



# City of Appleton

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

## Meeting Agenda - Final-revised Common Council

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Wednesday, January 22, 2020

7:00 PM

Council Chambers

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- 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. BUSINESS PRESENTED BY THE MAYOR
  - [20-0105](#) Appointments to the Climate Change Task Force
    - Attachments:** [Climate Change Task Force Appts 1-22-20.pdf](#)
- G. PUBLIC PARTICIPATION
- H. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES
  - [20-0098](#) Common Council Meeting Minutes of January 8, 2020
    - Attachments:** [CC Minutes 1-8-20.pdf](#)
- I. PUBLIC HEARINGS
  - [20-0101](#) Public Hearing for North McDonald Street Vacation
    - Attachments:** [Publication Document - McDonald Street Vacation.pdf](#)  
[PublicHearingNotice\\_NMcDonaldSt\\_StreetVacation.pdf](#)
  - [20-0103](#) Public Hearing for East John Street Vacation
    - Attachments:** [Publication Document- John St Vacation.pdf](#)  
[PublicHearingNotice\\_EJohnSt\\_StreetVacation.pdf](#)

[20-0104](#) Public Hearing for Rezoning #10-19, Sommers Drive and Spartan Drive from AG (Agricultural) to P-I (Public Institutional)

**Attachments:** [RZ #10-19 Notice of Public Hearing.pdf](#)  
[Sommer REZ.pdf](#)

J. SPECIAL RESOLUTIONS

[20-0102](#) Final Resolution for East John Street Vacation

**Attachments:** [John Street - Final Resolution.pdf](#)

[20-0100](#) Final Resolution for N. McDonald Street Vacation

**Attachments:** [Final Resolution - N McDonald Street Vacation.pdf](#)

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[19-1419](#) R/B-Resolution #11-R-19 regarding the creation of a parking lot on the former ~~Blue Ramp~~ Conway site.

**Attachments:** [Resolution #11-R-19.pdf](#)  
[Resolution #11-R-19\(#2\).pdf](#)  
[Conway Parking Lot Agreement TERMS.pdf](#)  
[Resolution #11-R-19\(#3\).pdf](#)

**Legislative History**

9/23/19	Municipal Services Committee	recommended for approval
9/23/19	Municipal Services Committee	recommended for denial
10/2/19	Common Council	referred to the Municipal Services Committee
10/7/19	Municipal Services Committee	referred
	<i>Item #19-1914 was referred to staff October 21, 2019.</i>	
10/21/19	Municipal Services Committee	recommended for denial
11/6/19	Common Council	referred to the Municipal Services Committee
12/9/19	Municipal Services Committee	held
	<i>Item 19-1419 held until January 13, 2020.</i>	
1/13/20	Municipal Services Committee	recommended for denial



[19-1886](#)

Request to rescind approval for "The Collective" sculpture within the E. College Avenue and N. Catherine Street right-of-way.

**Attachments:** [The Collective log of public dialogue-.pdf](#)

**Legislative History**

12/9/19	Municipal Services Committee	held
<i>Item 19-1886 held until January 13, 2020.</i>		
1/13/20	Municipal Services Committee	recommended for approval
<i>Amend item 19-1886. City to work on alternate location in first quarter of 2020.</i>		

[20-0013](#)

Request from Author's Kitchen for a street occupancy permit to place tables and chairs in the College Avenue beautification strip at 125 E. College Avenue.

**Attachments:** [Tables & Chairs-125 E College Ave.pdf](#)

**Legislative History**

1/13/20	Municipal Services Committee	recommended for approval
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[20-0014](#)

Request from Wisconsin Operation Lifesaver (a non-profit safety education and awareness program dedicated to improving safety on or near railroad property) to paint "See Tracks Think Trains " on sidewalks near railroad crossings.

**Attachments:** [Permanent Railroad Safety Marking.pdf](#)

**Legislative History**

1/13/20	Municipal Services Committee	recommended for approval
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[20-0015](#)

Approve City of Appleton Razing of Buildings Policy.

**Attachments:** [Razing of Buildings Policy.pdf](#)

**Legislative History**

1/13/20	Municipal Services Committee	recommended for approval
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[20-0043](#)

Approve 2020 Aerial Imagery/LiDAR Contract Award to Ayres Associates in an amount not to exceed to \$62,600.

**Attachments:** [2020 Aerial ImageryLiDAR Contract.pdf](#)

**Legislative History**

1/13/20	Municipal Services Committee	recommended for approval
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[20-0044](#) Approve Amendment No. 7 to Patrick Engineering for the Oneida Street Bridge Project in the amount of \$37,800 for a total revised not to exceed contract of \$697,810.

**Attachments:** [Oneida Street Bridge Project.pdf](#)

**Legislative History**

1/13/20	Municipal Services Committee	recommended for approval
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[20-0045](#) Request from the Community Blood Center to purchase meter bags for the June 2020 Blood Drive in Houdini Plaza be approved per modifications based on staff recommendation.

**Attachments:** [Community Blood Center-Meter bags.pdf](#)

**Legislative History**

1/13/20	Municipal Services Committee	recommended for approval
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[20-0048](#) Approve parking restriction change on Lawrence Street, west of Mason Street.

**Attachments:** [Parking change on Lawrence St, west of Mason St.pdf](#)

**Legislative History**

1/13/20	Municipal Services Committee	recommended for approval
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[20-0049](#) Approve parking restriction change on Madison Street, north of Fremont Street.

**Attachments:** [Parking change on Madison St, north of Fremont St.pdf](#)

**Legislative History**

1/13/20	Municipal Services Committee	recommended for approval
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## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[19-1946](#) Secondhand Jewelry License Renewal application for Krieger Jewelers, Jamie Boyce, Applicant, located at 934 W. Northland Ave., contingent upon approval from all departments.

**Attachments:** [Krieger Jewelers S&L.pdf](#)

**Legislative History**

1/15/20	Safety and Licensing Committee	recommended for approval
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[19-1951](#) Secondhand Article License Renewal application for The Attique Resale, James A Boylan, Applicant, located at 415 N Oneida St, contingent upon approval from all departments.

**Attachments:** [The Attique Resale S&L.pdf](#)

**Legislative History**

1/15/20 Safety and Licensing Committee recommended for approval

[19-1952](#) Class "A" Beer and "Class A" Liquor License Change of Agent application for Ultimate Mart LLC d/b/a Pick N Save #8123, Ken A Voss, New Agent.

**Attachments:** [Ken A Voss S&L.pdf](#)

**Legislative History**

1/15/20 Safety and Licensing Committee recommended for approval

[20-0050](#) Secondhand Jewelry License Renewal application for Expert Jewelry Repair, Randy Kester, Applicant, located at 636 W College Ave, contingent upon approval from all departments.

**Attachments:** [Expert Jewelry Repair S&L.pdf](#)

**Legislative History**

1/15/20 Safety and Licensing Committee recommended for approval

[20-0083](#) Operator's Licenses

**Attachments:** [Operator's Licenses 1-15-2020.pdf](#)

**Legislative History**

1/15/20 Safety and Licensing Committee recommended for approval

[20-0084](#) License Application for Taxicab Company, Star Protection and Patrol, DBA Star Transportation, 1222 W South Park Ave, Oshkosh, WI 54902

**Attachments:** [Star Protection and Patrol.pdf](#)

**Legislative History**

1/15/20 Safety and Licensing Committee recommended for approval

[20-0085](#) "Class A" Liquor and Class "A" Beer License Change of Agent application for Walgreens #12019, Ashley Hopkins, New Agent.

**Attachments:** [Ashley Hopkins S&L.pdf](#)

**Legislative History**

1/15/20 Safety and Licensing Committee recommended for approval

[20-0089](#) Request to approve associated Ordinance Language related to Resolution #6-R-19 in the attached Staff Memo.

**Attachments:** [6-R-19 Massage Establishments.pdf](#)

[S L - Resolution 6-R-19 Update \(Massage Establishments\) 12-06-2019.pdf](#)

**Legislative History**

1/15/20 Safety and Licensing recommended for approval  
Committee

### 3. MINUTES OF THE CITY PLAN COMMISSION

[20-0096](#) Request to approve Extraterritorial Preliminary Plat for Jenkel Fields located in the Town of Center as shown on the attached maps

**Attachments:** [StaffReport\\_JenkelFields\\_PrePlat\\_For01-21-20.pdf](#)

[19-1817](#) Request to approve Rezoning #10-19 to rezone the area generally located at officially mapped Sommers Drive north and south of officially mapped Spartan Drive (part of Tax Id #31-6-6001-04 and part of #31-6-6001-06), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from AG Agricultural District to P-I Public Institutional District

**Attachments:** [StaffReport\\_SommersandSpartanStormwater\\_Rezoning\\_For12-10-19.pdf](#)

**Legislative History**

12/10/19 City Plan Commission recommended for approval  
*Proceeds to Council on January 22, 2020.*

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

[20-0026](#) Action: Request Approval of Six-Year (2020-2025) Golf Cart Lease to Yamaha Golf & Utility in the Annual Amount of \$27,211.10

**Attachments:** [2020 Golf Cart Lease Memo.doc](#)

**Legislative History**

1/13/20 Parks and Recreation recommended for approval  
Committee

[20-0042](#) Resolution #2020-01 Wisconsin DOT Application

**Attachments:** [Resolution for WisDOT Application 2020-01.docx](#)

[Revised Final Resolution for WisDOT Application.docx](#)

[WE Energies Trail Master Plan Handout.pdf](#)

**Legislative History**

1/13/20 Parks and Recreation recommended for approval  
Committee  
*Director Gazza distributed a revised Resolution "2020-01" that included the costs of construction and funding contributions. He also distributed a WE Energies Trail Master Plan handout.*

## 5. MINUTES OF THE FINANCE COMMITTEE

[20-0055](#) Request to approve repealing and recreating Sec.2-1 Destruction of Public Records for the purpose of adopting a general records retention and disposition schedule

**Attachments:** [Memo re Creation of Schedule and Ordinance Amendment FINAL - 01-07-2020](#)

**Legislative History**

1/13/20 Finance Committee recommended for approval

[20-0056](#) Request to approve Relocation Order for reconstruction of a portion of Prospect Avenue and related storm sewer construction

**Attachments:** [Prospect Ave - Relocation Order.pdf](#)

**Legislative History**

1/13/20 Finance Committee recommended for approval

[20-0057](#) Request to approve Relocation Order for construction of a storm sewer in the area of Alvin Street

**Attachments:** [Pathways Church - Relocation Order.pdf](#)

**Legislative History**

1/13/20 Finance Committee recommended for approval

[20-0058](#) Request to approve Relocation Order for reconstruction of a portion of the Calumet Street and Carpenter Street intersection

**Attachments:** [Calumet and Carpenter - Relocation Order.pdf](#)

**Legislative History**

1/13/20 Finance Committee recommended for approval

[20-0059](#) Request to approve moving the Spartan Drive (Haymeadow to 900' east) from the 2021 Sanitary and Watermain Program to the 2020 Program

**Attachments:** [Spartan Dr Watermain Program.pdf](#)

**Legislative History**

1/13/20 Finance Committee recommended for approval

[20-0066](#) Request to rescind the following 2019 Real Estate taxes under WI Statute 74.33(l) which allows for the correction of errors.

Parcel 31-2-0662-00 located at 549 N. Clark Street

Parcel 31-1-1353-00 located at 1119 Nawada Court

**Attachments:** [Property Tax recissions.pdf](#)

**Legislative History**

1/13/20 Finance Committee recommended for approval

[20-0068](#) Request to award the City of Appleton 2019 MSB Acoustical Ceiling Upgrades Phase 2 Project - Electrical Package contract to VOE Power and Systems, LLC in the amount of \$38,700 with a contingency of \$1,900 for a project total not to exceed \$40,600 and approve the related 2019 Budget adjustment:

**Facilities Capital Projects Fund**

MSB Ceiling Tile Replacement Project	+\$11,000
MSB Lighting Upgrades Project	- \$11,000

to provide funding to complete the MSB Ceiling Tile Replacement Project (2/3 vote of Common Council required)

**Attachments:** [2019 MSB Ceiling Replacement Phase 2 - Electrical with Budget Transfer.pdf](#)

**Legislative History**

1/13/20 Finance Committee recommended for approval

[20-0070](#) Request to award the City of Appleton 2019 Wastewater Treatment Plant Water Lateral Upgrades project contract to Degroot, Inc in the amount of \$269,220 with a contingency of \$30,000 for a project total not to exceed \$299,220

**Attachments:** [2019 AWWTP Water Lateral Repalcement.pdf](#)

**Legislative History**

1/13/20 Finance Committee recommended for approval

[20-0071](#) Request to reject bids from PayneCrest Electric, Inc, Van Ert Electric Co. Inc, Pieper Electric, Inc., and Michels Power for the 2019 Appleton Wastewater Treatment Plant Electrical Distribution Main Substation Upgrades project

**Attachments:** [2019 AWWTP Electrical Distribution Main Substation Upgrades Project \(Reject](#)

**Legislative History**

1/13/20 Finance Committee recommended for approval

[20-0072](#) Request to reject bids from J.F. Ahern Co, EGI Mechanical, Inc, Great Lakes Mechanical, Inc, and Hurkman Mechanical Industries, Inc for the 2019 Appleton Wastewater Treatment Plant HVAC Upgrades project

**Attachments:** [2019 AWWTP AS Building HVAC Upgrade Project \(Reject Bids\).pdf](#)

**Legislative History**

1/13/20 Finance Committee recommended for approval

[20-0073](#) Request to award the City of Appleton 2019 MSB Acoustical Ceiling Upgrades Phase 1 Project - Acoustical Ceiling Replacement contract to Cardinal Construction, Inc in the amount of \$35,925 with a contingency of \$3,000 for a project total not to exceed \$38,925

**Attachments:** [2019 MSB Ceiling Replacement Phase 1.pdf](#)

**Legislative History**

1/13/20 Finance Committee recommended for approval

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

[19-1909](#) Request to approve recommended funding of \$10,000 for cooperative campaign with the Department of Public Works and Communications Coordinator regarding parking downtown from the 2019 Community & Economic Development Department's Marketing and Business Services program account as outlined in the attached memo

**Attachments:** [Memo Recommend Cooperative Campaign Downtown Parking.pdf](#)

**Legislative History**

12/11/19 Community & Economic Development Committee recommended for approval

12/18/19 Common Council referred to the Community & Economic Development Committee

1/15/20 Community & Economic Development Committee recommended for approval

[20-0041](#) Request to approve recommended funding of \$15,000 for 2020 sponsorships for Appleton Downtown Inc. (ADI) programs as outlined in the attached document

**Attachments:** [Memo to CEDC on ADI Sponsorships 2020.pdf](#)

[ADI Sponsorship Request for 2020.pdf](#)

**Legislative History**

1/15/20 Community & Economic Development Committee recommended for approval

## 7. MINUTES OF THE UTILITIES COMMITTEE

[20-0019](#) Approve update to Municipal Code Section 24-10, Erosion and Sediment Control Applicability and Jurisdiction.

**Attachments:** [2019 24-10 ESC Update Util Memo.pdf](#)  
[Sec 24-10 Changes.pdf](#)

**Legislative History**

1/14/20 Utilities Committee recommended for approval

[20-0020](#) Approve updates to Municipal Code Section 24-35, Erosion and Sediment Control Plan, Statement and Amendments.

**Attachments:** [2019 24-35 ESC Update Util Memo.pdf](#)  
[Sec 24-35 Changes.pdf](#)

**Legislative History**

1/14/20 Utilities Committee recommended for approval

[20-0021](#) CRITICAL TIMING - Approve contract with the Wisconsin Department of Natural Resources for the UNPS Planning Grant for the update to the City-wide Stormwater Management Plan in the amount of \$75,000.

**Attachments:** [2019 Planning grant DNR contract to UC.pdf](#)

**Legislative History**

1/14/20 Utilities Committee recommended for approval

[20-0022](#) Award 2020D Stormwater Consulting Services Contract for the City-wide Stormwater Management Plan Update to Brown and Caldwell in an amount not to exceed \$199,981.

**Attachments:** [2020D City-wide SWMP BC Award Memo.pdf](#)

**Legislative History**

1/14/20 Utilities Committee recommended for approval

[20-0023](#) Award Contract to Fiberglass Solutions Inc. for Hypochlorite Fiberglass Reinforced Plastic Tank Relining Work in the amount of \$42,794 plus a 7.5% contingency of \$3,210 for a total not to exceed cost of \$46,004.

**Attachments:** [200106 Utilities Memo Fiberglass Tank Relining Contract.pdf](#)

**Legislative History**

1/14/20 Utilities Committee recommended for approval

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

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



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

[19-1708](#) Resolution #15-R-19 Youth Mental Health

**Attachments:** [#15-R-19 Youth Mental Health.pdf](#)  
[Psychiatric News Article 091919.pdf](#)  
[Jessica Anderson Email 10312019.pdf](#)  
[Jessica Anderson Questions 11202019.pdf](#)  
[WCASA Letter 11252019.pdf](#)  
[Mark & Jane Issac Email 11272019.pdf](#)  
[Additional related emails.pdf](#)  
[Youth Mental Health Resolution - Amendment 1.8.2020.pdf](#)

**Legislative History**

11/13/19	Board of Health	presented
	<i>sally arrived at 7:26am</i>	
12/11/19	Board of Health	adjourned
1/8/20	Board of Health	amended
	<i>Motion made to amend resolution so that alleged violations are referred to the State for investigation and enforcement, the \$1,000 fine is eliminated, and deleted a reference to a City license for physical and/or mental health practice.</i>	
1/8/20	Board of Health	recommended for approval

**M. CONSOLIDATED ACTION ITEMS****N. ITEMS HELD****O. ORDINANCES**

[20-0099](#) Ordinance 5-20 Amending Chpt 23 for Rezoning of Sommers Drive North and South of Spartan Drive from AG Agricultural District to P-I Public Institution District

**Attachments:** [AMEND005.pdf](#)

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

T. ADJOURN

Kami Lynch, City Clerk

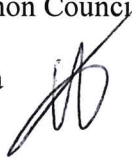
*Reasonable accommodations for persons with disabilities will be made upon request and if feasible.*



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

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

**M E M O R A N D U M**

**TO:** Members of the Common Council  
**FROM:** Mayor Timothy Hanna   
**DATE:** January 21, 2020  
**RE:** Climate Change Task Force Appointments

It is with pleasure that I present the following new appointments for your confirmation at the January 22, 2020 Common Council meeting.

**CLIMATE CHANGE TASK FORCE– 2 Year Terms Expiring December 2021**

City Department Head  
DEAN GAZZA

Aldersperson  
DENISE FENTON  
COREY OTIS

Intergovernmental Agency/Institute of Higher Learning  
ISRAEL del TORO  
TERESA HALL  
DEANNA DONOHOUE

NGO For Climate Change/Mitigation/Resiliency  
TERRY DAWSON (Chair)  
MICHELLE BACHAUS  
EMMALEA KENEVAN

Energy/Utilities Sector Leader  
JOHN PFEIFFER

Volunteer City Resident  
ELIZABETH AH STEVENS  
DARREN WOODS  
PEGGY MURPHY



# City of Appleton

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

## Meeting Minutes - Final Common Council

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Wednesday, January 8, 2020

7:00 PM

Council Chambers

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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 Meltzer*

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

**Present:** 16 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt, Alderperson Corey Otis and Mayor Timothy Hanna

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 Battalion Chief Felauer, Health Officer Eggebrecht, Library Director Rortvedt, Director of Parks, Recreation & Facilities Gazza, Asst. Police Chief Potter, Director of Public Works Vandehey*

*The following were excused:*

*Human Resources*

*Information Technology*

*Utilities*

*Valley Transit*

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[20-0004](#)

Common Council Meeting Minutes of December 18, 2019

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

**This Minutes were approved**

**Aye:** 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Alderperson Corey Otis

**Abstained:** 1 - Mayor Timothy Hanna

G. BUSINESS PRESENTED BY THE MAYOR

[20-0001](#)

Appointment of Ernesto Gonzalez Jr. to the Police & Fire Commission

**Attachments:** [Police Fire Commission Appt 1-8-20.pdf](#)

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

**Aye:** 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Alderperson Corey Otis

**Abstained:** 1 - Mayor Timothy Hanna

[20-0002](#)

**Committee Reappointments:**  
BID Board - Nate Weyenberg, Gary Schmitz, Jason Druxman  
Appleton Housing Authority- Val Dreier

**Attachments:** [BID ARA Reappointments 1-8-20.pdf](#)

**Alderperson Spears moved, seconded by Alderperson Lobner, that the Reappointments be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Alderperson Corey Otis

**Abstained:** 1 - Mayor Timothy Hanna

[20-0006](#)

Emergency Management Coordinator Appointment

**Attachments:** [EMC Appt 1-8-20.pdf](#)

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

**Aye:** 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Alderperson Corey Otis

**Abstained:** 1 - Mayor Timothy Hanna

H. PUBLIC PARTICIPATION

*There were no individuals signed up to speak during Public Participation.*

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

[20-0003](#)

Resolution to Change Aldermanic District 7 Polling Place

**Attachments:** [2019 Resolution Changing District 7 Polling Place.pdf](#)

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

**Aye:** 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Alderperson Corey Otis

**Abstained:** 1 - Mayor Timothy Hanna

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

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

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

**Aye:** 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Alderperson Corey Otis

**Abstained:** 1 - Mayor Timothy Hanna

1. **MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**
2. **MINUTES OF THE SAFETY AND LICENSING COMMITTEE**
3. **MINUTES OF THE CITY PLAN COMMISSION**

[19-1936](#)

Request to approve Special Use Permit #12-19 for a car wash located at 4029 East Calumet Street (Tax Id #31-9-5812-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

**Attachments:** [StaffReport\\_4029ECalumetSt\\_SUP\\_For1-7-20.pdf](#)  
[LtrOpposingSUPRequestDercks\\_4029ECalumet\\_1-3-20.pdf](#)

This Report Action Item was approved

[19-1938](#)

Request to approve Special Use Permit #13-19 for a restaurant with alcohol sales and consumption located at 1619 West College Avenue, Suite D (Tax Id #31-3-0049-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

**Attachments:** [StaffReport\\_1619WCollege\\_SUP\\_For1-7-20.pdf](#)

This Report Action Item was approved.

