (Code 1965, §11.09(10); Ord 49-89, §1, 3-15-89; Ord 22-94, §1, 1-5-94, Ord 204-02, §1, 10-22-02) **Cross reference(s)**--Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.



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

**LICENSE APPLICATION for
OPERATOR'S (BARTENDER'S) LICENSE**

FEES ARE NON-REFUNDABLE

Date Rec'd 12/14/17

☐ Operator License \$60.00 Acct. 11030.4307
☒ Operator License \$75.00 Acct. 11030.4307
plus a provisional
☒ Investigation fee 82 \$ 7.00 Acct. 100.2359
Total fee paid \$ 82 Receipt 4768002

☒ Original Application

☐ Renewal - License # _____

SECTION 1 - APPLICANT INFORMATION

Applicant Name (Last, First, MI) <u>Egeland, Curren, M</u>		Maiden	
Street Address <u>W750 County Rd U</u>	City <u>Seymour</u>	State <u>WI</u>	Zip <u>54165</u>
Driver's License Number/State Identification Number		State License Issued In: <u>WI</u>	
Date of Birth	Sex <u>M</u>	Home Phone Number	Cell phone Number
Name and Address of Establishment you will be selling alcohol <u>105 W</u> <u>Mobil Fox convenient, Northland ave, Appleton, WI, 54111</u>			

SECTION 2 - CONVICTION RECORD - NEW APPLICANT: You are required to list each and every violation and/or offense for which you have been convicted. Failure to provide complete answers may result in a denial of your application.

Have you EVER had an Operator's (Bartender's) License? YES NO
If Yes; where? _____
Have you EVER been convicted of a felony? YES NO
If Yes; when, where and what type of violation? (Please be specific) _____

Have you EVER been convicted of a misdemeanor or ordinance violation? YES NO
If Yes; when, where and what type of violation? (Example: speeding, OWI) several driving related
in different years

SECTION 2 - CONVICTION RECORD - RENEWAL APPLICANT: List any pending charges, citations, tickets and all convictions since last license application. Failure to provide complete answers may result in a denial of your application.

Have you EVER had an Operator's (Bartender's) License? YES NO
If Yes; where? _____
Have you been convicted of a felony since last license application? YES NO
If Yes; when, where and what type of violation? (Please be specific) _____

Have you been convicted of a misdemeanor or ordinance violation since last license application? YES NO
If Yes; when, where and what type of violation? (Example: speeding, OWI) _____

SECTION 3 - PENALTY NOTICE

Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge and belief.

Signature: Curren Egeland

FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
POLICE		<u>X</u>	<u>Miller</u>	
Date sent to APD <u>12-14-17</u>	Scheduled FVTC Class	Class Completion Date <u>12-14-17</u>	Current other license: Muni _____ # _____	
Safety and Licensing	Common Council	Date Issued	Expiration Date	License Number

Last increase adopted 11-21-2012 Reasonable accommodations for persons with disabilities will be made upon request and if feasible.

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

Appleton Police - Consideration for Denial
(electronic copy sent to LT Miller and Kami Lynch)

Applicant	License Type	Offense	Type	Offense Date	Conviction Date
Cueren M Egeland 11/10/93	Bartender	No Insurance	Ordinance	11/04/12	12/26/12
		Operate After Revocation	Ordinance	11/08/12	12/26/12
		Operate After Revocation	Ordinance	01/03/13	02/15/13
		Operate After Revocation	Ordinance	01/05/13	02/13/13
		No Insurance	Ordinance	01/05/13	02/13/13
		Operate After Revocation	Ordinance	02/23/13	04/24/13
		Underage Alcohol	Ordinance	04/24/13	07/03/13
		Operate After Revocation	Ordinance	06/20/13	07/16/13
		Operate After Revocation	Ordinance	05/03/14	06/24/14
		Reckless Driving	Ordinance	07/07/14	09/10/14
		Speeding	Ordinance	07/07/14	09/10/14
		Operate After Revocation	Ordinance	07/07/14	09/10/14
		No Insurance	Ordinance	07/07/14	09/10/14
		Resisting or Obstructing an Officer	Misdemeanor	10/20/14	04/07/15
		Bail Jumping	Misdemeanor	01/21/15	04/07/15
		Operate After Revocation	Ordinance	05/10/15	07/22/15
		No Proof of Insurance	Ordinance	12/04/15	01/27/16
		Unregistered Vehicle	Ordinance	12/04/15	01/27/16
		BAC	Ordinance	12/11/15	01/28/16
		Failure to Report Accident	Ordinance	12/11/15	03/03/16
		OWI	Ordinance	12/11/15	03/03/16
		Operate After Revocation	Ordinance	12/11/15	03/03/16
		Fail to Carry License	Ordinance	08/27/17	12/13/17

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning December 20 17 ;
ending June 30 20 18

TO THE GOVERNING BODY of the: ☐ Town of
☐ Village of } APPLETON
☒ City of

County of Winnebago Aldermanic Dist. No. 11 (if required by ordinance)

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): TUDY WILDER LLC

Applicant's WI Seller's Permit No.: <u>456-1030203052-02</u> FEIN Number: <u>82-3458952</u>	
LICENSE REQUESTED	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input checked="" type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$
TOTAL FEE	\$

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	Home Address	Post Office & Zip Code
President/Member	<u>OWNER</u>	<u>TERRANCE WILDER</u>	<u>1607 MT. VERNON ST</u>	<u>54401</u>
Vice President/Member				
Secretary/Member				
Treasurer/Member				
Agent		<u>TERRANCE A. WILDER</u>		
Directors/Managers				

3. Trade Name WILDER'S BISTRO Business Phone Number (920) 840-6333
4. Address of Premises 2639 S. ONEIDA ST. SUITE 1 Post Office & Zip Code 54415

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 employee 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 11/20/17 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.) ALCOHOL WILL BE STORED IN THE BAR AREA AND IN A COOLER IN

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? MOJITOS & DRAFT CRAFT PUB
12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5d) before beginning business? [phone 1-800-937-8864] ☒ 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 signers. Signers agree 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 and each member of a partnership applicant must sign; corporate officer(s), members/managers 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.

SUBSCRIBED AND SWORN TO BEFORE ME this 15 day of December, 2017
Cathy Bolwerk
(Clerk/Notary Public) CATHY BOLWERK
My commission expires Notary Public, State of Wisconsin
My Commission Expires January 23, 2021

Jeanne ML
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner)
(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>12-15-17</u>	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning July 1st, 20 17 ;
ending June 30th, 20 18

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

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

Applicant's WI Seller's Permit No. <u>456-1029314691-02</u>		FEIN Number: <u>81-1263864</u>	
LICENSE REQUESTED ▶			
TYPE		FEE	
<input type="checkbox"/> Class A beer		\$	
<input checked="" type="checkbox"/> Class B beer		\$ <u>100.00</u>	
<input type="checkbox"/> Class C wine		\$	
<input type="checkbox"/> Class A liquor		\$	
<input type="checkbox"/> Class B liquor		\$	
<input type="checkbox"/> Reserve Class B liquor		\$	
<input type="checkbox"/> Class B (wine only) winery		\$	
Publication fee		\$ <u>60.00</u>	
TOTAL FEE		\$ <u>160.00</u>	

+7 (background) = \$167.00

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): McFleshman's Brewing Co., 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	Home Address	Post Office & Zip Code
President/Member <u>Owner</u>	<u>Bobby L. Fleshman</u>	<u>421 N. Lawe St., Appleton, WI 54911</u>	
Vice President/Member <u>Owner</u>	<u>Allison M. McCoy Fleshman</u>	<u>421 N. Lawe St., Appleton, WI 54911</u>	
Secretary/Member <u>Owner</u>	<u>Robert D. Fleshman</u>	<u>1189 Fieldview Dr., Menasha, WI 54952</u>	
Treasurer/Member <u>Owner</u>	<u>Jacque L. Fleshman</u>	<u>1189 Fieldview Dr., Menasha, WI 54952</u>	
Agent ▶ <u>Owner</u>	<u>Bobby L. Fleshman</u>	<u>421 N. Lawe St., Appleton, WI 54911</u>	
Directors/Managers <u>Office Manager</u>	<u>Cindi L. Fleshman Jackman</u>	<u>810 Marquette St., Menasha, WI 54952</u>	

3. Trade Name ▶ McFleshman's Brewing Co., LLC Business Phone Number (920) 903-8002
4. Address of Premises ▶ 115 S. State St., Appleton, WI 54911 Post Office & Zip Code ▶ P.O. Box 2274, Appleton, WI 54912

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 employee 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 Wisconsin and date 4-20-16 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.)

10. Legal description (omit if street address is given above): Street Address provided 5400 sq. ft building, 900 sq. ft beer garden

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? NA

12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] ☒ Yes ☐ No

13. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown in Section 2, above? [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 signers. Signers agree 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 and each member of a partnership applicant must sign; corporate officer(s), members/managers 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 the license.

SUBSCRIBED AND SWORN TO BEFORE ME

this 18th day of December, 20 17

(Clerk/Notary Public)

My commission expires 12/11/20

Bobby Fleshman
(Officer of Corporation/Member/Manager of Limited Liability Company/Partnership/Agent)

(Officer of Corporation/Member/Manager of Limited Liability Company/Partnership/Agent)

(Additional Partner(s)/Member/Manager of Limited Liability Company/Partnership/Agent)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>12-19-17</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 1/10/18 S & L

Approved

Shannon J. Alcala

Ian M. Chaudoir

Tyler J. Cook

Katie DePrycker

Jaclyn E. Ewald

Katie L. Feucht

Bridget L. Friel

Brandi J. Hughes

Cindi L. Jackman

Anthony I. Mahosky

Shannon M. Mihalic

Gaoshang Moua

Chloe M. Olson

Brittany Rysdam

Kathleen M. Schmidt

Aaron L. Staeger

Jessica J. Wilcox

W2746 Brookhaven Drive

1924 S. Jackson Street

1403 ½ N. Morrison Street

1356 Edgewood Drive, Kaukauna

1505 Waterford Drive, Green Bay

W2534 Block Road

222 Water Street, Menasha

1111 S. Madison Street

810 Marquette Street, Menasha

W2642 Barney Court

115 Green Meadows Street, Neenah

2530 S. Kerry Lane

1020 N. Division Street

862 Sixth Street, Menasha

123 E. Tobaconoir Street, Kaukauna

2420 E. Peter Street, #5

224 Olde Pulley Lane, #O, Menasha



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

18-0003

**REQUEST for
Beer/Liquor License
Premise Amendment**

FEES ARE NON-REFUNDABLE

Date Recv'd 1/3/18

License Fee \$ 10.00

Acct. 11030.4306

Receipt 4789823

SECTION 1 – LICENSE INFORMATION

Name of Establishment

Dairyland Brew Pub

Address of Establishment

1216 E. Wisconsin Ave. Appleton

Name of Agent

Dorri Schmidt

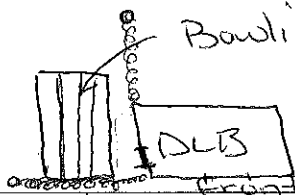
Phone Number

920-903-9708

SECTION 2 – PREMISE AMENDMENT

Please describe the change in premises:

A drawing/diagram of the proposed area must also be submitted with this application



Bowling lanes east side
of building for one day.
East parking lot of building
chained link for no access

Is this change Permanent?

☐ YES

☒ NO

If this is temporary please specify the reason for the amendment:

for one day to have alcohol allowed
outside for "Bowling on Ice" event
chain linked - east door of building used only,

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

would prefer → Jan. 27, 2018 or 2-10-2018

SECTION 4 – PENALTY NOTICE

I certify that I am familiar with Section 9-52 of the Municipal Code of the City of Appleton and agree that any license granted under this application may be suspended for cause at any time by the Common Council.

Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge and belief.

Signature of Applicant:

Dorri Schmidt

FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				
Police				
S&L	<u>1-10-18</u>		Council	<u>1-17-18</u>
			Date Issued	
			Exp. Date	
			License Number	

sent 1-3-18

4789821

452655890

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning July 1 20 17 ;
ending June 30 20 18TO THE GOVERNING BODY of the: ☐ Town of
☐ Village of } Appleton
☒ City ofCounty of Outagamie Aldermanic Dist. No. _____ (if required by ordinance)

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):
- Fishtail LLC

Applicant's WI Seller's Permit No.: <u>456102736678102</u>		FEIN Number: _____	
LICENSE REQUESTED			
TYPE	FEE		
<input type="checkbox"/> Class A beer	\$		
<input type="checkbox"/> Class B beer	\$		
<input type="checkbox"/> Class C wine	\$		
<input checked="" 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	\$ <u>160</u>		
TOTAL FEE	\$		

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	Home Address	Post Office & Zip Code
President/Member	<u>Member</u>	<u>Buddi S. Subedi</u>	<u>3045 W. Winnipeg St</u>	<u>Menasha, WI</u>
Vice President/Member				
Secretary/Member				
Treasurer/Member				
Agent		<u>Buddi S. Subedi</u>		
Directors/Managers				

3. Trade Name
- Memorial Petco
- Business Phone Number
- 9208091210
-
4. Address of Premises
- 415 South Memorial Dr.
- Post Office & Zip Code
- 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 employee 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 _____ 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.) Existing serve inside the 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? Fishtail LLC
12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5d) before beginning business? [phone 1-800-937-8864] ☒ 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 signers. Signers agree 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 and each member of a partnership applicant must sign; corporate officer(s), members/managers 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.

SUBSCRIBED AND SWORN TO BEFORE ME

this 3 day of January, 20Linda Maus
(Clerk/Notary Public)My commission expires Notary Public, State of WisconsinCommission Expires July 23, 2019

NOTARY PUBLIC
LINDA MAUS
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner)
(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

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



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Public Hearing Date: December 12, 2017

Common Council Public Hearing Date: January 3, 2018

Item: Zoning Ordinance Text and Map Amendment – Floodplain
Zoning relating to Section 23-206(b) Official Maps and Revisions and
Flood Insurance Rate Map Panel Number 55087C0319D

Case Manager: Don Harp

STAFF ANALYSIS

Background:

The City has received notification from the Federal Emergency Management Agency (FEMA) the Flood Insurance Rate Map (FIRM) Panel No. 55087C0319D (see attached) was revised and will go into effect February 16, 2018 by Letter of Map Revision (LOMR). The revisions to this panel were based on additional study information prior to approval of a Neenah Papers redevelopment project located along the south bank of the Fox River between Lawe Street and Olde Oneida Street. The affected area includes the Fox River from Olde Oneida Street to approximately 600 feet east of Lawe Street. Changes to the Base Flood Elevation range from an increase of 0.1 feet to a decrease of 0.4 feet. *(The base flood plain elevation is commonly referred to as a 100-year flood, which is also the same as the 1% annual change flood)*

Pursuant to Section 1361 of the National Flood Insurance Act of 1968, as amended, the City is required to adopt and enforce the new FIRM Panel No. 55087C0319D and provide evidence that its floodplain ordinance meets the standards of Paragraph 60.3(d) in the National Flood Insurance Program (NFIP) before February 16, 2018. The attached Ordinance revisions and FIRM Panel will accomplish this FEMA directive.

PROPOSED ZONING ORDINANCE TEXT AMENDMENTS

The text recommended to be added is underlined.

ARTICLE X. FLOODPLAIN ZONING

DIVISION 1. STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS.

Sec. 23-206. General provisions.

- (b) ***Official maps and revisions.*** The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the City of Appleton Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Division of Inspections of the Department of Public Works for the City of Appleton. If more than one map or revision is referenced, the most restrictive information shall apply.

(1) ***Official maps based on the FIS:***

- a. Calumet County Flood Insurance Rate Map (FIRM), panel numbers 55015C0007E, 55015C0026E and 55015C0027E dated February 4, 2009; with corresponding profiles that are based on the Calumet County Flood Insurance Study (FIS), dated February 2009, volume number 55015CV000A.
- b. Outagamie County Flood Insurance Rate Map (FIRM) panel numbers 55087C0304E, and 55087C0308E dated January 20, 2016; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated January 20, 2016, volume number 55087CV000B.
- c. Outagamie County Flood Insurance Rate Map (FIRM) panel numbers 55087C0309D, 55087C0314D, 55087C0316D, 55087C0317D, 55087C0318D, 55087C0319D, 55087C0330, 55087C0338D, 55087C0427D, 55087C0431D and 55087C451D dated July 22, 2010; with corresponding profiles that are based on the Outagamie County Flood Insurance Study (FIS) dated July 22, 2010 volume number 55087CV000A.
- d. Outagamie County Flood Insurance Rate Map (FIRM) panel numbers 55087C0328D, 55087C0329D, 55087C0336D, 55087C0337D dated July 22, 2010 and revised August 23, 2013 with corresponding profiles that are based on the Outagamie County Flood Insurance Study (FIS) dated July 22, 2010 volume number 55087CV000A, all revised and annotated pursuant to FEMA Letter of Map Revision Determination Document Case No: 12-05-6032P, Issue Date April 10, 2013, Effective Date August 23, 2013.

- e. LOMR – Case #11-05-7670P, Floodway and Floodplain revisions between Flood Insurance Study (FIS) Cross Section AW to BA, Outagamie County Flood Insurance Rate Map (FIRM) panels 55087C0318D and 55087C0319D, dated July 22, 2010. This reflects changes on the Fox River from just downstream of the Private Middle Dam to approximately 250 feet upstream of the Appleton Upper Dam.
- f. LOMR – Case #13-05-7920P, Floodplain revisions between Flood Insurance Study (FIS) Cross Section AN to AM, Outagamie County Flood Insurance Rate panels 55087C0319D, dated July 22, 2010. This reflects changes along the south side of the Fox River from the College Avenue Bridge to approximately 850 feet downstream.
- g. City of Appleton Kensington Pond Dam Break Analysis Hydraulic Shadow, Per Figure F-9 of Dam Failure Analysis and Assignment of the Hazard Rating for Kensington Pond Dam, by Earth Tech, dated January 2008, on file with City of Appleton Department of Public Works.
- h. LOMR – Case #17-05-1963P. Floodplain revisions on Outagamie County Flood Insurance Study (FIS) AAL Tributary Cross Section C, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0336D, effective September 29, 2017. This reflects changes along the AAL Tributary from just downstream of Lightning Drive to approximately 200 feet upstream of East Glenhurst Lane.
- i. LOMR – Case #17-05-3854P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) Fox River Cross Section AS through AW, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0319D, effective February 16, 2018. This reflects changes along the Fox River from just upstream of railroad to just downstream of South Oneida Street.

Proposed Amendment to Flood Insurance Rate Map Panel Number 55087C0319D:

See attached maps.

Technical Review Group Report (TRG): This item was reviewed at the November 21, 2017 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION PENDING INFORMAL PUBLIC HEARING TESTIMONY:

The proposed text and map amendments to Article X Floodplain Zoning of Chapter 23 of the Municipal Code, Section 23-206 (b) (1) i. Official maps and revisions, as identified in this staff report, **BE APPROVED.**



Federal Emergency Management Agency

Washington, D.C. 20472

October 3, 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Timothy Hanna
Mayor, City of Appleton
Appleton City Hall
100 North Appleton Street
Appleton, WI 54911

IN REPLY REFER TO:

Case No.: 17-05-3854P
Community Name: City of Appleton, WI
Community No.: 555542
Effective Date of
This Revision: **February 16, 2018**

Dear Mayor Hanna:

The Flood Insurance Study Report and Flood Insurance Rate Map for your community have been revised by this Letter of Map Revision (LOMR). Please use the enclosed annotated map panel(s) revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals issued in your community.

Additional documents are enclosed which provide information regarding this LOMR. Please see the List of Enclosures below to determine which documents are included. Other attachments specific to this request may be included as referenced in the Determination Document. If you have any questions regarding floodplain management regulations for your community or the National Flood Insurance Program (NFIP) in general, please contact the Consultation Coordination Officer for your community. If you have any technical questions regarding this LOMR, please contact the Director, Mitigation Division of the Department of Homeland Security's Federal Emergency Management Agency (FEMA) in Chicago, Illinois, at (312) 408-5500, or the FEMA Map Information eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP). Additional information about the NFIP is available on our website at <http://www.fema.gov/business/nfip>.

Sincerely,

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

List of Enclosures:

Letter of Map Revision Determination Document
Annotated Flood Insurance Rate Map
Annotated Flood Insurance Study Report

cc: Mr. Kurt Craanen
Inspection Supervisor
City of Appleton

Mr. Peter J. Diemer, P.E., C.H.
Project Engineer
AECOM

Ms. Michelle Staff, CFM
State NFIP Coordinator
Wisconsin Department of Natural Resources



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION DETERMINATION DOCUMENT

COMMUNITY AND REVISION INFORMATION		PROJECT DESCRIPTION	BASIS OF REQUEST
COMMUNITY	City of Appleton Outagamie County Wisconsin	EXCAVATION FILL	FLOODWAY HYDRAULIC ANALYSIS NEW TOPOGRAPHIC DATA
	COMMUNITY NO.: 555542		
IDENTIFIER	Neenah Paper LOMR 2017	APPROXIMATE LATITUDE & LONGITUDE: 44.259, -88.400 SOURCE: Other DATUM: NAD 83	
ANNOTATED MAPPING ENCLOSURES		ANNOTATED STUDY ENCLOSURES	
TYPE: FIRM* NO.: 55087C0319D DATE: July 22, 2010		DATE OF EFFECTIVE FLOOD INSURANCE STUDY: February 04, 2009 PROFILE: 31P FLOODWAY DATA TABLE: 10	

Enclosures reflect changes to flooding sources affected by this revision.

* FIRM - Flood Insurance Rate Map

FLOODING SOURCE & REVISED REACH

Fox River - from just upstream of Railroad to just downstream of South Olde Oneida street

SUMMARY OF REVISIONS

Flooding Source	Effective Flooding	Revised Flooding	Increases	Decreases
Fox River	Zone AE	Zone AE	NONE	YES
	BFEs*	BFEs	YES	NONE
	Floodway	Floodway	NONE	YES

* BFEs - Base Flood Elevations

DETERMINATION

This document provides the determination from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) regarding a request for a Letter of Map Revision (LOMR) for the area described above. Using the information submitted, we have determined that a revision to the flood hazards depicted in the Flood Insurance Study (FIS) report and/or National Flood Insurance Program (NFIP) map is warranted. This document revises the effective NFIP map, as indicated in the attached documentation. Please use the enclosed annotated map panels revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals in your community.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

17-05-3854P

102-I-A-C



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)

COMMUNITY INFORMATION

We have made this determination pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Pursuant to Section 1361 of the National Flood Insurance Act of 1968, as amended, communities participating in the NFIP are required to adopt and enforce floodplain management regulations that meet or exceed NFIP criteria. These criteria, including adoption of the FIS report and FIRM, and the modifications made by this LOMR, are the minimum requirements for continued NFIP participation and do not supersede more stringent State/Commonwealth or local requirements to which the regulations apply.

We provide the floodway designation to your community as a tool to regulate floodplain development. Therefore, the floodway revision we have described in this letter, while acceptable to us, must also be acceptable to your community and adopted by appropriate community action, as specified in Paragraph 60.3(d) of the NFIP regulations.

We based this determination on the 1-percent-annual-chance flood discharges computed in the FIS for your community without considering subsequent changes in watershed characteristics that could increase flood discharges. Future development of projects upstream could cause increased flood discharges, which could cause increased flood hazards. A comprehensive restudy of your community's flood hazards would consider the cumulative effects of development on flood discharges subsequent to the publication of the FIS report for your community and could, therefore, establish greater flood hazards in this area.

Your community must regulate all proposed floodplain development and ensure that permits required by Federal and/or State/Commonwealth law have been obtained. State/Commonwealth or community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction or may limit development in floodplain areas. If your State/Commonwealth or community has adopted more restrictive or comprehensive floodplain management criteria, those criteria take precedence over the minimum NFIP requirements.

We will not print and distribute this LOMR to primary users, such as local insurance agents or mortgage lenders; instead, the community will serve as a repository for the new data. We encourage you to disseminate the information in this LOMR by preparing a news release for publication in your community's newspaper that describes the revision and explains how your community will provide the data and help interpret the NFIP maps. In that way, interested persons, such as property owners, insurance agents, and mortgage lenders, can benefit from the information.

This revision has met our criteria for removing an area from the 1-percent-annual-chance floodplain to reflect the placement of fill. However, we encourage you to require that the lowest adjacent grade and lowest floor (including basement) of any structure placed within the subject area be elevated to or above the Base (1-percent-annual-chance) Flood Elevation.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

A handwritten signature in black ink, appearing to read "Rick Sacbitt".

Patrick "Rick" F. Sacbitt, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)

We have designated a Consultation Coordination Officer (CCO) to assist your community. The CCO will be the primary liaison between your community and FEMA. For information regarding your CCO, please contact:

Mary Beth Caruso
Director, Mitigation Division
Federal Emergency Management Agency, Region V
536 South Clark Street, Sixth Floor
Chicago, IL 60605
(312) 408-5500

STATUS OF THE COMMUNITY NFIP MAPS

We will not physically revise and republish the FIRM and FIS report for your community to reflect the modifications made by this LOMR at this time. When changes to the previously cited FIRM panel and FIS report warrant physical revision and republication in the future, we will incorporate the modifications made by this LOMR at that time.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

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Patrick "Rick" F. Sacbitt, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)

PUBLIC NOTIFICATION OF REVISION

A notice of changes will be published in the *Federal Register*. This information also will be published in your local newspaper on or about the dates listed below, and through FEMA's Flood Hazard Mapping website at https://www.floodmaps.fema.gov/fhm/bfe_status/bfe_main.asp

LOCAL NEWSPAPER

Name: *Post Crescent*

Dates: October 13, 2017 and October 20, 2017

Within 90 days of the second publication in the local newspaper, any interested party may request that we reconsider this determination. Any request for reconsideration must be based on scientific or technical data. Therefore, this letter will be effective only after the 90-day appeal period has elapsed and we have resolved any appeals that we receive during this appeal period. Until this LOMR is effective, the revised flood hazard determination presented in this LOMR may be changed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

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Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

FLOODING SOURCE		FLOODWAY				1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION (FEET NAVD 88)			
CROSS SECTION	DISTANCE ¹	WIDTH (FEET)	SECTION AREA (SQUARE FEET)	MEAN VELOCITY (FEET PER SECOND)	REDUCED WIDTH FROM PRIOR STUDY (FEET)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
FOX RIVER									
(CONTINUED)									
AC	150,691	735	10,922	2.4	0	701.6	701.6	701.6	0.0
AD	152,136	598	7,680	3.4	0	701.8	701.8	701.8	0.0
AE	154,148	497	6,360	4.0	0	702.2	702.2	702.2	0.0
AF	155,040	750	9,837	2.6	0	702.6	702.6	702.6	0.0
AG	156,387	649	8,615	3.0	30	702.8	702.8	702.8	0.0
AH	158,411	600	9,228	2.8	40	703.1	703.1	703.1	0.0
AI	160,529	644	9,446	2.7	47	703.3	703.3	703.3	0.0
AJ	162,890	364	3,427	7.5	0	703.4	703.4	703.4	0.0
AK	163,990	681	9,740	2.6	0	704.6	704.6	704.6	0.0
AL	166,116	676	10,174	2.5	0	704.9	704.9	704.9	0.0
AM	167,400	702	8,818	2.9	0	705.0	705.0	705.0	0.0
AN	168,457	469	5,683	4.5	0	705.1	705.1	705.1	0.0
AO	168,776	491	4,245	6.0	0	705.5	705.5	705.5	0.0
AP	169,308	474	5,556	4.6	68	711.2	711.2	711.2	0.0
AQ	170,140	655	9,519	2.7	46	711.7	711.7	711.7	0.0
AR	170,687	480	5,730	4.5	0	711.7	711.7	711.7	0.0
AS	171,156	550	5,663	4.5	0	711.9	711.9	711.9	0.0
AT	171,841	396	3,589	7.1	0	713.2	713.2	713.2	0.0
AU	172,458	485	5,173	5.0	41	714.5	714.5	714.5	0.0
AV	173,503	549	5,001	5.1	0	715.5	715.5	715.5	0.0
AW	173,834	387	5,054	6.8	0	715.6	715.6	715.6	0.0
AX	174,450	676	4,307	5.9	0	721.3	721.3	721.3	0.0
AY	175,192	829	4,800	5.3	0	722.7	722.7	722.7	0.0
AZ	176,057	377	2,867	8.8	0	727.0	727.0	727.0	0.0

¹ FEET ABOVE MOUTH AT GREEN BAY

REVISED BY LOMR EFFECTIVE: MAY 9, 2012

TABLE 10

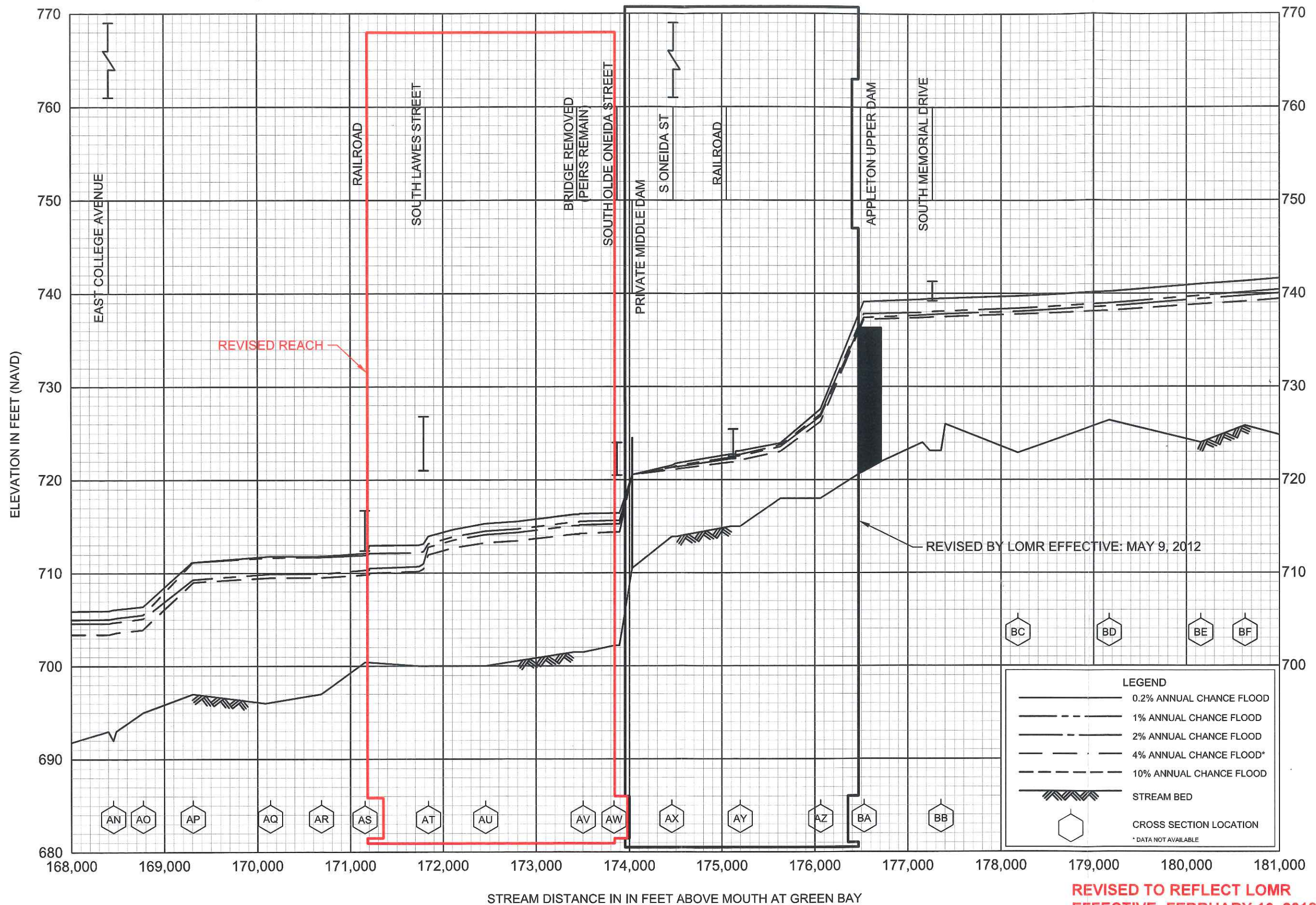
FEDERAL EMERGENCY MANAGEMENT AGENCY

OUTAGAMIE COUNTY, WI
AND INCORPORATED AREAS

FLOODWAY DATA

FOX RIVER

REVISED TO REFLECT LOMR EFFECTIVE: FEBRUARY 16, 2018



FLOOD PROFILES

FOX RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY
OUTAGAMIE COUNTY, WI
 AND INCORPORATED AREAS



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: December 12, 2017

Common Council Public Hearing Meeting Date: January 3, 2018 (Public Hearing on Rezoning)

Item: Rezoning #8-17 – Creekside Estates

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner/Applicant: Pat Hietpas, Emerald Valley Estates, LLC – Owner
Jason Mroz, Apple Tree Appleton Four, LLC - Applicant

Address/Parcel #: Cherryvale Avenue / 31-1-7509-03 and part of 31-1-7512-73

Petitioner's Request: The applicant is requesting a zoning change from R-1A Single-Family District and R-2 Two-Family District to R-1B Single-Family District to facilitate the construction of the Creekside Estates 13-lot single-family subdivision.