4. **MINUTES OF THE PARKS AND RECREATION COMMITTEE**
5. **MINUTES OF THE FINANCE COMMITTEE**
6. **MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**
7. **MINUTES OF THE UTILITIES COMMITTEE**
8. **MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE**
9. **MINUTES OF THE FOX CITIES TRANSIT COMMISSION**
10. **MINUTES OF THE BOARD OF HEALTH**

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[20-0005](#)

Ordinances 1 through 4

**Attachments:** [Ordinances going to Council 1-8-20.pdf](#)

**This Report Action Item was approved.**

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

*Resolution #1-R-20*

*City Administrator Position*

*Submitted By: Alderperson Coenen, District 11 and Alderperson Spears, District 12*

*Date: January 8, 2020*

*Referred to: Human Resources & Information Technology Committee*

*Whereas, the only requirements to run for mayor in the City of Appleton are residency in the city for 10 consecutive days, must be 18 years or older and have no felony convictions, and;*

*Whereas, the mayor is responsible for managing a city budget of over \$190 million and a staff consisting of 12 directors/officers/chiefs/general manager, who are in turn responsible for all the city departments: fire, police, health, public works, library, human resources, information technology, community and economic development, finance, utilities, Valley Transit, park and rec and facilities management as shown on the chart below, and;*

*(Chart is with the Original Resolution)*

*Whereas, many cities and counties throughout the United States have moved to a city administrator or city manager in lieu of or in addition to a mayor to ensure the position is filled by a person with the correct qualifications,*

*Therefore Be It Resolved, the Human Resources department will recommend options for a city administrator position in lieu of or in addition to a mayor.*

R. OTHER COUNCIL BUSINESS

S. CLOSED SESSION



[19-1957](#)

The Common Council will go into closed session according to State Statute § 19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session regarding the bluff site development and then reconvene into open session.

**Aldersperson Lobner moved, seconded by Aldersperson Croatt, that the Common Council convene into Closed Session at 7:12 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 15 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matt Reed, Aldersperson Alex Schultz, Aldersperson Christine Williams, Aldersperson Patti Coenen, Aldersperson Cathy Spears, Aldersperson Kyle Lobner, Aldersperson Chris Croatt and Aldersperson Corey Otis

**Abstained:** 1 - Mayor Timothy Hanna

## T. ADJOURN

*Aldersperson Croatt moved, seconded by Aldersperson Coenen to reconvene into open session at 8:37 p.m. Roll Call. Motion Carried 15/0.  
No action was taken in closed session.*

**Aldersperson Martin moved, seconded by Aldersperson Spears, that the meeting be adjourned at 8:37 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 16 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matt Reed, Aldersperson Alex Schultz, Aldersperson Christine Williams, Aldersperson Patti Coenen, Aldersperson Cathy Spears, Aldersperson Kyle Lobner, Aldersperson Chris Croatt, Aldersperson Corey Otis and Mayor Timothy Hanna

Kami Lynch, City Clerk

**NOTICE OF PROPOSED STREET VACATION**  
(Pursuant to Section 66.1003, Wisconsin Statutes-2013-2014)

Notice is hereby given that a written resolution has been filed with the Common Council of the City of Appleton for the discontinuance of:

**LEGAL DESCRIPTION OF AREA TO BE VACATED:**

All That Part of Lot 4, Block 11, Northwood Park Plat, described in a Quit Claim Deed recorded in Volume 749 Page 399-400 as Document #601333 of the Outagamie County Register of Deeds Office, located in the Northeast Quarter of the Southwest Quarter of Section 13, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

*See also attached Exhibit "A" for illustration.*

**COMMON DESCRIPTION:** A portion of North McDonald Street, north of East Northwood Drive

Notice is further given that a hearing of said resolution will be held at a regular meeting of the Common Council to be held at 7:00 p.m. or as soon thereafter as can be heard, on Wednesday, January 22, 2020, in the Council Chambers at the City Hall in said City of Appleton.

By Order of the Common Council.  
November 26, 2019

KAMI LYNCH,  
CITY CLERK

RUN: Saturday, December 7, 2019  
Saturday, December 14, 2019  
Saturday, December 21, 2019

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

**NOTICE OF PUBLIC HEARING**  
**OF THE**  
**CITY OF APPLETON COMMON COUNCIL**

Dear property owner(s):

The City of Appleton Common Council will conduct a Public Hearing on Wednesday, January 22, 2020, at 7:00 P.M., in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering the following proposed Street Vacation (discontinuance of a portion of public street right-of-way).

**LEGAL DESCRIPTION OF AREA TO BE VACATED:**

All That Part of Lot 4, Block 11, Northwood Park Plat, described in a Quit Claim Deed recorded in Volume 749 Page 399-400 as Document #601333 of the Outagamie County Register of Deeds Office, located in the Northeast Quarter of the Southwest Quarter of Section 13, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

See also attached Exhibit "A" for illustration.

**COMMON DESCRIPTION:** A portion of North McDonald Street, north of East Northwood Drive

**ALDERMANIC DISTRICT:** 6– Alderperson Denise Fenton

**PARTIAL NORTH MCDONALD STREET VACATION REQUEST:**

A Street Vacation request has been initiated by the applicant, City of Appleton. The applicant requests to vacate and discontinue a portion of McDonald Street (north of Northwood Drive). The area being vacated is no longer needed for public street purposes. The adjoining property owner(s) will acquire ownership to the afore-described and vacated portion of McDonald Street right-of-way, as shown on the attached maps.

This notification invites you to appear before the Appleton Common Council, and you will be given an opportunity to express your views or concerns regarding the above-described request.

Any questions regarding this matter should be directed to Jessica Titel, Principal Planner, with the Community and Economic Development Department at 920-832-6476.

KAMI LYNCH,  
CITY CLERK

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

RUN: Saturday, December 7, 2019  
Saturday, December 14, 2019  
Saturday, December 21, 2019

**NOTICE OF PROPOSED STREET VACATION**  
(Pursuant to Section 66.1003, Wisconsin Statutes-2013-2014)

Notice is hereby given that a written resolution has been filed with the Common Council of the City of Appleton for the discontinuance of:

**LEGAL DESCRIPTION OF AREA TO BE VACATED:**

All of a strip of land 60 feet in width and 101.65 feet m/l in length along its centerline and containing 6,099 square feet of land m/l and being further described by:

All that part of John Street lying between Lots 1 and 2 of Certified Survey Map No. 7281, being located in the Government Lot 5, Fractional Southwest Quarter (SW ¼) of Section 25, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin and being further described as follows:

Commencing at the Northwest corner of Lot 1 of Certified Survey Map No. 7281, being coincident with the South line of John Street and being the point of beginning;

Thence North 00°02'19" West 60.00 feet to the North line of John Street;

Thence North 89°57'41" East 101.73 feet coincident with the North line of John Street to the currently established East line of John Street;

Thence South 00°07'39" West 60.00 feet coincident with the East line of John Street to the South line thereof;

Thence South 89°57'41" West 101.56 feet coincident with the South line of John Street to the point of beginning.

*See also attached Exhibit "A" for illustration.*

**COMMON DESCRIPTION:** A portion of East John Street, east of South Court

Notice is further given that a hearing of said resolution will be held at a regular meeting of the Common Council to be held at 7:00 p.m. or as soon thereafter as can be heard, on Wednesday, January 22, 2020, in the Council Chambers at the City Hall in said City of Appleton.

By Order of the Common Council.  
November 26, 2019

KAMI LYNCH  
CITY CLERK

RUN: December 7, 2019  
December 14, 2019  
December 21, 2019

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

**NOTICE OF PUBLIC HEARING**  
**OF THE**  
**APPLETON COMMON COUNCIL**

Dear property owner(s):

The City of Appleton Common Council will conduct a Public Hearing on Wednesday, January 22, 2020, at 7:00 P.M., in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering the following proposed Street Vacation (discontinuance of a portion of public street right-of-way).

**LEGAL DESCRIPTION OF AREA TO BE VACATED:**

All of a strip of land 60 feet in width and 101.65 feet m/l in length along its centerline and containing 6,099 square feet of land m/l and being further described by:

All that part of John Street lying between Lots 1 and 2 of Certified Survey Map No. 7281, being located in the Government Lot 5, Fractional Southwest Quarter (SW  $\frac{1}{4}$ ) of Section 25, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin and being further described as follows:

Commencing at the Northwest corner of Lot 1 of Certified Survey Map No. 7281, being coincident with the South line of John Street and being the point of beginning;

Thence North 00°02'19" West 60.00 feet to the North line of John Street;

Thence North 89°57'41" East 101.73 feet coincident with the North line of John Street to the currently established East line of John Street;

Thence South 00°07'39" West 60.00 feet coincident with the East line of John Street to the South line thereof;

Thence South 89°57'41" West 101.56 feet coincident with the South line of John Street to the point of beginning.

See also attached Exhibit "A" for illustration.

**COMMON DESCRIPTION:** A portion of East John Street, east of South Court

**ALDERMANIC DISTRICT:** 4 – Alderperson Joe Martin

**PARTIAL EAST JOHN STREET VACATION REQUEST:**

A Street Vacation request has been initiated by the applicant, City of Appleton. The applicant requests to vacate and discontinue a portion of John Street (east of South Court). The area being vacated is no longer needed for public street purposes. The adjoining property owner(s) will acquire ownership to the afore-described and vacated portion of John Street right-of-way, as shown on the attached maps.

This notification invites you to appear before the Appleton Common Council, and you will be given an opportunity to express your views or concerns regarding the above-described request.

Any questions regarding this matter should be directed to David Kress, Principal Planner, with the Community and Economic Development Department at 920-832-6428.

KAMI LYNCH  
CITY CLERK

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

RUN: December 7, 2019  
December 14, 2019  
December 21, 2019

**NOTICE OF PUBLIC HEARING**

**#10-19**

**RE: Proposed Zone Change**

A public hearing will be held in the Council Chambers, City Hall, Appleton, Wisconsin, on Wednesday, January 22, 2020, at 7:00 P.M., or as soon thereafter as can be heard, to consider the following proposed zone change:

**Rezoning #10-19:** A rezoning request has been initiated by the owner, City of Appleton, and applicant, Tom Kromm, City Surveyor, to rezone a portion or all of property tax id numbers 31-6-6001-04 and 31-6-6001-06, including to the adjacent public right-of-way, from AG Agricultural District to P-I Public Institutional District. The P-I District is intended to provide for public and institutional uses and buildings, utilized by the community, and to provide open space standards where necessary for the protection of adjacent residential properties.

**Purpose of the Rezoning:** To facilitate the construction of City-owned and operated stormwater management facilities such as a stormwater pond (Rezoning Area A) and box culvert, retaining walls, and flood storage area (Rezoning Area B) within the City's northwest growth area.

**Legal Description:** Parts of Tax Id #'s 31-6-6001-04 and 31-6-6001-06

Part of Lot 1 of Certified Survey Map No. 4225, located in and being a part of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 92,232 sq. ft. of land and being described by:

Outlot 3 of a Certified Survey Map currently under the process and the adjoining  $\frac{1}{2}$  right of way of Sommers Drive and Spartan Drive lying adjacent thereto.

Part of Lot 1 of Certified Survey Map No. 4225, located in and being a part of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 63,565 sq. ft. of land and being described by:

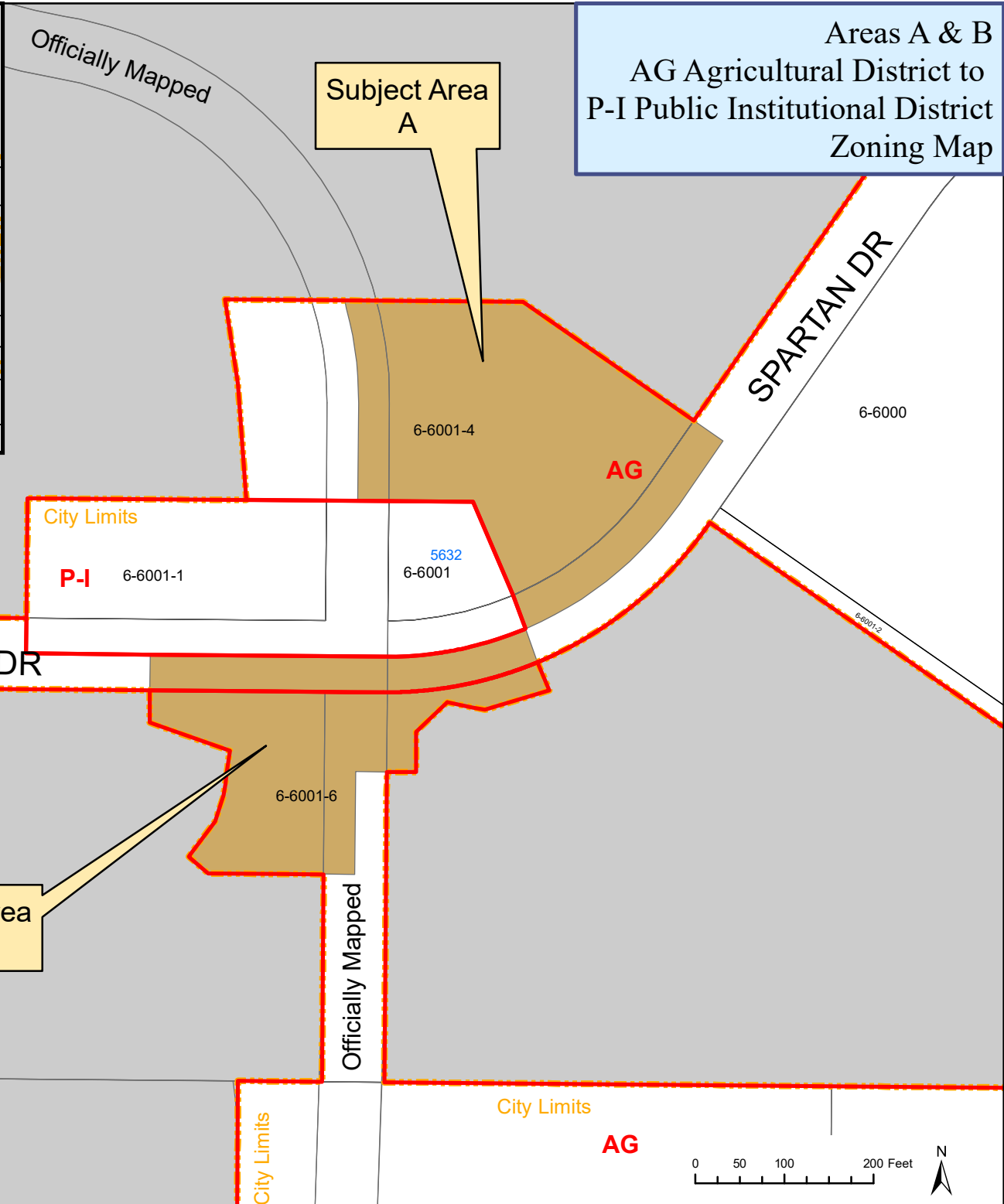
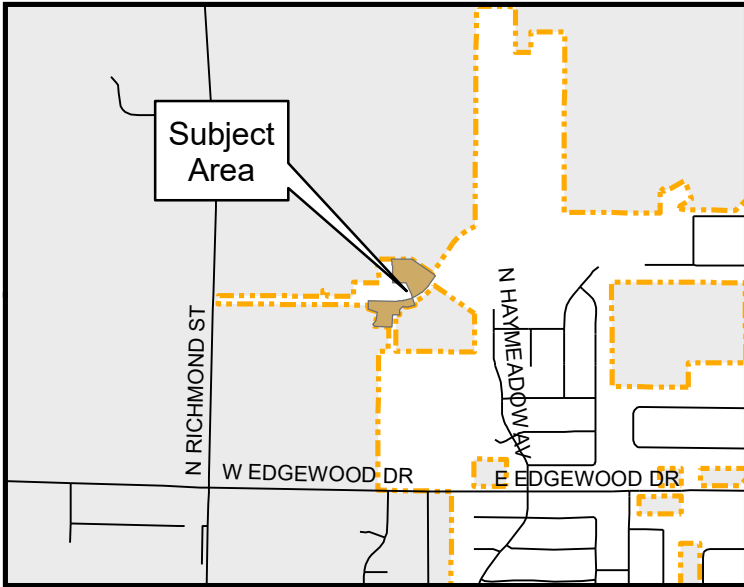
Outlot 1 and Outlot 2 of a Certified Survey Map currently under the process and the adjoining  $\frac{1}{2}$  right of way of Sommers Drive and Spartan Drive lying adjacent thereto.

December 23, 2019

RUN: January 7, 2020  
December 30, 2019

**KAMI LYNCH**  
City Clerk

Areas A & B  
AG Agricultural District to  
P-I Public Institutional District  
Zoning Map



City Plan Commission  
12-10-19

# FINAL RESOLUTION

**WHEREAS**, the public interest requires that a portion of East John Street, east of South Court, that has not previously been vacated, be vacated and discontinued; and

**WHEREAS**, notice was given when and where the resolution would be acted on, as required by law; and

**WHEREAS**, hearing was had on said Resolution on the 22<sup>nd</sup> day of January, 2020, at City Hall, in and for the City of Appleton, Wisconsin.

**BE IT RESOLVED**, that the Common Council of the City of Appleton, Wisconsin, hereby determines that the public interest requires that:

## **LEGAL DESCRIPTION**

All of a strip of land 60 feet in width and 101.65 feet m/l in length along its centerline and containing 6,099 square feet of land m/l and being further described by:

All that part of John Street lying between Lots 1 and 2 of Certified Survey Map No. 7281, being located in the Government Lot 5, Fractional Southwest Quarter (SW ¼) of Section 25, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin and being further described as follows:

Commencing at the Northwest corner of Lot 1 of Certified Survey Map No. 7281, being coincident with the South line of John Street and being the point of beginning;  
Thence North 00°02'19" West 60.00 feet to the North line of John Street;  
Thence North 89°57'41" East 101.73 feet coincident with the North line of John Street to the currently established East line of John Street;  
Thence South 00°07'39" West 60.00 feet coincident with the East line of John Street to the South line thereof;  
Thence South 89°57'41" West 101.56 feet coincident with the South line of John Street to the point of beginning.  
See also attached Exhibit "A" for illustration.

## **EASEMENTS**

The City of Appleton their heirs, successors and or assigns (Grantee) hereby retain an easement for any and all existing utilities and also any future utilities deemed necessary or desirable by Grantee within the vacated right of way, including but not limited to, storm sewer, drainage, sanitary sewer, watermain, gas, electric, cable and fiber-optic within the entire length and width of the above described right-of-way. It is further agreed that this easement shall be a permanent easement. It is further agreed that Grantee shall have the right to install, regrade, replace, relocate, operate, maintain, resize and repair any and all of these utilities and their associated appurtenances. It is further agreed that after installing, regrading, replacing, relocating, operating, maintaining, resizing or repairing of these utilities and

Record and return to:  
City of Appleton – City Attorney’s Office  
100 North Appleton Street  
Appleton, WI 54911-4799

Tax Key Nos.: 31-1-0772-01



their associated appurtenances Grantee shall restore unimproved surfaces such as grass, gravel and dirt on said property, as closely as possible, to the condition previously existing. Grantee shall not be required to restore or compensate for any improvements or improved surfaces such as, but not limited to, curb and gutter, hard pavements, trees, shrubs and landscaping, disturbed as a result of the maintenance activities described herein. Buildings or any other type of permanent structure shall not be placed over Grantees' facilities or in, upon or over said easement area. This easement includes the right to operate any and all equipment deemed necessary by Grantee to perform said activities. Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work. Grantee shall also have the right to build and maintain a public trail in a mutually agreeable location within the vacated street area.

#### **OWNERSHIP DISTRIBUTION OF THE VACATED STREET AREA**

The adjoining property owner shall acquire ownership to the afore described and vacated portion of John Street, in its entirety and with the entire vacated portion attaching to owners property, as shown on the attached Exhibit "A" Map and more specifically as follows:

The owner of Lot 2 of Certified Survey Map No. 7281, being located in the Government Lot 5, Fractional Southwest Quarter (SW ¼) of Section 25, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin. Said Owner abutting the portion of vacated John Street shall acquire, in its entirety, the vacated right-of-way.

The ownership distribution is described in the Amended Development Agreement approved by the Appleton Common Council on November 6, 2019.

#### **COMMON DESCRIPTION:**

A portion of East John Street, east of South Court

***FURTHER RESOLVED***, that the City Clerk of the City of Appleton be authorized and directed to give notice required by §66.1003 of the Wisconsin Statutes.

***FURTHER RESOLVED***, that according to §66.1005, Wisconsin Statutes, upon vacation and discontinuance of said portion of East John Street, east of South Court, title to the above-described area shall belong to the adjoining property owner of this vacated street area and shall acquire an ownership interest in the entire area being vacated (as deemed necessary).

SIGNATURES APPEAR ON THE FOLLOWING PAGE

**City of Appleton**

By: \_\_\_\_\_  
Timothy M. Hanna, Mayor

By: \_\_\_\_\_  
Kami Lynch, City Clerk

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

STATE OF WISCONSIN    )  
  : ss.  
OUTAGAMIE COUNTY    )

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of January, 2020 by Timothy M. Hanna, Mayor and Kami Lynch, City Clerk.

\_\_\_\_\_  
Jamie L. Griesbach  
Notary Public, State of Wisconsin  
My commission expires 11/11/2021

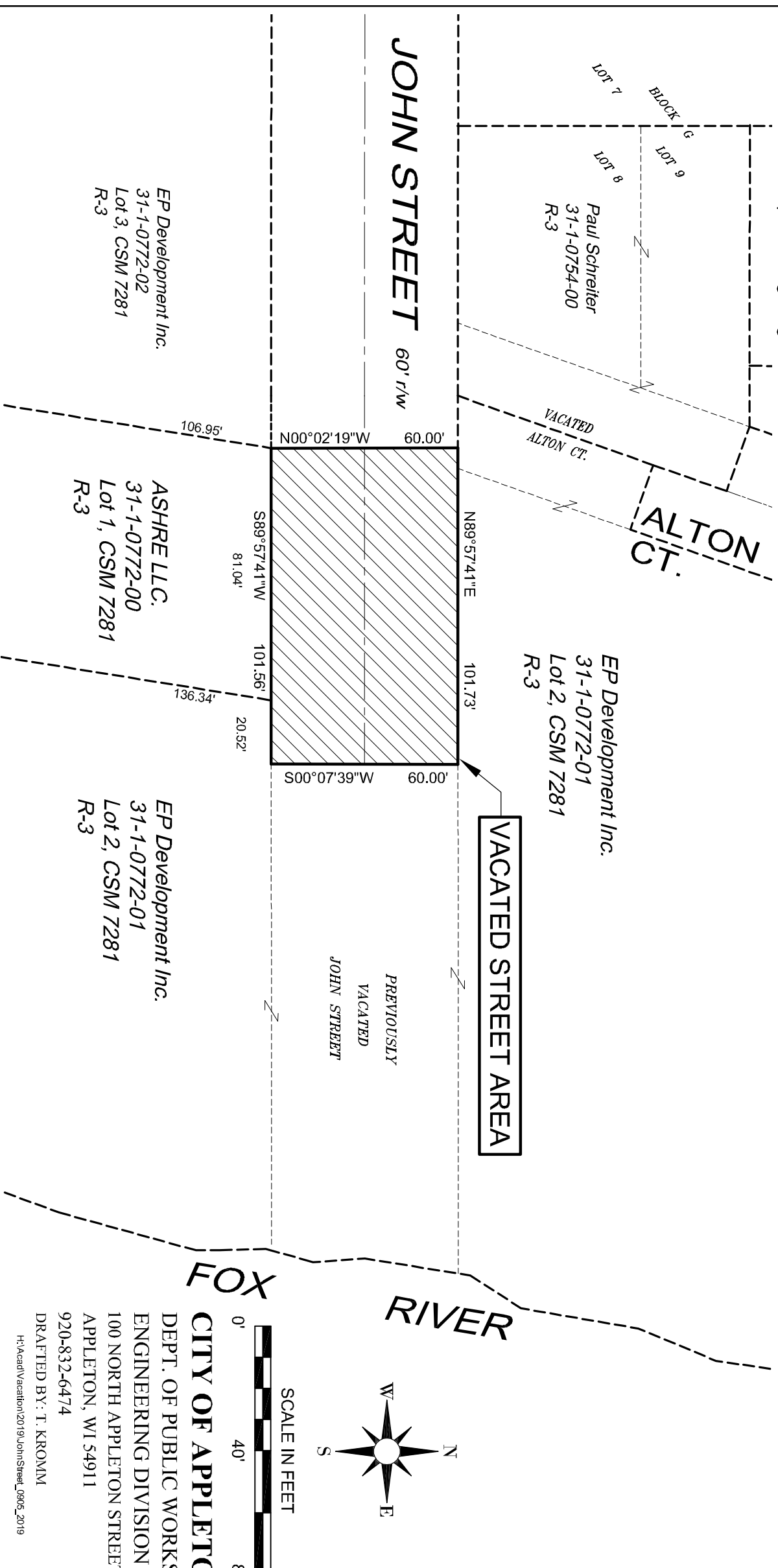
This instrument was drafted by:  
Attorney James P. Walsh

City Law A19-1064

# EXHIBIT "A"

## LEGAL DESCRIPTION

All of a strip of land 60 feet in width and 101.65 feet m/l in length along its centerline and containing 6,099 square feet of land m/l and being further described by: All that part of John Street lying between Lots 1 and 2 of Certified Survey Map No. 7281, being located in the Government Lot 5, Fractional Southwest Quarter (SW ¼) of Section 25, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin and being further described as follows: Commencing at the Northwest corner of Lot 1 of Certified Survey Map No. 7281, being coincident with the South line of John Street and being the point of beginning; Thence North 00°02'19" West 60.00 feet to the North line of John Street; Thence North 89°57'41" East 101.73 feet coincident with the North line of John Street to the currently established East line of John Street; Thence South 00°07'39" West 60.00 feet coincident with the East line of John Street to the South line thereof; Thence South 89°57'41" West 101.56 feet coincident with the South line of John Street to the point of beginning.



**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\Vacation\2019\JohnStreet\_0905\_2019

# FINAL RESOLUTION

**WHEREAS**, the public interest requires that a portion of North McDonald Street, north of East Northwood Drive, that has not previously been vacated, be vacated and discontinued; and

**WHEREAS**, notice was given when and where the resolution would be acted on, as required by law; and

**WHEREAS**, hearing was had on said Resolution on the 22<sup>nd</sup> day of January, 2020, at City Hall, in and for the City of Appleton, Wisconsin.

**BE IT RESOLVED**, that the Common Council of the City of Appleton, Wisconsin, hereby determines that the public interest requires that:

## **LEGAL DESCRIPTION**

All That Part of Lot 4, Block 11, **Northwood Park Plat**, described in a Quit Claim Deed recorded in Volume 749 Page 399-400 as Document #601333 of the Outagamie County Register of Deeds Office, located in the Northeast Quarter of the Southwest Quarter of Section 13, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.  
See also attached Exhibit "A" for illustration.

## **COMMON DESCRIPTION:**

A portion of North McDonald Street, north of East Northwood Drive

**FURTHER RESOLVED**, that the City Clerk of the City of Appleton be authorized and directed to give notice required by §66.1003 of the Wisconsin Statutes.

**FURTHER RESOLVED**, that according to §66.1005, Wisconsin Statutes, upon vacation and discontinuance of said portion of North McDonald Street, north of East Northwood Drive, title to the above-described area shall belong to the adjoining property owners and shall acquire an ownership interest in the entire area being vacated (as deemed necessary).

Record and return to:

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

Tax Key No.: 31-1-5045-00

SIGNATURES APPEAR ON THE FOLLOWING PAGE

City of Appleton

By: \_\_\_\_\_  
Timothy M. Hanna, Mayor

By: \_\_\_\_\_  
Kami Lynch, City Clerk

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

STATE OF WISCONSIN    )  
  : ss.  
OUTAGAMIE COUNTY    )

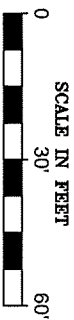
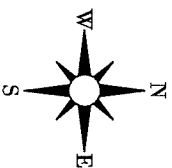
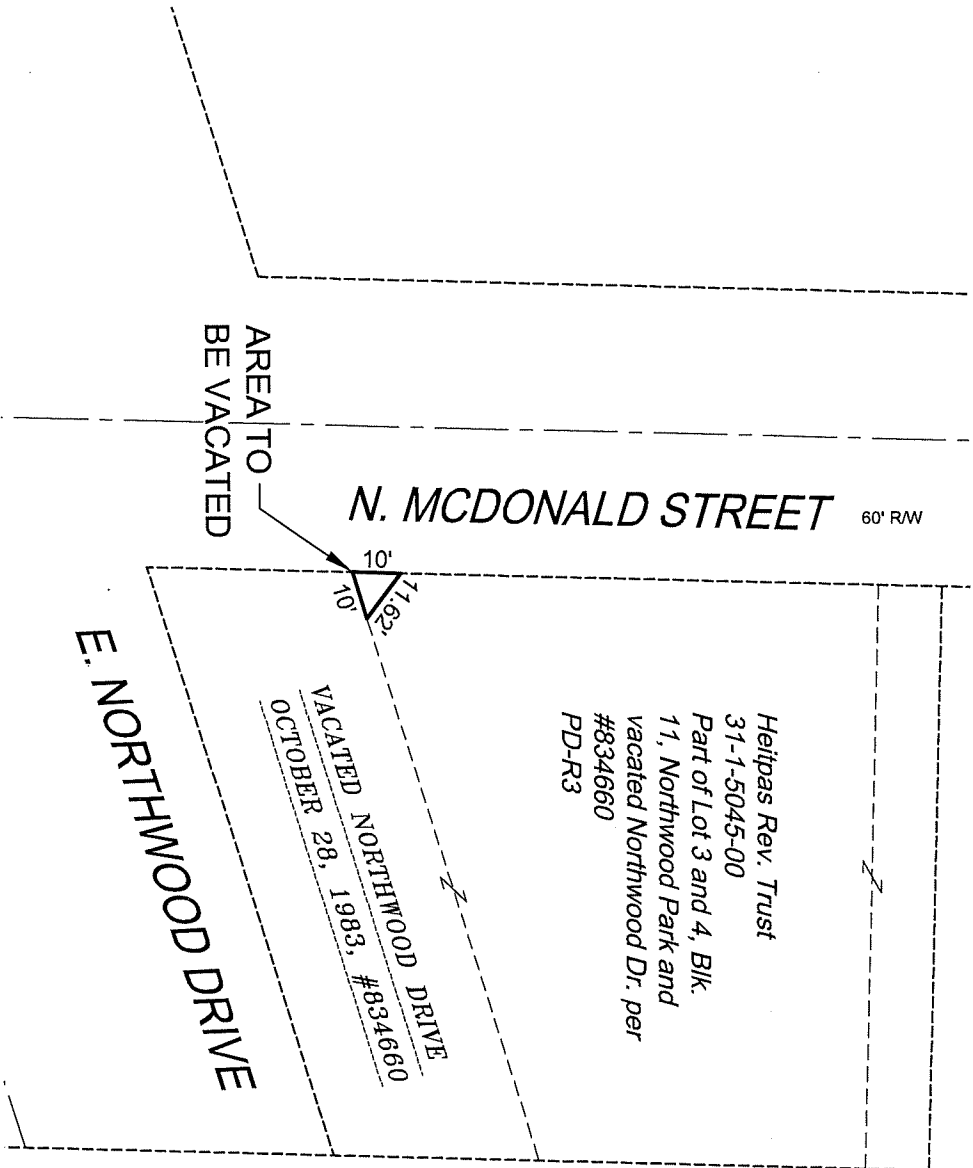
The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of January, 2020 by Timothy M. Hanna, Mayor and Kami Lynch, City Clerk.

\_\_\_\_\_  
Jamie L. Griesbach  
Notary Public, State of Wisconsin  
My commission expires 11/11/2021

This instrument was drafted by:  
Attorney James P. Walsh  
City Law A19-1065

# EXHIBIT "A"

ALL THAT PART OF LOT 4, BLOCK 11, NORTHWOOD PARK PLAT, DESCRIBED IN A QUIT CLAIM DEED RECORDED IN VOLUME 749 PAGE 399-400 AS DOCUMENT #601333 OF THE OUTAGAMIE COUNTY REGISTER OF DEEDS OFFICE, LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



BEARINGS ARE REFERENCED TO WISCONSIN COUNTY COORDINATES, OUTAGAMIE COUNTY H:\Acad\Vertical\201319\Northwood\_Dr\_McDonnell\_0982\_2019

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



## MEMO

---

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

**TO:** Municipal Services Committee  
**FROM:** Paula Vandehey, Director of Public Works  
**DATE:** September 11, 2019  
**SUBJECT:** **Resolution #11-R-19 regarding the creation of a parking lot on the former Blue Ramp Site.**

---

In response to Resolution #11-R-19 from Alderpersons Martin and Spears, city staff met to discuss the pros and cons of this proposed parking lot. Our thoughts are as follows:

### PROS:

- Improved visibility and identity for City Hall.
- Opportunity to provide additional ADA accessibility into City Hall.
- Addresses some perceived parking issues (i.e. parking is too far away, there is not enough short-term parking in the immediate area, etc.).
- Opportunity to provide additional short-term parking for City Center.
- Additional parking revenue if rates are set at a premium for the convenient parking option.

### CONS:

- Lost opportunity for the Parking Utility to sell the lots associated with the former Blue Ramp. Estimated market value of \$590,000 (\$16/SF).
- Lost opportunity for tax increment. Estimated at \$14 million, which equates to \$320,000 in tax revenue annually.
- Lost opportunity for substantial neighborhood redevelopment north of College Avenue.
- On-going maintenance of lot (snow removal, sweeping, striping, patching, electricity, signage, etc.).

**PROJECTED COSTS (\$420,000):**

- Cost to design and construct ADA accessible City Hall entrance is estimated at \$200,000.
- Cost to design and construct new parking lot is estimated at \$200,000.
- Cost to purchase and install parking meters is estimated at \$20,000.

**OTHER POINTS TO CONSIDER:**

- A conceptual layout of a possible configuration for the proposed parking lot is attached showing 10 handicap stalls and 71 1-hour metered stalls.
- The Downtown Parking Study completed by Walker Parking in 2018 was clear that the City had adequate parking with the removal of the Blue Ramp. Since the demolition of the Blue Ramp it has become apparent that there are over 300 parking stalls available within a 2 block radius (Yellow Ramp, Red Ramp and on-street meters on Washington Street and to the north). However, many customers of the City Center neighborhood do not consider parking within 2 blocks convenient parking.
- The Downtown Future Land Use Plan identifies this area for mixed-use development.
- It is anticipated that future development on this site will include public parking.

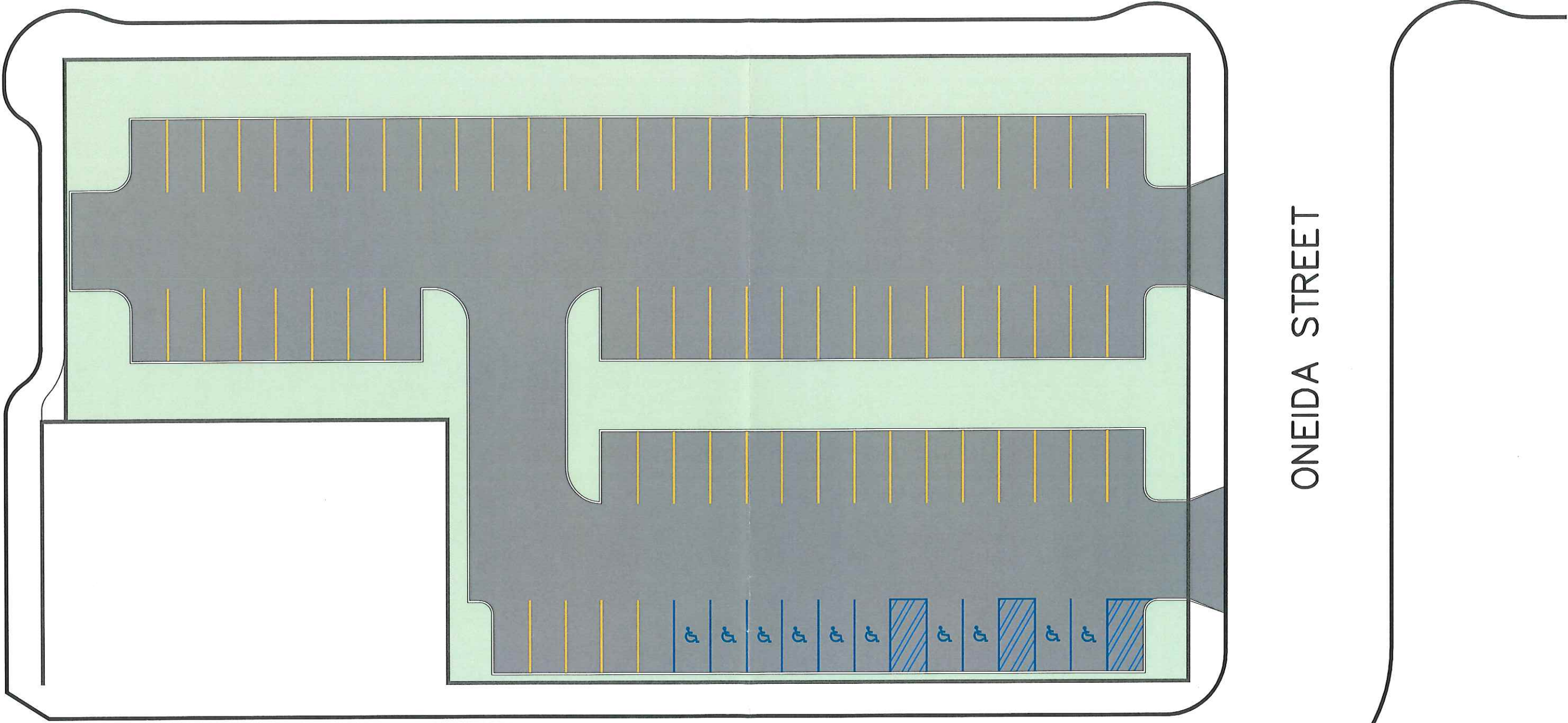
**Based on the costs to construct and maintain the proposed parking lot, the lost opportunity for tax increment, and the availability of parking already paid for by the Parking Utility, staff recommends that Resolution #11-R-19 be denied. However, staff does recommend that funds be allocated to create some major marketing campaigns and materials to educate residents and visitors about the available parking options we have in downtown Appleton.**



WASHINGTON STREET

APPLETON STREET

ONEIDA STREET



CITY CENTER ALLEY

STALL COUNT	
71	REGULAR
10	HANDICAP
<hr/>	
81	TOTAL



## MEMO

---

**TO:** Municipal Services Committee

**FROM:** Paula Vandehey, Director of Public Works

**DATE:** October 16, 2019

**SUBJECT:** **Resolution #11-R-19 regarding the creation of a parking lot on the former Conway Building Site.**

---

In response to Resolution #11-R-19 from Alderpersons Martin and Spears, city staff met to discuss the pros and cons of a proposed parking lot on the former Conway Building Site. Our thoughts are as follows:

### PROS:

- Addresses some perceived parking issues (i.e. parking is too far away, not enough short-term parking in the immediate area, not enough convenient designated accessible parking, etc.).
- Opportunity to provide additional short-term parking for City Center.
- Additional parking revenue if rates are set at a premium for the convenient parking option. Proposing that meters have a 1-hour time limit with a \$2/hour rate.

### CONS:

- Lost opportunity for the City to sell the lot associated with the former Conway Building. Estimated market value of \$256,900 (\$15/SF).
- Lost opportunity for tax increment. Estimated at \$14 million, which equates to \$320,000 in tax revenue annually.
- Lost opportunity for substantial neighborhood redevelopment north of College Avenue. The Community and Economic Development Department believes this lot would be developed in conjunction with the former Blue Ramp Lot.
- On-going maintenance of lot (snow removal, sweeping, striping, patching, electricity, signage, meter maintenance, etc.).
- The existing commercial loading zone for the City Center Building and associated evening parking stalls will be lost due to the access to the proposed parking lot on the east side of Oneida Street.

- The access to Washington Street uses the existing alley which is not ideal as it is close to the pedestrian crossing from the Yellow Ramp.