BACKGROUND

The subject property was annexed to the City in 1997 as part of the Northeast Annexation, and a zoning classification of R-1A Single-Family District was assigned at that time. Parcel 31-1-7512-73 was rezoned from R-1A Single-Family District to R-2 Two-Family District in 2002. Only a small portion of this overall parcel is included with this project/rezoning.

In 2002, a preliminary plat for Applecreek Estates was approved and the final plat for the First Addition to Applecreek Estates was approved in 2004. The subject parcels were part of this plat. The main parcel (31-1-7509-03) was identified as future park land. Based on past actions, it was determined that the City would not accept dedication of this land as park land. The applicant is working with the City Attorney's Office to formally resolve this issue.

STAFF ANALYSIS

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

Existing Conditions: The area to be rezoned is currently undeveloped and zoned R-1A Single-Family District and R-2 Two-Family District.

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

- Minimum lot area: Six thousand (6,000) square feet.
 - *The proposed lots shown on the preliminary plat satisfy this standard.*
- Minimum lot width: Fifty (50) feet.
 - *The proposed lots shown on the preliminary plat satisfy this standard.*

Surrounding zoning and land uses:

North: NC Nature Conservancy District – Apple Creek drainage corridor and recreational trail

South: R-3 Multi-Family District – undeveloped land

East: R-2 Two-Family Residential District – undeveloped land

West: NC Nature Conservancy District – Apple Creek drainage corridor and recreational trail

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies this parcel for future Single-Family/Two-Family residential land uses. The proposed R-1B Single-Family District rezoning is consistent with the Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth: Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

Goal 3 – Housing Quality and Affordability: Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.

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

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

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

OBJECTIVE 10.1 Land Use:

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

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

Standards for Zoning Map Amendments: Per Section 23-65(d)(3) of the Municipal Code, all recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals,

and policies of the City and with the intent of the Zoning Ordinance. It would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

Related excerpts are listed below.

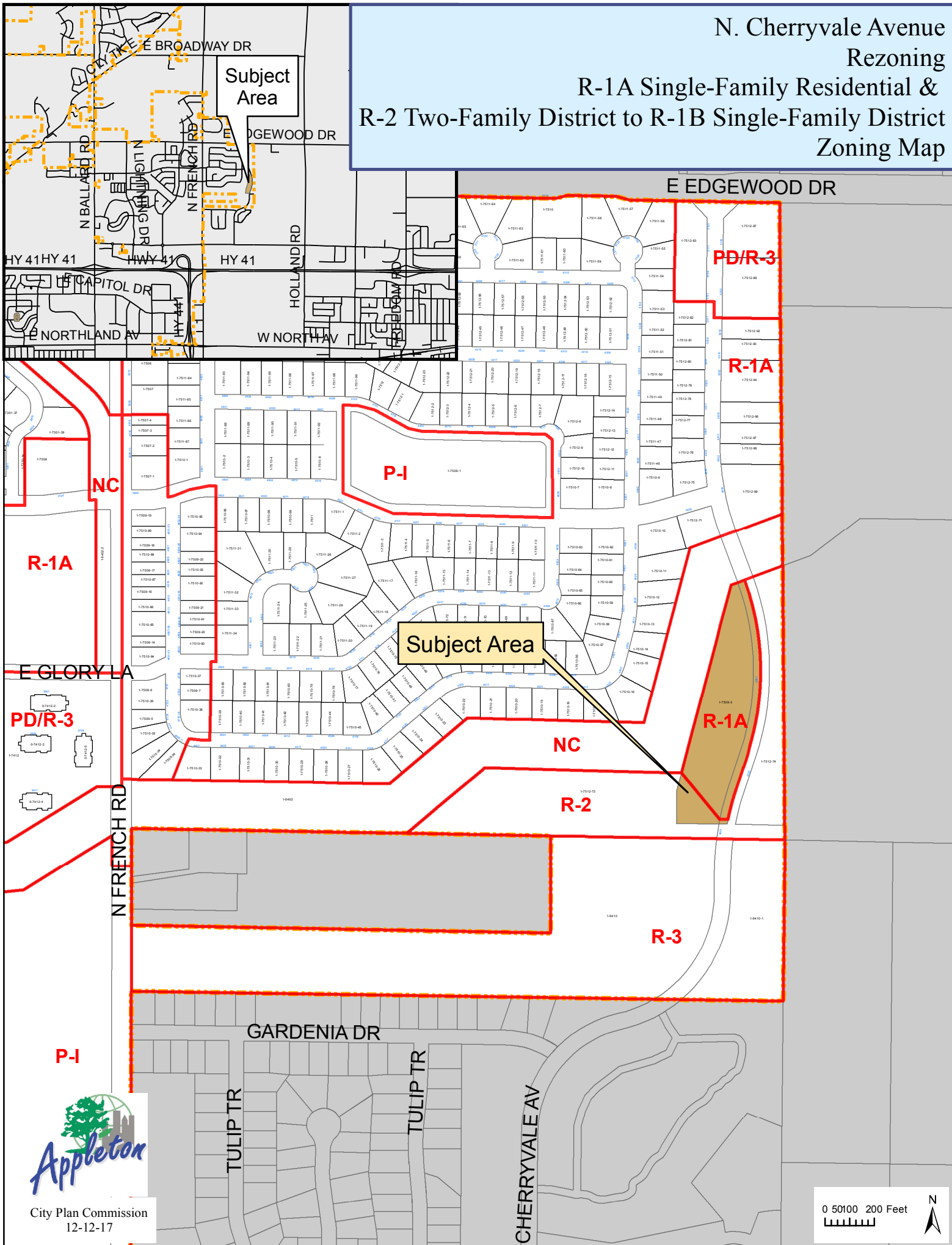
- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030 objectives and policies stated above and the Future Land Use map.*
 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map is inadequate to meet the demands for such development.
 3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
 4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
 1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning.*
 2. The effect of the proposed rezoning on surrounding uses. *Single-family uses are already present to the north and west of the subject site. The rezoning request is being made to accommodate the Creekside Estates residential subdivision which will provide 13 single-family lots. Therefore, the proposed rezoning request is unlikely to create adverse impacts on the surrounding uses.*

Technical Review Group Report (TRG): This item was discussed at the November 21, 2017 Technical Review Group meeting. No negative comments were received from participating departments.

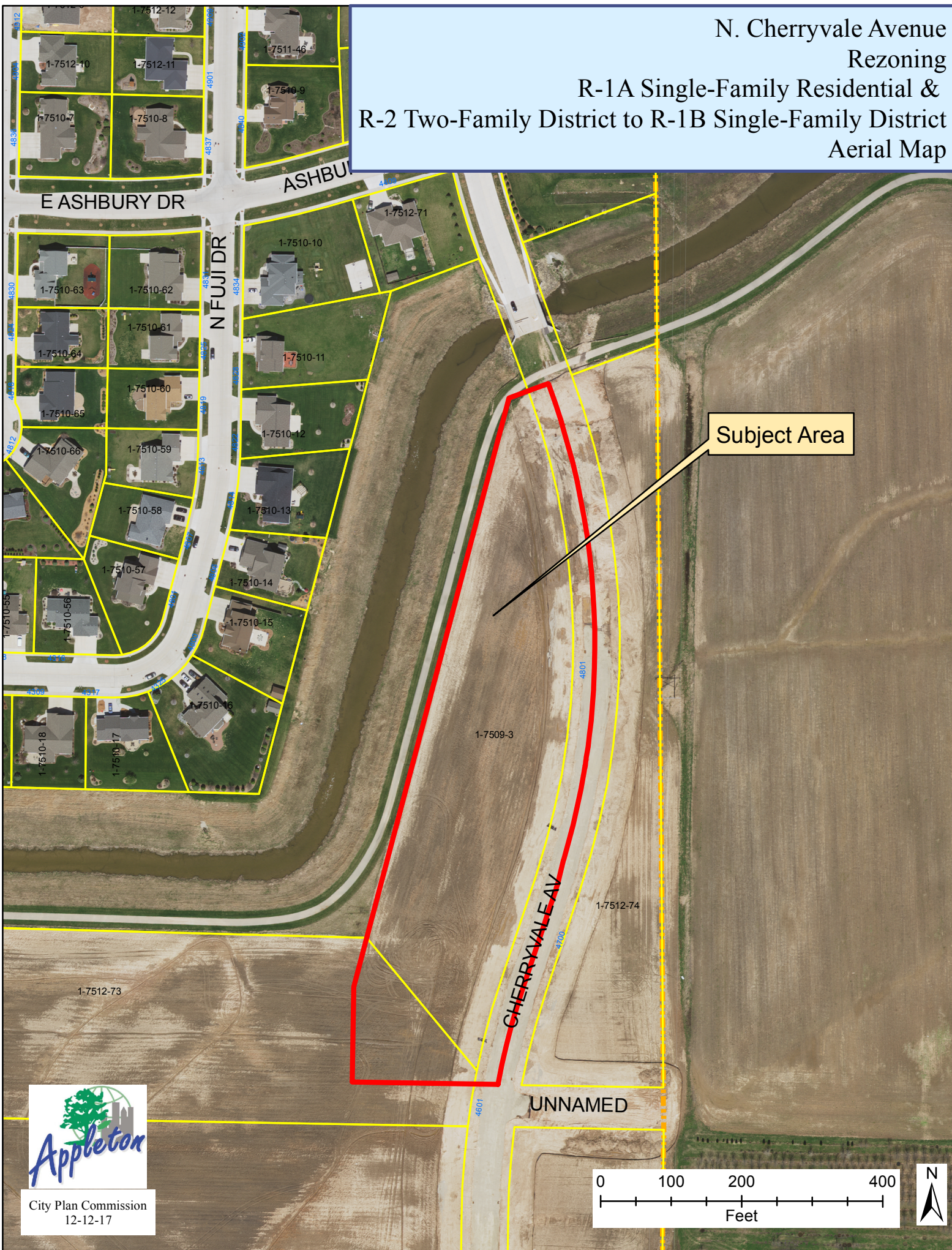
RECOMMENDATION

Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #8-17 to rezone the subject property from R-1A Single-Family District and R-2 Two-Family District to R-1B Single-Family District as shown on the attached maps, **BE APPROVED**.

N. Cherryvale Avenue Rezoning R-1A Single-Family Residential & R-2 Two-Family District to R-1B Single-Family District Zoning Map



N. Cherryvale Avenue
Rezoning
R-1A Single-Family Residential &
R-2 Two-Family District to R-1B Single-Family District
Aerial Map

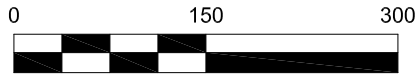


Rezoning Exhibit

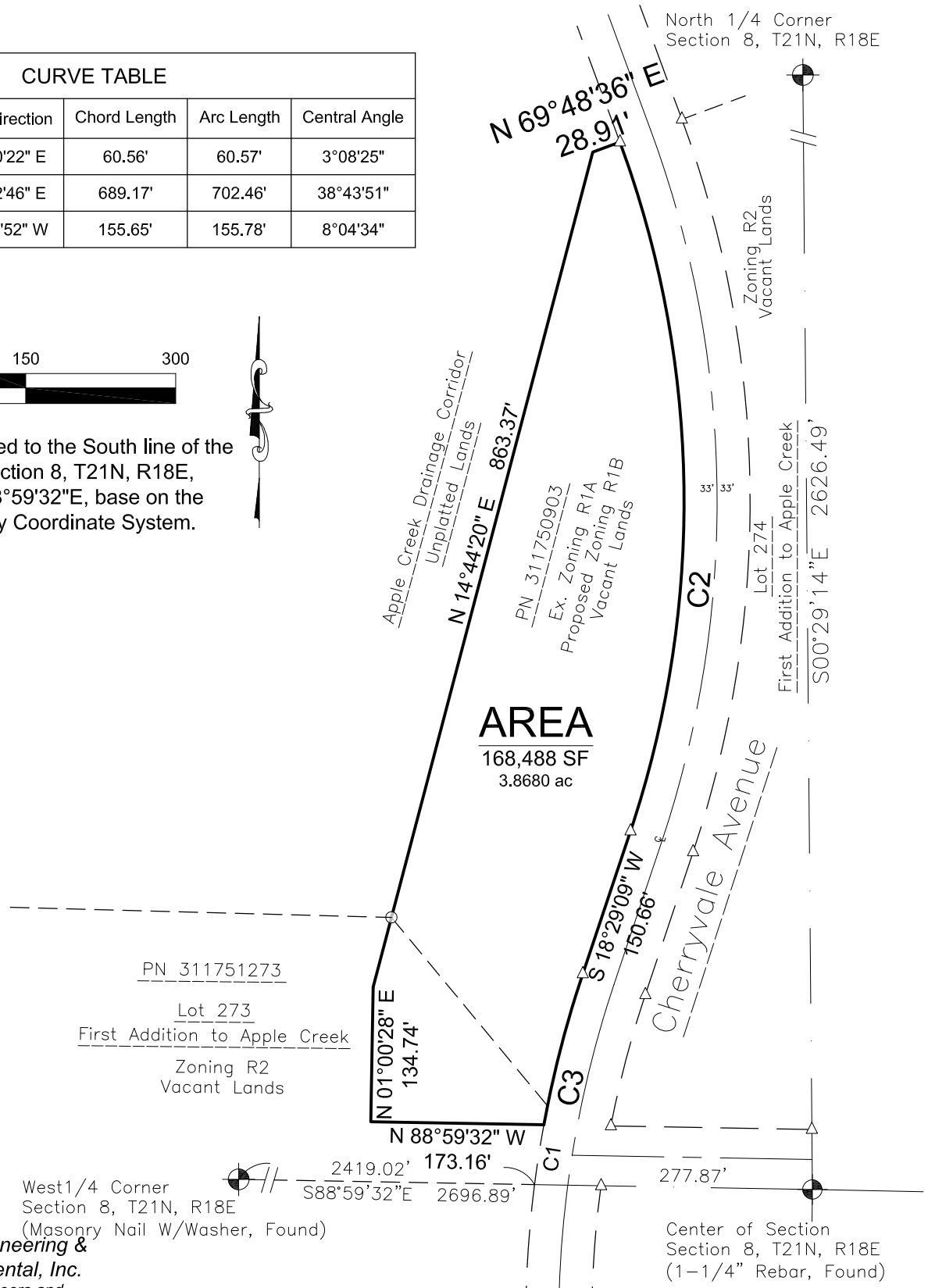
Part of Lot 273 and all of lands designated "Lands to be Dedicated the City for Park", all being part of First Addition to Apple Creek Estates, located in the Southeast 1/4 of the Northwest 1/4 Section 08, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin.

CURVE TABLE

Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle
C1	1105.18'	N 08°50'22" E	60.56'	60.57'	3°08'25"
C2	1039.18'	S 00°52'46" E	689.17'	702.46'	38°43'51"
C3	1105.18'	S 14°26'52" W	155.65'	155.78'	8°04'34"



Bearings are referenced to the South line of the Northwest 1/4, Section 8, T21N, R18E, Referenced as S88°59'32"E, base on the Outagamie County Coordinate System.



Davel Engineering & Environmental, Inc.

Civil Engineers and
Land Surveyors
1811 Racine Street
Menasha, Wisconsin
Ph. 920-991-1866, Fax 920-830-9595

File: 5220Rezoning.dwg
Date: 11/15/2017
Drafted By: jim
Sheet: Exhibit

Rezoning Description

Part of Lot 273 and all of lands designated "Lands to be Dedicated the City for Park", all being part of First Addition to Apple Creek Estates, located in the Southeast 1/4 of the Northwest 1/4 Section 08, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 168,488 Square Feet (3.8680 Acres) of land described as follows:

Commencing at the West 1/4 corner of Section 08; thence along the South line of the Northwest 1/4 of said Section 08, S88°59'32"E 2419.02 feet to the West right of way line of Cherryvale Ave; thence, along said West right of way line, 60.57 feet along the arc of a curve to the right with a radius of 1105.18 feet and a chord of 60.56 feet which bears N08°50'22"E to the point of beginning; thence N88°59'32"W, 173.16 feet; thence N01°00'28"E, 134.74 feet; thence N14°44'20"E, 863.37 feet; thence N69°48'36"E 28.91 feet to a point on said West right of way line; thence, along said West right of way line, 702.64 feet along the arc of a curve to the right with a radius of 1039.18 feet and a chord of 689.17 feet which bears S00°52'46"E; thence, continuing along said West right of way line, S18°29'09"W, 150.66 feet; thence, continuing along said West right of way line, 155.78 feet along the arc of a curve to the left with a radius of 1105.18 feet and a chord of 155.65 feet which bears S14°26'52"W to the point of beginning and including to the centerline of the adjacent right-of-way line of Cherryvale Avenue, subject to all easements, and restrictions of record.



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: December 12, 2017

Common Council Meeting Date: January 3, 2018

Item: Preliminary Plat – Creekside Estates

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner/Applicant: Pat Hietpas, Emerald Valley Estates, LLC – Owner
Jason Mroz, Apple Tree Appleton Four, LLC - Applicant

Address/Parcel #: Cherryvale Avenue / 31-1-7509-03 and 31-1-7512-73

Petitioner's Request: The owner/applicant is proposing to subdivide the properties to accommodate a 13-lot single-family subdivision.

BACKGROUND

The subject property was annexed to the City in 1997 as part of the Northeast Annexation, and a zoning classification of R-1A Single-Family District was assigned at that time. Parcel 31-1-7512-73 was rezoned from R-1A Single-Family District to R-2 Two-Family District in 2002.

In 2002, a preliminary plat for Applecreek Estates was approved and the final plat for the First Addition to Applecreek Estates was approved in 2004. The subject parcels were part of this plat. The main parcel (31-1-7509-03) was identified as future park land. Based on past actions, it was determined that the City would not accept dedication of this land as park land. The applicant is working with the City Attorney's Office to formally resolve this issue.

STAFF ANALYSIS

Existing Conditions: The properties are currently undeveloped and zoned R-1A Single-Family District and R-2 Two-Family District. Rezoning #8-17 for subject site is also being presented at the December 12, 2017 Plan Commission meeting to rezone a portion of the entire site from R-1A and R-2 to R-1B. The 9.9123 acre area will be divided into thirteen (13) single family lots and 2 outlots. Outlot 1 will be reserved for potential future development.

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

- Minimum lot area: Six thousand (6,000) square feet.
 - *All lots exceed this requirement. The proposed average lot size is 11,600 square feet.*

Preliminary Plat – Creekside Estates

December 12, 2017

Page 2

- Minimum lot width: Fifty (50) feet.
 - *All lots exceed this requirement. The proposed lots average lot width is 58 feet.*
- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard, Six (6) foot side yard, and Twenty-five (25) foot rear yard.
 - *Required front yard setback had been shown on the Preliminary Plat. Required setbacks will be reviewed through the building permit review process.*
- Maximum building height: Thirty-five (35) feet.
 - *This will be reviewed through the building permit review process.*
- Maximum lot coverage. Fifty percent (50%).
 - *This will be reviewed through the building permit review process.*

Compliance with the Appleton Subdivision Regulations: This subdivision complies with the Appleton Subdivision Regulations, and no variances have been requested.

Access and Traffic: The primary vehicular access to this subdivision is Cherryvale Avenue, which connects to Edgewood Drive to the north and Evergreen Drive to the south. No road dedication is needed with this plat and no new streets are proposed with this development.

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 residential and agricultural in nature. The Apple Creek drainage corridor is adjacent to the west and north subdivision boundaries.

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

Parks and Open Space: The Appleton Subdivision Regulations do require parkland dedication or fee in lieu for residential subdivisions. The parkland fees pursuant to Chapter 17 of the Appleton Municipal Code are \$300 per dwelling unit. The total park fee required for this development is \$3,900.

Technical Review Group Report (TRG): This item was discussed at the November 21, 2017 Technical Review Group Report meeting.

Department of Public Works Comments:

- Continued discussions are needed regarding the location of the public utilities.
- Existing asphalt pedestrian trail encroaches onto a small portion of Outlot 2.

RECOMMENDATION

The Creekside Estates Preliminary Plat, **BE APPROVED** subject to the following conditions and as shown on the attached maps:

1. The owner/applicant shall submit to the City the Final Plat within 36 months after the last required approval of the Preliminary Plat. If the Final Plat is not submitted within said 36 months, the City (and any other approving authority) may refuse to approve the Final Plat and shall recommence the procedure for Preliminary Plat approval or may extend the time for submission of the Final Plat.
2. All easements, including but not limited to, storm sewers, utility, and drainage shall be shown on the Final Plat to the satisfaction of the City Engineer. Easements as currently shown on the preliminary plat may require modifications prior to approval by the City Engineer.
3. A Development Agreement being made and entered into by and between the City of Appleton and the applicant/owner, and any amendments related thereto, prior to the issuance of any permit to commence construction of any public improvement.
4. Applicant shall continue discussions with the Department of Public Works regarding locations of all public utilities. Final approval is required by DPW prior to City signatures being affixed to the Final Plat.
5. Complete and submit a stormwater utility service application to the Community and Economic Development with the Final Plat for the City of Appleton Public Works Department, Engineering Division review and approval.
6. Submit a Stormwater Permit Application with Stormwater Management Plan and supporting documentation (e.g. wetland delineation report) to the City of Appleton Public Works Department, Engineering Division. Additional comments may result from City consultant review of those items.
7. Show all elevations on the Final Plat to City Datum (NAVD 29). Provide a note on the Final Plat that identifies the conversion factor used to convert from FIS elevations (NGVD88) to City Datum.
8. A small portion of an existing city-owned asphalt pedestrian trail is located on Outlot 2. Applicant shall continue discussions with Staff to either deed the land to the City or provide an easement to encompass the trail.
9. Applicant/Owner shall continue to work with the City's Attorney's office to remove the previous park land dedication. This shall be resolved to the satisfaction of the City's Attorney's Office prior to City signatures being affixed to the Final Plat.
10. A note shall be placed on the final plat noting ownership, use and maintenance of all outlots.

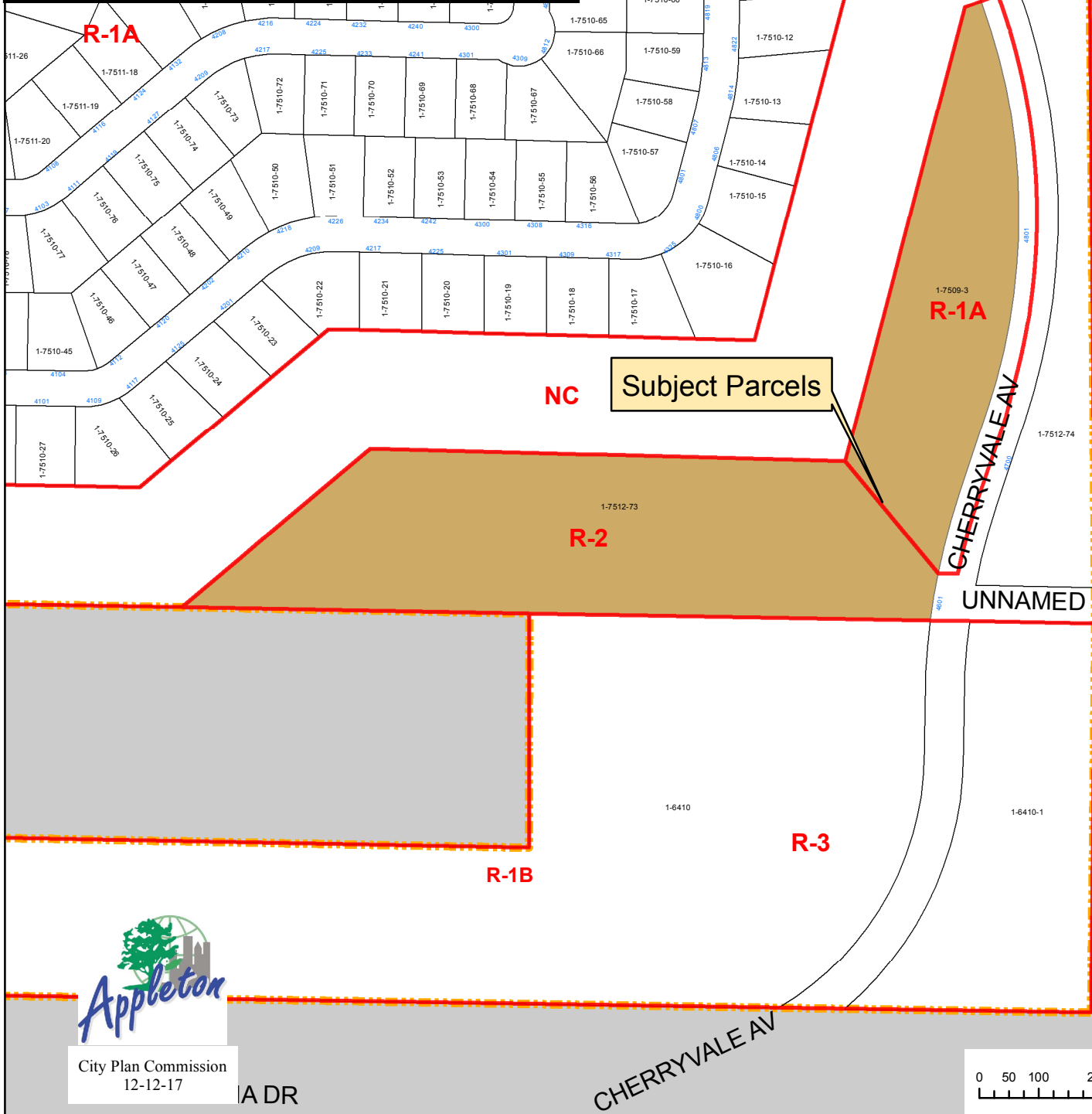
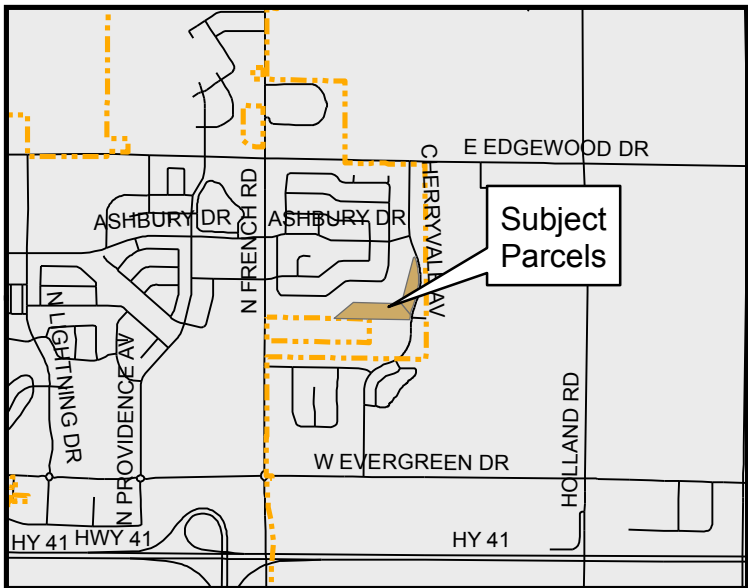
Preliminary Plat – Creekside Estates

December 12, 2017

Page 4

11. Park fees of \$3,900 shall be paid to the City of Appleton Finance Department prior to the City signatures being affixed to the Final Plat, unless otherwise stated in the Development Agreement.
12. Show 100-year floodplain limits and elevations.
13. The Preliminary Plat and Rezoning #8-17 being acted on at the same Common Council meeting.