### **PROJECTED COSTS (\$90,000):**

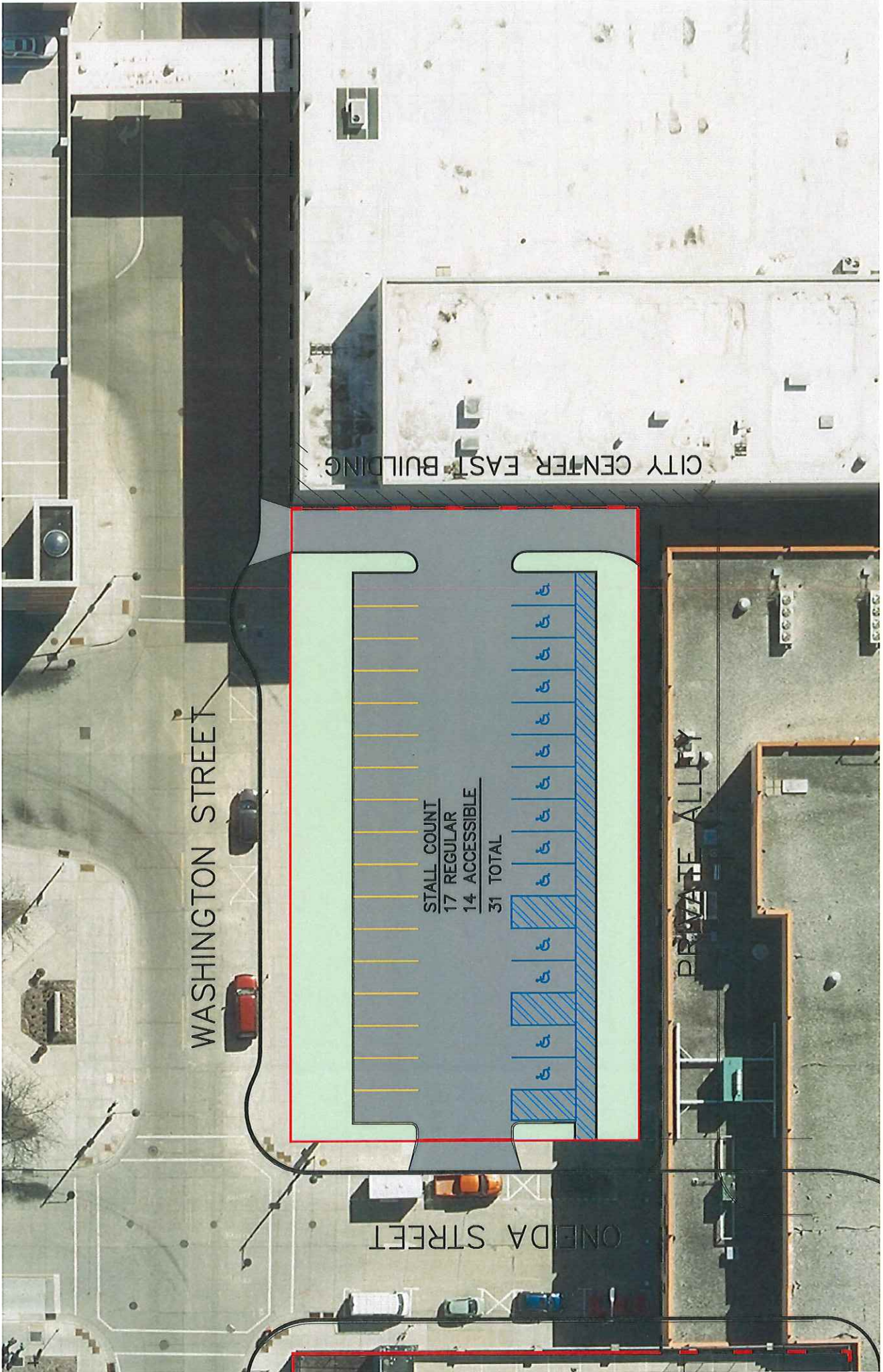
- Cost to design and construct new parking lot is estimated at \$85,000.
- Cost to purchase and install parking meters is estimated at \$5,000.

### **OTHER POINTS TO CONSIDER:**

- A conceptual layout of a possible configuration for the proposed parking lot is attached showing 14 accessible stalls and 17 1-hour metered stalls.
- The Downtown Parking Study completed by Walker Parking in 2018 was clear that the City had adequate parking with the removal of the Blue Ramp. Since the demolition of the Blue Ramp it has become apparent that there are over 300 parking stalls available within a 2 block radius (Yellow Ramp, Red Ramp and on-street meters on Washington Street and to the north). However, many customers of the City Center neighborhood do not consider parking within 2 blocks convenient parking.
- Providing accessible parking in this location does not automatically free up parking on College Avenue. In fact, it may move some of the accessible parking out of the Yellow Ramp and Library Parking Lot and move it to this lot.
- The Downtown Future Land Use Plan identifies this area for mixed-use development.
- It is anticipated that future development on this site will include public parking.

**Based on the availability of parking within 100 feet of the proposed lot which is already paid for by the Parking Utility, the lost opportunity for tax increment, and the costs to construct and maintain the proposed lot, staff recommends that Resolution #11-R-19 be denied. However, staff does recommend that funds be allocated to create some major marketing campaigns and materials to educate residents and visitors about the available parking options we have in downtown Appleton.**





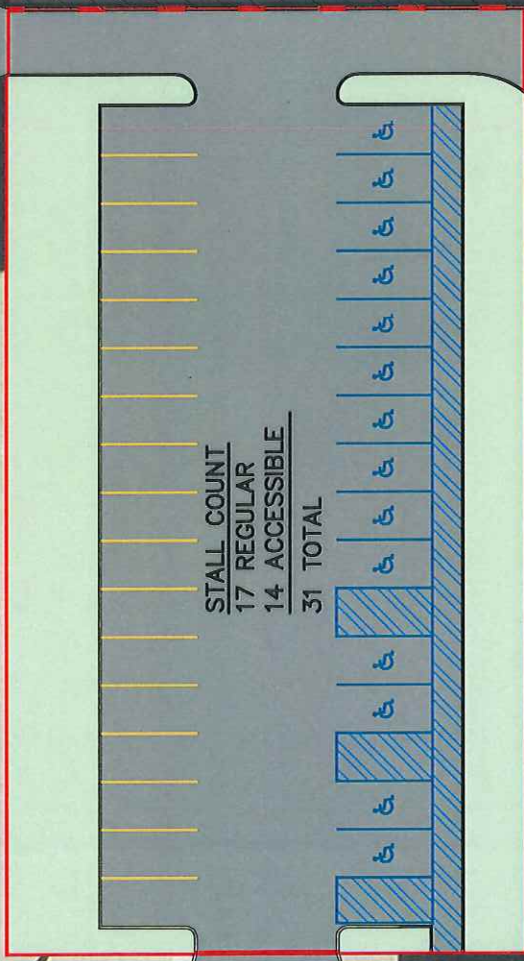
CITY CENTER EAST BUILDING

WASHINGTON STREET

ONIDA STREET

PRIVATE ALLEY

STALL COUNT
17 REGULAR
14 ACCESSIBLE
31 TOTAL





### Appleton Downtown Parking

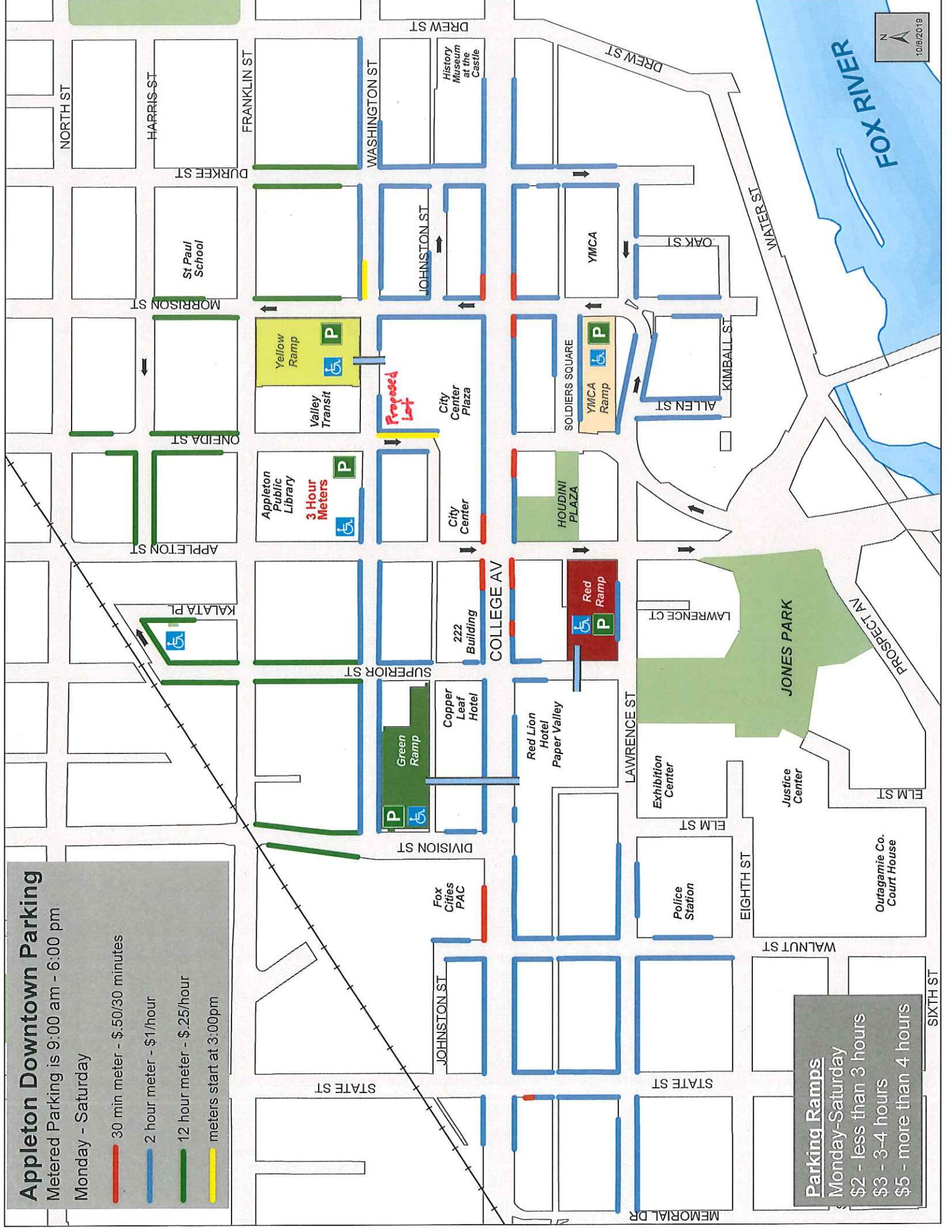
Metered Parking is 9:00 am - 6:00 pm  
Monday - Saturday

- 30 min meter - \$.50/30 minutes
- 2 hour meter - \$1/hour
- 12 hour meter - \$.25/hour
- meters start at 3:00pm

### Parking Ramps

Monday-Saturday

- \$2 - less than 3 hours
- \$3 - 3-4 hours
- \$5 - more than 4 hours



## Resolution #11-R-19

Submitted By: Alderperson Martin, District 4 & Alderperson Spears, District 12

Date: 8-21-2019

Referred to: Municipal Services Committee

**Whereas**, Appleton citizens and visitors continue to ask, where is city hall?

**And,**

**Whereas**, City of Appleton has made investments of over \$1 million in enhancing Finance and Parks & Recreation enrollment area on first floor, Dance Studios on the second floor, Remodeling of offices on floors 5 & 6, and there are plans to remodel the Council Chambers

**And,**

**Whereas**, the City of Appleton has invested millions in converting Appleton Street to two-way, with bike lanes and no parking on either side.

**And,**

**Whereas**, The City of Appleton needs to provide a welcoming door with good visible signage, respecting those who are visually impaired and/or with limited mobility; short term parking; Accessible Handicap Parking Stalls, accessible entrance with no steps and great lighting

**And,**

**Now, Therefore, Be It Resolved** that the Appleton Municipal Services review location and consider permanent short-term parking for Appleton residents, visitors, permit recipients, and those attending meetings of committees, and City of Appleton Common Council. And to take into account, the needs of our other condo neighbors.

# HOFFMAN HOLDINGS, LLC

12-4-2019

## Conway Parking Lot Agreement TERMS

### Hoffman Holdings, LLC, et al.

- Escrow \$90,000 for design and construction of parking lot, including drainage, paving, striping, lighting, landscaping, etc.
- Maintain parking lot including snow removal, pothole patching, sweeping, re-striping, mowing, etc.
- North City Center Plaza entrance closest to parking lot to mirror hours of mall tenants and special events at City Center Plaza - City Center Plaza Hours:
  - M-F 6:30 am to 8:00 pm
  - Saturday 7:00 am to 5:00 pm
  - Sunday Closed

### City of Appleton

- Design and construct parking lot, including site plan, special use, etc.
- Install signage and meters
- Update Ordinances accordingly
- Pay for parking lot ongoing electricity
- Pay for all costs exceeding \$90,000
- Maintain parking meters
- Timing of design and construction – Spring/Summer 2020

### Parking Lot

- Combination of accessible and metered stalls will be agreed to by both parties
- Parking meter time and rates to be established by the City Council
- If the property is sold to a third party developer, Hoffman Holdings, LLC, et al. will be reimbursed by the City and/or third party developer as follows: \$45,000 during the first year after date of completion; \$36,000 in year 2; \$27,000 in year 3; \$18,000 in year 4; \$9,000 in year 5; and \$0 after year 5.





## MEMO

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**TO:** Municipal Services Committee

**FROM:** Paula Vandehey, Director of Public Works

**DATE:** December 19, 2019

**SUBJECT:** Resolution #11-R-19 regarding the creation of a parking lot on the former Conway Building Site.

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### Legislative History of Resolution #11-R-19:

- August 21, 2019 – Resolution submitted by Alderpersons Martin and Spears.
- August 26, 2019 – Municipal Services Committee referred the item to staff for a recommendation.
- September 23, 2019 – Staff recommendation to deny constructing a parking lot on the Blue Ramp Site. Municipal Services Committee recommended denial 3-1 to construct parking lot on Blue Ramp Site.
- October 2, 2019 – Common Council referred the item back to the Municipal Services Committee.
- October 7, 2019 – Municipal Services Committee amended the resolution to construct a parking lot on the former Conway Site and referred the item to staff for a recommendation.
- October 21, 2019 - Staff recommendation to deny constructing a parking lot on the former Conway Site. Municipal Services Committee recommended denial 2-2 to construct parking lot on former Conway Site.
- November 6, 2019 – Common Council referred the item back to the Municipal Services Committee as Hoffman Holdings offered to pay for the construction of the parking lot during public participation portion of the Common Council meeting.
- December 9, 2019 – Municipal Services Committee went into closed session to discuss potential development of former Conway Site. Hoffman Holdings provided a new parking lot layout for the Blue Ramp Site. Municipal Services Committee referred the item to staff for a recommendation.

The attached drawing shows the latest proposed parking lot fitting the access driveway between the building columns, staying clear of the WeEnergies generator easement, and providing an accessible sidewalk to the mall entrance.



In response to the latest proposed parking lot layout, City staff provides the following thoughts:

**PROS:**

- Addresses some perceived parking issues (i.e. parking is too far away, not enough short-term parking in the immediate area, not enough convenient designated accessible parking, etc.).
- Opportunity to provide additional short-term parking for City Center.
- Additional parking revenue if rates are set at a premium for the convenient parking option. Proposing that meters have a 1-hour time limit with a \$2/hour rate.

**CONS:**

- Parking lot makes marketing of the lot more challenging as developer has the perception of “taking away parking.” The estimated market value of the Blue Ramp Site is \$256,900 (\$15/SF), and the estimated tax increment of a new project is approximately \$14 million (\$320,000 in tax revenue annually).
- Lost opportunity for substantial neighborhood redevelopment north of College Avenue. The Community and Economic Development Department believes this lot would be developed in conjunction with the former Conway Site.
- Reimbursement to Paul Hoffman per proposed terms of up to \$45,000 if lot is developed within the next few years.

**OTHER POINTS TO CONSIDER:**

- Providing accessible parking in this location does not automatically free up parking on College Avenue. In fact, it may move some of the accessible parking out of the Yellow Ramp and Library Parking Lot and move it to this lot.
- The Downtown Future Land Use Plan identifies this area for mixed-use development.
- It is anticipated that future development on this site may include public parking.
- The Downtown Parking Study completed by Walker Parking in 2018 was clear that the City had adequate parking with the removal of the Blue Ramp. Since the demolition of the Blue Ramp it has become apparent that there are over 300 parking stalls available within a 2 block radius (Yellow Ramp, Red Ramp and on-street meters on Washington Street and to the north). However, many customers of the City Center neighborhood do not consider parking within 2 blocks convenient parking.

**Based on the availability of parking within 200 feet of the proposed lot which is already paid for by the Parking Utility and the potential lost opportunity for tax increment, staff recommends that Resolution #11-R-19 be denied. However, staff does recommend that funds be allocated to create some major marketing campaigns and materials to educate residents and visitors about the available parking options we have in downtown Appleton.**



WASHINGTON STREET

ONEIDA STREET

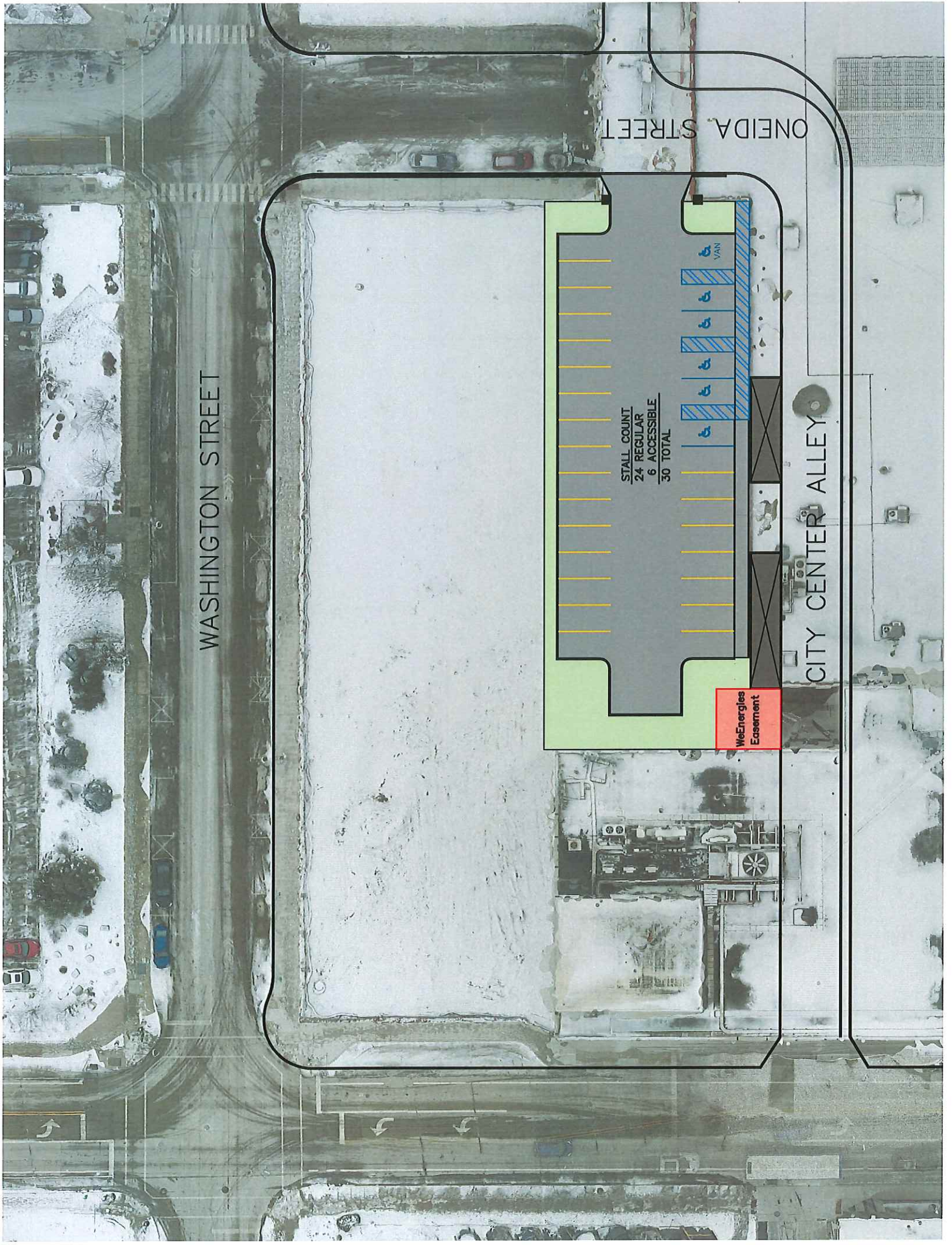
CITY CENTER ALLEY

STALL COUNT  
24 REGULAR  
6 ACCESSIBLE  

---

30 TOTAL

WeEnergies  
Easement





## Resolution #11-R-19

Submitted By: Alderperson Martin, District 4 & Alderperson Spears, District 12

Date: 8-21-2019

Referred to: Municipal Services Committee

**Whereas**, Appleton citizens and visitors continue to ask, where is city hall?

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**And,**

**Now, Therefore, Be It Resolved** that the Appleton Municipal Services review location and consider permanent short-term parking for Appleton residents, visitors, permit recipients, and those attending meetings of committees, and City of Appleton Common Council. And to take into account, the needs of our other condo neighbors.

Y = Keep it where it is. I = Indifferent N = Move it

Sculpture Valley Thank you all for your positive comments. For those of you with divergent opinions, you should also feel welcome to share them here. This is about community dialogue and the collective arts experience. Keep the conversations going and please share this post with others who have options about this work, we want to hear from everyone :)

I Jessy Glaser What is the artist trying to express through this sculpture? I live very close to this artwork and there's been a lot of discussion about it.

Sculpture Valley Jessy Glaser so, first I'll share some info that was posted by Lee Snodgrass about the sponsors and who the artwork is honoring;

My dear friend Jeni Moore and her dad, retired Dr. Brian Moore sponsored this as a tribute to her mom who passed away afte...See More



FINDAGRAVE.COM

Linda Kuplic Moore (1944-2006) - Find A Grave...

Lauren Gougeon Diedrich Who is the artist?

Sculpture Valley Lauren Gougeon Diedrich Paul Bobrowitz Jr.

Y Eric Stadler I love the sculpture at the west end of the College Avenue bridge! So cool. Nice work out there by you and your band of volunteers and sponsors.

Y Tinna R. Carper I love this sculpture. It sparked a conversation with my grandkids. Ages 3,7,10 and 13. Everyone had something to add. The most amazing thing is they all appreciated the piece.

Y Lisa Grosz I really love and appreciate this sculpture!

Y Shawn Van Deusen We loved this piece when we saw it the other day!!

Y John Nebel Worthy Work result ALEX ?

I Adrienne Fuhrmann Is there a statement or story that goes with it?

Sculpture Valley Adrienne Fuhrmann and then I'll share some insight into the artists inspiration and how we, the ACRE jury, thought it would say about our community.

The artist described the work as an amalgamation of the many voices that spoke to him as he works to come up with ideas for sculpture. A collection of divergent thoughts distilled into something more defined.

Y Kristi Lyn Thank you so much for this awesome piece of art. My kids and I loved every inch of it. The minute we seen it we had to stop and have a close look!!! My oldest loves his nose while I thought the eyes were very curious!!!!!! Thanks again!!!!



Y Judy Gaines I look forward to seeing this as I drive across the bridge. I haven't been able to look long enough so will soon walk over. Thanks for the gift.

Y Brian Leone Tracy I drove past it this weekend and it surprised me and made me smile. Happy to see this one make a home in Appleton, for a few years at least.

I Kimberly Ann I noticed it this morning on the way to work! Looking forward to getting a closer look at it this weekend.

Y Adrianna Thank you for making this happen! I'm so excited to see it in person. My mom would have absolutely loved it.

Y Jim Denney Knowing the name helps a lot with some understanding of the meaning. It is a beautiful piece and I enjoy driving past it a number of times each day.

Y Jeni Moore It's magnificent! She would have absolutely loved this. Can't wait to see it in person! Thank you Sculpture Valley and Acre of Art!

Chelsea Jean Judy Cahee

I Samantha Patterson I will be honest, this creeped me out when i saw it. I understand it is art, it is also creepy seeing all those faces staring back at you. I can only imagine how long it took the artist to make it. I do enjoy learning the history behind it and will be sharing this with my family and friends. Thank you

Kristi Ross-Clausen That is positively ugly - how fun!

Y Jeni Moore Linda Moore would have loved this. She would have found a way to photograph it, make it into amulets and silkscreen it on gift bags. It would have been our family holiday card (sent in February) and must-see destination for out-of-town guests. This year would have been her 75th birthday and my parents 50th wedding anniversary. A magnificent tribute indeed. #sculpturevalley #acreofart

Y Laurie Kuplic Love it...  
yes she would

Y Patti Yugovich Beltz Beautiful

Y Trish Kuplic It is magnificent in person!



Abby SchmidtShelley Nulton Have you heard about this sculpture in Appleton? It was commissioned in honor of a local artist named Linda Moore.  
<https://www.facebook.com/539622322790557/posts/2546947542058015?d=n&sfns=mo>

I Nulton kind of strange?

Y Linda Moore Priestap I think it's cool. Colorful. Evoking discussion. Obviously honoring a very special woman. ( Linda was the #1 or #2 name for girls that year I think.)

I have received a lot of contacts about this sculpture between College Avenue and Green Bay Road on the southeast corner of District 2. In response to these contacts, I have requested that the location of this sculpture be returned to committee for more discussion. On December 9th at 4:30pm, the Municipal Services Committee will consider revoking the current location of the statue. The committee meeting is open to the public and will allow public comment. The meeting will be in Council Chambers at City Hall, on the 6th floor of City Center off Appleton Street.

Y Kathy Flores Encourage public art!!! Not everyone will like it or agree about art, but it's already doing what art does.....making people think and now discuss. ð

Y Christoph Wahl I suppose the immediate neighborhood should have some say in what is done with common public space, but I'd urge the neighbors to keep this where it is and enjoy it.

I Ronna Jean Swift I would like to see it in a park where folks can read and find out what it represents. I found it confusing and distracting to drive by. I agree that music and art feed the soul and lead to discussion.

Y Jennifer L. Arndt That is a great spot for it!

Y Dottie LeClair I love it - it speaks to diversity.

Lee Snodgrass Jeni Moore

I Donna Gasbarro This is near a property that once belonged to my great grandfathers family. Is this artwork included in a walking tour? Lovely neighborhood.

I Donna Gasbarro I'd like to see it up close & in person. Haven't had the chance yet.

Y Karen Bruno What have the complaints been about? I think it's great to have more public art and hope it can stay where it is for the predetermined time.

✍ Author

District 2 Alderperson in Appleton - Vered MeltzerSome say it scares their children. Complaints include that the installation generally feels invasive and disruptive in their neighbourhood; no one ever got their input or informed them of the committee approval process, it just appeared all of a sudden. One contact mentioned concern that it would lower their property value.

Y Becky Stahl I love public art and would encourage more of it. That being said, my first encounter with this sculpture was certainly a surprise. It is a giant head after all? But it's an interesting piece and we enjoy having art in this spot. I did initially worry that it may distract drivers from the pedestrian crossing however. I think it may just take a little time for the community to grow used to the piece.

District 2 Alderperson in Appleton - Vered MeltzerFrom a traffic engineering standpoint, attention-getting installations generally slow traffic down.

Y John Keller I think it looks awesome and should stay...can you lend some context to the referenced "contacts"

✍ Author

District 2 Alderperson in Appleton - Vered Meltzer I've received emails, phone calls, and text messages. Some say it scares their children. Generally feels invasive and disruptive in their neighbourhood. No one ever got their input or informed them of the committee approval process, it just appeared all of a sudden. One contact mentioned concern that it would lower their property value.

Y Mary Hatch What a cool piece! Each of us is the dna from all of our ancestors, and each of our descendants share our dna. Our face and bodies are a family tree. It's lovely!

Y Karon Sandberg What a beautiful tribute to Linda, thank you Moore family!

Y Matt Troge What are the complaints? It's a cool art piece that breathes some uniqueness to Appleton and it's in a spot where folks can see as they enter downtown. Why waste time talking about moving it? Personally, I'm gonna reach out with complaints if gets moved so might as well just



leave it be.

 Author

District 2 Alderperson in Appleton - Vered Meltzer I shared the input I've received in a couple other comments on this thread.

Y Emily Tseffos We live on the 800 block of College Ave and my two year old loves it! Hoping it will stay in our neighborhood ?

Y Amy Karner King I've been enjoying this piece! I discover additional unexpected details the more I experience it. Appreciate the public art displays in our city and the hard work from those who make it reality.

I Julie Keller My daughter saw it as we were driving home last week and we are taking a walk this morning to get a closer look!

Y Dean Wolf Awesome piece of art, leave it where it is.

Y Emily Reetz I love this. Right where it is, in my neighborhood.

Y Mary Beth Pritzl Not sure why the location needs to be changed. This is in our neighborhood and we like it.

Y Marsha Dawson It's public art, enjoy it and encourage more.

Y Jennifer Schneider We love it!!!! We live on the 900 block of East Franklin.

Y R.c. Mac I love it. It's amazing. What kind of asshole would complain about this and for what reason?

Y Tru Em Now that is a cool piece of art

Y William Baxter Nothing like disrespecting an amazing piece of artistic work and talent because certain members of the community don't understand its message. How would you feel as an artist to have your work approved and then later removed due to local politics? If you didn't think the location

through in the first place that should be the fault of the community planners.... not the artist!

 Author

District 2 Alderperson in Appleton - Vered Meltzer I can only speculate that the neighbours might have been more receptive and supportive of the installation if they had been informed of the proposal before the art was installed. In the future the city will notify adjacent property owners about proposa...See

Isabel Fevola



Y Isabel Fevola I think it's awesome Clever how they made them metals tanks and made it in to a face. I seen other face sculptures and adults and kids like them so why is this one any different ?

Y Tara Firkus Jordana and I go passed this twice a day on the way to 4k. She loves it. Calls it "the Big Man".

I Sandi England Rohde What's the main concerns?

Vered Meltzer People don't want it to be there. Some say it scares their children. Generally feels invasive and disruptive in their neighbourhood. No one ever got their input or informed them of the committee approval process, it just appeared all of a sudden. One contact mentioned concern that it would lower their property value.

Lee Snodgrass Vered Meltzer ?

Y Julie Haurykiewicz I saw it in person for the first time yesterday and think it is awesome!

Y Nora Johnston I love this sculpture! I was pleasantly surprised to see it when I came over the bridge. I find it curious, somewhat whimsical and oddly charming.

Y Nate Wolff I think it's really cool and is in a good spot.

Y Ann Gain For what is worth I live in this neighborhood and I really like it. And it's only there for 2 years if I understand correctly

Y Polly Snodgrass Put it in my yard!

Y Helen Kramer i'd love it in front of my house.

Y Matt Lederer My first reaction was basically, "What the heck is that scary thing?" Followed by a closer look. Then I drove by a few times and was intrigued. And now, the more I look at this sculpture, the more I like it.

I hope it isn't moved, but if it is, I hope it'll be somewhere with high visibility.

Y Matt Lederer Also, as the "owner operator" of 2 kids (aged almost 9 and almost 6), they are decidedly not scared by it. They like that "there are faces that make a face, and all the faces are funny and strange."

I Trisha Fischer Kostelny Coming off the bridge you have to be careful because you want to look at it, but need to keep your eyes on the road- especially with the curve.

Y Babette Doll I think it's really cool! I hope it does not get moved out of my neighborhood!!!

Y Emily Tseffos We live a block from the sculpture and love it ?  
Manage

N Christina Marie Rappel Thank goodness! Unfortunately, art is not always beautiful. That said, the city should try to focus on beautification. This is rather an eyesore.

John De Bruin <https://www.prageru.com/video/why-is-modern-art-so-bad/>  
Manage

Y Julie Keller My daughter saw it as we were driving home last week and we are going to walk this morning to get a closer look as she thought it was "super cool". So that's the feedback from a 16 year old!

Y John Nebel Grt PC of Art ? Art serves all as inviting human response to biggest tent in each viewer/participant ?

**Matt Troge**

Y This is so quintessentially the mindset of a majority of Appleton. One tiny little change is

complained about because it's change and instead of being able to enjoy something like an art installation that brings some unique character to our community, now the local government has to take time to discuss where it could go and if they should move it. ? super frustrating

Sculpture Valley Thanks Matt Troge, we share your sentiments and are looking forward to a robust and lively discussion about public art and placement of it on the 9th. Art should stimulate discussion, I think this piece has ?

Y Matt Troge It's a super interesting piece and while a tad strange, it made my wife and I really happy to see something pop up like that! I hope it stays

Y Chris Burns I am a fan of community art projects like this one. However, 100% confident that people will complain about anything if given a soapbox to voice their opinion. #NoTimeForNegativity

### **Brad Knapp**

Y This first time I saw this sculpture I said outloud to everyone in the car (I was alone) "that thing is badass".

Y Terry Phelan I was coming across bridge about three weeks ago and saw this for first time. Needless to say I almost took the curb out in awe!

Y Michelle Eilers I love this installation. I hope it gets to stay in its current location.

N Jared Huber It's grotesque!!! ?

Y Mandy Holm Love it! I drive past it twice a day, and think that it adds unique character to that location. I hope it stays also.

Y Jeni Moore I can't be at this meeting can I be present via FaceTime?!?



Y Adrianna I would also like to be present via phone or facetime, if possible.

Concerned citizens have asked their district alderperson, Vered Meltzer, to introduce a reconsideration of the approved placement of The Collective, the 2019 Jury's Choice for ACREofART III at this Municipal Services meeting.

Whether you support the idea of relocation or are in favor of leaving it in place, it is important that we hear from the public, particularly from those residents who live in the neighborhood or in close proximity to it. We welcome all perspectives as it brings about a healthy discussion of the merits of our public art program and the boundaries it operates in.



MON, DEC 9 AT 4:30 PM

Vote to rescind approved placement of The Collective

Sculpture Valley From a Private property-owner standpoint, a piece of public artwork at this location is introducing a significant feature into what have always been an open green space. Particularly for the few properties adjacent to the site, that space is ostensibly ...See More

Y Deb Forslund Sculpture Valley I see nothing wrong with the placement; as stated, it's a gateway into and out of the downtown area. And unless adjacent property owners, who consider this space an extension of their yards, are paying property taxes on this parcel, t...See More

Sculpture Valley This is a discussion about the appropriateness of the location and we can see both sides of this unique public / private site. From a public standpoint, the location is a highly visible gateway sculpture opportunity which gets a significant amount of traffic into and out of the downtown. It's an ideal location, which is why an ACRE work has been placed there.

Y Rachel Pieper We love it! We look for it every time we pass off Er bridge.

Y Sara Duroy I admit the first time I saw it I jumped cuz it scared me but its cool... I always see something new in it... I like it and vote for it stays

Y Molly Trochta-Van Landghen Wait people are upset about the placement of this?

Y Cody Bob-Los Deisenroth Molly Trochta-Van Landghen lol that's what I'm confused about

N Nikki Jackson That thing is so ugly!

Y Jennifer Feagans Thompson I love this..

N Ian Keberlein Def move that stupid thing

N J Robert Oliver YES !!!!

Y Rochelle Isaacson Max and I have named this piece "Schnozzle"



# PERMIT TO OCCUPY THE PUBLIC RIGHT-OF-WAY

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

Rev. 04-10-15

### Applicant Information

Name (print): Joshua Sickler Company: my Authors Kitchen  
 Address: 125 E College Ave Telephone: (920) 851-6300 FAX: \_\_\_\_\_  
 e-mail: jsickler69@gmail.com  
 Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Occupancy Information

General Description: Tables & Chairs out on side walk  
 Street Address: 125 East College Ave. Tax Key No.: \_\_\_\_\_  
 - or -  
 Street: \_\_\_\_\_ From: \_\_\_\_\_ To: \_\_\_\_\_  
 Multiple Streets: \_\_\_\_\_

(Department use only)

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

### Additional Requirements

Plan/Sketch  Certificate of Insurance  Bond  
 Other : \_\_\_\_\_

### Traffic Control Requirements

N/A

Type of Street: \_\_\_\_\_ Proposed Traffic Control: \_\_\_\_\_  
 Arterial/CBD  City Manual Page(s) \_\_\_\_\_  
 Collector  State Manual Page(s) \_\_\_\_\_  
 Local  Other (attach plan) \_\_\_\_\_

Contact Traffic Division (832-2379) 1 business day prior to any lane closure, or 2 business days prior to a full road closure.  
 Additional Requirements: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

This permit approval is subject to the following conditions:

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

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

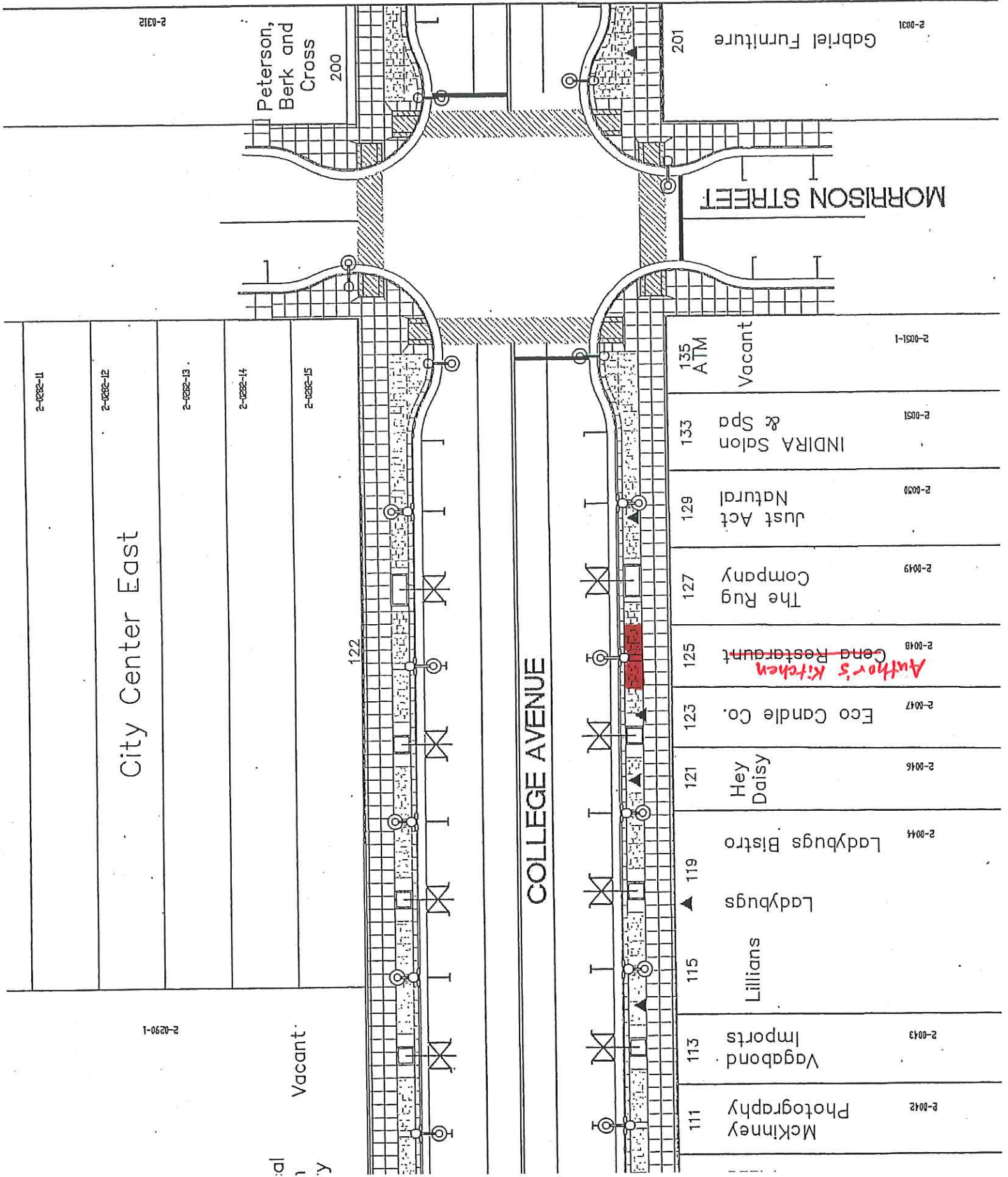
The Grantee shall guarantee at their expense, the repair or replacement of pavement, sidewalk and any other facilities within the public right-of-way damaged or destroyed by the Grantee or any sub-contractor working for them. The Grantee shall assume complete and full liability and responsibility, in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

APPROVED BY: \_\_\_\_\_  
 (Department of Public Works)

DATE: \_\_\_\_\_



# City Center East



2-0290-1	Vacant
2-0282-11	
2-0282-12	
2-0282-13	
2-0282-14	
2-0282-15	

111	McKinney Photography	E-0042
113	Vagabond Imports	2-0043
115	Lillians	
▲ 119	Ladybugs	
119	Ladybugs Bistro	2-0044
121	Hey Daisy	2-0046
123	Eco Candle Co.	2-0047
125	<del>Auther's Kitchen</del> Auther's Kitchen	2-0048
127	The Rug Company	2-0049
129	Just Act Natural	2-0050
133	INDIRA Salon & Spa	E-0051
135	ATM	2-0051-1
	Vacant	

200	Peterson, Berk and Cross	2-0312
201	Gabriel Furniture	E-0031

# MORRISON STREET

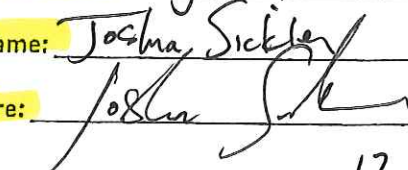


Insurance and Bond Coverage:

Insurance Carrier: Badger Mutual  
Insurance Agent Name and Phone Number: Guy (920) 851-7912  
Policy Number: 00758-55345  
Policy Period: 12/10/20  
Bond Carrier: \_\_\_\_\_  
Bond Agent Name and Phone Number: \_\_\_\_\_  
Bond Number: \_\_\_\_\_  
Bond Period: \_\_\_\_\_

I confirm that I have the authority to sign and certify the information contained herein as the permittee/licensee or duly authorized representative of the entity obtaining this permit/license. I have reviewed and understand the insurance and bonding requirements of the City of Appleton. I hereby certify that I, or the company I represent have insurance and a bond in the amounts required to obtain this permit/license. I have named the City of Appleton as an additional insured for purposes of this permit/license and have provided the name of my insurance and bond carriers, the policy numbers and policy periods above. Further, I agree to maintain appropriate insurance coverage for the duration of this permit/license and to indemnify against any and all liability, loss, damage and expenses and costs including attorneys' fees arising out of the activities performed as described herein, caused in whole or in part by any negligent act or omission of the applicant, anyone directly or indirectly employed by any of them, which may arise from the use of city right of way or property under this permit or license.