Creekside Estates Preliminary Plat Zoning Map



City Plan Commission
12-12-17

LA DR

CHERRYVALE AV

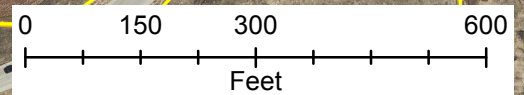
Creekside Estates
Preliminary Plat
Aerial Map



Subject Parcels



City Plan Commission
12-12-17

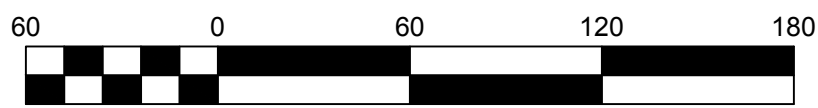
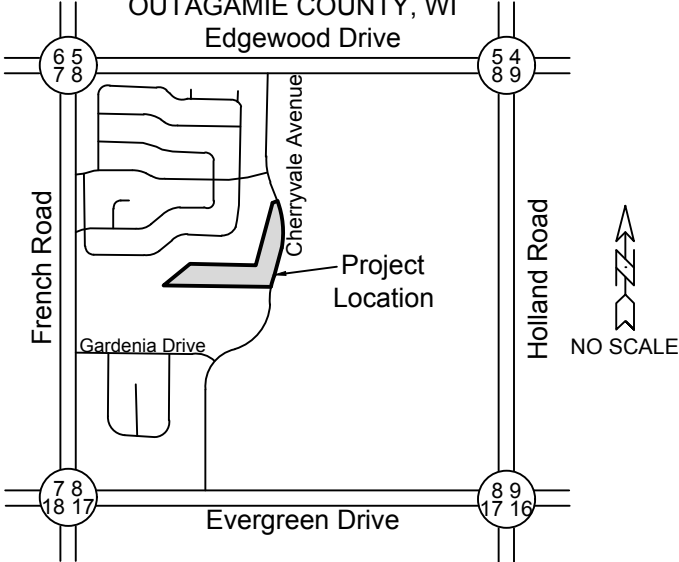


Creekside Estates

All of Lot 273 and lands designated "Lands to be Dedicated the City for Park, all being part of First Addition to Apple Creek Estates, located in the Southeast 1/4 of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 08, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

LOCATION MAP

W 1/2 SEC 8, T 21 N, R 18 E,
CITY OF APPLETON
OUTAGAMIE COUNTY, WI
Edgewood Drive



Bearings are referenced to the South line of the Northwest 1/4, Section 8, T21N, R18E, Referenced as S88°59'32"E, base on the Outagamie County Coordinate System.

SUPPLEMENTARY DATA

Total Area = 431,779 SF 9.9123 acres
R/W Area = 000,000 SF 0.0000 acres
Net Area = 431,779 SF 9.9123 acres
Number of Lots = 13 Lots & 2 Outlots
Average lot size = 11,600 SF
Typical lot dimension = 58' x 200'
Lineal feet of street = 0,000 LF
Existing zoning = R1A
Proposed zoning = R1B
Approving Authorities
City of Appleton
Objecting Authorities
Department of Administration

NOTE:
Utility and Drainage Easements
will be shown on Final Plat

Owner
Emerald Valley Estates, LLC
1718 Vanzeeland Ct
Little Chute, WI 54140

Developer
Appletree Appleton Four, LLC
C/O Jason Mroz
3410 Indigo Bluff Drive
Green Bay WI 54311

LEGEND

—CATV—	CATV	Underground Cable TV	○	Sanitary MH / Tank / Base	□	Air Conditioner
—FO—	FO	Underground Fiber Optic	⊗	Clean Out / Curb Stop / Pull Box	□	Telephone Pedestal
—OH—	OH	Overhead Electric Lines	⊕	Storm Manhole	⊕	Telephone Manhole
—U—	U	Utility Guy Wire	⊖	Inlet	□	CATV Pedestal
—San—	San	Sanitary Sewer	⊗	Catch Basin / Yard Drain	⊖	Sign
—Sto—	Sto	Storm Sewer	⊗	Water MH / Well	⊖	Soil Boring
—E—	E	Underground Electric	⊗	Hydrant	⊖	Benchmark
—G—	G	Underground Gas Line	⊗	Utility Valve	⊖	1/2" Rebar Found
—T—	T	Underground Telephone	⊗	Utility Pole	⊖	3/4" Rebar Found
—W—	W	Water Main	⊗	Light Pole / Signal	⊖	1" Iron Pipe Found
—800—	800	Index Contour	⊗	Guy Wire	⊖	Government Corner
—799—	799	Intermediate Contour	⊗	Electric Pedestal	⊖	Recorded As
—Flood Plain—	Flood Plain	Flood Plain	⊗	Electric Transformer	⊖	
Asphalt Pavement	Asphalt Pavement					
Concrete Pavement	Concrete Pavement					
Gravel	Gravel					
+799.9	+799.9	Ex Spot Elevation				

SURVEYOR'S CERTIFICATE

I, James R. Sehloff, hereby certify that this Preliminary Plat is a correct representation of all existing land divisions and features, and that I have complied with the preliminary plat requirements for the City of Appleton.

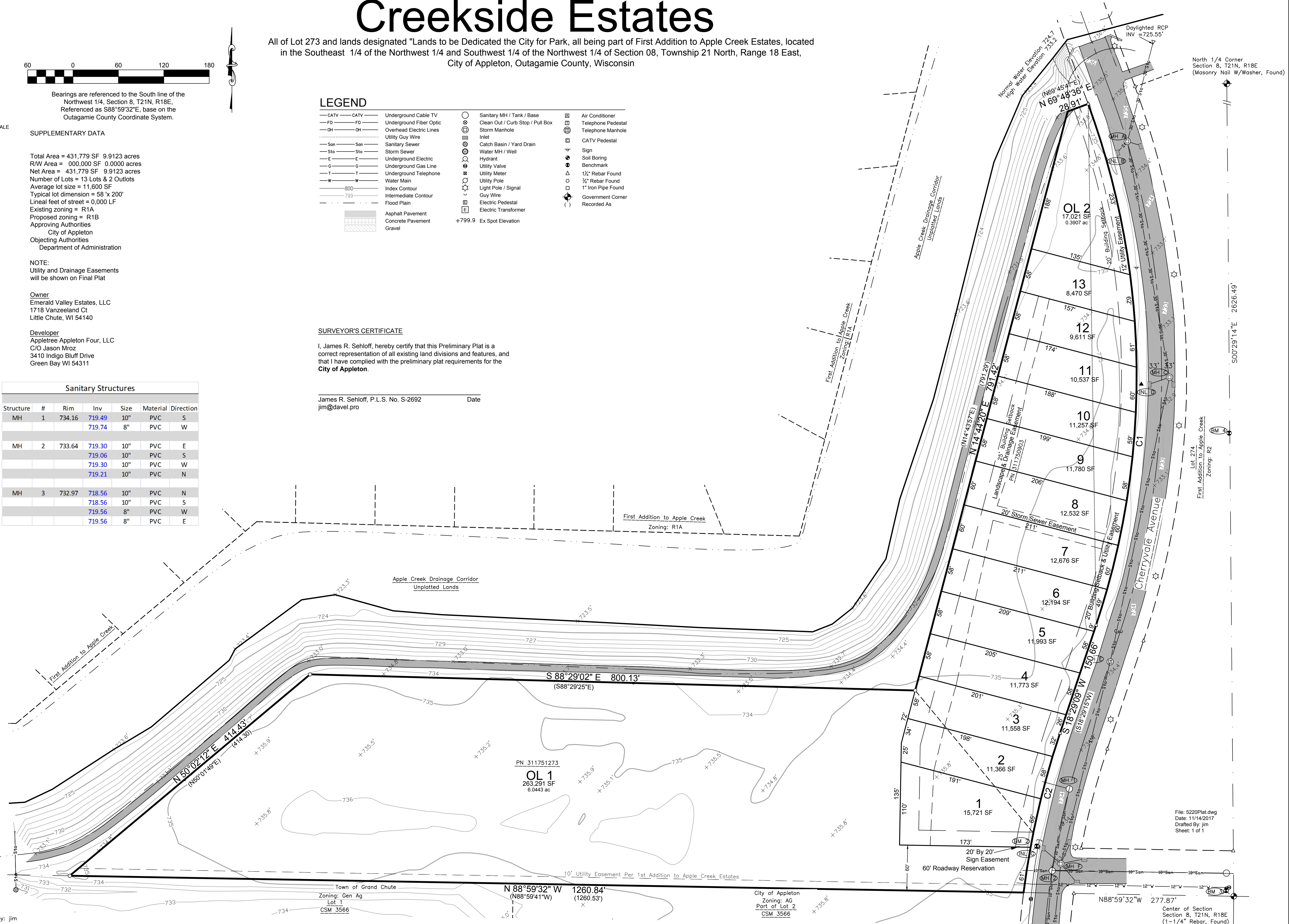
James R. Sehloff, P.L.S. No. S-2692 Date
jim@davel.pro

Storm Structures						
Structure	#	Rim	Inv	Size	Material	Direction
MH	A	734.87	725.72	30"	RCP	NE
			725.72	30"	RCP	S
			727.73	12"	PVC	W
			727.73	12"	PVC	E
INL	B	734.11	730.41	12"	PVC	E
MH	C	732.39	726.29	30"	RCP	N
			726.29	27"	RCP	S
			727.59	12"	PVC	W
			727.64	12"	PVC	SE
INL	D	731.99	728.91	12"	PVC	E
MH	E	734.28	726.88	27"	RCP	N
			726.88	27"	RCP	S
MH	F	733.64	727.34	27"	RCP	N
			727.34	21"	RCP	S
			728.34	12"	PVC	NW
			728.84	12"	PVC	NE
			728.84	12"	PVC	E
			728.84	12"	PVC	SE
INL	G	733.32	729.92	12"	PVC	SE

Sanitary Structures						
Structure	#	Rim	Inv	Size	Material	Direction
MH	1	734.16	719.49	10"	PVC	S
			719.74	8"	PVC	W
MH	2	733.64	719.30	10"	PVC	E
			719.06	10"	PVC	S
			719.30	10"	PVC	W
			719.21	10"	PVC	N
MH	3	732.97	718.56	10"	PVC	N
			718.56	10"	PVC	S
			719.56	8"	PVC	W
			719.56	8"	PVC	E

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
CIVIL ENGINEERING CONSULTANTS
1811 Racine Street Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-830-9595
www.davel.pro

West 1/4 Corner
Section 8, T21N, R18E
(Masonry Nail W/Washer, Found)
N88°59'32"W 1158.19'



North 1/4 Corner
Section 8, T21N, R18E
(Masonry Nail W/Washer, Found)

Lot 274
First Addition to Apple Creek
Zoning: R2

File: 5220Plat.dwg
Date: 11/14/2017
Drafted By: jim
Sheet: 1 of 1

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

Redevelopment Authority Of The City of Appleton
Hotel/Motel Fixed Rate Revenue Bonds
Financing Term / Assumptions Sheet [Draft]
As of January 8, 2018

BAIRD

Bond Structure & Assumptions:

Issuer:	Appleton Redevelopment Authority ("ARA")
Description:	Hotel/Motel Room Tax Revenue Bonds
Lessor:	ARA
Lessee:	City of Appleton
Obligor:	City of Appleton
Underwriter:	Baird
Bond Counsel:	Foley & Lardner
Issuer Counsel:	City Attorney
Underwriter Counsel:	TBD
Trustee:	Associated
Rating Agency:	Moody's Investor Services, Inc.
Amount of Bonds:	\$34,435,000 (\$31,900,000 deposit to Project Fund)
Costs of Issuance:	Paid from bond proceeds
Dated Date:	March 1, 2018
Final Stated Maturity:	March 1, 2050
Final Expected Maturity:	March 1, 2036 (Based on 4.0% annual room tax growth)
Est. Interest Rate (AIC):	4.07% - <u>Fixed Rate</u>
Interest Payments:	Semi-annually, commencing September 1, 2018
Principal Payments:	Annually on March 1, commencing March 1, 2019
Prepayment Option:	TBD
Mandatory Redemption:	The Bonds are subject to mandatory Redemption, semiannually on any interest payment date, from amounts no less than \$100,000 as of 35 days prior to such interest payment date, <u>without penalty</u> and <u>without premium</u> , in inverse order of maturity.

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Redevelopment Authority Of The City of Appleton
Fixed Rate Revenue Bonds
Financing Term / Assumptions Sheet [Draft]
As of January 8, 2018

BAIRD

Flow of Funds:	Room Taxes are recorded by the Trustee on a quarterly basis on 2/15, 5/15, 8/15, and 11/15. The Trustee will test the bond fund balance to ensure funds are available for the next principal and interest or interest only amount which is due. The Mandatory Redemption amount of bonds will be determined on this basis.
Tax Status:	Federally Taxable; State Tax Exempt
Rating:	"Aa3" (anticipated)
Security:	Pledge of a portion of the Hotel/Motel Room taxes. Quiet Enjoyment Lease between ARA and the City of Appleton
Debt Service Coverage:	1.25x
Debt Service Reserve Fund: ("DSRF")	The DSRF is funded (upon closing) at the lesser of: 10% of par; 100% of maximum annual debt service; or 125% average annual debt service.

FOX CITIES EXHIBITION CENTER

Hypothetical Payoff with Mandatory Annual Redemption

REDEMPTION SUMMARY

Calendar Year	Room Tax Collections*	Original Debt Service Total	Original Annual Coverage	Principal	Projected Debt Service** DSRF & Stabilization Fund Applied	Total	Excess Tax	Redemption Amount	Cumulative Balance	Bond Balance
							Coverage 100%			
2018	\$1,803,265	\$659,389	273.78%	\$0	\$659,389	\$659,389	\$1,145,876	\$1,550,000	\$1,145,876	\$34,435,000
2019	\$1,877,475	\$1,472,189	127.53%	\$155,000	\$1,317,189	\$1,472,189	\$405,286	\$515,000	\$1,162	\$32,730,000
2020	\$1,952,574	\$1,498,565	130.30%	\$185,000	\$1,250,790	\$1,435,790	\$516,784	\$585,000	\$2,947	\$32,030,000
2021	\$2,030,677	\$1,528,945	132.82%	\$220,000	\$1,225,313	\$1,445,313	\$585,365	\$655,000	\$3,311	\$31,225,000
2022	\$2,111,904	\$1,568,110	135.11%	\$260,000	\$1,195,795	\$1,455,785	\$656,119	\$740,000	\$4,431	\$30,310,000
2023	\$2,196,380	\$1,590,878	138.06%	\$295,000	\$1,162,025	\$1,457,025	\$739,355	\$825,000	\$3,786	\$29,275,000
2024	\$2,284,236	\$1,622,121	140.82%	\$335,000	\$1,123,299	\$1,458,299	\$825,937	\$920,000	\$4,723	\$28,115,000
2025	\$2,375,605	\$1,656,648	143.40%	\$380,000	\$1,079,413	\$1,459,413	\$916,193	\$1,015,000	\$916	\$26,815,000
2026	\$2,470,629	\$1,689,254	146.26%	\$425,000	\$1,029,759	\$1,454,759	\$1,015,871	\$1,120,000	\$1,786	\$25,375,000
2027	\$2,569,454	\$1,724,841	148.97%	\$475,000	\$974,239	\$1,449,239	\$1,120,216	\$1,235,000	\$2,002	\$23,780,000
2028	\$2,672,233	\$1,758,329	151.98%	\$525,000	\$912,366	\$1,437,366	\$1,234,866	\$1,355,000	\$1,868	\$22,020,000
2029	\$2,779,122	\$1,794,530	154.87%	\$580,000	\$843,550	\$1,423,550	\$1,355,572	\$1,490,000	\$2,440	\$20,085,000
2030	\$2,890,287	\$1,828,413	158.08%	\$635,000	\$767,555	\$1,402,555	\$1,487,732	\$1,625,000	\$172	\$17,960,000
2031	\$3,005,898	\$1,864,964	161.18%	\$695,000	\$683,761	\$1,378,761	\$1,627,137	\$1,775,000	\$2,309	\$15,640,000
2032	\$3,126,134	\$1,903,948	164.19%	\$760,000	\$591,933	\$1,351,933	\$1,774,202	\$1,935,000	\$1,511	\$13,105,000
2033	\$3,251,180	\$1,940,211	167.57%	\$825,000	\$491,309	\$1,316,309	\$1,934,871	\$2,105,000	\$1,382	\$10,345,000
2034	\$3,381,227	\$1,978,598	170.89%	\$895,000	\$382,093	\$1,277,093	\$2,104,134	\$2,280,000	\$516	\$7,345,000
2035	\$3,516,476	\$2,018,853	174.18%	\$970,000	\$264,200	\$1,234,200	\$2,282,276	\$0	\$2,792	\$4,095,000
2036	\$3,657,135	\$2,060,715	177.47%	\$4,095,000	\$136,618	\$801,622	\$2,855,513	\$0	\$2,858,305	\$0
2037	\$3,803,420	\$2,099,295	181.18%					\$0	\$2,858,305	\$0
2038	\$3,955,557	\$2,144,340	184.47%					\$0	\$2,858,305	\$0
2039	\$4,113,779	\$2,185,638	188.22%					\$0	\$2,858,305	\$0
2040	\$4,278,331	\$2,232,573	191.63%					\$0	\$2,858,305	\$0
2041	\$4,449,464	\$2,274,903	195.59%					\$0	\$2,858,305	\$0
2042	\$4,627,442	\$2,318,184	199.61%					\$0	\$2,858,305	\$0
2043	\$4,812,540	\$2,366,255	203.38%					\$0	\$2,858,305	\$0
2044	\$5,005,042	\$2,413,760	207.35%					\$0	\$2,858,305	\$0
2045	\$5,205,243	\$2,461,304	211.48%					\$0	\$2,858,305	\$0
2046	\$5,413,453	\$2,513,583	215.37%					\$0	\$2,858,305	\$0
2047	\$5,629,991	\$2,560,394	219.89%					\$0	\$2,858,305	\$0
2048	\$5,855,191	\$2,611,535	224.20%					\$0	\$2,858,305	\$0
2049	\$6,089,398	\$2,666,601	228.36%					\$0	\$2,858,305	\$0
2050	\$6,332,974	\$1,765,033	358.80%					\$0	\$2,858,305	\$0
		\$64,767,893		\$12,710,000	\$16,090,583	\$25,370,587		\$21,725,000		

*Based on actual 2016 tax collection amount.

** Projected debt service after annual redemptions.

DSRF:	\$2,529,996
Stabilization Fund (cash on hand):	\$900,000
Total	\$3,429,996

Original Total Debt Service:	\$64,767,893
Total Debt Service After Prepayment:	\$47,095,587
Difference	(\$17,672,306)

Fox Cities Exhibition Center Hotel/Motel Room Tax Revenue Bonds Hypothetical Financing Plan⁽¹⁾

BAIRD

TAXABLE	
Issuer	Appleton RDA
Assumed Rating	Moody's Aa3
Federal Tax	Taxable
State Tax	Tax- Exempt
Debt Service Coverage ⁽²⁾	1.25x
<hr/>	
Estimated Project Amount ⁽³⁾	\$31,900,000
Total Estimated Bond Size	\$34,435,000
<hr/>	
Estimated Average Annual Debt Service	\$2,023,997
Estimated Maximum Annual Debt Service	\$2,666,601
Estimated Total Debt Service ⁽⁴⁾	\$61,337,897
Potential All In True Interest Cost %	4.07%
Assumed Dated Date	3/1/2018
Final Maturity	2050
<hr/>	
Hypothetical Mandatory Redemption⁽⁵⁾	
2% Revenue Growth - Final Maturity	2040
2% Revenue Growth - Est. Total Debt Service	\$50,364,727
3% Revenue Growth - Final Maturity	2037
3% Revenue Growth - Est. Total Debt Service	\$48,410,579
4% Revenue Growth - Final Maturity	2036
4% Revenue Growth - Est. Total Debt Service	\$47,095,587

1- Hypothetical interest rates as of December 6, 2017 with 10 year par call and mandatory redemption.

2- Annual coverage assumes 2016 revenue of \$1,735,164 with 2% annual growth.

3- Project amount includes \$750,000 cash applied at closing.

4- Assumes DSRF of \$2,529,995 and Stabilization Fund of \$900,000 are applied to final debt service.

5- Assumes all available revenues are used for prepayment semi-annually; DSRF and Stabilization Fund of \$900,000 are applied to final debt service.

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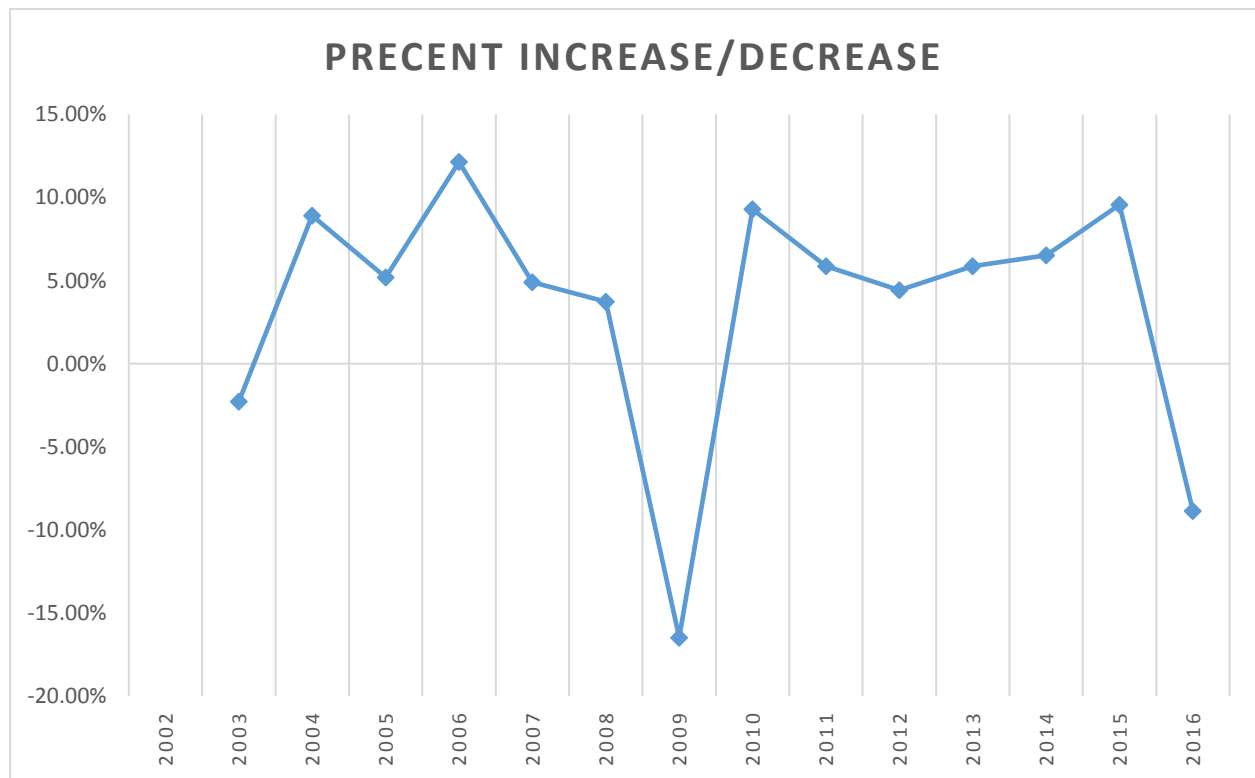
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Year	Amount Collected (marked up to 3%)	Percent Increase/Decrease
2002	\$1,117,835.87	
2003	\$1,092,488.15	-2.27%
2004	\$1,189,689.27	8.90%
2005	\$1,251,546.80	5.20%
2006	\$1,403,441.01	12.14%
2007	\$1,472,330.36	4.91%
2008	\$1,527,238.11	3.73%
2009	\$1,275,620.69	-16.48%
2010	\$1,394,189.63	9.29%
2011	\$1,475,862.62	5.86%
2012	\$1,541,078.70	4.42%
2013	\$1,631,467.58	5.87%
2014	\$1,737,801.60	6.52%
2015	\$1,903,960.79	9.56%
2016	\$1,735,164.85	-8.87%






"...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
e-mail: mayor@appleton.org

TO: Members of the Common Council & Appleton Redevelopment Authority

FROM: Mayor Timothy Hanna 

DATE: January 15, 2018

SUBJECT: FCEC Financing Comparison

There has been much discussion lately about the permanent financing for the Fox Cities Exhibition Center project. I will attempt to provide you with context and clarification regarding these discussions as well as pertinent points to consider as you make a decision as to the best path forward.

It is important that we begin with the goal. The goal in choosing the best method for financing the FCEC is to pick the method that gives us the best opportunity to pay down the debt using the available room taxes as quickly as possible while minimizing the risk to the participating municipalities.

The essence of this goal is embodied in the Exhibition Center Cooperation Agreement adopted by the ten participating municipalities in 2015. Here is the relevant section of the agreement:

Section 2.05 Nature of Financing Transaction

The ARA will be responsible for acting as conduit issuer of the Bonds and payment of all debt service on the Bonds shall be made solely from the proceeds of the Room Tax Rate. The ARA's budget will not be collateral for the Bonds. Pursuant to the Pledge and Security Agreement, the Pledged Room Tax revenues will be pledged to the Trustee for purposes of paying debt service on the Bonds.

The Bonds will be limited obligations of the ARA and shall not constitute a debt or obligation of the ARA or the Municipalities and shall not be a charge against the general credit or taxing powers of the ARA or the Municipalities except for and limited to the Pledged Room Tax revenues pursuant to the Pledge and Security Agreement.

At the time the Cooperation Agreement was adopted (2015), it was anticipated the cost to construct the EC would be in the range of \$24 to \$27 million. The decision to accept the alternative design of the Center in 2016 pushed the construction costs to \$31 million which subsequently had an effect on the

ability to secure traditional bonds based solely on projected room tax revenues as required by Section 2.05 of the cooperation agreement. Information provided by Speer Financial, the financial advisor used on this project, indicated that historic and projected 3% room tax would leverage \$26 to \$28 million in the traditional bond market. With this information, alternative financing was pursued to be able to meet the terms of the Cooperation Agreement.

In late November, 2017, I was approached by two of our partner municipalities and asked to again look at the possibility of a fixed rate revenue bond. It was their belief that a fixed rate bond issue could be accomplished according to their conversations with bond advisors. I took them at their word and agreed to investigate a fixed rate bond. In early December Finance Director Saucerman and I met with representatives of Baird Financial to discuss the possibility of issuing revenue bonds for the FCEC. At that meeting, they provided a summary of hypothetical financing plans, one tax-exempt and one taxable. Under these scenarios the tax-exempt plan would net \$31,111,583 for the project and the taxable plan would net \$28,390,409 for the project. It was agreed at this meeting that a preliminary opinion from bond counsel as to the taxability of the issue would be in order.

In late December Attorney Walsh, Director Saucerman and I had a conference call with Foley & Lardner regarding the taxability of a bond issue. During that conversation Foley & Lardner indicated that based on the agreement for the management of the FCEC, they could not give an unqualified opinion that the issue would be tax-exempt. Therefore, it was determined that future discussions regarding revenue bonds should be based on them being taxable. In the meantime, due to more favorable conditions in the bond market, Baird revised their hypothetical financing plans and indicated that a fixed rate taxable bond issue could net the amount required for the project. That plan is the one presented to the Finance Committee on January 8.

I have provided this background in an attempt to clarify how we have arrived at this point with two options for permanent financing for you to consider.

Comparison of Financing Models

Issuer: Both options have the ARA as the issuer of the bonds in accordance with the Cooperation Agreement.

Trustee: The private placement model anticipates using BMO Harris Bank, N.A. as the administrative agent. The fixed rate option anticipates using Associated Bank as the trustee of the funds. This is the same trustee that has been used for the PAC bonds.

Amount of Bonds: The private placement model anticipates the amount of the bonds to be \$31,000,000. This option assumes that room tax funds collected to date that haven't been applied to construction costs would be used to fund closing costs and required Debt Service Reserve amounts. The fixed rate option presented by Baird shows closing costs, including Debt Service Reserve, being funded through the bonds. The fixed rate option would require a separate bond stabilization fund of \$900,000 to be funded through available resources. Under the fixed rate option excess funds could be applied before closing reducing the total amount of the bonds. In that case Baird would need to revise their amortization schedule based on a lessor amount.

Interest Rate: The private placement option has an initial interest rate determined by the 5-year treasury rate plus 220 basis points (2.2%). As of January 12, that rate would be 4.53%. The initial rate

would be determined on the day of closing. Once the rate is determined, the rate is locked in for 5 years and would be adjusted every 5 years thereafter according to the current 5 year treasury rate. The hypothetical fixed rate option presented by Baird is 4.07%. This projection is presented as of December 6, 2017 per the disclosure. The fixed rate is based on a number of factors which I will touch on later. The final fixed rate will be determined when the bonds are sold.

Maturity: The fixed rate option and debt service schedule is based on a 32 year amortization. The private funding option does not have an amortization schedule. This option matures in 25 years. The only debt service requirement is the interest accrued since the last payment date. The *expected* maturity under either option is subject to the *actual* collection of room taxes. Both options have presented expected maturity dates around 20 years based on projected increases in room tax collections.

Interest Payments: The private placement option requires interest payments each quarter after room taxes have been collected. The fixed rate option requires semi-annual interest payments.

Principal Payments: Fixed rate bonds will require annual principal payments according to the bond schedule. Additional principal payments may be made semi-annually on any interest due date in amounts of no less than \$100,000 without penalty or premium. Additional principal payments would be applied to the oldest bonds outstanding in reverse order. Principal payments on the private placement bonds may be made on any interest due date in any amount. Room taxes collected in excess of the interest due would be applied to principal without penalty.

Prepayment Option: The private placement bonds may be prepaid at any time without penalty. The prepayment option on the fixed rate bonds is yet to be determined.

Debt Service Coverage: The private placement bonds have no debt service coverage requirement because they are interest only bonds. The fixed rate bonds are projected to have a debt service coverage ratio of 1.25X. This simply means the amortization schedule of required payments is based on revenue projections that are 1.25X the annual debt service payments. The redemption of the bonds is based on the actual amount of room tax collected.

Debt Service Reserve Fund and Stabilization Fund: Both options require a debt service reserve fund. Baird estimates the debt service reserve fund requirement for the fixed rate bonds to be \$2,529,995.80. This is based on the total of their projected Bond Proceeds (\$34,435,000). As stated earlier, the actual bond proceed amount could be less using available resources at closing. A smaller bond proceed amount would require a smaller debt service reserve fund. The fixed rate option also requires a stabilization fund of \$900,000. The private placement bonds require a minimum debt service reserve fund of \$1,500,000. The initial balance of this reserve fund is to be \$3.4 million. The deposit into this fund would be based on available resources at closing.

Security: Security for the debt under the private placement bonds is a pledge of that portion of the room taxes collected to support the debt service under the Cooperation Agreement (3%). There is no other security for this debt. This is in keeping with Section 2.05 of the cooperation agreement. Security for the fixed rate bonds is also a pledge of the same room taxes (3%). There is additional security in the form of a "Quiet Enjoyment Lease" between ARA and the City of Appleton. This means that because the ARA is the issuer of the debt it needs to "own" the building and provide a lease to the City of Appleton for its use until the debt is paid in full. Under the fixed rate option, this is what makes the ARA the "lessor", the City of Appleton the "lessee", and the City of Appleton the "obligor". This is important to understand. This arrangement needs to be in place so that the bonds can be "rated" with the City of

Appleton as the underlying obligor. This will allow Moody's to assign a rating based on the City's excellent credit history. It also places the City of Appleton at risk should room taxes fall to the point where the stabilization fund and the debt service reserve fund are depleted in order to make the required debt service payments. Putting the City at risk in any way is not consistent with section 2.05 of the cooperation agreement.

How does the DSRF work under each scenario? In the case of the fixed rate bonds, should room tax collections fall short of the required debt service payment, funds from the stabilization fund would be used. If succeeding collections are more than required to meet the debt service payment, the excess would first be used to replenish the stabilization fund and then be used for an additional principal payment according to the terms of the bonds. If succeeding collections continue to fall short of required debt service payments, first the stabilizations fund would be used followed by the debt service reserve fund. If both the stabilization fund and debt service fund are depleted the City of Appleton as the obligor would be required to make the debt service payments.

In the case of the private placement bonds, the City has already agreed to guarantee that the debt service reserve fund would not fall below \$1,500,000. However, any advance made to the debt service reserve fund would be refunded to the City, with interest, from future room tax collections. This arrangement is in keeping with Section 2.05 of the Cooperation Agreement in that the City would be made whole through the room tax.

Debt is all about risk. There is risk taken on by the debtor as well as risk taken on by the lender. The terms of any debt arrangement are made to mitigate risk to both parties to insure that the debt will be repaid as planned. Each of the options before us has risk which I will briefly discuss.

Revenue Risk: Each of these options relies on future room tax revenues for debt service payments. The best historical example we have of room tax revenues is the PAC bonds. The *average* yearly increase in room tax revenues over the life of those bonds has been around 4%. But the *range* of yearly changes in room tax collections is 12.14% in 2006 to -16.48% in 2009, meaning there is a fair amount of volatility in room tax revenues. This volatility puts the greatest risk on the debtor when the loan balance is at its greatest, or in the first several years of the loan. In the case of the fixed rate bonds, this risk is mitigated through an amortization schedule requiring lower debt service payments in the early years and increasing as time goes on. You can see this debt service schedule in the Baird presentation under the column labeled "Original Debt Service". In the case of the private placement bonds the revenue risk is mitigated through the use of an interest only arrangement, meaning if room tax revenue should decline in the early years of the loan the only debt service due is the interest on the loan. I have attached a chart with the actual room tax collected (adjusted to show 3% room tax) over the course of the PAC bonds along with a graph of the percentage of year to year changes.

Rate Risk: Rate risk can be mitigated by executing a fixed rate loan. With a fixed rate, the only remaining risk is if future rates fall far enough below your fixed rate that your debt could be restructured to pay the debt off sooner given any refinancing costs. With the current fixed rate proposal, it is hard to tell how far rates would have to fall without knowing the terms of the prepayment option. The rate risk with the private placement bonds is in the uncertainty of the rate at the rate reset date. If the 5 year treasury rate is higher at the reset date, then more of the future revenue will be required for interest payments and if the rate is lower at the reset date more of the future revenue can be used to pay down the principal. Because the rate in the private placement option is tied to the 5 year

treasury index, one could make the assumption that if rates are higher at the reset date, it would be an indication that the economy is doing well which should theoretically translate into higher room tax collections. If there is a desire to lock in a rate in the future, the private placement bonds allow for prepayment without penalty at any time. To give you a sense of the volatility of the 5 year treasury rate, I have attached a graph showing the historical changes over the last 16 years.

So, what does the economic future look like and how will it affect future room tax collections and interest rates? Which option before us mitigates the greatest risk going forward? According to the terms of the Cooperation Agreement, it is the responsibility of the Appleton Redevelopment Authority to issue the debt. But given the terms of the private placement bonds requiring the City of Appleton to guarantee a minimum of \$1,500,000 in the debt service account, or the terms of the fixed rate bonds requiring the City of Appleton be the obligor of the bonds, it is not unreasonable for the Common Council to make a recommendation to the ARA. It is also not unreasonable that once a decision is made, the other parties to the Cooperation Agreement fulfill their obligations under the agreement in a timely manner.

FRED

— 5-Year Treasury Constant Maturity Rate



Shaded areas indicate U.S. recessions

Source: Board of Governors of the Federal Reserve System (US)

[myf.fred/g/hwqW](https://myf.fred.stlouisfed.org/g/hwqW)

Private Placement Bonds

Local Lender Financing

Issuer:	Appleton Redevelopment Authority (ARA)
Description:	Bonds placed with local lenders (5)
Trustee:	BMO Harris Bank, N.A.
Amount of Bonds:	\$31,000,000
Dated Date:	Ready to close pending approved Pledge and Security agreements
Interest Rate:	5-year treasury rate + 220 bps (2.20%) 4.53% as of 1/12/18
Maturity:	25 year maturity, no stated amortization schedule
Interest Payments:	Quarterly
Principal Payments:	Quarterly; room tax collections in excess of interest due
Prepayment Option:	Prepayment allowed anytime; no prepayment penalty
Tax Status:	Taxable according to the lenders tax status
Security:	Pledge of a portion of the Hotel/Motel Room taxes
Debt Service Coverage:	No debt service coverage required
Debt Service Reserve Fund:	Minimum of \$1,500,000 required; initial fund balance to be no less than \$3.4 million

10/26/17

EXHIBIT A to Commitment Letter
SUMMARY OF PRINCIPAL TERMS AND CONDITIONS
 Fox Cities Exhibition Center (the “FCEC”) Loan
 \$31,000,000 Secured Credit Facilities

Set forth below in this term sheet (the “**Term Sheet**”) is a summary of the principal terms and conditions for the Notes. Capitalized terms used but not defined in this Exhibit A shall have the meanings set forth in the Commitment Letter to which this Exhibit A is attached (the “**Commitment Letter**”).

Borrower:	The Redevelopment Authority of the City of Appleton (the “ Borrower ”), a redevelopment authority authorized under Wisconsin Statute § 66.1333(3) and established by resolution dated October 11, 1972 of the Common Council of the City of Appleton.
Arranger and Guarantor as Interest Reserve Fund Lender:	City of Appleton (the “ City ”)
Participant Lenders:	<p>The participant lenders shall consist of the following: [BANK], [BANK], [BANK], [BANK] and [BANK] (collectively, the “Participant Lenders” or individually, the “Participant Lender”).</p> <p>Each Participant Lender has committed to the following participation:</p> <ul style="list-style-type: none"> (a). Participant Lender: \$7,998,000 (25.80%) (b). Participant Lender: \$5,750,500 (18.55%) (c). Participant Lender: \$5,750,500 (18.55%) (d). Participant Lender: \$5,750,500 (18.55%) (e). Participant Lender: \$5,750,500 (18.55%)
Administrative and Collateral Agent:	BMO Harris Bank, N.A. (in such capacity, the “ Administrative Agent ”). The Administrative Agent shall provide services consistent with those of both an administrative agent and a collateral agent. The Administrative Agent shall be paid \$2,500 on the Closing Date and on the 10 th day of the third month following each calendar quarter thereafter through the term of the Draw

	Note, Term Note and Reserve Fund Note.
Municipalities:	The City of Appleton, City of Kaukauna, City of Neenah, Village of Kimberly, Village of Little Chute, Town of Grand Chute, Town of Neenah, City of Menasha, Village of Fox Crossing (f/k/a Town of Menasha) and the Village of Sherwood (collectively, the "Municipalities").
Project:	Loan proceeds will be used to finance and construct the Fox Cities Exhibition Center (the "Project") and potentially to pay the costs of issuance of the loans. In addition to the \$31,000,000 construction cost, the City has paid in excess of \$4.5 million to purchase land and provide infrastructure improvements to the Project. Additionally, the City has committed up to \$1.5 million in improvements to Jones Park, immediately adjoining the Project. The Project will be completed in the fall of 2017, with the first conference committed for January 2018.
Means of Repayment:	The Notes, as defined below, shall be repaid with room tax revenue pledged to the repayment of the Notes. The room tax revenue allocated and to be pledged to the repayment of the Notes is equal to 3% of all room tax assessed in the Fox Cities Tourism Zone (the "FCEC Room Tax"). The Municipalities have assessed a room tax equal to 10%, of which the FCEC Room Tax is part, of the room revenue paid at lodging establishments operating within the Fox Cities Tourism Zone. The FCEC Room Tax will not sunset until the Notes are fully satisfied. The Municipalities that comprise the Fox Cities Tourism Zone have entered into the Exhibition Center Cooperation Agreement which governs the assessment of room tax and it uses.
Closing Date:	The loan will close in November 2017 (the "Closing Date"). The Draw Note, as defined below, shall be closed in November 2017 which shall then be satisfied by the proceeds of the Term Note, as defined below. The Term Note shall be issued in payment of the Draw Note. The Term Note shall be issued between January 31, 2018 and March 30, 2018.
Notes:	<p>\$31,000,000 of senior secured notes (the "Notes"), consisting of:</p> <p>(a) A draw credit facility (the "Draw Note") in an aggregate principal amount of up to \$31,000,000, which will be drawn in increments to pay FCEC development costs. The Draw Note shall</p>

	<p>be satisfied by the proceeds of the Term Note and the Participant Lenders shall additionally loan the difference between \$31,000,000 and the Draw Note balance at the Term Note issuance. When satisfied, the Draw Note shall be terminated and no further draws shall be permitted.</p> <p>(b) A term loan facility (the “Term Note”) in an aggregate principal amount of \$31,000,000. The Term Note shall be issued to satisfy the Draw Note and draw the difference, if any, between the \$31,000,000 principal amount of the Term Note and the principal balance of the Draw Note upon Term Note issuance.</p> <p>(c) A Reserve Fund Loan, as defined below, shall include all sums contributed to the Reserve Fund, as defined below, by the City. The funds deposited to the Reserve Fund by the City shall be a loan from the City to the Borrower. The Borrower shall issue a “revolving” note to the City (the “Reserve Fund Note”) which memorializes the terms of the Reserve Fund Loan. The Reserve Fund Loan shall be secured by a subordinate position to the Collateral granted to the Participant Lenders. The Reserve Fund Note shall be paid only after the Participant Lenders have been paid in full or upon approval of all of the Participant Lenders. The Reserve Fund Loan shall be a non-cancellable line of credit.</p>
Maturity:	<p>Draw Note: The Draw Note shall mature no later than March 30, 2018, or earlier at the election of the Borrower. There shall be no amortization of loans under the Draw Note. Prepayment shall be permitted by issuance of the Term Note. Once paid from the proceeds of the Term Note, the Draw Note may not be reborrowed.</p> <p>Term Note: The Term Note shall mature on the 25th anniversary of the execution of the Term Note. There shall be no set amortization period of the Term Note except that all of the FCEC Room Tax collected in excess of interest and fees shall be applied to the then outstanding principal balance of the Term Note.</p> <p>Reserve Fund Note: The Reserve Fund Note shall be due and payable after the Term Note is fully satisfied or earlier as permitted by the unanimous consent of all of the Participant Lenders.</p>
Purpose and	Draw Note: The Draw Note shall be available on the Closing

Availability:	<p>Date for the purpose of (a) paying for and financing the Project and (b) paying fees and expenses incurred in connection with the Project in an amount not to exceed \$31,000,000. The Draw Note, once paid, may not be borrowed, repaid and reborrowed.</p> <p>Term Note: The Term Note shall be available in a single borrowing on or before the maturity date of the Draw Note, and shall be used to satisfy the then outstanding principal balance of the Draw Note. Once paid, in whole or part, the Term Note may not be reborrowed.</p> <p>Reserve Fund Note: The Reserve Fund Note shall be available on a revolving basis at any time the Reserve Fund balance is less than \$1,500,000.</p>
Term Note Terms:	<p>Acceptance of the Term Note and payment of the Draw Note shall be required; <i>provided</i> that (a) no event of default or default exists or would exist after giving effect thereto and (b) the representations and warranties in the Loan Documentation shall be true and correct in all material respects on and as of the date of the incurrence of the Term Note (although any representations and warranties which expressly relate to a given date shall be required only to be true and correct in all material respects as of the respective date).</p>
Interest Rate:	<p>The Draw Note shall bear interest at a rate equal to the three month maturity US Treasury Bill plus 250 basis points, the initial rate being set by the Participant Lenders within thirty days of issuance of the Draw Note. The interest rate shall be adjusted every three months. The initial rate shall be based upon the closing price of the three month US Treasury Bill plus 250 basis points as published by the United States Department of Treasury, Daily Treasury Yield Curve Rates <i>available at</i> https://www.treasury.gov/resource-center/data-chart-center/interest-rates/Pages/TextView.aspx?data=yield, on the day prior to respective issuance of the Draw Note.</p> <p>The Term Note shall bear interest at an initial rate equal to the five year US Treasury Note plus 220 basis points, which rate shall be fixed for the first five years of the Term Note. On the fifth anniversary and each five year anniversary thereafter of the Term Note, the interest rate shall be adjusted to be equal to the five year maturity US Treasury Note plus 220 basis points. The initial rate</p>

	<p>shall be based upon the closing price of the five year US Treasury Note plus 220 basis points as published by the United States Department of Treasury, Daily Treasury Yield Curve Rates <i>available at</i> https://www.treasury.gov/resource-center/data-chart-center/interest-rates/Pages/TextView.aspx?data=yield, on the day prior to respective issuance of the Term Note.</p> <p>The Reserve Fund Note shall bear an interest rate equal to the then current interest rate paid under the Term Note plus 50 basis points. All interest accrued and unpaid as of December 31 for that year shall be capitalized by adding the accrued interest to the Reserve Fund Loan principal as of January 1 of the following year.</p>
Interest, When Paid:	<p>Interest due under the Draw Note shall be paid from the Reserve Fund at the time of issuance of the Term Note.</p> <p>All interest due under the Term Note and Reserve Fund Note shall be due on the 10th day of the third month after the end of each calendar quarter, starting September 10, 2018. For example, interest for the period of April 1, 2018 through June 30, 2018 shall be due September 10, 2018. All other amounts due under the Loan Documents shall have the same due date as the interest due date.</p>
Loan Fee:	<p>The Participant Lenders shall be paid a fee equal to .50% of \$31,000,000 on the Closing Date.</p>
Voluntary Prepayments:	<p>Notes may be prepaid without penalty, in whole or in part, at the option of the Borrower at any time.</p> <p>All FCEC Room Tax shall be applied to interest, fees and principal in that order. All optional prepayments derived from funds other than the FCEC Room Tax shall be applied to principal.</p>
Benchmark Amortization (the "Benchmark Amortization"):	<p>The Loan Agreement shall require application of all FCEC Room Tax to be applied to the Notes. Interest and fees shall be paid first. The Term Loan principal shall be paid by applying FCEC Room Tax, after payment of interest, fees and costs, to principal. Principal repayment will be determined by the amount of available FCEC Room Tax. To measure the rate of principal payment, the actual principal balance under the Term Note (the</p>

“Term Note Comparison Principal Balance”) shall be compared to the 25 year amortization principal balance as shown on Exhibit A hereto (said Exhibit A to be finalized on the closing date of the Term Note) (the **“Benchmark Amortization Principal Balance”**). The Term Note Comparison Principal Balance shall be compared to the Benchmark Amortization Principal Balance at the beginning of each rate reset period. A rate reset shall occur every 5 years (the **“Rate Reset Period”**). In the event that the Term Note Comparison Principal Balance at the beginning of the Rate Reset Period, following application of the 4th quarter FCEC Room Tax from the period ending immediately prior to the Rate Reset Period, exceeds 112% of the Benchmark Amortization Principal Balance (110% for the third and fourth Rate Reset Period), each Participant Lender shall have the right to request that the Arranger take reasonable steps to replace that lender as a Participant Lender. If, within six months, the Arranger is not able to obtain a commitment from a replacement Participant Lender, the interest rate shall be increased by 25 basis points beginning at the next calendar quarter (the **“Benchmark Premium Rate Increase”**). The Benchmark Premium Rate Increase shall remain in effect until such time as the Participant Lender is replaced or the Term Note Comparison Principal Balance is less than 112% of the Benchmark Amortization Principal Balance (110% for the third and fourth Rate Reset Period). The Term Note Comparison Principal Balance shall be compared annually with the Benchmark Amortization Principal Balance following a Benchmark Premium Rate Increase. If the Term Note Comparison Principal Balance is less than 112% of the Benchmark Amortization Principal Balance on the first day of the annual loan term (110% for the third and fourth Rate Reset Period), then the Benchmark Premium Rate Increase shall not apply henceforth unless and until the next reset period triggers the Benchmark Premium Rate Increase.

A sample Benchmark Amortization, assuming a five year treasury rate of 2.04%, plus 2.2% (4.24%) is attached hereto as Exhibit A. The initial rate established at the closing of the Term Note shall be used to calculate the official Benchmark Amortization. Once the Benchmark Amortization is set, the Benchmark Amortization provisions shall be interpreted in accordance with the following example, derived from the attached Exhibit A.

Example: The Benchmark Amortization Principal Balance at

	<p>the beginning of the first reset period (balance after application of the 20th payment (5 years x 4 periods per year = 20 periods)) shall be \$27,329,188.15. In the event the Term Note Comparison Principal Balance is greater than or equal to \$30,608,690.73 (\$27,329,188.15 times 112%), a Participant Lender(s) may request to be replaced.</p> <p>The second reset period shall begin with period 21 under the Benchmark Amortization. The second principal comparison between the Benchmark Amortization Principal Balance and the Term Note Comparison Principal Balance shall be at the end of period 40 under the Benchmark Amortization. Subsequent reset periods shall be compared as described herein.</p> <p>The Benchmark Premium Rate Increase shall be the sole remedy available in the event the Term Note Comparison Principal Balance exceeds 112% of the Benchmark Amortization Principal Balance (110% for the third and fourth Rate Reset Period).</p> <p>If more than one Participant Lender requests replacement and all requests cannot be satisfied, the Arranger shall select which Participant Lender is replaced in its sole discretion. However, the Benchmark Premium Rate Increase applies if any Participant Lender that requests replacement cannot be reasonably replaced.</p>
Initial Reserve Fund Balance	The initial Reserve Fund balance shall be not less than \$3,400,000.
Maintenance of a Reserve Fund (the "Reserve Fund"):	<p>The Reserve Fund will be initially funded with the FCEC Room Tax revenue earned from January 1, 2016 through March 31, 2018 (totaling nine quarters of FCEC Room Tax revenue) (less certain payments as described herein).</p> <p>The City shall guaranty and maintain a minimum balance in the Reserve Fund of not less than \$1,500,000 (the "Minimum Reserve Amount") for the purpose of assuring timely payment of interest under the Draw Note and Term Note. In this capacity, the City shall be a "Guarantor." The Guarantor shall make payments to the Reserve Fund as described herein (the "Reserve Fund Loan"). All payments made by the Guarantor to maintain the Minimum Reserve Amount shall be a loan to the Borrower under the Reserve Fund Note.</p>

	<p>Reserve Fund amounts in excess of the Minimum Reserve Amount shall first be drawn in the event that FCEC Room Tax revenue is below the amount of interest and fees due. In the event the Reserve Fund balance falls below the Minimum Reserve Amount, the Guarantor shall, within a period of thirty days after notice from the Administrative Agent, make deposits to the Reserve Fund to maintain the Minimum Reserve Amount.</p>
<p>Reserve Replenishment Terms:</p>	<p>In the event amounts from the Reserve Fund fall below \$2,000,000 (as a result of funds being drawn to pay the interest and fees due under the Term Note), FCEC Room Tax revenue shall be used to replenish the Reserve Fund. The replenishment shall automatically occur when the FCEC Room Tax revenue exceeds the interest due in any quarter at a ratio above 1.5:1 (FCEC Room Tax revenue to Term Note interest due) ("Collection Ratio") until the Reserve Fund has a balance of not less than \$2,000,000 ("Reserve Fund Replenishment"). The Reserve Fund Replenishment shall be interpreted in accordance with the following example.</p> <p><u>Example:</u> The Reserve Fund balance is less than \$2,000,000. The Collection Ratio is greater than 1.5:1. Reserve Fund Replenishment shall be made in the following order of priority:</p> <ul style="list-style-type: none"> (a) Interest and fees due shall be paid from FCEC Room Tax revenue. (b) Principal due shall be paid (calculated as 50% of interest due) from the FCEC Room Tax revenue remaining after application of interest and fees under sub. (a), above. (c) The balance of FCEC Room Tax revenue, if any, remaining after the application of sub. (a) and sub. (b) shall be contributed to the Reserve Fund until the Reserve Fund balance is not less than \$2,000,000. (d) In the event that there is remaining FCEC Room Tax revenue after the application of sub. (a), sub. (b) and sub. (c), above, the remaining FCEC Room Tax Revenue shall be applied to principal. <p>When the Reserve Fund balance exceeds \$2,000,000, no additional FCEC Room Tax revenue shall be deposited thereto until such time as additional amounts are drawn from the Reserve</p>

	<p>Fund and the Collection Ratio is satisfied.</p> <p>In the event that there is any outstanding (unreimbursed) contribution by the Guarantor to the Reserve Fund and the Reserve Fund balance exceeds \$2,000,000, no additional FCEC Room Tax revenue shall be deposited thereto and all FCEC Room Tax revenue shall be paid to the Participant Lenders and applied in the following priority: interest, fees, principal and, if approved by Participant Lenders, repayment, in part or whole, of the Reserve Fund Loan.</p>
Repayment of Reserve Fund Loan prior to full satisfaction of the Term Note:	<p>When the Reserve Fund balance exceeds \$2,000,000, the Participant Lenders may, in their sole discretion, permit FCEC Room Tax revenue to be used to repay all or part of the Reserve Fund Loan, including all amounts due the Guarantor pursuant to the Reserve Fund Note. In the event there is an outstanding amount due under the Reserve Fund Note at the time that the Term Note is fully satisfied, the Reserve Fund Note shall be paid prior to termination of the FCEC Room Tax.</p>
Guarantor make whole provision:	<p>In the event that the Guarantor makes a Reserve Fund Loan, the Guarantor shall have been deemed to make a secured, junior loan to the Project, as defined herein. The Guarantor shall have a junior lien position, subordinate to the Participant Lenders. The Reserve Fund Loan shall be repaid at the end of the Term Note and prior to the expiration of the FCEC Room Tax. However, in the event that the Term Note is not fully repaid prior to the 25th anniversary of the Term Note, the Guarantor shall agree to subordinate and attorn to a new first position secured lender to facilitate the refinance of the Term Note. The Guarantor shall not be required to release its junior secured position until fully repaid from FCEC Room Tax revenue.</p>
Collateral:	<p>The Loan Documents and Notes will be secured by a valid and perfected first priority lien, in the instance of the Draw Note and Term Note, and second priority lien, in the instance of the Reserve Fund Note, on 100% of the FCEC Room Tax assessed and allocated for the Project and the Reserve Fund, (collectively, the "Collateral"):</p> <p>All pledges and security interests covering the Collateral shall be created on terms and pursuant to documentation reasonably satisfactory to the Participant Lenders.</p>

Deposit Accounts:	<p>The Reserve Fund shall be held in depository accounts at each Participant Lender's institution in an amount proportionate to the Participant Lender's participation (collectively, the "Reserve Deposit Accounts"). All FCEC Room Tax revenue collected after the closing of the Term Note shall be deposited into a deposit account maintained by the Administrative Agent at the Administrative Agent's institution (the "Operating Deposit Account"). Prior to the last day of the second month succeeding each calendar quarter end, FCEC Room Tax revenue will be deposited into the Operating Deposit Account. The Administrative Agent shall apply FCEC Room Tax revenue deposited into the Operating Deposit Account consistent with the terms of the Loan Documents prior to the 10th day of the third month succeeding each calendar quarter end.</p> <p>The Operating Deposit Account and Reserve Deposit Accounts shall be subject to certain Deposit Account Control Agreements.</p>
Loan Documentation:	<p>The definitive loan documentation for the Notes (the "Loan Documents") shall contain the terms and conditions set forth herein and in the Commitment Letter to which this Term Sheet is attached and such other terms as the Borrower and the Participant Lenders shall agree upon.</p>
Conditions Precedent to Borrowings:	<p>The effectiveness of the Loan Agreement and funding of the Draw Note on the Closing Date shall be subject to the conditions precedent set forth in (a) the following Conditions Precedent to all Borrowings, (b) the Commitment Letter and (c) Schedule A hereto.</p>
Conditions Precedent to all Borrowings:	<p>Each draw under the Draw Note and the issuance and acceptance of the Term Note shall be subject to:</p> <ul style="list-style-type: none"> (a) Receipt by Participant Lenders of a notice of borrowing; (b) Absence of any default or event of default before, or after giving effect to, such borrowing; and (c) The accuracy in all material respects (except that such materiality qualifier shall not be applicable to any representations and warranties that are already qualified or modified by materiality in the text thereof) of the representations and

	warranties of the Borrower.
Representations and Warranties:	Representations and warranties applicable to the Borrower shall include, without limitation, the following: Borrower existence; Borrower power and authority; non-contravention; authorization and enforceability of the Loan Documents; no conflicts with law or contractual obligations; accuracy and completeness of financial and other information (including reporting of FCEC Room Tax revenue and confirmation of the accuracy of the estimated costs of the FCEC as the costs are actually incurred); no material adverse change with respect to the Borrower; compliance with applicable laws and regulations; consents and approvals of that certain Pledge and Security Agreement, as defined in the Exhibition Center Cooperation Agreement, by the Municipalities which are part of the Exhibition Center Cooperation Agreement; no liens; no material litigation; use of proceeds; no default or event of default; and the validity, priority and perfection of liens and security interests in the Collateral.
Affirmative Covenants:	Affirmative covenants applicable to the Borrower and its subsidiaries shall include the following: delivery of quarterly room tax receipt statements; compliance with applicable laws and regulations; keeping of books and records related to the collection of the FCEC Room Tax and the Reserve Fund by the Administrative Agent.
Events of Default:	Events of default applicable to the Borrower (subject to grace periods, thresholds and exceptions to be agreed upon): failure to pay interest when due or the failure to remit all of the FCEC Room Tax revenue collected for the Project in excess of the interest payment, excepting the amounts deposited in accordance with the Reserve Fund Replenishment; breach of representations, warranties or covenants, subject, in the case of certain affirmative covenants, to a grace period of 30 days after the earlier of (a) actual knowledge by a responsible party of any loan party and (b) receipt of written notice from the Administrative Agent; bankruptcy and insolvency events; actual or asserted invalidity or impairment of any guarantees or security documents or subordination provisions.
Amendments:	Amendments and waivers of the provisions of the Loan Documents shall require the approval of the Participant Lenders