I certify that this application, and all information and documentation provided therein, is true and accurate.

Company Name: MJ Author's Kitchen  
Print Name: Joshua Sickley  
Signature:   
Date: 12-3-2019

## Paula Vandehey

---

**From:** Eric Lom  
**Sent:** Monday, December 16, 2019 8:43 AM  
**To:** Paula Vandehey  
**Subject:** FW: Permanent Railroad Safety Marking

Paula,

I like this idea. I assume we just need to get it on the next MSC agenda?

E

---

**From:** Gary Koerner <grkconductor@yahoo.com>  
**Sent:** Saturday, December 14, 2019 11:39 AM  
**To:** Eric Lom <Eric.Lom@Appleton.org>  
**Cc:** Meghan Cash <Meghan.Cash@Appleton.org>; Paula Vandehey <Paula.Vandehey@Appleton.org>  
**Subject:** Permanent Railroad Safety Marking

Appleton City Council

On October 7th 2019, Wisconsin Operation Lifesaver, Appleton Police Department (Officer Cash) and Canadian National Railway, put a Safety messages at some of the crossing warning pedestrian of train traffic. We used sidewalk chalk paint so it was temporary, the stencil we used put a message on the sidewalk that read "See Tracks Think Trains"

Nationally in 2018 there was 540 trespassing fatalities and in 2019 through the month of June there has been 319 trespassing fatalities.

So I would like to work with the city to make the sidewalk marking permanent. With the area we are looking at is a quiet zone it would raise the awareness of the hazards around railroad tracks.

Gary Koerner  
State Coordinator  
Coach / Trainer  
Wisconsin Operation Lifesaver  
920-428-9834

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



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**DEPARTMENT OF PUBLIC WORKS**

**100 North Appleton Street  
Appleton, WI 54911**

**(920) 832-6474**

**FAX (920) 832-6489**

**CITY OF APPLETON  
RAZING OF BUILDINGS POLICY**

This policy has been developed to provide a reasonable and consistent approach to publicly funding the razing of privately owned buildings. Nothing in this Policy shall be construed to circumvent or supersede state law, specifically Wis. Stat. 66.0413 related to razing buildings.

**GUIDELINES**

Buildings meeting the criteria set forth below in this policy may be razed at the discretion of the Inspection Supervisor. Requests to raze buildings that do not meet the criteria set forth in this policy shall be brought to the Municipal Services Committee for review. The Municipal Services Committee will be responsible for reviewing the request and make a recommendation to the Common Council. Common Council shall make the final determination regarding the public funding of privately owned buildings that do not meet the criteria set forth below.

**CRITERIA FOR RAZING OLD, DILAPIDATED AND OUT OF REPAIR BUILDINGS:**

- 1) **Building determined to be old, dilapidated or out of repair.** Wis. Stat. 66.0413(b) gives municipalities the authority to order a building to be razed if the building is old, dilapidated or out of repair and consequently dangerous, unsafe, unsanitary or otherwise unfit for human habitation and unreasonable to repair. The Inspection Supervisor shall issue an Order Requiring Removal of Unsafe Building and Personal Property if the condition meets the statutes standard.
- 2) **Reasonableness of Repair.** The cost of repairing the building would exceed 50% of the assessed value of the building set forth in Wis. State. 66.0413(c).
- 3) **Citations Issued.** Enforcement action has been taken in the form of a citation from the City of Appleton and this action has not motivated the owner to take the required action to correct violations.

- 4) **Delinquent Owner.** The owner has displayed a history of neglecting the building by not complying with notices of noncompliance for building code violations and/or has failed to pay property taxes for more than three (3) years.
  
- 5) **Service of Order.** No building shall be razed until all provisions of Wis. Stat. 66.0413 have been complied with, including proper notice issued to owners or agents.

cc: Paula Vandehey, Director of Public Works  
Amanda Abshire, Assistant City Attorney





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

**DEPARTMENT OF PUBLIC WORKS - Engineering Division**

**MEMO**

TO: Members of the Municipal Services Committee

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

SUBJECT: 2020 Aerial Imagery/LiDAR Contract Award

DATE: January 7, 2020

---

In 2017, the Common Council approved a ten-year agreement between the City and Ayres Associates, Inc. for orthophotography, lidar and digital mapping services, with specific scopes of services and their related contracts to be approved on a project-by-project basis. To date, Ayres Associates has provided high quality technical services and the City has been very satisfied with our professional relationship.

For our 2020 project, we are requesting approval for all necessary fieldwork (i.e. flights, ground control and aerial imagery) to obtain updated 3-inch pixel resolution orthoimagery and complete LiDAR (*Light Detection and Ranging*) data coverage for all of Appleton (see attached Exhibit 1). In addition to the fieldwork described above, the project scope also includes the creation of 1-foot contour maps prepared to USGS map accuracy standards for the entire city. The LiDAR process will essentially provide a complete three-dimensional point cloud representation of the City's ground surface, which can be used by City Engineering and GIS staff for numerous subsequent stormwater and mapping applications.

We hereby request to award the 2020 Aerial Imagery/LiDAR Contract to Ayres Associates in an amount not to exceed \$62,600 based on the attached scope of services. The approved 2020 budget allocation for this project is \$60,000.

Thank you for your consideration.

June 6, 2019



Ross M Buetow, P.E.  
Deputy Director of Public Works/City Engineer  
City of Appleton  
100 North Appleton Street  
Appleton, WI, 54911

Dear Mr. Buetow:

Thank you for the opportunity to submit a proposal for orthoimagery and lidar services for the City of Appleton in 2020. This letter describes the project approach and fees for 3-inch resolution orthoimagery and two lidar options that you requested for the City. The Wisconsin-based consulting team of Ayres Associates/Quantum Spatial team will provide the following services.

### Proposed Project Services – Orthoimagery

Ayres Associates understands that one goal of the project is to acquire 3-inch resolution, 4-band (RGB-NIR) digital orthoimagery for the City's project area. Please carefully examine and confirm the boundary on Exhibit 1 as it is the basis for the prepared estimate.

### Scope of Work

Ayres Associates is offering the City digital orthoimagery services at 3-inch resolution across approximately 43 square miles. The orthoimagery will be developed from aerial photography acquired using a calibrated, digital photogrammetric camera, in the spring of 2020 during the leaf-off state. The aerial photography will support 1" = 50' scale planimetric mapping if the City is interested in future mapping of infrastructure.

The delivered orthoimagery will consist of GeoTIFF tiles based on PLSS quarter sections (or other tile format agreed upon). Additionally, we will provide MrSID compressed tiles and a project-wide mosaic. The 3-inch pixel resolution digital orthoimagery for the 3-inch Project Area which will meet ASPRS horizontal accuracy standards of 0.7 feet RMSE.

### Orthoimagery DEM

Ayres Associates will use a digital elevation model (DEM) created from existing or new lidar for image orthorectification. Our technicians will review the existing data and will create a new DEM capable of supporting the horizontal accuracy of the orthoimagery.

### Ground Control

Ayres Associates will use airborne global navigation satellite systems (GNSS) and an inertial measurement unit (IMU) that accompanies the digital sensor to reduce the required amount of ground control. To meet the specifications of the project, we estimate a total of 15 control points will be needed. Ayres Associates will provide the ground control survey services for this project.

### Project Deliverables

Deliverable products included in the estimate are as follows:

- Digital ortho tiles in GeoTIFF (with world file) and MrSID format
- Project-wide mosaic in MrSID format
- Ortho tile index, .shp format
- Ground control locations, .txt format

5201 East Terrace Drive • Madison, WI 53718 • 608-443-1200 • [www.AyresAssociates.com](http://www.AyresAssociates.com)



- Project Plan, PDF format
- Flight Plan, .shp format
- Aerial Photography Report, PDF format
- AT Report, PDF format
- FGDC compliant metadata, .xml format

### Proposed Fees – Orthoimagery Services:

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We will perform the digital orthoimagery services for the following lump-sum fees:

#### Orthoimagery:

3-inch pixel, 4-band orthoimagery: \$30,100.00

### Proposed Project Services – Lidar

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We understand the City of Appleton would like to conduct a new lidar project to produce high density point clouds and resulting topographic datasets. The proposed lidar options will produce a bare earth point cloud to support 1-foot contour generation. The lidar project is being considered for a 2020 spring leaf-off flight. Two options of varying point density are being proposed to the City.

#### Scope of Work

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The Ayres/Quantum Spatial team understands that the proposed lidar project calls for the development of topographic mapping across 43 square miles in Appleton. The lidar data collection will be done using a low altitude aircraft equipped with a lidar sensor and with airborne GNSS/IMU system for accurate georeferencing. The lidar point cloud will be captured during the spring leaf-off state, and when clouds or haze are not present between the aircraft and the ground.

The lidar will be collected at 30 points per square meter nominal pulse density to support a high definition point cloud, surface model, and 1-foot interval contours. The lidar will achieve Quality Level 0 (QLO) vertical accuracy as defined by USGS Lidar Base Specifications, which equates to 5 cm RMSEz on level or uniformly sloped non-vegetated ground. For your consideration, we are also including a lower density option, which is based on lidar collection at 8 PPSM to achieve Quality Level 1 vertical accuracy, which equates to 10 cm RMSEz.

The raw lidar point cloud will be calibrated and then classified according to the classification scheme listed below. All collected Lidar points will be retained in the point cloud according to these classifications. High vegetation and building classifications will be done using automated routines.

#### Lidar Base Classification Scheme:

- 1: Processed, but unclassified
- 2: Bare earth
- 5: High vegetation (10' and greater above the ground)
- 6: Buildings
- 7: Low noise
- 9: Water
- 17: Bridge deck
- 18: High noise
- 20: Ignored ground (breakline proximity)

Breaklines will be collected to constrain the hydro features, a process called hydro-flattening. Streams 20 feet wide and greater will be collected, along with ponded water two acres and larger. A bare earth digital elevation model for the entire project area will be generated from the processed lidar data and the breaklines. One foot contours will be prepared from the bare earth classified points and the hydro-flattening breaklines. The bare earth DEM will be produced at 2 foot pixel size for 8 PPSM and 1 foot pixel size for 30 PPSM.

## Lidar Ground Control

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We will use the airborne GNSS/IMU data collected at the time of flight to reduce the required amount of ground control. During the flight, we will use WISCORS base stations to collect GNSS data during the mission, along with surveyed ground control that will be used to calibrate the raw lidar data. Ayres Associates will collect a number of vertical checkpoints across the City for verification of the calibration.

## Lidar Project Deliverables

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Deliverable products included in the proposal are as follows:

- Classified point cloud, LAS v1.4 format
- Hydro breaklines (20' flowing and 2 acre ponded), ESRI shapefile format
- Bare Earth DEM, 32-bit floating point grid
- 1-foot contours, four types, ESRI shapefile format
- Ground control report, PDF format
- Tile Schematic, ESRI shapefile format

Additional deliverable options:

- Intensity Imagery, GeoTIFF format
- First return Digital Surface Model (DSM), 1 foot pixel, 32-bit floating point grid

## Proposed Fees – Lidar Services:

---

Ayres Associates proposes two options for lidar acquisition and processing for the City of Appleton.

Option 1: 8 PPSM lidar collection, processing, and delivery for a total fee of: \$32,500.00

Option 2: 30 PPSM lidar collection, processing, and delivery for a total fee of: \$39,500.00

Additional deliverable options:

- Intensity Imagery: \$2,000.00
- First return DSM: \$2,000.00

## Proposed Fees – Orthoimagery and Lidar Services:

---

We will provide the orthoimagery and lidar services described in this proposal for the following lump sum fees:

3-inch, 4-band orthoimagery:	\$30,100.00
Option 1: 8 PPSM lidar collection:	\$32,500.00
Additional deliverables:	TBD
<b>Total project fees:</b>	<b>\$62,600.00</b>

3-inch, 4-band orthoimagery:	\$30,100.00
Option 2: 30 PPSM lidar collection:	\$39,500.00
Additional deliverables:	TBD
<b>Total project fees:</b>	<b>\$69,600.00</b>



I hope that we have provided the information you require to consider options for your 2020 projects. In the event that you require additional information or clarification of any issue, please feel free to contact me at 608.443.1207.

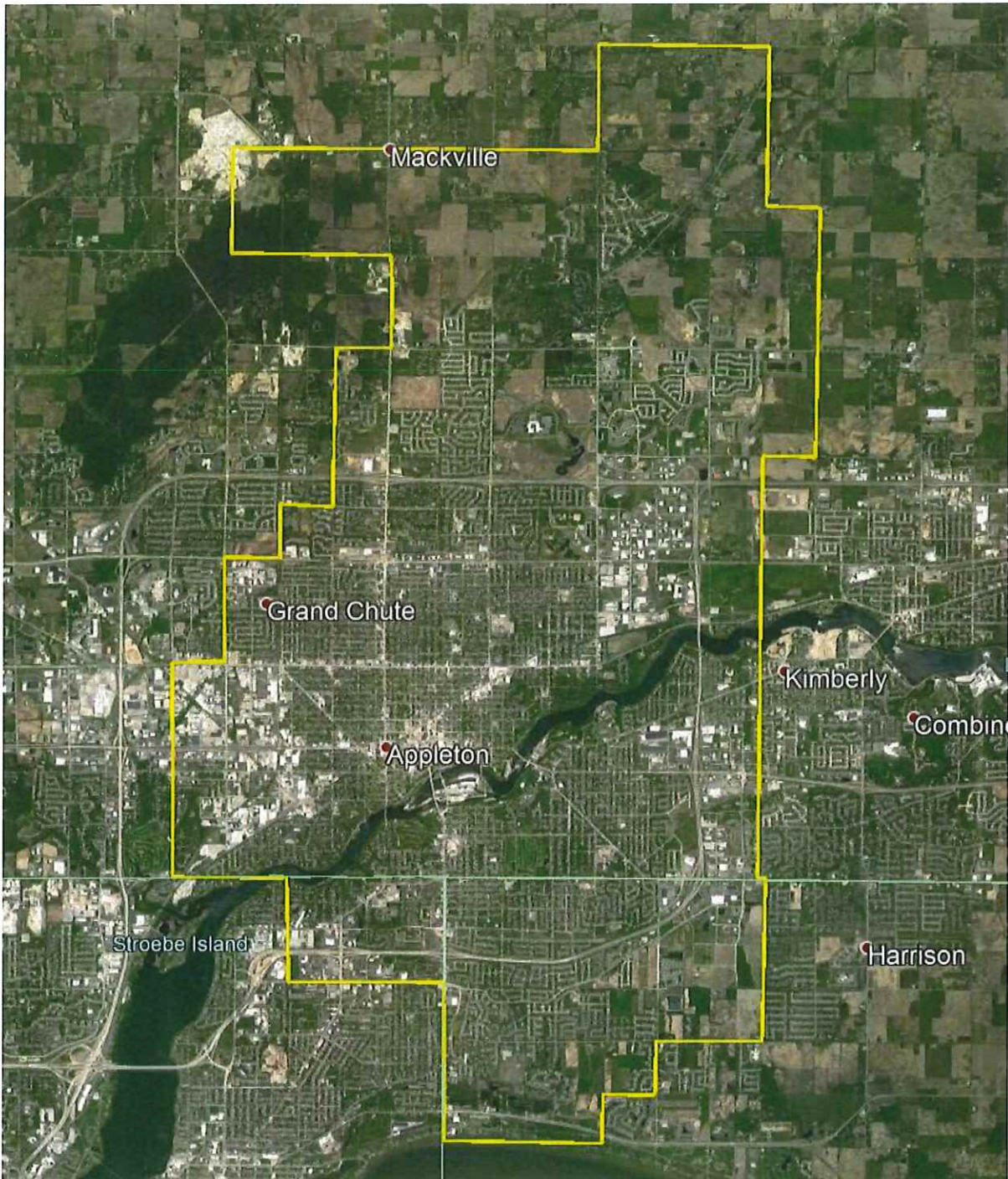
Sincerely,

A handwritten signature in blue ink, appearing to read "Zachary Nienow". The signature is fluid and cursive, with the first name "Zachary" and last name "Nienow" clearly distinguishable.

Ayres Associates Inc  
Zachary J. Nienow, GISP  
Project Manager  
Direct: 608.443.1207  
nienowz@AyresAssociates.com

Exhibit 1

Orthoimagery and lidar project area, approximately 43 square miles:



**Department of Public Works – Engineering Division**

**MEMO**

**TO:** Municipal Services Committee

**FROM:** Chad M. Weyenberg, Project Engineer

**DATE:** January 13, 2020

**RE:** Approve Amendment No. 7 to Patrick Engineering for the Oneida Street Bridge Project in the amount of \$37,800.00 for a total revised not to exceed contract of \$697,810.00

---

We are requesting additional funds for Patrick Engineering to continue to manage the project through the project completion including providing final as-builts and close out documentation. Additional construction items to be completed in 2020 are concrete staining, railings, concrete pavement, concrete sidewalk, slope paving, ditch restoration, pavement markings, final restoration, and punch list.

The requested funds of \$37,800 will be from unused construction contingency dollars which are reflected in the January 13, 2019 Finance Committee informational change order.



# Proposal To Provide Professional Engineering Services Oneida Street Bridge Over Jones Park Improvements

## Project Budget

Classification	Construction Leader			
Avg. Hourly Wage	\$135.00		Total Direct Labor	
Task	Hours	Dollars	Hours	Dollars
<b>Construction Services</b>				
prework coordination	40	\$5,400.00	40	\$5,400.00
slope paving epoxy	24	\$3,240.00	24	\$3,240.00
concrete staining	24	\$3,240.00	24	\$3,240.00
concrete ancillary	48	\$6,480.00	48	\$6,480.00
raised crosswalk	32	\$4,320.00	32	\$4,320.00
pavement marking	16	\$2,160.00	16	\$2,160.00
restoration	16	\$2,160.00	16	\$2,160.00
punchlist/finals	80	\$10,800.00	80	\$10,800.00
<b>DESIGN SERVICES LUMP SUM TOTAL:</b>	<b>280</b>	<b>\$37,800.00</b>	<b>280</b>	<b>\$37,800.00</b>

## Department of Public Works – Engineering Division

### MEMO

**TO:** Finance Committee

**FROM:** Chad M. Weyenberg, Project Engineer

**DATE:** January 13, 2020

**RE:** Informational Change Order for Pheifer Brothers to reduce the contingency by an amount of \$37,800

---

The reduction in unused contingency funds of \$37,800 will be added to the Patrick Engineering contract for construction management, which are reflected in the January 13, 2020 Municipal Services Committee amendment request.

We are requesting additional funds for Patrick Engineering to continue to manage the project through the updated May 22<sup>th</sup> project completion. The updated construction schedule includes items such as concrete staining, railings, concrete pavement, concrete sidewalk, slope paving, ditch restoration, pavement markings, final restoration, and punch list.



**CONTRACT CHANGE ORDER**

Change Order No. 2

Date 01/13/20

Contract No. 2-19 for the following public work : Oneida Street Bridge over Jones Park

between Pheifer Brothers Construction, Inc., 599 Bondow Drive, Neenah, WI 54956  
 (Contractor Name) (Contractor Address)

and the City of Appleton dated: 1/16/2019 is hereby changed in the following particular wit:

Item No.	Account No.	Current Contract Amount	Current Contingency	C.O. Amount (+/-)	Contingency (+/-)	New Contract Total	New Contingency Total
1	4240.640800.3510	\$4,655,144.22	\$99,855.78		-\$37,800.00	\$4,655,144.22	\$62,055.78
2	4142.680901	\$307,422.00				\$307,422.00	\$0.00
3	4142.680902	\$30,000.00				\$30,000.00	\$0.00
4	4142.680903	\$32,025.00				\$32,025.00	\$0.00
5	4142.680904	\$350,000.00				\$350,000.00	\$0.00
6	4142.680905	\$86,250.00				\$86,250.00	\$0.00
7						\$0.00	\$0.00
8						\$0.00	\$0.00
9						\$0.00	\$0.00
10						\$0.00	\$0.00
Total		\$5,460,841.22	\$99,855.78	\$0.00	-\$37,800.00	\$5,460,841.22	\$62,055.78

Reason for Change: Reduction in contingency is to help offset additional costs for construction management.