	<p>holding more than 50% of the aggregate principal amount of the Notes and unused commitments under the Notes; <i>provided</i> that (a) the consent of each directly and adversely affected Participant Lender shall be required for, among other things, (i) increases in the commitment of such Participant Lender; (ii) reductions of principal, interest or fees of such Participant Lender; (iii) extensions of scheduled amortization or the final maturity date of the Notes or commitments of such Participant Lender; and (iv) releases of all or substantially all of the Collateral or all or substantially all of the value of the guarantees; and (b) the consent of 100% of the Participant Lenders shall be required for modifications to any of the voting requirements (or any applicable related definitions) and modifications to pro rata treatment.</p> <p>The Loan Documents shall contain customary provisions for replacing non-consenting Participant Lenders in connection with amendments and waivers requiring the consent of all Participant Lenders, so long as Participant Lenders holding more than 50% of the aggregate amount of the Loans and unused commitments have consented thereto.</p> <p>Notwithstanding anything to the contrary set forth herein, the Loan Documents will provide that at any time and from time to time the Borrower may request that the scheduled maturity dates of part or all of any Loans be extended with the consent of each extending Participant Lender, subject to terms and conditions to be agreed upon and reasonably satisfactory to the Participant Lenders and the Administrative Agent.</p>
Defaulting Lenders:	<p>The Loan Documents shall contain customary provisions relating to defaulting Participant Lenders (to be defined on terms reasonably satisfactory to the Administrative Agent), including, without limitation, (a) reduction, termination or assignment of commitments or Notes of such Participant Lenders, including the non-pro rata removal or replacement of any Participant Lender that has been deemed insolvent or become subject to a bankruptcy, insolvency, receivership or other similar proceeding, or has otherwise defaulted under other credit agreements to which it is a party, (b) provisions relating to providing cash collateral to support the Draw Note or the Term Note, (c) the suspension of voting rights and (d) rights to receive certain fees.</p>
Assignments and	Each Participant Lender may assign all or part of its loans and

Participations:	<p>commitments without the consent of Borrower, Administrative Agent or Guarantor. The Participant Lender shall provide notice of such assignment and a form assignment agreement shall be attached to the Loan Agreement.</p> <p>No Participant Lender shall be permitted to sell sub-participations under the Loan Documents.</p>
Expenses and Indemnification:	<p>(a) All reasonable out-of-pocket expenses of the Administrative Agent and the Participant Lenders incurred in connection with the syndication of the Notes and the preparation, execution, delivery, administration, amendment or waiver of the Loan Documents including the reasonable fees, disbursements and other charges of counsel to the Administrative Agent and the Participant Lenders and, if necessary, of one special counsel and one local counsel in any relevant jurisdiction; and (b) all reasonable out-of-pocket expenses of the Administrative Agent and the Participant Lenders (including the fees, disbursements and other charges of counsel to the Administrative Agent and the Participant Lenders and, if necessary, of one special counsel and one local counsel in any relevant jurisdiction) in connection with the enforcement of the Loan Documents, including in connection with workouts or restructurings, shall be paid from FCEC Room Tax revenue allocated to the Project after interest payment made on the Notes but prior to principal payments being made to the Draw Note or the Term Note.</p> <p>The Administrative Agent and the Participant Lenders (and their affiliates and their respective officers, directors, employees, advisors and agents) will be indemnified and held harmless against any loss, liability, cost or expense (including the reasonable fees, disbursements and other charges of one firm of counsel to the indemnified parties and, if a conflict of interest exists, one additional counsel to the affected indemnified parties and, if necessary, of one special counsel and one local counsel in any relevant jurisdiction) incurred in connection with the financing contemplated hereby or the use of proceeds of the Notes, except to the extent they result from such person's gross negligence, willful misconduct or breach in bad faith/a material breach by the indemnified party of the Loan Documents.</p> <p>In the event that the Loan Documents are not executed and Notes not funded, the legal fees of one firm representing all Participant</p>

	Lenders will be paid with FCEC Room Tax revenue.
Arranger's Counsel and Borrower's Counsel:	von Briesen & Roper, s.c. has drafted the Loan Documents for review and approval of Participant Lenders and Participant Lenders' counsel.
Participant Lender's Counsel:	To be determined at the discretion of the Administrative Agent.
Legal Conflicts:	There potentially exists a legal conflict arising from von Briesen & Roper, s.c.'s representation of Participant Lenders on separate matters. Therefore, each Participant Lender is requested to waive a legal conflict arising because of von Briesen's representation of the Participant Lender in separate matters and to expressly acknowledge that von Briesen & Roper, s.c. does not represent the Participant Lender for the transaction contemplated herein.
Taxes, Yield Protection and Increased Costs:	The Loan Documents will contain customary provisions for facilities of this kind, including, without limitation, in respect of increased regulatory costs, capital adequacy and illegality.
Governing Law and Forum:	State of Wisconsin.
Waiver of Jury Trial:	All parties to the Loan Documents waive the right to trial by jury.

SCHEDULE A

Conditions precedent to initial borrowings under the Notes shall include, without limitation:

(a) **Loan Documentation.** Delivery of executed loan documentation for the loan agreement, pledge and security documents and Notes on terms reasonably acceptable to the Participant Lenders and consistent with the terms of this Term Sheet.

(b) **Guaranties and Collateral.** Delivery of executed guaranties and a pledge and security agreement required from the Borrower and the Municipalities in form, scope and substance reasonably satisfactory to the Participant Lenders. Subject to the limitations set forth in the Commitment Letter, (i) the Administrative Agent shall have a first priority perfected security interest (subject to permitted liens) in all Collateral, (ii) all required filings, recordations and searches with respect to such security interests shall have been duly made, and (iii) all filings and recording fees and taxes shall have been duly paid.

(c) **Customary Ancillary Documents.** Delivery of (i) evidence of authority, authority authorization documents, documents from public officials, and officers' certificates as to the Borrower, pledging Municipalities and the Guarantor; (ii) evidence of insurance; and (iii) a customary borrowing certificate, each in form and substance satisfactory to the Participant Lenders.

(d) **Financial Statements.** Receipt by the Participant Lenders of the most recent room tax collection report certified by the Administrative Agent.

(e) **Fees and Expenses.** Payment of all fees and expenses of the Participant Lenders and the Administrative Agent required to be paid by the Borrower on the Closing Date to the extent invoiced prior to the Closing Date.

(f) **Litigation.** Absence of litigation with respect to the Loan Documents and the Notes.

(g) **Approvals and Consents.** Receipt of all necessary municipal and material third party approvals and consents in connection with the Loan Documents and the Notes.

(h) **Compliance with Laws.** Compliance in all material respects of the Loan Documents and the Notes and the consummation thereof, with all applicable laws, including those of the governing body of a Participant Lender (i.e., National Credit Union Administration or Federal Deposit Insurance Corporation).

(i) **Due Diligence.** Completion by the Participant Lenders of their confirmatory accounting, legal, and regulatory due diligence review of the Borrower with results satisfactory to the Participant Lenders.

(j) **INTENTIONALLY OMITTED**

(k) **Closing Certificate.** Receipt by the Participant Lenders of a certificate from the Administrative Agent in form and substance satisfactory to the Participant Lenders certifying that the FCEC Room Tax revenue is being remitted by the Municipalities that comprise the Fox Cities Tourism Zone and that FCEC Room Tax revenue is being received in the normal course and that no Municipality has refused to remit FCEC Room Tax revenue.



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

FINANCE DEPARTMENT

100 N Appleton Street
Appleton, Wisconsin 54911
(920) 832-6442

To: Finance Committee

From: Tony Saucerman, Finance Director

Date: December 29, 2017

Re: Short-term Loan to Appleton Redevelopment Authority

To date, the financing package for the construction of the Fox Cities Exhibition Center has yet to be completed. Due to this unanticipated delay, and the decision to proceed with the construction in 2016, the City has been paying the construction costs as bills have come due. This arrangement was initially meant to be a short-term solution while the long-term financing package was put together. It is not unusual for the City to advance funds for capital projects, as the City has routinely borrowed for our annual capital needs in the fall while costs are often incurred throughout the year. Once the borrowed funds are received, the City is then reimbursed for all costs incurred. With the Exhibition Center project, although it will be funded with a borrowing by the Appleton Redevelopment Authority (ARA) rather than general obligation debt, the Center will be owned by the City of Appleton and the construction is considered a City capital project.

However, due to the fact that the eventual funding will come from the ARA, which is a legally separate entity from the City, in essence, the City is providing a short-term loan to the ARA while the long-term funding plan is being finalized. In recognition of this fact, and as recommended by the City's auditors since the loan will appear on the both the City and ARA's December 31, 2017 audited financial statements, approval of this short-term financing arrangement between the City and ARA is being requested.

It is not without recognition that this request is being made after the majority of the construction costs have already been paid by the City and for that I apologize and ask for your understanding. I realize the uncomfortable position for which you are being placed. However, as noted previously, it was never anticipated that the ARA borrowing would be outstanding at the end of 2017.

As a result, I am requesting approval of a short-term loan to the Appleton Redevelopment Authority for an amount not to exceed \$31,000,000 for the construction of the Fox Cities Exhibition Center. The loan will be repaid upon the closing of long-term financing by the Appleton Redevelopment Authority which is anticipated in early 2018.



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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 1/8/2018

RE: Action: Approve positive balance transfer of \$23,000 from the "MSB Fire Protection System Upgrades Project" to "2017 Fire Station #4 Rig Room Structural Repairs Project."

At the 9/23/2017 Finance Committee, Action Item 17-1461 was approved. Action Item 17-1461 consisted of a positive budget transfer of \$138,435 from the Erb Park and Pool Project to the 2017 Fire Station #4 Rig Room Structural Repairs Project.

The 2017 Fire Station #4 Rig Room Structural Repairs Project consisted of replacing approximately 1,800 square feet of the precast rig room floor. As a result of the loads from the heavy fire trucks parked on it, the floor was deemed unsafe after an inspection by a structural engineer and fire trucks were not allowed inside the building until repairs were made. The employees of Fire Station #4 were temporarily relocated to Fire Station #6 after that determination was made. The relocation resulted in limited coverage for the area being serviced by Fire Station #4. For this reason, time was of the essence, and we had to move forward with the project while only having a limited building investigation and preliminary drawings. As the project progressed, several issues were uncovered during the demolition of the floor. These unexpected conditions had to be resolved so the project could move forward and be completed on time. The repair of these issues caused the project to go over the approved budget amount.

We are requesting a positive budget transfer of \$23,000 from the MSB Fire Alarm Project to the 2017 Fire Station #4 Rig Room Structural Repairs Project to cover the actual costs incurred during construction.

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

*** CONFIDENTIAL INFORMATION ***
*** ATTORNEY-CLIENT PRIVILEGE ***
CITY OF APPLETON
ATTN: KAREN HARKNESS
100 N. APPLETON STREET
APPLETON, WI 54911

INVOICE NO. 245539
INVOICE DATE NOVEMBER 13, 2017
TAX ID. 39-1576289
ATTY. BENJAMIN D. LAFROMBOIS

FCEC PHASE III UPDATE

MATTER NO. 010953-00014

PROFESSIONAL SERVICES RENDERED THROUGH OCTOBER 31, 2017

CURRENT FEES	\$489.00
TOTAL CURRENT CHARGES THIS BILL	\$489.00

*** CONFIDENTIAL INFORMATION ***
*** ATTORNEY-CLIENT PRIVILEGE ***
CITY OF APPLETON
ATTN: KAREN HARKNESS
100 N. APPLETON STREET
APPLETON, WI 54911

INVOICE NO. 245539
INVOICE DATE NOVEMBER 13, 2017
TAX ID. 39-1576289
ATTY. BENJAMIN D. LAFROMBOIS

FCEC PHASE III UPDATE

MATTER NO. 010953-00014

PROFESSIONAL SERVICES RENDERED THROUGH OCTOBER 31, 2017

10/16/17 CAH REVIEW OF INDEMNIFICATION AGREEMENT PROVISIONS; MEET TO DISCUSS DAMAGE CALCULATIONS.	1.80	369.00
10/16/17 BDL MEETING WITH DIRECTOR HARKNESS TO REVIEW DAMAGES ESTIMATE AND DISCUSSION OF STRATEGY FOR NEED TO GATHER MORE INFORMATION.	.30	120.00

CURRENT FEES FOR THIS MATTER \$489.00

BILLING SUMMARY

CURRENT FEES	\$489.00
TOTAL CURRENT CHARGES THIS BILL	\$489.00

RELOCATION ORDER

The City of Appleton, Outagamie/Calumet/Winnebago Counties, Wisconsin, by its Common Council and for its Relocation Order hereby resolves as follows:

1. That this Resolution is a Relocation Order in accordance with subsection 32.05(1), Wisconsin Statutes, for the purpose of the within-described public improvement project and it is also a determination of necessity for that project in accordance with subsection 32.07(2), Wisconsin Statutes;
2. That the City of Appleton hereby determines that it is necessary and of public purpose to construct a retaining wall for Rocky Bleier Roadway, construct a shared use path adjacent to Rocky Bleier and for existing Water Street roadway in or near the City of Appleton, Wisconsin.
3. That said roadway and shared use path will be built within the areas marked on the scale drawing, which is attached to this Relocation Order as Exhibit "A" and is incorporated herein;
4. That the legal descriptions for the acquisition areas necessary for this construction are contained in Exhibits "B" and "C" under the heading "Legal Description for Acquisition," which is also incorporated herein;
5. That the City of Appleton will acquire a fee simple interest in the areas described in the "Legal Description for Acquisition" contained in Exhibits "B" and "C" from the present owners.
6. That the City of Appleton will also acquire Temporary Limited Easements for the areas described in the "Legal Description for Temporary Limited Easement" in Exhibit "B" from the present owner.

Record and return to:

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

Passed and approved this _____ day of _____, 2018.

I hereby certify that on this _____ day of _____, 2018, that the within Relocation Order was adopted by a vote of _____ ayes and _____ nays by the Common Council for the City of Appleton, Wisconsin.

City of Appleton

ATTEST:

APPROVED:

Kami Lynch, City Clerk

Timothy M. Hanna, Mayor

Subscribed and sworn to before me
This _____ day of January, 2018.

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

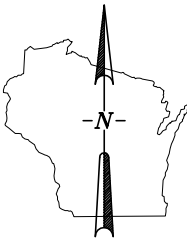
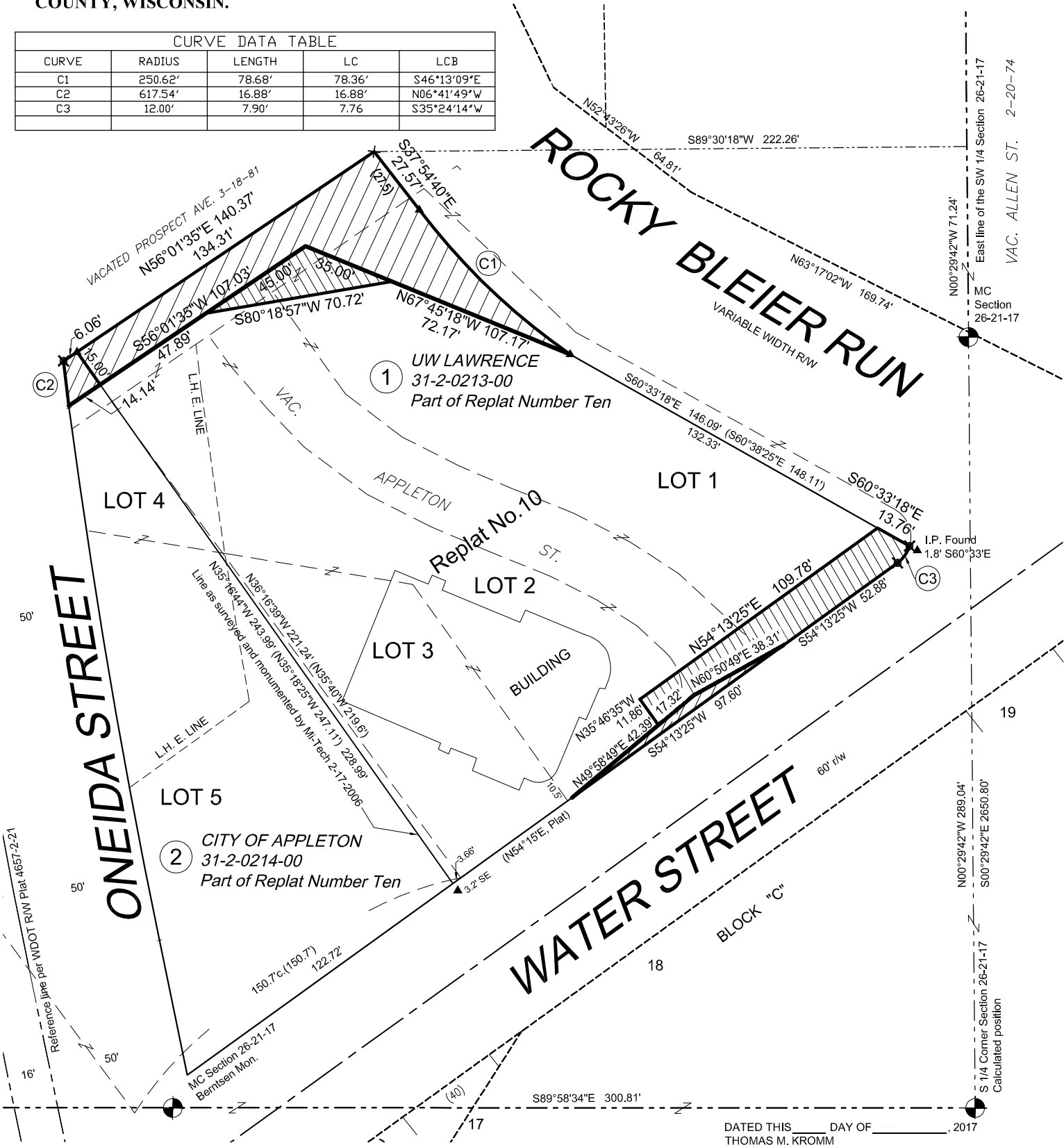
This instrument was drafted by:
James P. Walsh, Appleton City Attorney

EXHIBIT "A"

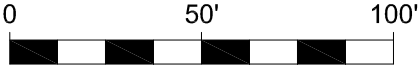
ROCKY BLEIER RUN AND WATER STREET

RIGHT-OF WAY MONUMENTATION MAP, LOCATED IN THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

CURVE DATA TABLE				
CURVE	RADIUS	LENGTH	LC	LCB
C1	250.62'	78.68'	78.36'	S46°13'09"E
C2	617.54'	16.88'	16.88'	N06°41'49"W
C3	12.00'	7.90'	7.76'	S35°24'14"W



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, SOUTH LINE OF THE SW 1/4 OF SECTION 26, T.21N., R.17E., RECORDED TO BEAR N.89°58'34"W.



LEGEND

- = 3/4" x 24" Iron Rebar set
- ✕ = Iron Rebar Found
- ⊙ = Government Corner
- ▲ = Iron Pipe Found
- ⊕ = Chisel Mark Found
- - - = Historic Parcel Line
- () = Measurement of Record
- [Hatched] = Acquisition(Fee) Area
- [Diagonal Lines] = Temporary Limited Easement



CITY OF APPLETON

DEPT. OF PUBLIC WORKS
ENGINEERING DIVISION
100 NORTH APPLETON STREET
APPLETON, WI 54911
920-832-6474

DRAFTED BY: T. KROMM
H:\Acad\row acq\2017\RockyBleier_Lawrence_1116_2017

SCHEDULE OF LAND AND INTERESTS REQUIRED

PARCEL NO.	SHEET NO.	OWNER	INTEREST	NEW AREA	EXISTING	REMAINING
1	1	LAWRENCE UNIVERSITY OF WISCONSIN	FEE	3,879 SQ. FT.	39,473 SQ. FT.	35,594 SQ. FT.
1	1	LAWRENCE UNIVERSITY OF WISCONSIN	TLE	2,197 SQ. FT.	N/A	N/A
2	1	CITY OF APPLETON	FEE	152 SQ. FT.	16,282 SQ. FT.	16,130 SQ. FT.

EXHIBIT B

Legal Description for Acquisition LAWRENCE UNIVERSITY OF WISCONSIN

A portion of land for street right way, containing 3,663 square feet of land m/l and being all those lands of the owner within the following described area:

A part of Lot One (1), **REPLAT NUMBER TEN**, a Replat of parts of Blocks Seventeen and D, Appleton Plat and a part of vacated Prospect Avenue per a Final Resolution recorded on March 20, 1981 as Document Number 794896, all being located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section Twenty-Six (26), Township Twenty-One (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin and being further described by:

Commencing at the South $\frac{1}{4}$ corner of said Section 26;
Thence North $00^{\circ}29'42''$ West 289.04 feet along the East line of the SW $\frac{1}{4}$ of said Section 26 to a Meander corner to said South $\frac{1}{4}$ corner;
Thence continue North $00^{\circ}29'42''$ West 71.24 feet along the East line of the SW $\frac{1}{4}$ of said Section 26;
Thence South $89^{\circ}30'18''$ West 222.26 feet to the centerline of vacated Prospect Avenue, as surveyed and monumented by MI-TECH Services, Inc. on January 30th, 2006 and being the point of Beginning;
Thence South $37^{\circ}54'40''$ East 27.57 feet coincident with the Southwesterly line of Rocky Bleier Run;
Thence Southeasterly 78.68 feet along the arc of a non-tangent curve to the left having a radius of 250.62 feet and the chord of which bears South $46^{\circ}13'09''$ East 78.36 feet and being coincident with the Southwesterly line of Rocky Bleier Run;
Thence North $67^{\circ}45'18''$ West 107.17 feet;
Thence South $56^{\circ}01'35''$ West 107.03 feet to the Easterly line of Oneida Street (aka Oneida Skyline Bridge) per Wisconsin Department of Transportation Right of Way Plat 1657-2-21;
Thence Northwesterly 16.88 feet along the arc of a curve to the right having a radius of 617.54 feet and the chord of which bears North $06^{\circ}41'49''$ West 16.88 feet and being coincident with the Easterly line of Oneida Street per Wisconsin Department of Transportation Right of Way Plat 1657-2-21;
Thence North $56^{\circ}01'35''$ East 140.37 feet coincident to the centerline of vacated Prospect Avenue, as surveyed and monumented by MI-TECH Services, Inc. on January 30th, 2006 to the point of Beginning.

AND

A portion of land for street right way, containing 216 square feet of land m/l and being all those lands of the owner within the following described area:

A part of Lot One (1) and Lot Two (2), **REPLAT NUMBER TEN**, a Replat of parts of Blocks Seventeen and D, Appleton Plat and a part of vacated Appleton Street per a Final Resolution recorded on February 27th, 1974 as Document Number 679893, all being located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section Twenty-Six (26), Township Twenty-One (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin and being further described by:

Commencing at the South $\frac{1}{4}$ corner of said Section 26;
Thence North $00^{\circ}29'42''$ West 289.04 feet along the East line of the SW $\frac{1}{4}$ of said Section 26 to a Meander corner to said South $\frac{1}{4}$ corner;
Thence continue North $00^{\circ}29'42''$ West 71.24 feet along the East line of the SW $\frac{1}{4}$ of said Section 26;
Thence South $89^{\circ}30'18''$ West 222.26 feet to the centerline of vacated Prospect Avenue, as surveyed and monumented by MI-TECH Services, Inc. on January 30th, 2006;
Thence South $37^{\circ}54'40''$ East 27.57 feet coincident with the Southwesterly line of Rocky Bleier Run;
Thence Southeasterly 78.68 feet along the arc of a non-tangent curve to the left having a radius of 250.62 feet and the chord of which bears South $46^{\circ}13'09''$ East 78.36 feet and being coincident with the Southwesterly line of Rocky Bleier Run;
Thence South $60^{\circ}33'18''$ East 146.09 feet coincident with the Southwesterly line of Rocky Bleier Run;
Thence Southwesterly 7.90 feet along the arc of a non-tangent curve to the right having a radius of 12.00 feet and the chord of which bears South $35^{\circ}24'14''$ West 7.76 feet to the Northwesternly line of Water Street;
Thence South $54^{\circ}13'25''$ West 52.88 feet coincident with the Northwesternly line of Water Street to the point of beginning;
Thence continue South $54^{\circ}13'25''$ West 97.60 feet coincident with the Northwesternly line of Water Street;
Thence North $49^{\circ}58'49''$ East 59.71 feet;
Thence North $60^{\circ}50'49''$ East 38.31 feet to the point of Beginning.
Part of Tax Parcel No. 31-2-0213-00.
SEE ALSO ATTACHED EXHIBIT "A"

Tax Key No. 31-2-0213-00

Document: Quit Claim Deed; Document No. 964734

Fee Interest: 3,879 total sf of new right-of-way

Legal Description for Temporary Limited Easement LAWRENCE UNIVERSITY OF WISCONSIN

A part of Lot One (1), **REPLAT NUMBER TEN**, a Replat of parts of Blocks Seventeen and D, Appleton Plat, a part of vacated Prospect Avenue per a Final Resolution recorded on March 20th, 1981 as document number 794896 and a part of vacated Appleton Street per a Final Resolution recorded on February 27th, 1974 as Document Number 679893, all being located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section Twenty-Six (26), Township Twenty-One (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin, containing 655 square feet of land m/l and being further described by:

Commencing at the South $\frac{1}{4}$ corner of said Section 26;
Thence North 00°29'42" West 289.04 feet along the East line of the SW $\frac{1}{4}$ of said Section 26 to a Meander corner to said South $\frac{1}{4}$ corner;
Thence continue North 00°29'42" West 71.24 feet along the East line of the SW $\frac{1}{4}$ of said Section 26;
Thence South 89°30'18" West 222.26 feet to the centerline of vacated Prospect Avenue, as surveyed and monumented by MI-TECH Services, Inc. on January 30th, 2006;
Thence South 37°54'40" East 27.57 feet coincident with the Southwesterly line of Rocky Bleier Run;
Thence Southeasterly 78.68 feet along the arc of a non-tangent curve to the left having a radius of 250.62 feet and the chord of which bears South 46°13'09" East 78.36 feet and being coincident with the Southwesterly line of Rocky Bleier Run;
Thence North 67°45'18" West 72.17 feet to the point of Beginning;
Thence South 80°18'57" West 70.72 feet;
Thence North 56°01'35" East 45.00 feet;
Thence South 67°45'18" East 35.00 feet to the point of Beginning.

AND

A part of Lot One (1) and Lot Two (2), **REPLAT NUMBER TEN**, a Replat of parts of Blocks Seventeen and D, Appleton Plat and a part of vacated Appleton Street per a Final Resolution recorded on February 27th, 1974 as document number 679893, all being located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section Twenty-Six (26), Township Twenty-One (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin, containing 1,542 square feet of land m/l and being further described by:

Commencing at the South $\frac{1}{4}$ corner of said Section 26;
Thence North 00°29'42" West 289.04 feet along the East line of the SW $\frac{1}{4}$ of said Section 26 to a Meander corner to said South $\frac{1}{4}$ corner;
Thence continue North 00°29'42" West 71.24 feet along the East line of the SW $\frac{1}{4}$ of said Section 26;
Thence South 89°30'18" West 222.26 feet to the centerline of vacated Prospect Avenue, as surveyed and monumented by MI-TECH Services, Inc. on January 30th, 2006;
Thence South 37°54'40" East 27.57 feet coincident with the Southwesterly line of Rocky Bleier Run;
Thence Southeasterly 78.68 feet along the arc of a non-tangent curve to the left having a radius of 250.62 feet and the chord of which bears South 46°13'09" East 78.36 feet and being coincident with the Southwesterly line of Rocky Bleier Run;

Thence South 60°33'18" East 132.33 feet coincident with the Southwesterly line of Rocky Bleier Run to the point of beginning;

Thence continue South 60°33'18" East 13.76 feet coincident with the Southwesterly line of Rocky Bleier Run to the Northwesterly line of Water Street;

Thence Southwesterly 7.90 feet along the arc of a non-tangent curve to the right having a radius of 12.00 feet and the chord of which bears South 35°24'14" West 7.76 feet coincident to the Northwesterly line of Water Street;

Thence South 54°13'25" West 52.88 feet coincident with the Northwesterly line of Water Street;

Thence South 60°50'49" West 38.31 feet;

Thence South 49°58'49" West 17.32 feet;

Thence North 35°46'35" West 11.86 feet;

Thence North 54°13'25" East 109.78 feet to the point of Beginning.