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

The Date of Completion as of the date of this Change Order therefore is: 10/15/2019

Finance Committee Agenda Date: 01/13/20

Date approved by Council: 01/22/20



## MEMO

---

**TO:** Municipal Services Committee

**FROM:** Paula Vandehey, Director of Public Works *PAV*

**DATE:** January 9, 2020

**SUBJECT:** Request from The Community Blood Center for bagged meters on College Avenue.

---

The Community Blood Center has requested eight (8) meters to be bagged on June 23<sup>rd</sup> and nineteen (19) to be bagged on June 24<sup>th</sup>. (See attached map). The stated use for some of the parking spaces does not meet the City of Appleton's Meter Bag Policy.

As you know, there are many competing needs for downtown meter parking, including turnover parking for the retail and restaurant businesses. In order to try to meet all needs as much as possible, we do not allow meters to be bagged "for convenience" purposes. One example of convenience parking is staffing for events in Houdini Plaza. Instead, the idea is that the staff for events in Houdini Plaza would park in the Red Ramp directly across the street from the plaza.

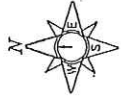
Therefore, we support bagging all the meters requested except for those highlighted in yellow below:

Tuesday, June 23:

- CAW 201/203/205: staff parking for both CBC and Fox Cities Party Rental for set up
- CAW 109/107/105/103/101: trucks for Fox Cities Party Rental and CBC for set up, and spots for staff for set up

Wednesday, June, 24:

- CAW 201/203/205: staff parking for CBC for those who need to be able to come-and-go throughout the day (all others will utilize the ramp)
- CAW 115/113/111/109/107/105/103/101
  - 115: grill station, including pop up tent
  - 113/111/109: mobile unit 9 for double red cell collection (collection that can't be done outside in Houdini Plaza like all other blood collection)
  - 107/105: U-Haul truck used for re-loading and access to necessary materials throughout the day
  - 103: staff parking/overflow
  - 101: garbage truck
- CAW 116/114/112/110/108/106/104/102
  - Reserved parking for three additional mobile units, including one bus for staff breaks and the other two for materials and supplies (estimated three mobile units will take up spaces 116/114/112/110/108). Remaining parking will be reserved for media partners.



The Avenue Mall

2-0273-8
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2-0273-28
2-0273-29
2-0273-30

City Center

The Building for the kids  
NBC Studio

Hawkinson Clothiers

Avenue Art

Joseph's

Josef's Gyros

Parking Lot

Copper Rock Coffee Co.

Chase Bank

VENUE

215 | 205 | 203 | 201

Bad Badger Sports Bar  
La Michoacana Mexican Bar & Grill  
be gallery & Photo Studio  
McG's Cleos  
The Vintage Garden

APPLETON STREET

Houndini Plaza

2-1055

2-1055-1

111

2-1055

Basil's Pub & Provisions No Idea

109

Old Town Tavern

Shear Chaos Salon

Zuelke Office Building

a boutique

2-1078

101

Starbucks Coffee

New Style

2-1038

SCALE  
1"=40'

- LEGEND
- FOOD CART
  - ▲ SANDWICH BOARD
  - TABLE & CHAIRS

College Avenue Streetscape

4

FROM: 50' W/O Superior St. to: 175' E/O Appleton St.

DRAWN: 3/1/12  
REVISED:

le





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

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

**To:** Municipal Services Committee  
**From:** Eric Lom, City Traffic Engineer  
**Date:** January 9, 2020  
**Re:** Parking restriction change on Lawrence Street, east of Mason St (by St. Matthew Church)  
*Follow-Up to Six-Month Trial Period*

The Traffic Section was contacted by a representative of St. Matthew Lutheran Church regarding a parking issue on Lawrence Street, adjacent to their property. Due to the loss of parking on Mason Street due to the addition of bike lanes a number of years ago, on-street parking for St. Matthew's has become more challenging. Specifically, the church was looking for an area for their physically disabled parishioners to drop off and/or park near their front doors.

Based on our review of the situation, there was agreement that the addition of two on-street handicapped-accessible stalls would adequately address the concerns without any substantial downside. As such, we instituted a 6-month trial to test the change.

Upon review at the end of the trial period, it was determined the change had adequately addressed the issue. Additionally, we have received no negative feedback regarding this change. As such we recommend making the change permanent.

**To accomplish this, the following ordinance action is required:**

1. **Create:** "Parking be reserved for vehicles displaying a Wisconsin State Handicap placard or Disabled/Disabled Veteran license plates on the north side of Lawrence Street, from a point 168 feet west of Mason Street to a point 231 feet west of Mason Street."



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

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

**To:** Municipal Services Committee  
**From:** Eric Lom, City Traffic Engineer  
**Date:** January 9, 2020  
**Re:** Parking restriction change on Madison Street, north of Fremont Street  
*Follow-Up to Six-Month Trial Period*

The Traffic Section was contacted by a citizen regarding a parking/traffic safety issue on Madison Street, just north of Fremont Street. Parked vehicles on both sides of Madison Street were making it difficult for drivers to turn from Fremont Street onto Madison Street. When dealing with this type of issue, our standard practice is to remove parking from one side of the street near the intersection.

Based on our review of the situation, we felt this change would adequately address the concerns without any substantial downside. As such, we instituted a 6-month trial to test the change.

Upon review at the end of the trial period, it was determined the change had adequately addressed the issue. Additionally, we have received no negative feedback regarding this change. As such we recommend making the change permanent.

**To accomplish this, the following ordinance action is required:**

1. **Create:** "Parking be prohibited on the east side of Madison Street from Fremont Street to a point 75 feet north of Fremont Street."





# LICENSE APPLICATION

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

<b>FEES ARE NON-REFUNDABLE</b>		Date Recv'd <u>12/31/19</u>
<input type="checkbox"/> Pawnbroker	\$210.00	Acct. <b>CLLPWN</b>
<input type="checkbox"/> Secondhand Article	\$90.00 /\$75.00	orig/rnw (see below)
<input checked="" type="checkbox"/> Secondhand Jewelry	\$90.00 /\$75.00	orig/rnw (see below)
<input type="checkbox"/> Secondhand Mall/Flea	\$165.00	Acct. <b>CLLSMF</b>
<input type="checkbox"/> Investigation fee	\$ 7.00	Acct. <b>CLCPIF</b>
Total fee paid \$ <u>82-</u>		Receipt # <u>223-0003</u>

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

\*Please allow 4 weeks for processing\*

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

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

## SECTION 1 – APPLICANT INFORMATION

Applicant Name ( Last, First, MI) <u>Boyce, Jamie</u>		Sex <u>M</u>	Race <u>White</u>	Date of Birth <u>[Redacted]</u>	Place of Birth (City & State) <u>[Redacted]</u>
Street Address <u>421W. Prospect</u>	City <u>Appleton</u>	State <u>WI</u>	Zip <u>54911</u>	Home Telephone Number <u>[Redacted]</u>	

## SECTION 2 – CONVICTION RECORD

Have you, or any other person listed on this application, been convicted of any of the following:

A felony within the last ten (10) years?  YES  NO

Within the last ten (10) years of:

A misdemeanor?  YES  NO

A statutory violation punishable by forfeiture?  YES  NO

A county or municipal ordinance violation?  YES  NO

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

\_\_\_\_\_

\_\_\_\_\_

## SECTION 3 – BUSINESS INFORMATION

<u>Kreger Jewelers</u>					
Business Name <u>J Boyce Inc.</u>	Street Address <u>934 W. Northland</u>	City <u>Appleton</u>	State <u>WI</u>	Zip <u>54914</u>	Telephone Number <u>920-730-9633</u>
Owner's Name <u>Jamie Boyce</u>	Street Address <u>934 W. Northland</u>	City <u>Appleton</u>	State <u>WI</u>	Zip <u>54914</u>	Telephone Number <u>920-730-9633</u>
Business Manager's name	Street Address	City	State	Zip	Telephone Number
Building Owner's Name	Street Address	City	State	Zip	Telephone Number

**SECTION 4 – PARTNERSHIP INFORMATION**

Partnership Name:

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

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

**SECTION 5 – CORPORATE INFORMATION**

Corporation Name:

State of Incorp.

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

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

**SECTION 6 – PENALTY NOTICE**

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

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

Signature of Applicant: \_\_\_\_\_

Date

12/30/19

**FOR OFFICE USE ONLY**

Dept	Approve	Deny	By	Reason
POLICE				
FIRE				
COM DEVELOPMENT				
CITY SEALER				

Safety and Licensing	Common Council	Date Issued	Expiration Date	License Number
1/15/20	1/22/20	/ /	/ /	



# LICENSE APPLICATION

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

<b>FEES ARE NON-REFUNDABLE</b>		Date Recv'd <u>12/22/19</u>
<input type="checkbox"/> Pawnbroker	\$210.00	Acct. <b>CLLPWN</b>
<input checked="" type="checkbox"/> Secondhand Article	\$90.00 <u>\$75.00</u>	orig/rnw (see below)
<input type="checkbox"/> Secondhand Jewelry	\$90.00 / \$75.00	orig/rnw (see below)
<input type="checkbox"/> Secondhand Mall/Flea	<u>\$165.00</u>	Acct. <b>CLLSMF</b>
<input checked="" type="checkbox"/> Investigation fee	<u>82.00</u> \$ 7.00	Acct. <b>CLCPIF</b>
Total fee paid \$ <u>82.00</u>		Receipt # <u>203-0005</u>

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

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

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

## SECTION 1 – APPLICANT INFORMATION

Applicant Name ( Last, First, MI) <u>BOYLAN JAMES A</u>		Sex <u>M</u>	Race <u>W</u>	Date of Birth <u>●●/●●/●●</u>	Place of Birth (City & State) <u>●●●●●●●●</u>
Street Address <u>415 N ONEIDA ST</u>	City <u>APPLETON</u>	State <u>WI</u>	Zip <u>54911</u>	Home Telephone Number <u>●●●●●●●●</u>	

## SECTION 2 – CONVICTION RECORD

Have you, or any other person listed on this application, been convicted of any of the following:

A felony within the last ten (10) years?  YES  NO

Within the last ten (10) years of:

A misdemeanor?  YES  NO

A statutory violation punishable by forfeiture?  YES  NO

A county or municipal ordinance violation?  YES  NO

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## SECTION 3 – BUSINESS INFORMATION

Business Name <u>THE ATTIQUE RESALE</u>	Street Address <u>415 N ONEIDA ST</u>	City <u>APPLETON</u>	State <u>WI</u>	Zip <u>54911</u>	Telephone Number <u>920-734-5000</u>
Owner's Name	Street Address	City	State	Zip	Telephone Number
Business Manager's name	Street Address	City	State	Zip	Telephone Number
Building Owner's Name	Street Address	City	State	Zip	Telephone Number

**SECTION 4 – PARTNERSHIP INFORMATION**

Partnership Name:

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

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

**SECTION 5 – CORPORATE INFORMATION**

Corporation Name:

State of Incorp.

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

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

**SECTION 6 – PENALTY NOTICE**

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

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

Signature of Applicant: James Decker Date 12/22/19

**FOR OFFICE USE ONLY**

Dept	Approve	Deny	By	Reason
POLICE				
FIRE				
COM DEVELOPMENT				
CITY SEALER				

Safety and Licensing	Common Council	Date Issued	Expiration Date	License Number
<u>1/15/20</u>	<u>1/22/20</u>	<u>  /  /  </u>	<u>  /  /  </u>	

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

Submit to municipal clerk.

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

To the governing body of:  Town  Village of APPLETON County of OUTAGAMIE  
 City

The undersigned duly authorized officer/member/manager of ULTIMATE MART, LLC  
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as PICK 'N SAVE #123

(Trade Name)  
located at 2700 N BALLARD RD APPLETON, WI 54911

appoints KEN VOSS  
(Name of Appointed Agent)  
2936 Blue Moon Dr Green Bay WI 54311  
(Home Address of Appointed Agent)

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

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

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

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 6 years

Place of residence last year 2936 Blue Moon Dr Green Bay WI 54311

For: ULTIMATE MART, LLC  
(Name of Corporation / Organization / Limited Liability Company)

By: Ann Pedden Saunders VP  
(Signature of Officer / Member / Manager)

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

## ACCEPTANCE BY AGENT

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

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

Ken Voss Nov 4, 2019 Agent's age 60  
(Signature of Agent) (Date)  
2936 Blue Moon Dr Green Bay WI 54311 Date of birth 01/01/60  
(Home Address of Agent)

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

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

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



# Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
VOSS		KEN		August	
Home Address (street/route)		Post Office		City	State   Zip Code
2936 Blue Moon Dr				Green Bay	WI   54311
Home Phone Number		Age	Date of Birth		Place of Birth
[REDACTED]		[REDACTED]	[REDACTED]		Green Bay WI.

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

- Applying for an alcohol beverage license as an **individual**.
- A member of a **partnership** which is making application for an alcohol beverage license.
- AGENT** of **ULTIMATE MART, LLC**

(Officer / Director / Member / Manager / Agent)

(Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

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

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

6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
ROUNDYS SUPERMARKETS	875 E WISCONSIN AVE MKE WI	2/2009	Present
Super Value Club	Green Bay WI	2/19 ●	2/2009

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

X *[Signature]*  
(Signature of Named Individual)



# LICENSE APPLICATION

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

<b>FEEES ARE NON-REFUNDABLE</b>		Date Recv'd <u>1/9/2020</u>
<input type="checkbox"/> Pawnbroker	\$210.00	Acct. <b>CLLPWN</b>
<input type="checkbox"/> Secondhand Article	\$90.00 /\$75.00	orig/rnw (see below)
<input checked="" type="checkbox"/> Secondhand Jewelry	\$90.00 /\$75.00	orig/rnw (see below)
<input type="checkbox"/> Secondhand Mall/Flea	\$165.00	Acct. <b>CLLSMF</b>
<input type="checkbox"/> Investigation fee	\$ 7.00	Acct. <b>CLCPIF</b>
Total fee paid \$ <u>82</u>		Receipt # <u>296-0002</u>

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

\*Please allow 4 weeks for processing\*

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

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

SECTION 1 – APPLICANT INFORMATION					
Applicant Name ( Last, First, MI) <u>Kester, Randy L</u>		Sex <u>M</u>	Race <u>C</u>	Date of Birth <u>●●●</u>	Place of Birth (City & State) <u>Des Moines</u>
Street Address <u>636 W. College Ave</u>	City <u>Appleton</u>	State <u>WI</u>	Zip <u>54911</u>	Home Telephone Number <u>●●●●●●</u>	
SECTION 2 – CONVICTION RECORD					
Have you, or any other person listed on this application, been convicted of any of the following:					
A felony within the last ten (10) years? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
Within the last ten (10) years of:					
A misdemeanor? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
A statutory violation punishable by forfeiture? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
A county or municipal ordinance violation? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
For each "YES" response provide the date of arrest, the nature of the offense and conviction information: _____					
_____					
_____					
SECTION 3 – BUSINESS INFORMATION					
Business Name <u>Expert Jewelry Repair</u>	Street Address <u>636 W. College Ave</u>	City <u>Appleton</u>	State <u>WI</u>	Zip <u>54911</u>	Telephone Number <u>731-2320</u>
Owner's Name <u>Randy Kester</u>	Street Address <u>3418 N. Juanita Ln.</u>	City <u>Appleton</u>	State <u>WI</u>	Zip <u>54911</u>	Telephone Number <u>●●●●●●</u>
Business Manager's name	Street Address	City	State	Zip	Telephone Number
Building Owner's Name <u>Randy Kester</u>	Street Address	City	State	Zip	Telephone Number

**SECTION 4 – PARTNERSHIP INFORMATION**

Partnership Name:

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

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

**SECTION 5 – CORPORATE INFORMATION**

Corporation Name:

Expert Jewelry Repair

State of Incorp.

WI

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

Name (Last, First, MI)	Sex	Race	DOB	Street Address	City	State	Zip
Koster Randy	M	C		3914 N. Juanita Lane	Appleton	WI	54911

**SECTION 6 – PENALTY NOTICE**

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

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

Signature of Applicant:

Randy Koster

Date

1/9/20

**FOR OFFICE USE ONLY**

Dept	Approve	Deny	By	Reason
POLICE				
FIRE				
COM DEVELOPMENT				
CITY SEALER				

Safety and Licensing	Common Council	Date Issued	Expiration Date	License Number
1/15/2020	1/22/2020			

Melissa Anderson	829 Michael Ritger St, Hortonville
Abigail Arnholt	W67N994 Cambridge Ave Cedarburg
Jamie Bartels	W2778 Brookhaven Dr
Tikkeryae Bess	2696 Trojan Dr Green Bay
KC Bishnu	3045 Winnipeg Ct Menasha
Kyle Bloedow	142 N Main St Kimberly
Samuel Bourgeois	400 N Division St
Timothy Ceman	1603 N Division St
Crystal De Los Santos	608 N Clark St
Melainie Eickhoff	W8523 Whitetail Tr Hortonville
Amanda Evans	736 Manitowoc St Menasha
Tyler Gibson	901 E Frances St
Matthew Goetz	717 Appleton St Menasha
Shannon Hubley	509 W Johnston St Apt 207
Monica Juarez Hernandez	2932 W Glenpark Dr
Madisen Kamin	1021 Lucerne Dr Menasha
Calvin LaGrow	2885 Glen Creek Pl Apt 1
Caleb Larson	1427 Stairview Dr
Magen Lindberg	1005 East St Apt206
Eric Mattes	1604 N Erb St
Rebecca Matonich	N1638 Topaz Ct Greenville
Zachery Metnik	725 W 4 <sup>th</sup> St Kimberly
Alaxandria Micke	1537 N Birchwood Ave
Charlotte Morse	4553 W Parkway Blvd
Oasis Pacheco	420 E Winnebago St Apt 7
Samantha Schroeder	927 ½ W Franklin St
Dawn Schuh	1600 N Leona St
Zackary Slick	712 N Clark St
Peter Smaby	11 Bellaire Ct
Mayra Tamayo Bustamante	994 Elru Dr Menasha
Mary Thomas	2509 S Matthias St
Robert Thomas	2509 S Matthias St
Cecilia Valentin	520 Schindler Pl Menasha

# Document Summary: Zachary Taft.pdf

Number of Pages:

1





<b>FEES ARE NON-REFUNDABLE</b>		Date Recv'd <u>1/10/19</u>
License fee EACH Vehicle	\$30.00	Acct. 11030.4320
Investigation fee	\$ <del>7.00</del>	Acct. 100.2359
Total fee paid	\$ <u>0</u>	Receipt _____

**LICENSE APPLICATION**

for  
**TAXICAB COMPANY AND LIMOUSINE SERVICE**

<input checked="" type="checkbox"/>	Original Application	(Licensed in OSM)
<input type="checkbox"/>	Renewal - License # _____	

**SECTION 1 - APPLICANT INFORMATION**

Name of Company <b>STAR PROTECTION AND PATROL DBA STAR TRANSPORTATION</b>		Business Phone <b>920-527-0510</b>	
Business Street Address <b>1222 W SOUTH PARK AVE</b>		City <b>OSHKOSH</b>	State <b>WI</b>
Zip <b>54902</b>			
Owner's Name <b>ZACHARY TAFT</b>	Date of Birth <b>(9204615862)</b>	<input checked="" type="checkbox"/> Individual	
Owner's Name	Date of Birth	<input type="checkbox"/> Partnership	
		<input type="checkbox"/> Corporation	
Owner's Driver License Number <b>(9204615862)</b>	Owner's Driver License Number		

**SECTION 2 - VEHICLES TO BE OPERATED** (Attach additional sheets if necessary)

Vehicle Number	Capacity	Make/Model	DOT License Plate Number
414	8	DODGE G <del>MC</del>	PF7006
418	5	FORD EXPLORER	AHB 474 Z

**SECTION 3 - COMPANY HISTORY**

Is the company currently licensed in any other municipality?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	If Yes, what municipality? <b>OSHKOSH</b>
Has the company ever been denied a license by any municipality?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	If Yes, please explain:
Have any of the owners ever been convicted of a crime?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	If Yes, please explain:

Describe the basic operations of the company:  
**TAXI CAB AND TRANSPORT OPERATIONS.**

If the business is located in the City limits, Municipal Code requires that off-street parking is provided for. If applicable, what provisions have been made for off street parking?  
**N/A**

**SECTION 4 - INSURANCE NOTICE**

Insurance Coverage: **GENERAL LIABILITY / WORK COMP /COMMERCIAL AUTO**

Insurance Carrier: **SEE ATTACHED**

Insurance Agent Name and Phone Number: **SEE ATTACHED**

Policy Number: **SEE ATTACHED**

Policy Period: **SEE ATTACHED**

I confirm that I have the authority to sign and certify the information contained herein as the permittee/licensee, or duly authorized representative of the entity obtaining this permit/license. I have reviewed and understand the insurance requirements of the City of Appleton. I hereby certify that I, or the company I represent, have insurance in the amounts required to obtain this permit/license, have named the City of Appleton as an additional insured for purposes of this permit/license and have provided the name of mv insurance carrier. the policy number. and policy period above.