Part of Tax Parcel No. 31-2-0213-00.

SEE ALSO EXHIBIT "A"

This Temporary Limited Easement (TLE) is a right for construction purposes, including the right to operate necessary equipment thereon, the right of ingress and egress, including the right to preserve, protect, remove, or plant thereon any vegetation deemed necessary or desirable and the responsibility of preventing erosion of the soil. This TLE shall expire upon the completion of the project.

EXHIBIT C

Legal Description for Acquisition CITY OF APPLETON

A portion of land for street right way, containing 152 square feet of land m/l and being all those lands of the owner within the following described area:

A part of vacated Prospect Avenue per a Final Resolution recorded on March 20, 1981 as Document Number 794896, lying Northwesterly of and adjacent to Lot Four (4), **REPLAT NUMBER TEN**, a Replat of parts of Blocks Seventeen and D, Appleton Plat, being located in the SE ¼ of the SW ¼ of Section Twenty-Six (26), Township Twenty-One (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin and being further described by:

Commencing at the South ¼ corner of said Section 26;
Thence North 00°29'42" West 289.04 feet along the East line of the SW ¼ of said Section 26 to a Meander corner to said South ¼ corner;
Thence continue North 00°29'42" West 71.24 feet along the East line of the SW ¼ of said Section 26;
Thence South 89°30'18" West 222.26 feet to the centerline of vacated Prospect Avenue, as surveyed and monumented by MI-TECH Services, Inc. on January 30th, 2006 and being the point of Beginning;
Thence South 37°54'40" East 27.57 feet coincident with the Southwesterly line of Rocky Bleier Run;
Thence Southeasterly 78.68 feet along the arc of a non-tangent curve to the left having a radius of 250.62 feet and the chord of which bears South 46°13'09" East 78.36 feet and being coincident with the Southwesterly line of Rocky Bleier Run;
Thence North 67°45'18" West 107.17 feet;
Thence South 56°01'35" West 107.03 feet to the Easterly line of Oneida Street (aka Oneida Skyline Bridge) per Wisconsin Department of Transportation Right of Way Plat 1657-2-21;
Thence Northwesterly 16.88 feet along the arc of a curve to the right having a radius of 617.54 feet and the chord of which bears North 06°41'49" West 16.88 feet and being coincident with the Easterly line of Oneida Street per Wisconsin Department of Transportation Right of Way Plat 1657-2-21;
Thence North 56°01'35" East 140.37 feet coincident to the centerline of vacated Prospect Avenue, as surveyed and monumented by MI-TECH Services, Inc. on January 30th, 2006 to the point of Beginning.

Tax Key No. 31-2-0214-00

Document: Warranty Deed Document No. 597412

Fee Interest: 152 total sf of new right-of-way



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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

1819 East Witzke Boulevard

Appleton, Wisconsin 54911-8401

(920) 832-5572 FAX (920) 993-3103

Email - dean.gazza@appleton.org

To: Finance Committee

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

Date: January 8, 2018

Re: Action: Request to approve accepting the professional construction management services of Miron Construction for the Jones Park renovation conditioned upon Miron's offer to donate their fee.

Miron Construction has offered to donate their Construction Management fee to the City of Appleton. They are extremely proud of their work at the Exhibition Center and recognize that Jones Park's location and relationship to the Exhibition Center is an important part of our downtown and overall Community.

In recognition of their 100th anniversary Miron would like to gift this fee to the City of Appleton. I estimate that the value of this donation is \$60,000 - \$75,000.

Miron's work at the Exhibition Center has given them an intimate knowledge of Jones Park and its' infrastructure including fill efforts, underground utilities, soils and stormwater design. This should result in a more efficient and cost effective project.

Note that all work would be bid publicly per state statutes. Miron, could bid portions of the work, but would have to follow the same process as any other contractor.

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

RELOCATION ORDER

The City of Appleton, Outagamie/Calumet/Winnebago Counties, Wisconsin, by its Common Council and for its Relocation Order hereby resolves as follows:

1. That this Resolution is a Relocation Order in accordance with subsection 32.05(1), Wisconsin Statutes, for the purpose of the within-described public improvement project and it is also a determination of necessity for that project in accordance with subsection 32.07(2), Wisconsin Statutes;
2. That the City of Appleton hereby determines that it is necessary and of public purpose to construct a portion of Rocky Bleier Run, retaining walls for Rocky Bleier Run, and to construct a stairway adjacent to Oneida Street Bridge in or near the City of Appleton, Wisconsin.
3. That said roadway, stairway and retaining walls will be built within the areas marked on the scale drawing, which is attached to this Relocation Order as Exhibit "A" and is incorporated herein;
4. That the legal descriptions for the acquisition and easement areas necessary for this construction are contained in Exhibits "B", "C", and "D" under the heading "Legal Description for Acquisition," which are also incorporated herein;
5. That the City of Appleton will acquire a fee simple interest in the areas described in the "Legal Description for Acquisition" contained in Exhibit "B" from the present owner.
6. That the City of Appleton will also acquire Temporary Limited Easements for the areas described in the "Legal Description for Temporary Limited Easement" in Exhibit "C" from the present owner.
7. That the City of Appleton will also acquire a Permanent Limited Easement for the areas described in the "Legal Description for Permanent Limited Easement" in Exhibit "D" from the present owner.

Record and return to:

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

Passed and approved this _____ day of _____, 2018.

I hereby certify that on this _____ day of _____, 2018, that the within Relocation Order was adopted by a vote of _____ ayes and _____ nays by the Common Council for the City of Appleton, Wisconsin.

City of Appleton

ATTEST:

APPROVED:

Kami Lynch, City Clerk

Timothy M. Hanna, Mayor

Subscribed and sworn to before me
this _____ day of January, 2018.

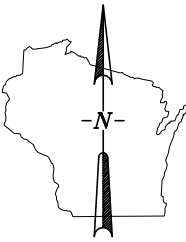
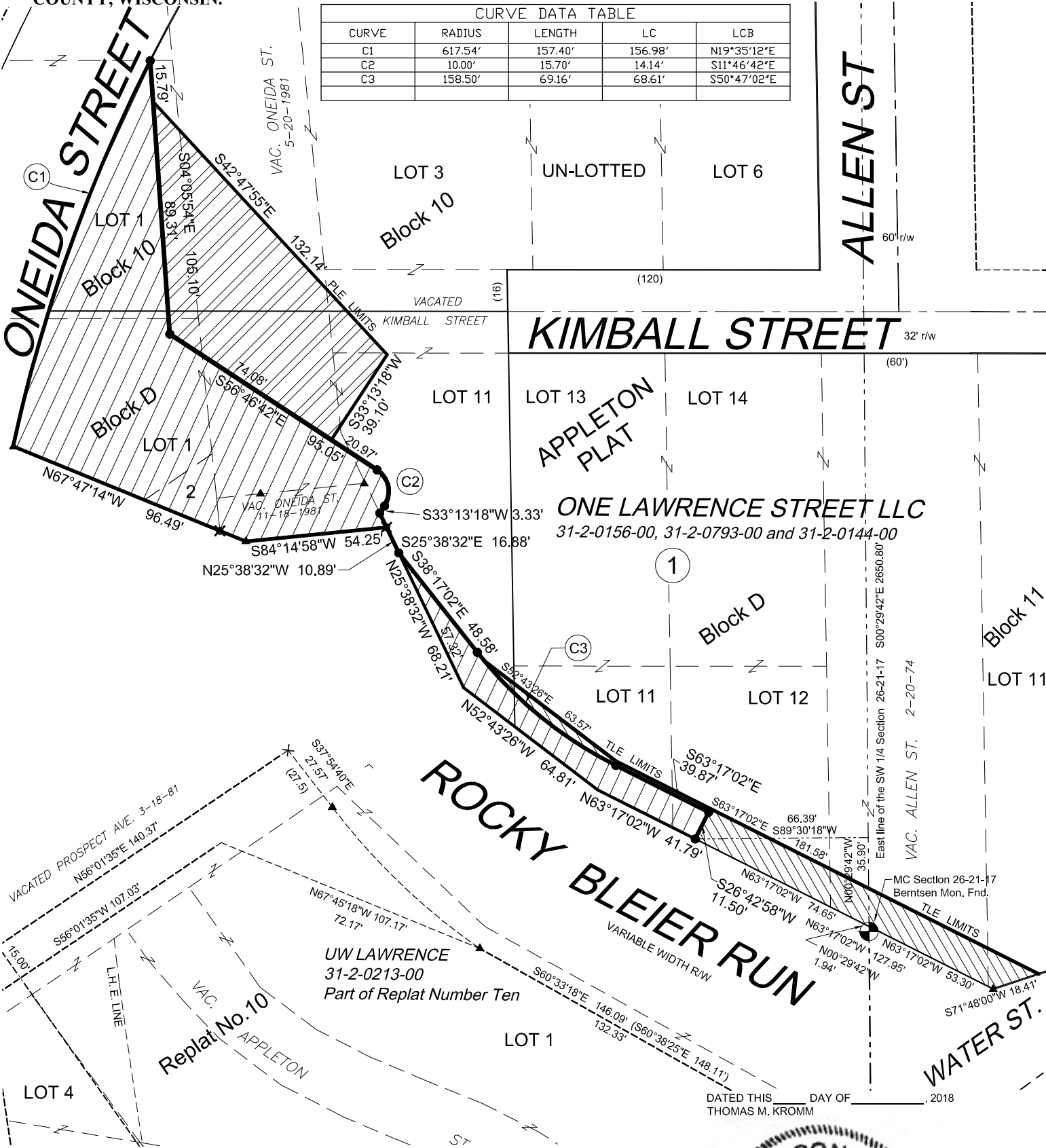
Printed Name: _____
Notary Public, State of Wisconsin
My commission is/expires: _____

This instrument was drafted by:
James P. Walsh, Appleton City Attorney
City Law: A18-0029

EXHIBIT "A"

ROCKY BLEIER RUN AND WATER STREET

RIGHT-OF WAY MONUMENTATION MAP, LOCATED IN THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, SOUTH LINE OF THE SW 1/4 OF SECTION 26, T.21N., R.17E., RECORDED TO BEAR N.89°58'34"W.



LEGEND

- = 3/4" x 24" Iron Rebar set
- ✕ = Iron Rebar Found
- ⊙ = Government Corner
- ▲ = Iron Pipe Found
- ⊕ = Chisel Mark Found
- - - = Historic Parcel Line
- () = Measurement of Record
- [Hatched] = Acquisition(Fee) Area
- [Diagonal Lines] = Temporary Limited Easement
- [Cross-hatched] = Permanent Limited Easement



SCHEDULE OF LAND AND INTERESTS REQUIRED

PARCEL NO.	SHEET NO.	OWNER	INTEREST	NEW AREA	EXISTING	REMAINING
1	1	ONE LAWRENCE STREET, LLC	FEE	11,347 SQ. FT.	174,815 SQ. FT. M/L	163,453 SQ. FT. M/L
1	1	ONE LAWRENCE STREET, LLC	TLE	1,995 SQ. FT.	N/A	N/A
1	1	ONE LAWRENCE STREET, LLC	PLE	5,138 SQ. FT.	N/A	N/A

CITY OF APPLETON
DEPT. OF PUBLIC WORKS
ENGINEERING DIVISION
100 NORTH APPLETON STREET
APPLETON, WI 54911
920-832-6474
DRAFTED BY: T. KROMM
H:\Acad\row acq\2017\RockyBleier_1_Lawrence_St\LLC_1228_2017

EXHIBIT B

Legal Description for Acquisition 1 LAWRENCE STREET, LLC

TAX PARCEL: 31-2-0156-00, 31-2-0793-00 and 31-2-0144-00

Owner: 1 Lawrence Street, LLC, a Wisconsin limited liability company

Document: W.D. Document Nos. 2095916 and 2095911

Fee Interest: 11,347 total Sq. Ft. of new right of way

A portion of land for street right way, containing 11,346 square feet of land m/l and being all those lands of the owner within the following described area:

A part of Lot One (1), in Block Ten (10) and a part of Lot's One (1), Two (2), Eleven (11) and Twelve (12) in Block D and a part of vacated Oneida Street lying between said Blocks Ten (10) and Block D, **SECOND WARD PLAT (AKA APPLETON PLAT)**, according to the recorded Assessor's Plat of the City of Appleton, all being located in the SE ¼ of the SW ¼ of Section Twenty-Six (26), Township Twenty-One (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin and being further described by:

Commencing at the South ¼ corner of said Section 26;

Thence North 00°29'42" West 289.04 feet along the East line of the SW ¼ of said Section 26 to a Meander corner of said South ¼ corner;

Thence continue North 00°29'42" West 35.90 feet along the East line of the SW ¼ of said Section 26;

Thence South 89°30'18" West 66.39 feet to the Northeasterly line of Rocky Bleier Run and being the point of Beginning;

Thence North 63°17'02" West 41.79 feet coincident with the Northeasterly line of Rocky Bleier Run;

Thence North 52°43'26" West 64.81 feet coincident with the Northeasterly line of Rocky Bleier Run;

Thence North 25°38'32" West 68.21 feet coincident with the Northeasterly line of Rocky Bleier Run;

Thence South 84°14'58" West 54.25 feet coincident with the Northerly line of Rocky Bleier Run;

Thence North 67°47'14" West 96.49 feet coincident with the Northeasterly line of Rocky Bleier Run to the Southeasterly line of Oneida Street (aka Oneida Skyline Bridge) per Wisconsin Department of Transportation Right of Way Plat 1657-2-21;

Thence Northeasterly 157.40 feet along the arc of a curve to the right having a radius of 617.54 feet and the chord of which bears North 19°35'12" East 156.98 feet and being coincident with the Easterly line of Oneida Street per Wisconsin Department of Transportation Right of Way Plat 1657-2-21;

Thence South 04°05'54" East 105.10 feet;

Thence South 56°46'42" East 95.05 feet;

Thence Southeasterly 15.70 feet along the arc of a curve to the right having a radius of 10.00 feet and the chord of which bears South 11°46'42" East 14.14 feet;

Thence South 33°13'18" West 3.33 feet;

Thence South 25°38'32" East 5.99 feet to an existing bend point in Rocky Bleier Run;

Thence continue South 25°38'32" East 10.89 feet coincident with the Northeasterly line of Rocky Bleier Run;

Thence South 38°17'02" East 48.58 feet;

Thence Southeasterly 69.16 feet along the arc of a curve to the left having a radius of 158.50 feet and the chord of which bears South 50°47'02" East 68.61 feet;

Thence South 63°17'02" East 39.87 feet;

Thence South 26°42'58" West 11.50 feet to the point of beginning.

Part of Tax Parcel Nos. 31-2-0156-00, 31-2-0793-00 and 31-2-0144-00

SEE ALSO ATTACHED EXHIBIT "A"

EXHIBIT C

Legal Description for Temporary Limited Easement 1 LAWRENCE STREET, LLC

A temporary limited easement for the purpose of facilitating adjacent construction and also grading, containing 1,995 square feet of land m/l and being all those lands of the owner within the following described area:

A part of Lot Eleven (11) and Twelve (12) in Block D and a part of Lot Eleven (11) in Block Eleven (11) and a part of Vacated Allen Street lying between said Block D and Block 11, **SECOND WARD PLAT (AKA APPLETON PLAT)**, according to the recorded Assessor's Plat of the City of Appleton, all being located in the SE ¼ of the SW ¼ of Section Twenty-Six (26), Township Twenty-One (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin and being further described by: Commencing at the South ¼ corner of said Section 26;
Thence North 00°29'42" West 289.04 feet along the East line of the SW ¼ of said Section 26 to a Meander corner to said South ¼ corner;
Thence continue North 00°29'42" West 1.94 feet along the East line of the SW ¼ of said Section 26 to the Northeasterly line of Rocky Bleier Run and being the point of Beginning;
Thence North 63°17'02" West 74.65 feet coincident with the Northeasterly line of Rocky Bleier Run;
Thence North 26°42'58" East 11.50 feet;
Thence North 63°17'02" West 39.87 feet;
Thence Northwesterly 65.02 feet along the arc of a curve to the right having a radius of 158.50 feet and the chord of which bears North 51°31'54" West 64.57 feet;
Thence South 52°43'26" East 63.57 feet;
Thence South 63°17'02" East 181.58 feet to the Northwesterly line of Water Street;
Thence South 71°48'00" West 18.41 feet coincident with the Northwesterly line of Water Street to the Northeasterly line of Rocky Bleier Run;
Thence North 63°17'02" West 53.30 feet coincident to the Northeasterly line of Rocky Bleier Run to the point of beginning.

Part of Tax Parcel Nos. 31-2-0156-00 and 31-2-0793-00

SEE ALSO ATTACHED EXHIBIT "A"

EXHIBIT D

Legal Description for Permanent Limited Easement 1 LAWRENCE STREET, LLC

A permanent limited storm sewer easement, containing 5,138 square feet of land m/l and being all those lands of the owner within the following described area:

A part of Lot One (1) in Block Ten (10) and a part of Lot's One (1) and Eleven (11) in Block D and a part of vacated Oneida Street lying between said Block Ten (10) and Block D and a part of vacated Kimball Street lying between said Block Ten (10) and Block D, **SECOND WARD PLAT (AKA APPLETON PLAT)**, according to the recorded Assessor's Plat of the City of Appleton, , all being located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section Twenty-Six (26), Township Twenty-One (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin and being further described by:

Commencing at the South $\frac{1}{4}$ corner of said Section 26;
Thence North 00°29'42" West 289.04 feet along the East line of the SW $\frac{1}{4}$ of said Section 26 to a Meander corner to said South $\frac{1}{4}$ corner;
Thence continue North 00°29'42" West 35.90 feet along the East line of the SW $\frac{1}{4}$ of said Section 26;
Thence South 89°30'18" West 66.39 feet to the Northeasterly line of Rocky Bleier Run;
Thence North 63°17'02" West 41.79 feet coincident with the Northeasterly line of Rocky Bleier Run;
Thence North 52°43'26" West 64.81 feet coincident with the Northeasterly line of Rocky Bleier Run;
Thence North 25°38'32" West 68.21 feet coincident with the Northeasterly line of Rocky Bleier Run;
Thence South 84°14'58" West 54.25 feet coincident with the Northerly line of Rocky Bleier Run;
Thence North 67°47'14" West 96.49 feet coincident with the Northeasterly line of Rocky Bleier Run to the Southeasterly line of Oneida Street (aka Oneida Skyline Bridge) per Wisconsin Department of Transportation Right of Way Plat 1657-2-21;
Thence Northeasterly 157.40 feet along the arc of a curve to the right having a radius of 617.54 feet and the chord of which bears North 19°35'12" East 156.98 feet and being coincident with the Easterly line of Oneida Street per Wisconsin Department of Transportation Right of Way Plat 1657-2-21;
Thence South 04°05'54" East 15.79 feet to the point of Beginning;
Thence South 42°47'55" East 132.14 feet;
Thence South 33°13'18" West 39.10 feet;
Thence North 56°46'42" West 74.08 feet;
Thence North 04°05'54" West 89.31 feet to the point of beginning.

Part of Tax Parcel Nos. 31-2-0793-00 and 31-2-0144-00

SEE ALSO ATTACHED EXHIBIT "A".

DEVELOPMENT AGREEMENT

THIS AGREEMENT is made by and between the CITY OF APPLETON, a Wisconsin municipal corporation (hereinafter referred to as “the City”) and NORTH EDGEWOOD ESTATES DEVELOPMENT, LLC, (hereinafter called “Developer”).

WITNESSETH:

WHEREAS, certain lands known as North Edgewood Estates Development (hereinafter defined below as the “Land”) are located in proximity to the City and are in the City’s future growth area; and

WHEREAS, each of the City and the Developer desire to set forth their respective duties and responsibilities with respect to the development of the Land.

NOW, THEREFORE, in consideration of the mutual promises herein contained, the parties agree as follows:

SECTION 1

Definitions

1.1 “Developer” shall mean North Edgewood Estates Development, LLC, its successor, assigns, and/or designees.

1.2 “Development Control” shall mean the comprehensive supervision of construction of all Public Improvements within an Administrative Project Area as such supervision is necessary to insure conformity with the provisions of this Agreement. Development Control shall be exercised by the Developer, in accordance with all applicable state, federal laws and City ordinances, however the Developer shall have discretion on the selection of those contractors who perform such work within the scope of such ordinances. All construction of public improvements performed by the Developer, shall be performed by

contractors who are pre-qualified contractors by the City of Appleton. Construction of Public Improvements shall be inspected and approved by City employees.

1.3 The “Land” shall mean that real property described in ***Exhibit A*** attached to this Agreement.

1.4 “Off-Site” shall mean those Public Improvements which are outside the boundaries of the Land except for those Public Improvements which abut or are adjacent to the Land.

1.5 “Public Improvements” shall mean streets, curbs, gutters, sidewalks, bridges, culverts, drainage structures, stormwater ponds, water and sewer facilities, pumps, pump houses, lift stations, transmission and service lines, manholes, fire hydrants, traffic and street signs, street lighting, and other such improvements which are to be dedicated to the City for public use as required in either this Agreement or subsequent agreements entered into between the City and the Developer as well as ordinances of the City, which are applicable City-wide and not just to the Land; however, standards regarding parks and common ground dedicated to the City by the Owner Developer may have restrictions and standards which vary and/or may be more restrictive than the ordinances of the City, if agreeable to both parties hereto.

1.6 The “City” shall mean that Wisconsin home rule municipal corporation now known as the City of Appleton, Wisconsin, and shall include any successor entity to said municipal corporation.

1.7 “Lot” shall mean any platted lot or lot designated by Certified Survey Map within the Land which is designated for residential use.

1.8 “Homeowner” shall mean the owner of any Lot which shall or does utilize the Lot as the site of their family residence.

SECTION 2

Approving and Organizational Documents

2.1 The City has approved, or the City agrees to the extent provided herein, to approve and to subsequently execute where appropriate, the following:

(a) A resolution approving the execution of this agreement;

(b) The following shall be included therein as enforceable terms with the Developer being a beneficiary in these provisions: (a) the Land shall be permitted to be improved (including, but not limited to, landscaping and buildings) pursuant to the ordinances of the City; (b) the width of the dedicated roadways within the Land shall meet City requirements, which will be determined at time of platting; (c) Developer shall dedicate ten (10) feet for street right-of-way along French Road; (d) City shall accept fee title, at the City's sole discretion, to the outlots indicated on Exhibit A designated as outlots for storm water and/or lift station purposes (on a phase by phase basis subject to minor revisions by the Developer). The Developer shall deed title to all ponds within the Land, necessary for stormwater, to the City upon completion of construction and approval by City.

2.2 All of the above documents described in Section 2.1 shall be collectively referred to herein as the "Approving and Organizational Documents".

2.3 **Ponds.** Maintenance. Maintenance of the ponds and the landscaped perimeter within the outlots shall be the responsibility of the City. The parties recognize that the City's primary interest in the ponds is for the pond's use as regional stormwater retention facilities. Upon acceptance of said ponds by the City, the City shall be owner of the ponds and Developer will be able to drain stormwater into said ponds.

SECTION 3

Public Improvements and Assessments

3.1 Except for items identified in Exhibit C no City Costs (non-assessable per Development Agreement) and City Costs (assessable), the Developer shall be responsible for the installation of the following in the Proposed Development, to the standards set forth by the City and pursuant to Section 4 below:

- (a) Sanitary sewer mains, manholes and laterals;
- (b) Water mains, valves, hydrants, hydrant leads, fittings, and services;
- (c) Storm sewer mains, manholes, catch basins, inlet leads, overland flow paths, yard drains, stormwater ponds and associated piping and laterals;
- (d) Storm water facilities necessary to meet storm water management requirements for the development;
- (e) Street excavation and graveling, terrace seeding, lot filling, grading and seeding and all associated construction site erosion control measures;
- (f) Street lights;
- (g) Temporary lift station, forcemain and electrical services to the station to serve the development; and
- (h) All other infrastructure required for development not specifically set forth in this agreement.

3.2 The Developer shall provide an estimate for items 3.1(a) – 3.1(h) prior to the installation of the items.

3.3 The Developer shall provide a fully executed and signed *Waiver of Special Assessment Notices and Hearing in **Exhibit B***, acknowledging consent to pay Special

Assessment levied by the City for the following items to be furnished and/or installed by the City:

- (a) Sanitary Sewer Area Assessment;
- (b) Connection fees for sanitary sewer and watermain in French Road;
- (c) Televising of sanitary and storm sewer lines;
- (d) Street Name Signs;
- (e) Traffic Control Signs;
- (f) Concrete Pavement abutting lots owned by the Developer at the time of concrete paving;
- (g) Sidewalks installed on lots owned by the Developer at the time of concrete paving.

An estimate of up-front City costs and associated special assessments to be paid by the Developer for items 3.3(a) – 3.3(g) is attached hereto at ***Exhibit C***. The actual final costs for items 3.3(a) – 3.3(g) will be used as the basis for the amount of the special assessments billed to the Developer.

3.4 The Developer anticipates developing the land in three phases. Costs for the Sanitary Sewer Area Assessment and Connection fees for sanitary sewer and watermain in French Road shall be assessed to the Developer in three equal phases. Said assessments shall be assessed as each plat is submitted for each phase of the development.

3.5 The Developer shall provide the City with copies of all final costs, invoices, labor costs, the contract documents and specifications, design documentation, all contract administration supporting documentation, an itemized list of all expenses for the installation of sanitary sewer, storm sewer, water main, street excavation and graveling, and street lights for the

Proposed Development. Said information provided by Developer shall meet City's Infrastructure Adjustment Form requirements. The Developer's design engineer shall perform the construction staking and the City shall inspect the same.

3.6 The Developer's contractor shall perform the testing of the water main, sanitary sewer, storm sewer and compaction of fill material placed in future roadway areas of the Proposed Development under the supervision of City of Appleton inspectors.

3.7 The Developer shall provide lien waivers to the City from prime contractor, subcontractors, suppliers and consultants within 60 days of the installation of the items in Section 3.1.

3.8 The Developer agrees to convey by deed or dedication to the City all the streets, roads, courts, avenues, drives, public ways, and storm water facilities in the Proposed Development. Developer further agrees to convey any public access ways by dedication or easement to the City. All public improvements contemplated in the final plat shall be constructed within areas to be dedicated to the City either by deed, dedication or easement as contemplated in the final plat and this agreement.

3.9 The Developer shall establish a level loop on the hydrant(s) in the Proposed Development and a copy of all benchmarks shall be provided to the City.

3.10 The City agrees to accept the dedication of all the Public Improvements in the Proposed Development, whether by deed, dedication or easement subject to the City's Acceptance of the Public Improvements in accordance with and subject to the terms of the City's Subdivision Ordinance.

3.11 The Developer shall repair or replace, as directed by the City and to the City's satisfaction, at its own cost, any damage caused to City property by the installation of the

improvements in the Proposed Development, which shall be completed within six (6) months notification by the City to the Development of the need to repair or replace such damage.

3.12 Concrete streets shall be installed only after 75% of the lots in the Proposed Development have been issued building permits or after a 7-year period from the date of official street opening, whichever comes first.

3.13 The schedule for the Proposed Development is set forth in Exhibit C and Exhibit D and shall be as follows:

(a) Infrastructure installation may commence after City approval of the Final Plat, Drainage Plan, Established Grades, Storm Water Management Plan, Construction Plans, Construction Specifications and procurement of all necessary City and Regulatory Agency permits.

(b) Building permits may be issued upon City approval and acceptance of all infrastructure. Streets must be officially opened to the public by the City Engineer prior to the issuance of building permits.

SECTION 4

Dedication and Warranty of Public Improvements

4.1 The City shall install and dedicate Public Improvements outside the Land, as are necessary to serve the Land. All public construction within the territory of the Development shall be dedicated in the manner specified by the City. The City agrees to obtain easements by purchase, dedication or condemnation necessary to install all required public utilities, including, but not limited to, sanitary sewer and water for properties outside the Development Area. The Developer shall be responsible to obtain any easements or dedications necessary for the installation of all required public utilities, including, but not limited to, sanitary sewer and water

inside the Development Area. In addition, the Developer shall be responsible to obtain any floodplain easements that may result from any increases in FEMA floodplain elevation. The parties agree to cooperate with all normal and necessary private utilities including, but not limited to, electricity, natural gas, telephone, and cable television by allowing them to utilize the easements, consistent with the needs of the other respective easement holders, for the installation and maintenance of their respective utilities. Public utilities within the Development Area shall be constructed at the expense of the Developer and without obligation of the City. All public improvements shall be constructed according to engineering plans and specifications approved by the City.

4.2 The City shall accept for continual maintenance all Public Improvements and such other improvements which are mutually agreed to be constructed and dedicated to the public, as soon as the same are located within the Land and built to City standards.

4.3 Once agreed to by the City and the Developer, the plans and specifications for Public Improvements shall not be amended except by written change orders, pursuant to mutual agreement. No change order for Public Improvements shall be made without prior written approval of the City, which approval shall not be unreasonably withheld.

4.4 Public Improvements within the Development may be constructed in phases, subject to prior approval by the City. Once the construction of improvements is completed, tested, and approved for any distinct portion of a phase the Developer may obtain building permits for that portion of said phase, provided such construction is pursuant to a City-approved construction phasing schedule.

4.5 The City shall install non-assessable and assessable public improvements identified respectfully in Exhibit C as “City Costs (non-assessable per Development

Agreement)” and “City Costs (assessable)” pursuant to this agreement based on the schedule depicted in *Exhibit D* unless a modification is mutually agreed upon by both parties.

SECTION 5

Final Acceptance of Public Improvements

5.1 Final approval of the Public Improvements constructed within the Development, shall be obtained from the Director of Public Works or their designee.

5.2 Public Improvements which are to be constructed in phases shall be finally accepted in such phases.

SECTION 6

Water and Water Related Public Improvements

6.1 The City shall furnish water to the boundary of the Land. The City shall be responsible for providing such water utility improvements to the Land, recouping the costs of the improvements through normal City assessment procedures. The Developer shall be solely responsible for the installation of utility improvements to provide water service within the Land including any oversizing that may be required to serve the entire growth area.

All plans and specifications for the design of the infrastructure and water improvements within the boundaries of the Land shall be subject to the approval of the City’s Department of Public Works prior to the beginning of construction. Such approval shall not be unreasonably withheld.

6.2 In instances where this Agreement, or the ordinances of the City or the rules and regulations of the City do not set forth criteria for particular uses for the water supplied to the Land by the City, the criteria for uses may be proposed by Developer subject to the City’s

approval utilizing generally accepted criteria, which approval shall not be unreasonably withheld.

6.3 The parties agree to cooperate fully in all matters concerning the development of the water system, including, but not limited to, securing of permits, implementation of augmentation plans and acquisition of all rights-of-way and easements necessary for such water system. It is agreed that the obtaining of such rights-of-way and easements outside the boundary of the Land is the responsibility of the City whether by voluntary agreement or condemnation. It is further agreed that providing of such rights-of-way and easements is the responsibility of the Developer within the boundaries of the Land.

SECTION 7

Sanitary Sewer

7.1 The City agrees that it shall provide such sewer utilities improvements up to the Land as may be required recouping the cost of same through normal City assessment procedures. The Developer shall be solely responsible for providing sanitary sewer infrastructure on the Land including installation of any oversize sewer that may be required to serve the entire growth area.

7.2 The City shall include in its 2019 Budget, funding for the acquisition and installation of one (1) lift station and associated forcemain to service the Development. The Developer shall be solely responsible for providing a dedicated outlot for the construction and future maintenance of the City's lift station. Except as provided in Exhibit C and Exhibit D, the Developer shall be solely responsible for all costs related to the installation of sanitary sewer, temporary lift station and temporary forcemain, within the Development. All plans and specifications for the design of the infrastructure and sanitary sewer improvements within the

boundaries of the Development shall be subject to the approval of the City's Department of Public Works prior to the beginning of construction.

7.3 Under any of the circumstances set forth herein, the City shall permit the Developer to connect with the City's sanitary sewer system at such reasonably accessible and economically feasible locations as determined by the City.

7.4 The parties agree to cooperate fully in all matters concerning the development of the sanitary sewer and sanitary sewer system, including, but not limited to, securing of permits, implementation of augmentation plans and acquisition of all rights-of-way and easements. It is agreed that the obtaining of such rights-of-way and easements is the responsibility of the Developer. The City's lift station contract will not be advertised for bid until the Developer provides recorded copies of the necessary easements for the forcemain/sanitary sewer and dedicated Outlot for the lift station.

7.5 The Developer shall be responsible for the removal and abandonment of the temporary lift station. The City shall be responsible for the abandonment of the temporary forcemain. The pumping equipment and control panels shall be retained by the Developer.

SECTION 8

Approvals, Permits, Plans and Plan Amendments

8.1 The parties agree to cooperate (i) in application for new permits or the amendment of existing permits, (ii) in the adoption of new plans and in the amendment of existing plans or plans approved in connection herewith, or (iii) in obtaining any and all other necessary or desirable certificates or approvals so as to effectuate the provisions of this Agreement.

8.2 Plats and plans requiring signatures of City officials shall be executed and recorded subsequent to the approval by the City Council and satisfaction of any conditions identified on the plat, provided (i) said plat or plan has been executed by all other required parties, (ii) the required fees for such plat or plan have been paid, (iii) other ordinance requirements pertaining to such plat or plan are currently being satisfied by Developer, and (iv) requirements of any applicable subdivision improvement agreement relating to such plat or plan are currently being satisfied by Developer, and are not in default. All such recording, filing and requirements shall be pursuant to those applicable specifications and requirements as described in the Wisconsin Statutes.

SECTION 9

Park Land Dedication

9.1 In lieu of dedication, Developer shall pay \$300 per lot in accordance with Appleton Municipal Code Sec. 17-29. Payment shall be made before approval may be affixed to the Final Plat.

SECTION 10

Streets

10.1 All streets within the Development shall be public streets and developed to current City of Appleton standards.

10.2 The City shall include in its 2020 Budget, funding for all costs associated with a second access point to the land necessary for Phase II of the Development, and the City shall install such improvements identified in Exhibit C as City Costs (non-assessable per Development Agreement) based on the schedule depicted in Exhibit D unless a modification is mutually agreed upon by both parties.

10.3 The City shall include in its 2020 Budget, funding for all costs associated with design and construction of the box culvert necessary to serve Phase II of the Development, and the City shall install such improvements identified in Exhibit C as City Costs (non-assessable per Development Agreement) based on the schedule depicted in Exhibit D unless a modification is mutually agreed upon by both parties.

SECTION 11

Stormwater

11.1 Except as set forth in Exhibit C, the Developer shall bear all costs associated with wetland delineation, stormwater management plans, erosion control plans, modeling, permitting, etc. to serve the Development, including any modeling required for the City's design of the box culvert.

11.2 The City shall accept responsibility for all detention ponds within the Land utilized in the storm water management plan conditioned upon being built to City's standards, and compliance with a maintenance manual, prepared by the Developer, for each detention pond. The City shall determine if each pond has been built to City's standards, and such standards shall include the establishment of self-sustaining native vegetation. Each pond shall be constructed with a minimum ten-foot (10') buffer for access between the top of the pond slope and the adjacent property line.

SECTION 12

Annual Tax Guarantee

12.1 The City agrees to uniformly apply tax assessment procedures and practices with respect to the property and the Development in accordance with state law regarding property tax assessments. Notwithstanding the foregoing, Developer shall pay to the City the minimum real

estate tax payment for the years and in accordance with the formula as set forth below. It is the intent of this provision that the Developers Minimum Real Estate Tax Payment shall be in such an amount as will fully amortize the City's \$2,392,215 contribution to the project over a 12-year period commencing with tax payments made in 2028, for the tax year 2027, and ending with the year 2039, for tax year 2038. The guaranteed value, for the purposes of this Agreement, is to be \$29,000,000.

12.2 The Minimum Real Estate Tax Payment shall be paid in the following manner: Commencing with the 2028 calendar year (for the tax year 2027) and for each calendar year thereafter to 2039, the Developer shall pay to the City the deficit, if any, between the amount of property taxes generated by the development and the amount of property taxes generated based on a \$29,000,000 assessed value (Minimum Real Estate Payment). If the amount of the actual real estate tax payments exceeds the Minimum Real Estate Tax Payment, no additional payment shall be due from Developer.

12.3 By August 15, starting with calendar year 2028, the City shall provide Developer with: (1) an itemization of the actual real estate tax payments received from the Development, and (2) a calculation in the amount, if any, by which the Minimum Real Estate Tax payment for the Development for such calendar year exceeds the actual real estate tax payment allocable to the Development for the preceding calendar year. If for any given calendar year the Minimum Real Estate tax Payment exceeds the actual real estate tax payment, developer shall pay the amount of such excess to the City. If the amount of the actual real estate tax payment exceeds the Minimum Real Estate Tax Payment, no additional payment shall be due from Developer.

SECTION 13

Performance of Obligations – Remedies

13.1 Developer is entering into this Agreement and undertaking the obligations imposed upon the Developer herein contained in reliance upon the City's supplying of sewer and water service to the Development as previously outlined herein including, but not limited, to as set forth in Exhibit C and Exhibit D. Performance of the obligations of the Developer hereunder is expressly conditioned upon the Developer being permitted by the City to develop the Land in substantial conformity with *Exhibit E*, as Land is acquired by the Developer and/or an entity controlled by the managing partner of the Developer and providing necessary infrastructure and services utilizing the water and sewer systems of the City.

13.2 It is understood and agreed by the parties hereto that the remedies provided in this Section and Agreement are not exclusive, and that the parties hereto shall have all available remedies in law or equity, including, but not limited to, specific performance and injunctive relief.

13.3 The Developer has agreed to enter into this Agreement in reliance on (i) the Master Development Plan for the "Land" being mutually agreed upon by the parties, and (ii) the City providing sewer and water service to the Development site as previously indicated.

SECTION 14

Notices

14.1 All notices, statements and other communications given hereunder shall be made in writing by personal delivery or by mailing the same by certified mail, return receipt requested, or by next day express delivery, addressed to the other as aforesaid, and the date of such personal delivery the next day if any express delivery, or the date five (5) days after such mailing shall be

deemed the date on which such notice is effective. Except as otherwise specified herein, all notices sent to the City hereunder shall be directed to the attention of the Mayor.

CITY: Kami Lynch, City Clerk
City of Appleton
100 North Appleton Street
Appleton, WI 54911-4799
Telephone: 920/832-6443
Facsimile: 920/832-5823

With a copy to: James P. Walsh, City Attorney
City of Appleton
100 North Appleton Street
Appleton, WI 54911-4799
Telephone: 920/832-6423
Facsimile: 920/832-5962

DEVELOPER: North Edgewood Estates Development, LLC
Attn : Kurt Coenen
3117 East Canvasback Lane
Appleton, WI 54913

With a copy to: Attorney Thomas J. Wroblewski
Wroblewski Law Office
180 Main Street
Menasha, WI 54952
tjw@wroblewskilaw.com

14.2 In addition to the notices hereinabove required, City agrees to notify Developer, pursuant to the provisions of this Section, of any action contemplated by the City which would materially affect the provisions set forth in this Agreement.

SECTION 15

Binding Effect

15.1 This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

15.2 This Agreement is binding and runs with the land.

15.3 This Agreement may be amended only by mutual agreement of the parties.

15.4 This Agreement is contingent upon the property being annexed to the city of Appleton.

SECTION 16

Approval of Common Council

16.1 This Agreement was considered by the Common Council at their regular meeting held on _____, and approved by a vote of ____ for and ____ against.

DONE AND SIGNED this ____ day of _____, 2018, at Appleton, Wisconsin.

[SIGNATURES BEGIN ON NEXT PAGE]

CITY OF APPLETON

By: _____
Timothy M. Hanna, Mayor

ATTEST:

By: _____
Kami Lynch, City Clerk

STATE OF WISCONSIN)
 : ss.
OUTAGAMIE COUNTY)

Personally came before me this ____ day of _____, 2018, Timothy M. Hanna, Mayor and Kami Lynch, City Clerk, of the City of Appleton respectively, to me known to be the persons who executed the foregoing instrument and acknowledged the same in the capacity and for the purposes therein intended.

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

APPROVED AS TO FORM:

James P. Walsh, City Attorney

**NORTH EDGEWOOD ESTATES
DEVELOPMENT, LLC**

By: _____
Printed Name: _____
Title: _____

By: _____
Printed Name: _____
Title: _____

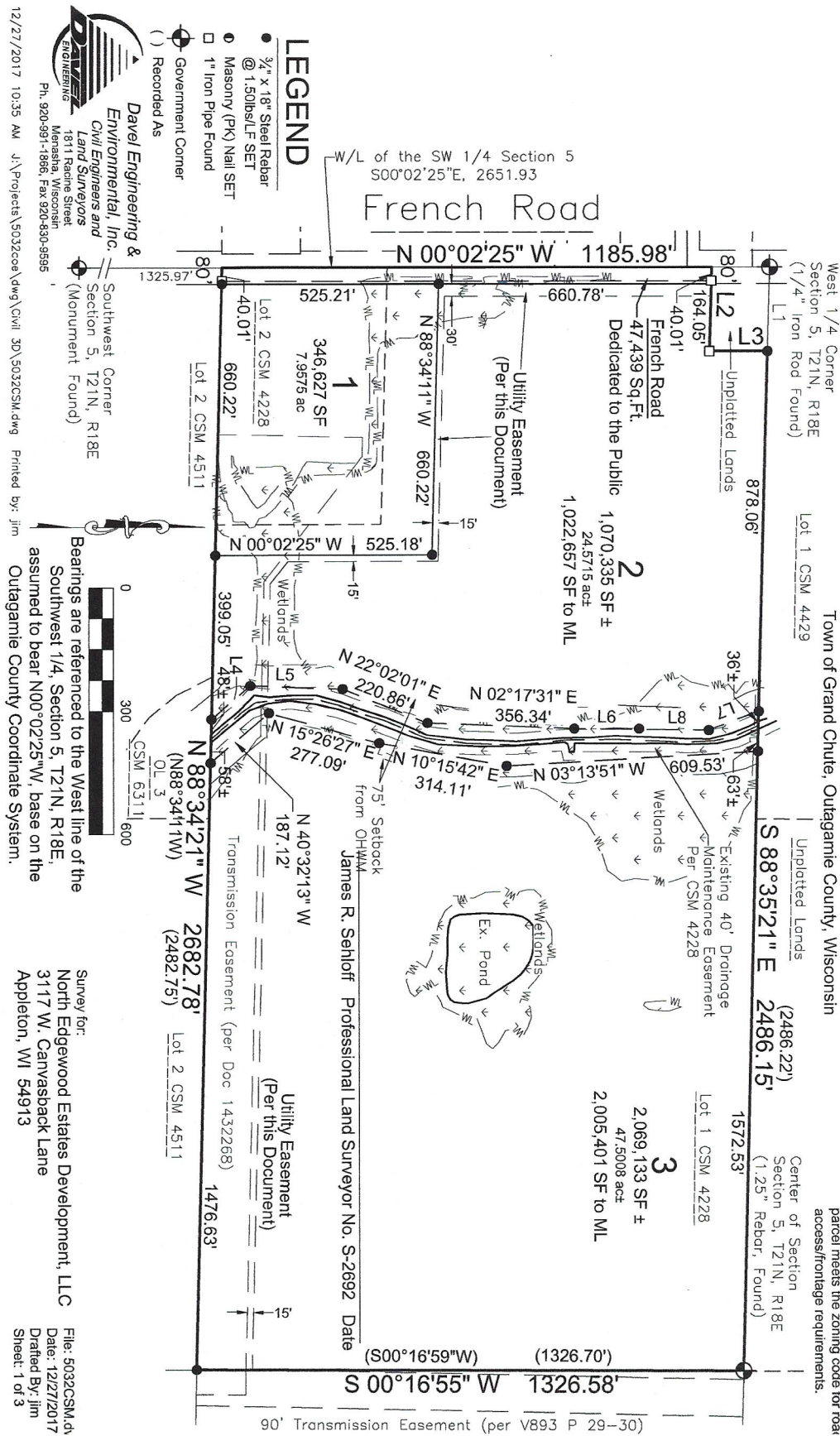
STATE OF WISCONSIN)
 : ss.
_____ COUNTY)

Personally came before me this ____ day of _____, 2018,
_____ and _____, to me known to
be the persons who executed the foregoing instrument and acknowledged the same in the
capacity and for the purposes therein intended.

Printed Name: _____
Notary Public, State of Wisconsin
My commission is/expires: _____
City Law: A17-0788 Last Update: 01-05-2018

All of Lot 1 and Lot 2 of CSM 4228, being part of the Northwest 1/4 of the Southwest 1/4 and all of the Northeast 1/4 of the Southwest 1/4 of Section 5, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin

access/1101149e1equnententis.



North Edgewood Estates

January 3, 2018

Total C/L Footage: 8,300 Ft.

Number of Lots: 129

Total Pavement Area: 35,000 SY +/-

Total Lot Area: 2,607,248 SF (59.85 Acres)

CITY COSTS (Non-Assessable Per Development Agreement)	TOTAL PROJECT COSTS	2018 Preliminary Engineering	2019 Design & Construction	2020 Design & Construction	2021 Construction	2022 (or later)	NOTES / COMMENTS
City Administrative Fees (Incl. Plan Review, Inspection, As-builts...)	\$66,400.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$6,400.00	(8,300 C/L Ft.) x (\$8.00 / C/L. Ft.)
Temporary Asphalt (inside plat limits)	\$525,000.00	\$0.00	\$175,000.00	\$0.00	\$175,000.00	\$175,000.00	(35,000 s.y.) x (\$15.00/s.y.)
Stream Crossing - Bridge Structure (Design and Construction)	\$260,000.00	\$0.00	\$50,000.00	\$210,000.00	\$0.00	\$0.00	Design(2019): \$50,000; Construction(2020): \$210,000
Sanitary Sewer - Regional Lift Station & Force Main	\$743,500.00	\$100,000.00	\$643,500.00	\$0.00	\$0.00	\$0.00	Design (2018):\$100,000; Construction (2019): Lift Station (\$577,000;Force Main: \$66,500
2nd ACCESS ROAD - STORMWATER (north Plat line to Broadway Drive)	\$250,000.00	\$0.00	\$75,000.00	\$175,000.00	\$0.00	\$0.00	Design(2019): \$75,000; Construction(2020): \$175,000
2nd ACCESS ROAD - LAND (north Plat line to Broadway Drive)	\$157,500.00	\$0.00	\$157,500.00	\$0.00	\$0.00	\$0.00	(3.5 Acres) x (\$45,000/acre)
2nd ACCESS ROAD - G&G (north Plat line to Broadway Drive)	\$205,000.00	\$0.00	\$0.00	\$205,000.00	\$0.00	\$0.00	(8,200 s.y.) x (\$25.00/s.y.)
2nd ACCESS ROAD - ASPHALT (north Plat line to Broadway Drive)	\$123,000.00	\$0.00	\$0.00	\$123,000.00	\$0.00	\$0.00	(8,200 s.y.) x (\$15.00/s.y.)
2nd ACCESS ROAD - STREET LIGHTS (north Plat line to Broadway Drive)	\$25,000.00	\$0.00	\$0.00	\$25,000.00	\$0.00	\$0.00	2,000 C/L Feet
	\$2,355,400.00	\$115,000.00	\$1,116,000.00	\$753,000.00	\$190,000.00	\$181,400.00	
CITY COSTS (Assessable)	TOTAL PROJECT COSTS	2018 Phase 1 Construction	2019	2020 Phase 2 Construction	2021 Phase 3 Construction	2022 (or later)	NOTES / COMMENTS
Sanitary Sewer Area Assessment (assessed per phase)	\$61,555.20	\$20,518.40	\$0.00	\$20,518.40	\$20,518.40	\$0.00	(2,240,000 sq. ft. x \$27.48/1000 sq.ft.)
Sanitary Sewer Connection Fee (assessed per phase)	\$24,729.48	\$8,243.16	\$0.00	\$8,243.16	\$8,243.16	\$0.00	(657 ft.) x (\$37.64 / ft.)
Water Main Connection Fee (assessed per phase)	\$16,562.97	\$5,520.99	\$0.00	\$5,520.99	\$5,520.99	\$0.00	(657 ft.) x (\$25.21 / ft.)
Sewer Televising (estimated cost)	\$11,900.00	\$0.00	\$4,000.00	\$0.00	\$4,000.00	\$3,900.00	(17,000 Lin Ft.) x (\$0.70 / Lin. Ft.)
Street Name / Traffic Control Signs (estimated cost)	\$16,600.00	\$0.00	\$5,500.00	\$0.00	\$5,500.00	\$5,600.00	(8,300 C/L Ft.) x (\$2.00 / C/L. Ft.)
Concrete Pavement (inside plat limits)	\$1,245,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,245,000.00	(8,300 L.F.) x (\$150.00/L.F.)
Concrete Pavement 2nd access road - north Plat line to Broadway Drive)	\$320,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$320,000.00	(2,000 L.F.) x (\$160.00/L.F.)
Sidewalks - with Concrete Pavement (inside plat limits)	\$80,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$80,000.00	(20,000 s.f.) x (\$4.00/s.f.)
	\$1,776,347.65	\$34,282.55	\$9,500.00	\$34,282.55	\$43,782.55	\$1,654,500.00	
DEVELOPER (Up-Front Costs)	TOTAL PROJECT COSTS	2018 Phase 1 Construction	2019	2020 Phase 2 Construction	2021 Phase 3 Construction		NOTES / COMMENTS
Surveying and Engineering	\$272,654.00	\$118,821.00		\$83,403.43	\$70,429.57		
Sanitary Sewer	\$425,460.00	\$134,708.00		\$191,750.00	\$99,002.00		Total \$ amount includes \$49,196 in oversize costs
Stormwater Management / Storm Sewer / Erosion Control	\$853,922.22	\$287,128.89		\$400,793.89	\$165,999.44		
Water Main	\$431,737.00	\$145,399.00		\$197,160.00	\$89,178.00		Total \$ amount includes \$59,416 in oversize costs
Sanitary Laterals	\$100,575.00	\$31,050.00		\$43,875.00	\$25,650.00		Total \$ amount includes \$13,500 in oversize costs
Storm Laterals	\$75,465.00	\$26,910.00		\$26,325.00	\$22,230.00		
Water Services	\$117,390.00	\$41,860.00		\$40,950.00	\$34,580.00		
Grading & Graveling	\$516,268.98	\$174,486.99		\$213,425.84	\$128,356.15		
Street Lights	\$119,000.00	\$49,000.00		\$35,000.00	\$35,000.00		
Private Electric	\$193,500.00	\$69,000.00		\$67,500.00	\$57,000.00		
Private Gas	\$101,880.00	\$34,392.00		\$41,880.00	\$25,608.00		
TOTALS	\$3,207,852.20	\$1,112,755.88	\$0.00	\$1,342,063.16	\$753,033.16	\$0.00	

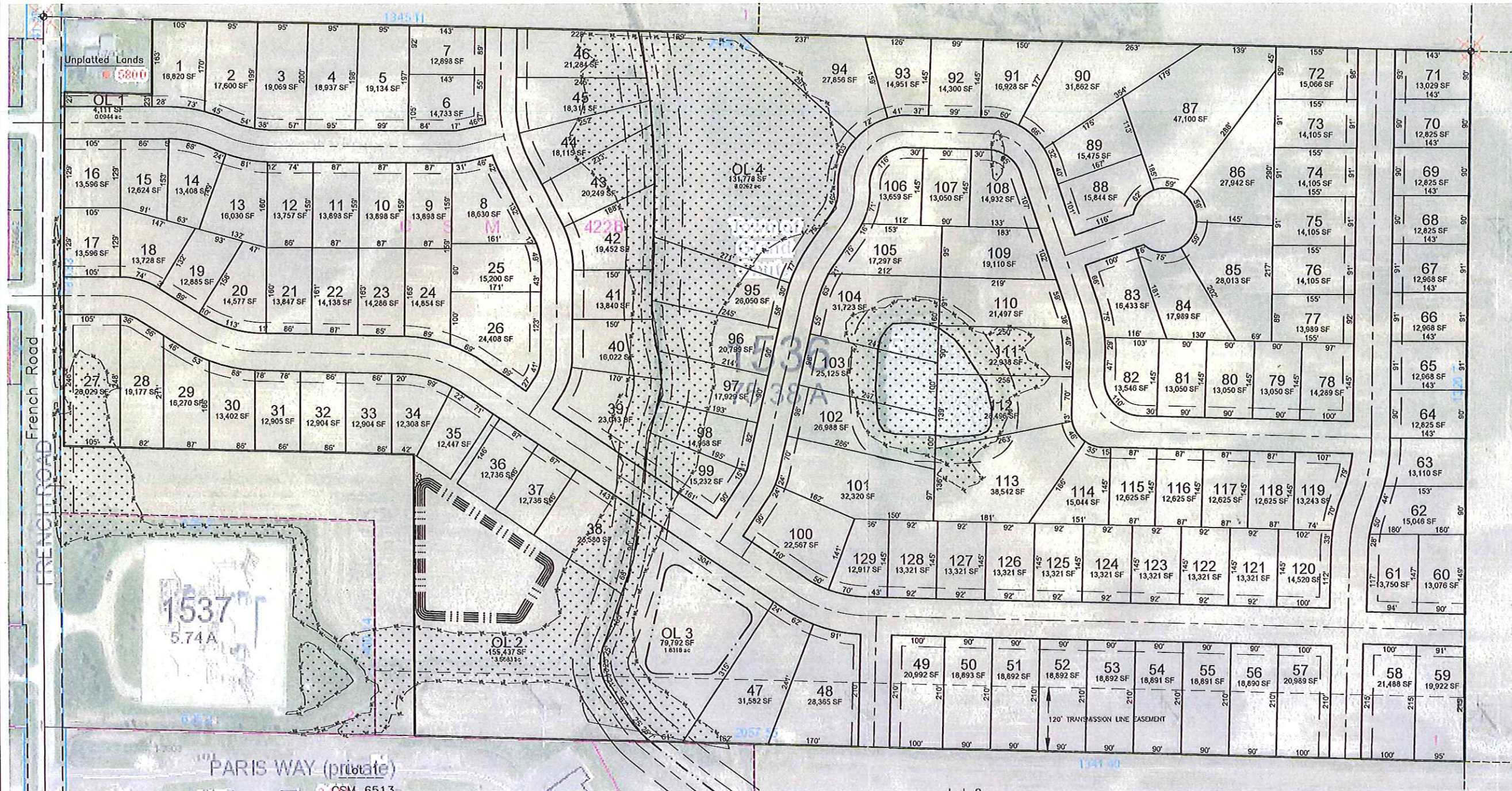
North Edgewood Estates - Schedule

1/4/2018

TASK	2017	2018	2019	2020	2021+	City Expenditures	
Developer hires consultant	X					\$ -	
Developer initiates wetland delineation	X					\$ -	
Development Agreement to Council	X					\$ -	\$ -
Developer annexes property, designs subdivision, plats, drainage plan, stormwater management, permitting, etc.		X				\$ -	
Developer installs temporary lift station and forcemain		X				\$ -	
Developer constructs Phase I infrastructure, grade & gravel, etc. (goal summer of 2018)		X				\$ -	
City designs lift station and force main		X				\$ 100,000	\$ 100,000
City constructs lift station and forcemain			X			\$ 643,500	
City designs bridge, second access and associated stormwater management			X			\$ 100,000	
City acquires property for second access			X			\$ 157,500	\$ 901,000
City constructs bridge				X		\$ 210,000	
City constructs second access				X		\$ 528,000	
City installs temporary asphalt Phase I (includes Sewer TV & street lights)			X			\$ 183,334	
Developer constructs Phase II				X		\$ -	\$ 921,334
City installs temporary asphalt Phase II (includes Sewer TV & street lights)					X	\$ 183,333	
Developer constructs Phase III					X	\$ -	
City installs temporary asphalt Phase III (includes Sewer TV & street lights)					X	\$ 183,333	\$ 366,666
City Admin Fee						\$ 2,289,000	
						\$ 66,400	
						\$ 2,355,400	

Preliminary Concept for North Edgewood Estates

Part of Lot 2 Certified Survey Map 4228 being part of the Northwest 1/4 of the Southwest 1/4 and all of the Northeast 1/4 of the Southwest 1/4 of fractional Section 5, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin



SUPPLEMENTARY DATA

Total Area = 3,139,468 SF 72.0723 acres
 R/W Area = 531,220 SF 12.1951 acres
 Net Area = 2,607,248 SF 59.8542 acres
 Number of Lots = 129
 Average lot size = 13,000 SF
 Typical lot dimension = 90' x 150'
 Lineal feet of street = 8,413 LF
 Existing zoning = AG
 Proposed zoning = R1A
 Approving Authorities
 City of Appleton
 Objecting Authorities
 Department of Administration
 NOTES

Utility and Drainage Easements
 will be shown on Final Plat



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

Department of Utilities
Wastewater Treatment Facility
2006 E Newberry St
Appleton, WI 54915-3128
920-832-5945 tel.
920-832-5949 fax

To: Curt Konetzke and members of the Human Resources Committee

CC: Greg Dannecker and members of the Utilities Committee
Kelli Rindt, Deputy Director of Finance

From: Chris Shaw, Utilities Director

Date: 1/9/2018

Re: *Request to Over Hire - Wastewater Operations Supervisor*

The current Wastewater Operations Supervisor will be retiring on March 30, 2018. The position is critical in the Utility's table of organization. The incumbent has 30+ years of experience of which the last ten have been spent in the current supervisor position.

The position responsibilities include, but are not limited to, supervising 12 operations and maintenance staff, process control decisions for the physical, chemical, and biological processes, and regulatory reporting for state and federal requirements. Furthermore, this supervisor manages the corrective and preventative maintenance programs of the facility and facilitates capital project integration (e.g., \$1.3M of AWWTP improvements in 2018).

In order for a successful transition of the position's successor, I feel the City would benefit from having the incumbent transfer his significant institutional knowledge over a twenty day, over hire, period.

The financial impact for this proposal is approximately \$6,005. The proposed funding to cover this cost will be to utilize vacant salary dollars. As such, no additional budget will be requested.



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POLICE DEPARTMENT

222 South Walnut Street • Appleton, WI 54911-5899
(920) 832-5500 • Fax (920) 832-5553
<http://www.appleton.org/police>

To: Alderperson Konetzke, Human Resources Committee Chairperson
Alderperson Lobner, Safety and Licensing Committee Chairperson

From: Chief Todd Thomas

Date: January 1, 2018

Subject: Table of Organization Proposal

We have been monitoring and evaluating the table of organization changes we have made in the last several years. We have looked for unintended consequences, as well as opportunities to become more efficient and effective. The staffing plan that we have implemented is a continuous process that evaluates community needs, and then looks for ways to use technology and process improvements to address those needs, before we look for additional staffing. Subsequently, I am requesting two modifications to our table of organization so we can better use the resources we have.

Move Support Services Unit to the Investigative Service Captain.

The Support Services Unit consists of a Lieutenant who oversees our hiring and training, an officer, and an administrative support services employee. They currently report directly to the Assistant Chief. This is the only specialty unit that does not report directly to a Captain in their day-to-day operation. When we combined the two Deputy Chief positions into the Assistant Chief position we knew we would have to shift some duties and responsibilities to the Captains. The Support Services Unit would have more direction and interaction from a command staff member from reporting directly to the Investigative Captain. The majority of the investigators that do backgrounds are in the Investigative Unit; this is a much better fit and allows the Captain to have more control over his resources. With the recent retirement of Assistant Chief Olm we tested this out on a temporary basis and were very pleased with the results. There is no financial impact with this move.

Create two LEAD positions; one in Records Unit and one in Communication Specialist Unit.

In 2018, we will implement a new records management system which will change the way all our employees operate. The area that will see the biggest changes will be our records unit. Our Administrative Support Services Manager currently has the largest number of direct reports in the department and oversees two large units; Records and

Police Communication Specialists. We are recommending a change in our table of organization which will create two LEAD positions, one in each unit, to assist with day to day operations, scheduling and overtime monitoring, and to provide effective direction and guidance when the Manager is unavailable.

We have several employees in each unit who would be qualified for these positions and they would be used for succession planning for other internal positions. The estimated financial impact will be about \$2,000 per position and we hope to be able to pay for the additional cost through OT cost savings from closer monitoring of OT and the employees work load, and from other efficiencies.

I have attached a memo from Administrative Services Manager Cathy Allcox that gives some additional information.

Thank you for your consideration and I welcome any questions or comments,

Chief Todd Thomas



POLICE DEPARTMENT

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222 South Walnut Street • Appleton, WI 54911-5899
(920) 832-5500 • Fax (920) 832-5553
<http://www.appleton.org/police>

August 23, 2017

Chief Thomas,

The Clerical Unit of APD is evolving and changing rapidly, with some significant workforce and technology changes on the immediate horizon. We have had some recent turnover and are about to embark on implementing an enormous change in a new Records Management System (RMS) in the next several months.

With the potential of several retirements within the next five years, we are considering a succession plan to create career development. Currently 16% of my staff is eligible for retirement. In five short years, 53% of them will be.

The change to a new Records Management System will be monumental for the department. It will require select individuals to have a wide scope of knowledge and training in the new system. It is necessary for one clerical employee at the Front Desk and one member from Records to go through specialized training to be certified as a SAA (Spillman Applications Administrator). These positions will be leading both clerical and sworn through a complete overhaul with the way we do business, and their expertise will be heavily relied up to ensure the success of the implementation of this new system.

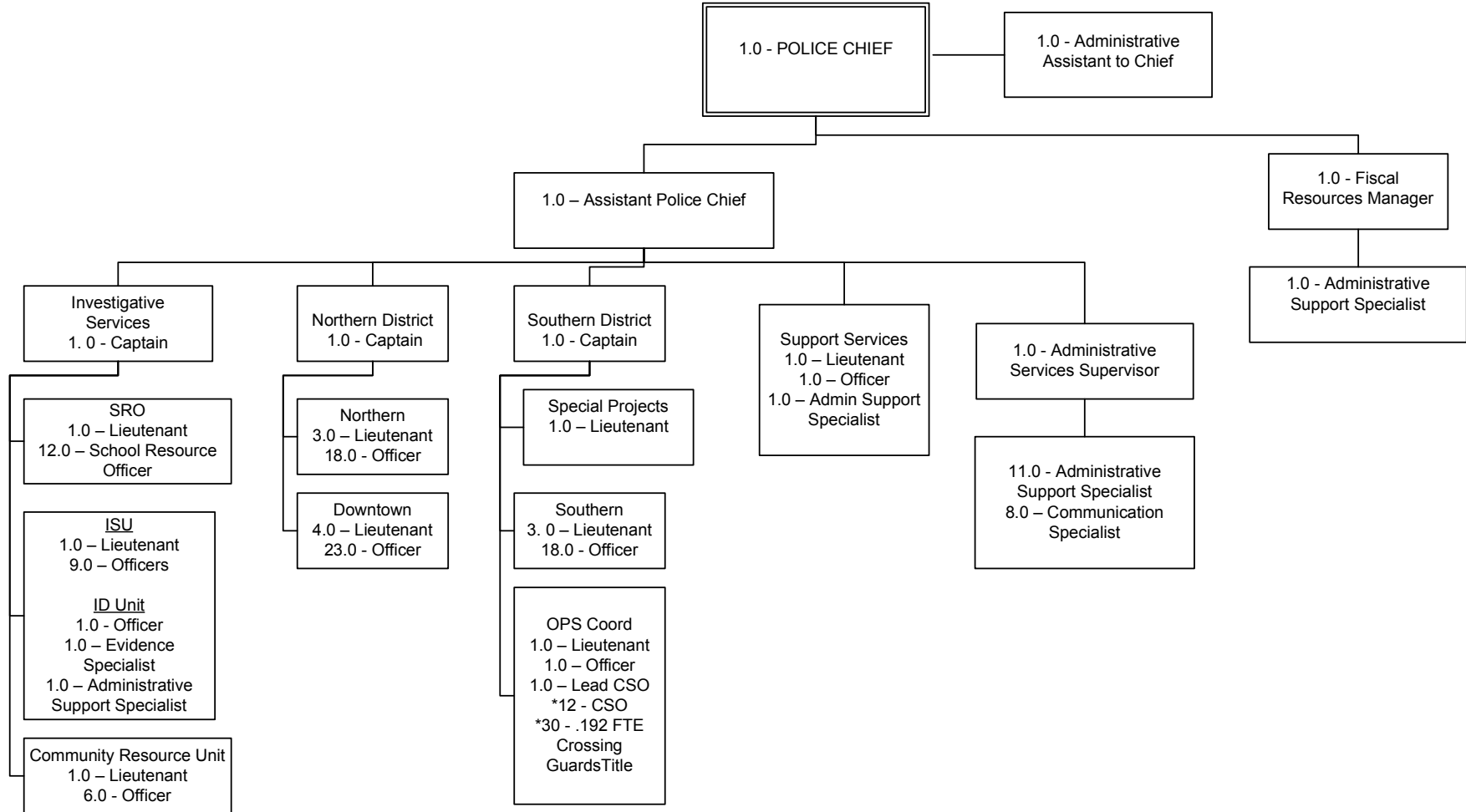
I request approval for one clerical member in Records and one clerical employee at the Front Desk be classified at Lead positions. These positions would be responsible to:

- Schedule daily coverage to ensure effective operations and to minimize overtime
- Provide effective direction, instruction and guidance regarding workload priorities
- Periodically review goals and progress with team members
- Keep the Administrative Services Manager apprised of personnel matters so they can be addressed

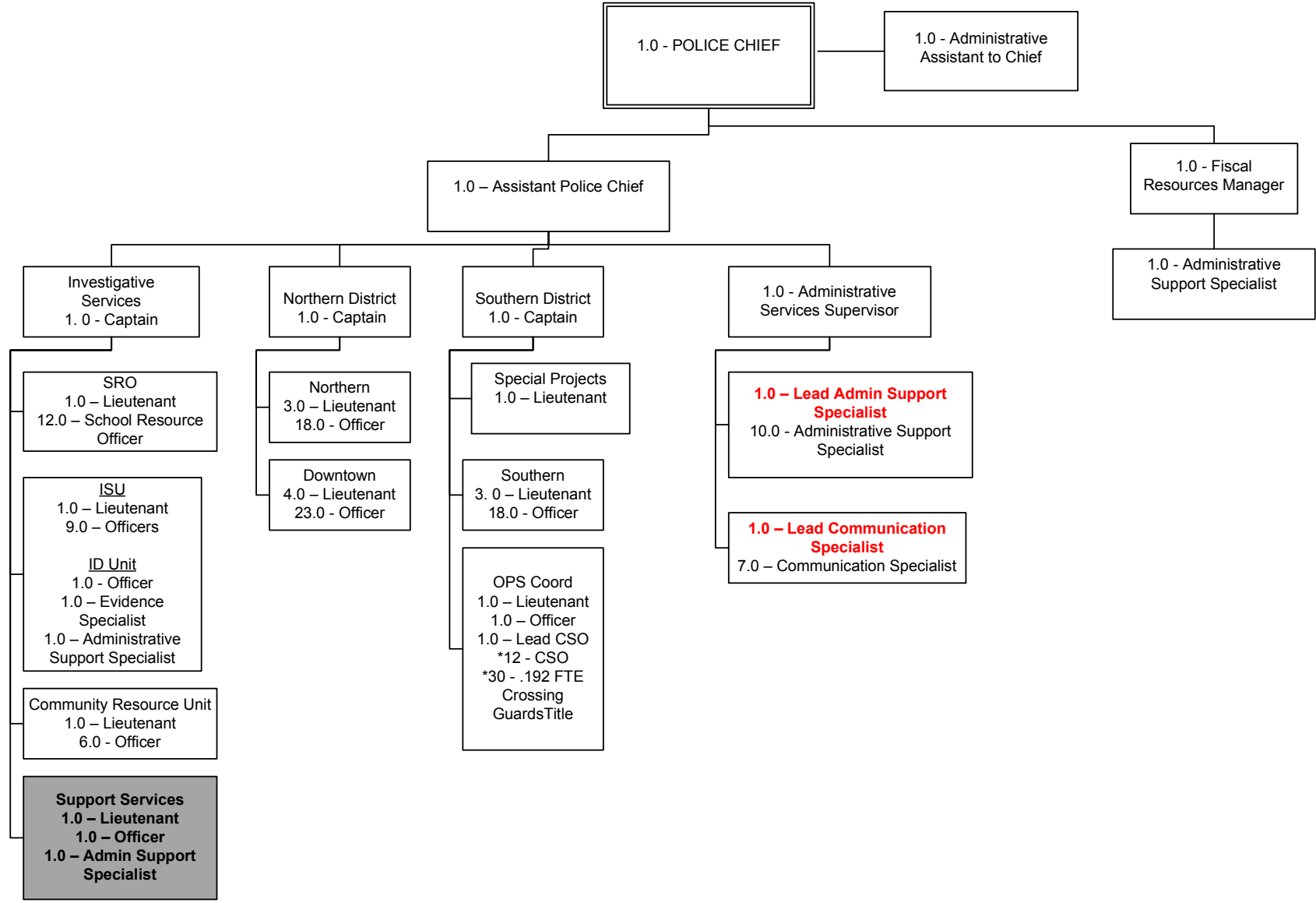
The proposed creation of a Lead Administrative Support Specialist and a Lead Communications Specialist will have an estimated financial impact of \$2,000 per position equaling \$4,000 annually. While the cost is minimal, the impact of these roles will be phenomenal.

Thank you for your consideration.


Cathy Allcox
Administrative Services Manager



COUNCIL APPROVED 3/1/17



1-18

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 12-20-2017)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be restricted to 10 minutes on the south side of Lawrence Street from a point 40 feet east of Walnut Street to a point 62 feet east of Walnut Street.

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 Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

2-18

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 12-20-2017)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be restricted to two hours from 9 a.m. to 6 p.m. Monday through Saturday, except holidays, on the south side of Lawrence Street from a point 62 feet east of Walnut Street to a point 85 feet west of Elm Street (metered).

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 Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

3-18

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 12-20-2017)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be prohibited on the south side of Lawrence Street from Appleton Street to a point 85 feet west of Elm Street.

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 Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

4-18

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 12-20-2017)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be prohibited on Elm Street from Lawrence Street to Eighth Street.

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 Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

5-18

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 12-20-2017)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

No Parking/Loading Zone be designated on the north side of Lawrence Street from a point 24 feet west of Elm Street to a point 125 feet west of Elm Street.

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 Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

6-18

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 12-20-2017)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be prohibited on the north side of Lawrence Street from Elm Street to a point 115 feet west of Superior Street.

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 Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

7-18

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.
(Municipal Services Committee 12-20-2017)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

No Parking/Loading Zone be designated on the north side of Lawrence Street from a point 30 feet west of Superior Street to a point 115 feet west of Superior Street.

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 Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

8-18

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.
(Municipal Services Committee 12-20-2017)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton,

relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be restricted to two hours from 9 a.m. to 6 p.m. Monday through Saturday, except holidays, on the north side of Lawrence Street from Appleton Street to a point 65 feet east of Superior Street (metered).

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 Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

9-18

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.
(Municipal Services Committee 12-20-2017)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be prohibited on the south side of Lawrence Street from Walnut Street to a point 40 feet east of Walnut Street.

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 Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

10-18

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.
(Municipal Services Committee 12-20-2017)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be restricted to two hours from 9 a.m. to 6 p.m. Monday through Saturday, except holidays, on the north side of Lawrence Street from Walnut Street to a point 135 feet east of Walnut Street (metered).

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 Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

11-18

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS. (Municipal Services Committee 12-20-2017)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be prohibited on Eighth Street from Elm Street to a point 180 feet east of Elm Street.

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 Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

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

(City Plan Commission 01-17-2018)

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

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

To rezone lands located along Cherryvale Avenue, south of Ashbury Drive, consisting of approximately 9.9123 acres, from R-1A Single-Family District and R-2 Two-Family District to R-1B Single-Family District. (Rezoning #8-17 – Pat Hietpas with Emerald Valley Estates and applicant, Jason Mroz with Apple Tree Appleton Four, LLC)

LEGAL DESCRIPTION:

Part of Lot 273 and all of lands designated “Lands to be Dedicated the City for Park”, all being part of First Addition to Apple Creek Estates, located in the Southeast 1/4 of the Northwest 1/4 Section 08, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 168,488 Square Feet (3.8680 Acres) of land described as follows:

Commencing at the West 1/4 corner of Section 08; thence along the South line of the Northwest 1/4 of said Section 08, S88°59’32”E 2419.02 feet to the West right of way line of Cherryvale Ave; thence, along said West right of way line, 60.57 feet along the arc of a curve to the right with a radius of 1105.18 feet and a chord of 60.56 feet which bears N08°50’22”E to the point of beginning; thence N88°59’32”W, 173.16 feet; thence N01°00’28”E, 134.74 feet; thence N14°44’20”E, 863.37 feet; thence N69°48’36”E 28.91 feet to a point on said West right of way line; thence, along said West right of way line, 702.64 feet along the arc of a curve to the right with a radius of 1039.18 feet and a chord of 689.17 feet which bears S00°52’46”E; thence, continuing along said West right of way line, S18°29’09”W, 150.66 feet; thence, continuing along said West right of way line, 155.78 feet along the arc of a curve to the left with a radius of 1105.18 feet and a chord of 155.65 feet which bears S14°26’52”W to the point of beginning and including to the centerline of the adjacent right-of-way line of Cherryvale Avenue, subject to all easements, and restrictions of record.

Tax Key No. 31-1-7509-03 and part of Tax Key No. 31-1-7512-73

COMMON DESCRIPTION:

Proposed for 13 single-family lots and 2 outlots along Cherryvale Avenue, south of

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.

13-18

AN ORDINANCE AMENDING SECTION 23-206(b)(1) OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO FLOODPLAIN ZONING; STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS; GENERAL PROVISIONS; OFFICIAL MAPS AND REVISIONS; OFFICIAL MAPS BASED ON THE FIS.

(City Plan Commission – 1-17-2018)

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

Section 1: That Section 23-206(b)(1) of Chapter 23 of the Municipal Code of the City of Appleton, relating to floodplain zoning; statutory authorization, finding of fact, statement of purpose, title and general provisions; general provisions; official maps and revisions; official maps based on the FIS, is hereby amended to read as follows:

Sec. 23-206. General provisions.

- (b) ***Official maps and revisions.*** The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the City of Appleton Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Division of Inspections of the Department of Public Works for the City of Appleton. If more than one map or revision is referenced, the most restrictive information shall apply.

(1) ***Official maps based on the FIS:***

- a. Calumet County Flood Insurance Rate Map (FIRM), panel numbers 55015C0007E, 55015C0026E and 55015C0027E dated February 4, 2009; with corresponding profiles that are based on the Calumet County Flood Insurance Study (FIS), dated February 2009, volume

number 55015CV000A.

- b. Outagamie County Flood Insurance Rate Map (FIRM) panel numbers 55087C0304E, and 55087C0308E dated January 20, 2016; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated January 20, 2016, volume number 55087CV000B.
- c. Outagamie County Flood Insurance Rate Map (FIRM) panel numbers 55087C0309D, 55087C0314D, 55087C0316D, 55087C0317D, 55087C0318D, 55087C0319D, 55087C0330, 55087C0338D, 55087C0427D, 55087C0431D and 55087C451D dated July 22, 2010; with corresponding profiles that are based on the Outagamie County Flood Insurance Study (FIS) dated July 22, 2010 volume number 55087CV000A.
- d. Outagamie County Flood Insurance Rate Map (FIRM) panel numbers 55087C0328D, 55087C0329D, 55087C0336D, 55087C0337D dated July 22, 2010 and revised August 23, 2013 with corresponding profiles that are based on the Outagamie County Flood Insurance Study (FIS) dated July 22, 2010 volume number 55087CV000A, all revised and annotated pursuant to FEMA Letter of Map Revision Determination Document Case No: 12-05-6032P, Issue Date April 10, 2013, Effective Date August 23, 2013.
- e. LOMR – Case #11-05-7670P, Floodway and Floodplain revisions between Flood Insurance Study (FIS) Cross Section AW to BA, Outagamie County Flood Insurance Rate Map (FIRM) panels 55087C0318D and 55087C0319D, dated July 22, 2010. This reflects changes on the Fox River from just downstream of the Private Middle Dam to approximately 250 feet upstream of the Appleton Upper Dam.
- f. LOMR – Case #13-05-7920P, Floodplain revisions between Flood Insurance Study (FIS) Cross Section AN to AM, Outagamie County Flood Insurance Rate panels 55087C0319D, dated July 22, 2010. This reflects changes along the south side of the Fox River from the College Avenue Bridge to approximately 850 feet downstream.
- g. City of Appleton Kensington Pond Dam Break Analysis Hydraulic Shadow, Per Figure F-9 of Dam Failure Analysis and Assignment of the Hazard Rating for Kensington Pond Dam, by Earth Tech, dated January 2008, on file with City of Appleton Department of Public Works.
- h. LOMR – Case #17-05-1963P. Floodplain revisions on Outagamie County Flood Insurance Study (FIS) AAL Tributary Cross Section C, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0336D, effective September 29, 2017. This reflects changes along the AAL Tributary from just downstream of Lightning Drive to approximately 200 feet upstream of East Glenhurst Lane.

- i. LOMR – Case #17-05-3854P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) Fox River Cross Section AS through AW, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0319D, effective February 16, 2018. This reflects changes along the Fox River from just upstream of railroad to just downstream of South Oneida Street.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

14-18

AN ORDINANCE AMENDING SECTION 20-237 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO CUSTOMER CLASSIFICATION.

(Utilities Committee – 12-20-2017)

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

Section 1: That Section 20-237 of Chapter 20 of the Municipal Code of the City of Appleton, relating to customer classification, is hereby amended to read as follows:

Sec. 20-237. Customer classification.

- (a) For purposes of imposing the stormwater charges, all lots and parcels within the City are classified as follows:

ERUs imposed		
Classification	Public Road	Private Road
Single Family	1	1
Detached Individual Condominiums	1	1
Duplex	.5/unit	1/unit
Duplex Condominiums	.5/unit	1/unit
Multifamily Condominiums	Actual impervious area of the property using aerial photography	
Mobile Homes	.5/unit	1/unit
Bed & Breakfast	1	1
Multifamily rental	Actual impervious area of the property using aerial photography	
Non-Residential and Multi-Use	One (1) ERU, multiplied by the	One (1) ERU, multiplied by the numerical factor obtained

ERUs imposed		
Classification	Public Road	Private Road
	<p>numerical factor obtained by dividing the total impervious area of a non-residential property by the square footage of one (1) ERU, rounded down to the nearest one-tenth (0.1), i.e.:</p> $\text{ERU rate} \times \frac{\text{impervious area}}{\text{ERU}}$	<p>by dividing the total impervious area of a non-residential property by the square footage of one (1) ERU, rounded down to the nearest one-tenth (0.1), i.e.:</p> $\text{ERU rate} \times \frac{\text{impervious area}}{\text{ERU}}$
Undeveloped	One (1) ERU multiplied by a factor established by resolution then divided by the square footage for one (1) ERU established by resolution	One (1) ERU multiplied by a factor established by resolution then divided by the square footage for one (1) ERU established by resolution

(b) The Director shall prepare a list of lots and parcels within the City of Appleton and assign a classification to each lot or parcel.

(c) The average square footage of impervious area of ERU is established to be equivalent to 2,368 square feet.

(d) The Director shall be responsible for determining the impervious area based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photography, the property owner, tenant or developer. The Director may require additional information as necessary to make the determination. The billing amount shall be updated by the Director based on the building permit process and/or best available information.

(e) All unoccupied developed lots and parcels shall be subject to the stormwater utility charges.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

15-18

AN ORDINANCE CREATING ARTICLE V OF CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO HEALTH IN ALL POLICIES.

(Board of Health – 12-20-2017)

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

Section 1: That Article V of Chapter 7 of the Municipal Code of the City of Appleton, relating to health in all policies, is hereby created to read as follows:

Art. V. HEALTH IN ALL POLICIES

Sec. 7-200. Findings.

(a) Health starts where we live, learn, work and play, and everyday decisions within the City of Appleton can promote greater health and equity.

(b) All Appleton residents should have the opportunity to make the choices that allow them to live a long, healthy life, regardless of their job, neighborhood of residence, level of education, immigration status, sexual orientation, ethnic background or religion.

(c) Good health enhances quality of life, improves workforce productivity, increases the capacity for learning, strengthens families and communities, supports environmental sustainability and helps reduce overall economic and social insecurity.

(d) In the city of Appleton, those at greatest risk for poor health outcomes are low-income residents, who have a shorter life expectancy than other city residents.

(e) Appleton residents are primarily affected by heart disease, cancer and stroke.

(f) Recognizing the presence of critical health disparities in the community and the opportunity to intervene on health outcomes, the City has developed and defined public health broadly in the City Comprehensive Plan.

(g) Health in All Policies is fundamentally about creating systems-level change both within City departments and in the community.

(h) In developing strategies to address health disparities, it is important to recognize that at its heart, promoting equity is not just about providing more services.

(i) It is also about how services are developed, prioritized and delivered.

(j) The Health in All Policies strategy guides the City of Appleton on how to address the social determinants of health, or the root causes of current health disparities in the development, prioritization and delivery of these services and policies.

Sec. 7-201. Definitions.

The definitions in this section apply throughout this ordinance unless the context clearly requires otherwise:

(a) *Health in All Policies (HiAP)* is both a process and a goal.

(1) The goal of HiAP is to address inequities at the systems, policy and structural levels to eliminate the resulting health disparities.

(2) At the root of HiAP is an approach to improving health of all people by incorporating health considerations into collaborative decision-making across sectors, agencies, and departments. HiAP brings city departments and community groups together to identify ways in which all policies can take health outcomes into consideration. The HiAP process places health at the center of all work, and through discussion and compromise, gains stakeholder buy-in from all agencies, groups, and departments.

(3) Health in All Policies works to create a new policy and organizing framework within city government and beyond in the community. It emphasizes the consequences of public policies, plans, and programs on health determinants, and aims to improve health outcomes at all levels of government within the city and those agencies responsible for serving Appleton residents.

(4) Stakeholder engagement is essential for ensuring that Health in All Policies is responsive to community needs. Community-based knowledge provides important information about opportunities and barriers for health and insight into the ways in which policies may impede or promote health.

(b) *Health* is not simply the absence of disease, but the state of complete physical, mental, cultural and social well-being. HiAP is based on the premise that good health is fundamental for a strong economy and vibrant society, and that health outcomes are largely dependent on the social determinants of health, which in turn are shaped by decisions made within the health sector and internally and externally outside of the health sector.

(c) *Health equity* refers to efforts to ensure that all people have full and equal access to opportunities that enable them to lead healthy lives, while respecting differences that include but are not limited to culture, language, race, gender, sexuality, economic status, citizenship, ability, age and religion.

(1) Health equity entails focused societal efforts to address avoidable inequalities by equalizing the conditions for health

for all groups, especially for those who have experienced socioeconomic disadvantage or historical injustices.

(2) These communities include, but are not limited to women, people of color, low-income individuals and families, individuals who have been incarcerated, individuals with disabilities, individuals with mental health conditions, youth and young adults, seniors, immigrants and refugees, individuals who are limited-English proficient (LEP), and lesbian, gay, bisexual, transgender, questioning, intersex and asexual (LGBTQIA) communities, or combinations of these populations.

(d) *Health disparities* are differences of presence of disease, health outcomes, or access to care among distinct segments of the populations, including differences that occur by race or ethnicity, gender identity, sexual orientation, education or income, immigration status, age, disability or functional impairment, or geographic location, or the combination of any of these factors.

(e) *Health inequities* are health disparities resulting from factors that are systemic and avoidable and, therefore, considered unjust or unfair.

(f) *Determinants of health equity* include the social, economic, geographic, political, institutional and physical environmental conditions that lead to the creation of a fair and just society.

(g) *Social determinants of health* refer to everything outside of direct health care services, such as the condition in the environment in which people are born, live, learn, work, play, worship, and age that affect a wide range of health, functioning, and quality of life outcomes and risks. The social determinants of health include, but are not limited to:

(1) The availability of resources to meet our daily needs (e.g., safe housing, access to healthy and affordable food).

(2) Access to educational, economic, and job opportunities that lead to sustainable employment.

(3) Neighborhood safety and communities free of crime, violence, and social disorder (e.g., presence of trash and other forms of blight); and

(4) Accessible built environments that promote health and safety, including improved pedestrian, bicycle, and automobile safety, parks and green space, and healthy school siting.

(5) Social norms and attitudes (e.g., discrimination and racism), socioeconomic conditions (e.g., concentrated

poverty and the chronically stressful conditions that accompany it).

(h) *Toxic stress* refers to prolonged and repeated exposure to multiple negative factors, especially in early childhood. Contributing factors include, but are not limited to, racial profiling, poor air quality, residential segregation and economic insecurity. Toxic stress has known physical and mental health impacts and contributes to a host of chronic conditions such as heart disease and diabetes. Toxic stress has also been shown to have negative intergenerational health effects. Toxic stress does not refer to individual stressful events, but rather the unrelieved accumulation of these events over one's life.

Sec. 7-203. Health in All Policies implementation.

To effectively implement and maintain Health in All Policies, the City shall:

(a) Utilize health equity practices to City actions and endeavor to integrate these practices into the city's strategic, operational and business plans; management and reporting systems for accountability and performance; and budgets in order to eliminate inequities and create opportunities for all people and neighborhoods;

(b) Use the Health in All Policies Strategy Document as a guide for implementing Health in All Policies in the City. The strategy document will outline the vision, mission and goals, and identify a timeline as well as process to reach these goals. The strategy document will be a living plan that is designed to grow over time as progress is made and the needs of the community and city change;

(c) Establish the Interdepartmental Health in All Policies Team. The Interdepartmental Team will be comprised of representatives from departments within the City and are responsible for:

(1) Selecting health and health equity indicators for each department to track as a way of prioritizing goals and measuring progress aligned with existing City guiding documents including, but not limited to the Comprehensive Plan and Green Tier Charter;

(2) Attending regularly scheduled Interdepartmental Team meetings led by the Mayor's Office;

(3) Reporting to the Interdepartmental Team on progress and challenges from his or her respective department;

(4) Working with his or her respective department to integrate and track health equity indicators for his or her department;

(5) Committing to attending ongoing health equity training, such as health equity impact assessments; and

(6) Assisting with the writing of the Tri-Annual HiAP Report and provide a report to committees.

(d) Design and publish a tri-annual report on the status of health and health equity in the city of Appleton and progress of HiAP implementation for the Common Council, City staff, community organizations, residents, businesses, and other governmental agencies within the city.

(1) Implementation will be measured based on health and health equity indicators selected by the Interdepartmental HiAP Team.

(2) In addition to reporting on indicators, the Tri-Annual Report will include any updates to the HiAP strategy document.

(e) Develop and implement an ongoing community engagement plan to work directly with stakeholders throughout the process of the HiAP strategy development and implementation to ensure that perspectives are consistently understood, considered, and reflected in decisions. The goal is to partner with stakeholders in each aspect of decision making in order to develop and implement collaborative solutions.

Section 2: Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The Common Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Section 3: This ordinance becomes effective 30 days after its final passage and publication.