Further, I agree to maintain appropriate insurance coverage for the duration of this permit/license and to indemnify, defend and hold harmless the City of Appleton and its officers, officials, employees and agents from and against any and all liability, loss, damage, expenses, costs, including attorneys fees arising out of the activities performed as described herein, caused in whole or in part by any negligent act or omission of the applicant, anyone directly or indirectly employed by any of them, which may arise from the use of city right-of-way or property under this permit or license.

I certify that this application, and all information and documentation provided therein, is true and accurate.

Applicant's Signature Zachary A. P.

FOR OFFICE USE ONLY					COI on file? YES NO
Sealer	Approve	Deny	By	Reason	S&L Date
Police					Common Council
Fire					Date issued
Inspection					Exp. date

8-10-12

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





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
7/17/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> El Dorado Insurance Agency, Inc. El Dorado Sec Svcs Ins Agy 3673 Westcenter Drive Houston TX 77042	<b>CONTACT NAME:</b> Certificate Department	
	<b>PHONE (A/C, No, Ext):</b> (713) 521-9251	<b>FAX (A/C, No):</b> (713) 521-0125
<b>E-MAIL ADDRESS:</b> certificates@eldoradoinsurance.com		
<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>
<b>INSURER A:</b> Crum & Forster Specialty Insurance Co.		44520
<b>INSURER B:</b> Artisan and Truckers Casualty Co.		
<b>INSURER C:</b> Crum & Forster Specialty Insurance Co.		031348
<b>INSURER D:</b> Middlesex Insurance Company		
<b>INSURER E:</b>		
<b>INSURER F:</b>		

**COVERAGES**                      **CERTIFICATE NUMBER:**                      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY			GLO-583795	6/14/2019	6/14/2020	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
	<input checked="" type="checkbox"/> Professional Liability						MED EXP (Any one person) \$ 5,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PERSONAL & ADV INJURY \$ 1,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						GENERAL AGGREGATE \$ 2,000,000
	OTHER:						PRODUCTS - COMP/OP AGG \$ 1,000,000
							\$
B	AUTOMOBILE LIABILITY			07501077-1	4/10/2019	4/10/2020	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS	<input checked="" type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS	<input type="checkbox"/> NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident) \$
							\$
C	UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB			SEO-104906	6/25/2019	6/14/2020	EACH OCCURRENCE \$ 2,000,000
	<input checked="" type="checkbox"/> OCCUR						AGGREGATE \$ 2,000,000
	<input type="checkbox"/> CLAIMS-MADE						\$
	DED <input checked="" type="checkbox"/> RETENTION \$ 0						
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			A0121216002	5/29/2019	05/29/2020	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y <input type="checkbox"/> N	N/A				E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
							E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
 \*\*\*Workers' compensation coverage provided by Middlesex Insurance Company applies to Wisconsin operations and employees only.\*\*\* The General Liability policy includes a blanket automatic additional insured endorsement that provides additional insured status to the certificate holder only when there is a written contract between the named insured and the certificate holder that requires such status. Excess to follow form of underlying General Liability policy as per policy terms and conditions.

<b>CERTIFICATE HOLDER</b> brian.margan@appleton.org  City of Appleton 100 North Appleton Street Appleton, WI 54911	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE  R.L. Ring, Jr./LY07
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**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – SCHEDULED PERSON OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

**SCHEDULE**

Name Of Additional Insured Person(s) Or Organization(s)	Location(s) Of Covered Operations
Any person or organization you have agreed in a written contract to add as an additional insured on your policy provided the written contract is executed prior to the "bodily injury", "property damage" or "personal and advertising injury"	Locations and operations covered under this policy when required by written contract executed prior to the "bodily injury", "property damage" or "personal and advertising injury"
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

**A. Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

**B.** With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to "bodily injury" or "property damage" occurring after:

1. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
2. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.



C. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or

2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.





### SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

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

To the governing body of:  Town  Village of Appleton County of Outagamie  
 City

The undersigned duly authorized officer(s)/members/managers of Walgreen Co.  
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as Walgreens #12019  
(trade name)

located at 2803 N Meade St Appleton, WI 54911

appoints Ashley Hopkins  
(name of appointed agent)  
837 5th Street Menasha, WI 54952  
(home address of appointed agent)

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

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

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

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 0 years

Place of residence last year Menasha, WI

For: Walgreen Co.  
(name of corporation/organization/limited liability company)

By: [Signature] Todd Heckman, Vice President  
(signature of Officer/Member/Manager)

And: Ashley Hopkins  
(signature of Officer/Member/Manager)

#### ACCEPTANCE BY AGENT

I, Ashley Hopkins, hereby accept this appointment as agent for the  
(print type agent's name)

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

Ashley Hopkins 11-25-19 Agent's age 00  
(signature of agent) (date)  
837 5th Street Menasha, WI Date of birth 00/00/00  
(home address of agent) 54952

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

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

Approved on \_\_\_\_\_ by \_\_\_\_\_ Title \_\_\_\_\_  
(date) (signature of proper local official) (town chair, village president, police chief)

# Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
HOPKINS		ASHLEY			
Home Address (street/route)		Post Office		City	
837 5TH STREET				MENASHA	
Home Phone Number		Age		Date of Birth	
[REDACTED]		[REDACTED]		[REDACTED]	
				State	
				WI	
				Zip Code	
				54952	
				Place of Birth	
				[REDACTED]	

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

- Applying for an alcohol beverage license as an individual.
- A member of a partnership which is making application for an alcohol beverage license.

**MANAGER** of **WALGREEN CO. DBA WALGREENS #12019**  
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

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

1. How long have you continuously resided in Wisconsin prior to this date?     [REDACTED]    years - my whole life

2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality?  Yes  No  
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)

3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality?  Yes  No  
 If yes, describe status of charges pending.

4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit?  Yes  No  
 If yes, identify. (Name, Location and Type of License/Permit)

5. Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin?  Yes  No  
 If yes, identify. (Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
Alta Resources	120 N Commercial St WI	July 2013	April 2014
N/A	N/A	N/A	N/A

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

Casey Hopkins  
(Signature of Named Individual)

**Resolution #6-R-19**  
**Massage Establishments**

*Submitted by: Alderperson Coenen, District 11*

*Date: June 19, 2019*

Referred To: Safety & Licensing Committee

Whereas, the City of Appleton welcomes massage businesses that employ licensed therapists through the State of Wisconsin, and

Whereas, the majority of these businesses provide healthy legitimate services, some do not and instead foster health and safety risks; and

Whereas, the State of Wisconsin allows municipalities to create ordinances that apply specifically to massage establishments; and

Therefore, Be It Resolved, the City of Appleton explore creating an ordinance requiring massage business establishments to be licensed by the city with a free/low fee. The ordinance should allow city employees to enter the business anytime during business hours.



## LEGAL SERVICES DEPARTMENT

### Office of the City Attorney

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

**TO:** Safety and Licensing Committee

**CC:** Ald. Coenen

**FROM:** Darrin Glad, Assistant City Attorney

**DATE:** December 9, 2019

**RE:** Resolution #6-R-19 Update

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#### **I. History of Resolution #6-R-19**

Resolution #6-R-19 was submitted by Ald. Coenen requesting that the City of Appleton explore creating an ordinance requiring massage business establishments to be licensed by the City with a free/low fee license and allow City employees to enter the business anytime during business hours to perform inspections. This Resolution was passed by Common Council on September 4, 2019.

#### **II. Steps Taken**

Prior to the Resolution being passed by Council, Lt. Miller and Assistant City Attorney Glad met several times to discuss ways in which the City could effectively address repeated law enforcement issues that were consistently occurring in unlicensed massage business establishments.

After passage of the Resolution, Assistant City Attorney Glad reached out to several municipalities that regulate massage establishments to obtain information regarding enforcement of their particular regulations. Two municipal attorneys relayed that their larger-sized municipalities do not take enforcement action against the unlicensed massage business establishments despite their respective municipal codes requiring local licensing. A third municipality did not respond to the inquiry.

Assistant City Attorney Glad continued discussions with various staff at APD including Chief Thomas, Lt. Miller, Lt. Lewis, and Sgt. Ryan. Discussions centered on continued issues with massage business establishments, this resolution, and the pending State legislation related to massage and bodywork therapy. Simultaneous with City discussions, there was legislation pending at the State level addressing similar concerns. Throughout these discussions with City staff there was a consensus that if the State legislation were to pass, then the need for local regulation by licensing the massage business establishments seemed less critical and/or unnecessary. Staff closely monitored the legislation and on November 21, 2019, Governor Evers signed into law 2019 Act 41 which both criminalizes any violation of Chapter 460 of the

Wisconsin State Statutes, which regulates massage and bodywork therapy, and allows municipalities to enact ordinances prohibiting an individual from violating the State licensing requirements. A copy of Chapter 460 as modified by 2019 Act 41 is attached.

With the passage of this law, staff believes that the time is right to create an ordinance under this newly-adopted state statute as well as continue to monitor the effectiveness of enforcement actions taken under the new ordinance and current laws, including the laws available under our nuisance abatement. Staff will also continue to explore creating an ordinance requiring massage business establishments to be licensed by the City in the event that the new State legislation does not empower the City with enough enforcement action to be effective.

### III. Proposed Language

The recommended modifications to Appleton's Municipal Code are to create a new section under Chapter 10, Miscellaneous Offenses that would read as follows:

#### Sec. 10-50. Massage Therapy and Bodywork Therapy

- (a) For purposes of this section, the definitions set forth in W.S.A. § 460.01 are hereby adopted and incorporated as part of this section.
- (b) No person may violate the prohibitions under W.S.A. § 460.02 unless the person is licensed as required under W.S.A. Chapter 460 as required under W.S.A. § 460.02.
- (c) No person may employ or contract for the services of an individual to provide massage therapy or bodywork therapy who is required to be licensed under W.S.A. § 460.02 unless the individual is licensed under W.S.A. Chapter 460.
- (d) **Penalties.** Any person who shall violate any provision of this section may be subject to a forfeiture of no more than one hundred dollars (\$100) for the first offense and no more than two hundred fifty dollars (\$250) for the second and subsequent offenses. Each day that a violation occurs shall be considered a separate offense.

### IV. Effects of Changes Set Forth Above

Staff from the Legal Services Department and the Police Department recommend adopting the language set forth above for several reasons. First, the new state law criminalizes violations of Chapter 460 and any rule promulgated under that Chapter. This will allow law enforcement to enter into business establishments in order to ensure compliance with the entirety of that Chapter. Also by criminalizing this Chapter, law enforcement is now empowered with other investigatory tools and will have the ability to investigate law violations much easier than before. Prior to the new State legislation, regulation through a local licensing system was viewed as a promising way to regulate this area; however, the new State legislation diminishes the need to create a local licensing structure because the new laws remove previous barriers to regulate this area. Additionally, as referenced earlier, repeat violations could result in nuisance abatement actions which will add to the enforcement options available.

Finally, it is the intent of City staff to continue to monitor the effectiveness of the new State law and the new ordinance, if passed. If these new measures prove to fall short, then staff will explore creating an ordinance to regulate massage business establishments through a low fee license.



**V. Conclusion**

Staff recommends approving the proposed ordinance language set forth within this memo.

Thank you for your consideration. As always, if you have any questions please do not hesitate to contact Assistant City Attorney Glad.

City Law A19-0939

## CHAPTER 460

## MASSAGE THERAPY AND BODYWORK THERAPY

460.01	Definitions.		
460.02	License required.		instructor requirements.
460.03	Applicability.	460.10	Continuing education.
460.04	Duties of affiliated credentialing board.	460.11	Practice requirements.
460.05	Licensure of massage therapists and bodywork therapists.	460.12	Duty to make reports.
460.06	Examinations.	460.13	Advertising.
460.07	Display of certificate; expiration and renewal.	460.14	Disciplinary proceedings and actions.
460.08	Temporary license.	460.145	Employment of unlicensed persons.
460.09	Reciprocal license.	460.15	Penalty.
460.095	Massage therapy and bodywork therapy school, training program, and	460.17	Local regulation.

**Cross-reference:** See also chs. [MTBT 1](#), [2](#), [3](#), [4](#), and [5](#), Wis. adm. code.

#### 460.01 Definitions.

In this chapter:

**(1g)** “Adjunctive therapy” means any of the following:

- (a) The use of a device that simulates or enhances a manual action.
- (b) The application of water, lubricants, or other non-prescription topical agents to the skin.
- (c) The application of heat or cold to the skin in the absence of an electromagnetic device.

**(1r)** “Affiliated credentialing board” means the massage therapy and bodywork therapy affiliated credentialing board.

**(2m)** “License holder” means a person granted a license under this chapter.

**(3)** “Manual action” includes holding, positioning, rocking, kneading, compressing, decompressing, gliding, or percussing the soft tissue of the human body or applying a passive range of motion to the human body without joint mobilization or manipulation.

**(4)** “Massage therapy” or “bodywork therapy” means the science and healing art that uses manual actions and adjunctive therapies to palpate and manipulate the soft tissue of the human body in order to improve circulation, reduce tension, relieve soft tissue pain, or increase flexibility. “Massage therapy” or “bodywork therapy” includes determining whether manual actions and adjunctive therapies are appropriate or contraindicated, or whether a referral to another health care practitioner is appropriate. “Massage therapy” or “bodywork therapy” does not include making a medical, physical therapy, or chiropractic diagnosis.

**(6)** “Sexual contact” has the meaning given in s. [939.22 \(34\)](#).

**(7)** “Sexual intercourse” has the meaning given in s. [948.01 \(7\) \(a\)](#).

**History:** 2001 a. 74; 2009 a. 12, 355; 2017 a. 364.

**460.02 License required.** Except as provided in s. [460.03](#), no person may provide massage therapy or bodywork therapy, designate himself or herself as a massage therapist or bodywork therapist or masseur or masseuse, or use or assume the title “massage therapist and bodywork therapist” or “massage therapist” or “bodywork therapist” or “masseur” or “masseuse” or any title that includes “massage therapist,” “bodywork therapist,” or “bodyworker,” or append to the person’s name the letters “M.T.,” “R.M.T.,” “L.M.T.,” “C.M.T.,” “B.T.,” “B.W.,” “L.B.W.,” “R.B.W.,” or “C.B.W.,” or use any other title or designation that represents or may tend to represent that he or she is licensed under this chapter, unless the person is licensed under this chapter.

**History:** 2001 a. 74; 2009 a. 355.

**460.03 Applicability.** A license under this chapter is not required for any of the following:

**(1)** A person holding a license, permit, registration, or certification granted by this state or the federal government who engages in a practice of massage therapy or bodywork therapy within the scope of his or her license, permit, registration, or certification and who does not imply that he or she is licensed under this chapter. A person who is exempt from licensure under this subsection may use the terms “bodywork,” “bodyworker,” and “bodywork therapy” to identify his or her practice.

**(2)** A person who is authorized to practice massage therapy or bodywork therapy in another state or country and is providing a consultation to or demonstration with a license holder. A person who is exempt from licensure under this subsection may use the terms “bodywork,” “bodyworker,” and “bodywork therapy” to identify his or her practice.

**(2m)** (a) A person who does any of the following and who satisfies the requirements of par. (b):

1. Uses touch, words, and directed movement to deepen a client’s awareness of his or her existing patterns of movement and to suggest to the client new patterns of movement.
2. Uses touch to affect the energy systems of the human body.
3. Uses touch and education to effect change in the structure of the body while engaged in the practice of structural integration.

(b) The person is recognized by or meets the established standards of either a professional organization or credentialing association that recognizes a person in a practice after that person demonstrates an adequate level of training and competency and adherence to ethical standards.

(c) A person who is exempt from licensure under this subsection may use the terms “bodywork,” “bodyworker,” and “bodywork therapy” to identify his or her practice.

**(3)** A person who manipulates only the soft tissues of the hands, feet, or ears of the human body, provided that the services are not represented or implied to be massage therapy or bodywork therapy.

**History:** 2001 a. 74; 2009 a. 355; 2011 a. 260 s. 80.

**Cross-reference:** See also chs. [MTBT 1](#), [2](#), [3](#), [4](#), and [5](#) Wis. adm. code.

#### 460.04 Duties of affiliated credentialing board.

**(1m)** The affiliated credentialing board shall prepare an examination on state laws and administrative rules governing massage therapy and bodywork therapy.

**(2)** The affiliated credentialing board shall promulgate rules that establish all of the following:

(a) Standards that govern the professional conduct of license holders in practicing massage therapy or bodywork therapy. The standards shall prohibit a license holder from having sexual contact or sexual intercourse with a client.

(b) Criteria for approving a training program for purposes of s. [460.05 \(1\) \(e\) 1](#). Rules promulgated under this paragraph shall

require the training program to meet the requirements under s. 460.095 and to consist of at least 600 classroom hours.

(c) Requirements and procedures for obtaining the informed consent of a client under s. 460.11 (1) and for making a report required under s. 460.12 (1).

(d) A definition of “sexually oriented business” for purposes of s. 460.11 (3).

(e) A requirement that an applicant for a license under this chapter submit evidence satisfactory to the affiliated credentialing board that the applicant has current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

(f) Requirements to be satisfied by a person seeking a temporary license under s. 460.08. The rules promulgated under this subsection shall require the person to be a graduate of a massage therapy or bodywork therapy school or program and may require the holder of a temporary license to make disclosures to clients and to practice under the supervision of a massage therapist or bodywork therapist licensed under this chapter.

(g) A requirement that an applicant for a license under this chapter pass an examination on state laws and administrative rules governing massage therapy and bodywork therapy.

**History:** 2001 a. 74; 2007 a. 104; 2009 a. 355.

**Cross-reference:** See also chs. MTBT 1, 2, 3, 4, and 5, Wis. adm. code.

**460.05 Licensure of massage therapists and bodywork therapists.** (1) The affiliated credentialing board shall grant a license as a massage therapist or bodywork therapist to a person who satisfies all of the following:

(a) The person is 18 years of age or older.

(b) The person has graduated from high school or attained high school graduation equivalency as determined by the department of public instruction under s. 115.29 (4).

(c) The person submits an application for the license to the affiliated credentialing board on a form provided by the affiliated credentialing board.

(d) The person pays the fee specified in s. 440.05 (1).

(e) Except as provided in sub. (2), the person submits evidence satisfactory to the affiliated credentialing board that he or she has done all of the following:

1. Graduated from a school of massage therapy or bodywork therapy approved by the department under s. 440.52 that meets the requirements under s. 460.095 or completed a training program approved by the affiliated credentialing board under the rules promulgated under s. 460.04 (2) (b).

2. Completed at least 6 classroom hours in the laws of this state and rules of the affiliated credentialing board relating to the practice of massage therapy or bodywork therapy in a course of instruction approved by the affiliated credentialing board.

(f) The person passes the examinations under s. 460.06.

(g) The person submits evidence satisfactory to the affiliated credentialing board that he or she has in effect malpractice liability insurance coverage in an amount that is not less than \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

(h) The person has not been convicted of any of the following:

1. An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.081, 948.085, 948.09, 948.095, or 948.10.

2. An offense under federal law or a law of any other state that is comparable to an offense under subd. 1.

(i) The person submits evidence satisfactory to the department that he or she has current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

(2) The affiliated credentialing board may waive a requirement specified in sub. (1) (e) if a person establishes, to the satisfac-

tion of the affiliated credentialing board, that he or she has education, training, or other experience that is substantially equivalent to the requirement.

(4) The affiliated credentialing board may assign a unique license number to each person licensed under this chapter.

**History:** 2001 a. 74; 2005 a. 22, 25, 254, 277; 2007 a. 104; 2009 a. 355 ss. 21, 28 to 34; 2013 a. 362; 2017 a. 59, 128.

**460.06 Examinations.** The affiliated credentialing board may not grant a license under this chapter unless the applicant achieves a passing grade on the following examinations:

(1) A nationally administered, entry-level competency examination for therapeutic massage and bodywork therapy that meets generally accepted psychometric principles and standards or a substantially equivalent examination approved by the affiliated credentialing board.

(2) The examination on state laws and administrative rules governing massage therapy and bodywork therapy required under s. 460.04 (2) (g).

**History:** 2001 a. 74 s. 16; 2009 a. 355; 2013 a. 168 s. 21.

**460.07 Display of certificate; expiration and renewal.**

(1) Each person who is licensed under this chapter shall conspicuously display the license in the place of business where he or she practices massage therapy or bodywork therapy so that the license can easily be seen and read.

(2) Renewal applications shall be submitted to the department on a form provided by the department on or before the applicable renewal date specified under s. 440.08 (2) (a) and shall include all of the following:

(a) The renewal fee determined by the department under s. 440.03 (9) (a).

(b) If applicable, proof of completion of continuing education under s. 460.10.

(c) Evidence satisfactory to the affiliated credentialing board that the applicant has in effect malpractice liability insurance coverage in an amount that is not less than \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

(d) Evidence satisfactory to the affiliated credentialing board that the applicant has current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

**History:** 2001 a. 74; 2007 a. 20, 104; 2009 a. 355.

**460.08 Temporary license.** The affiliated credentialing board may grant a temporary license for a period not to exceed 6 months to an applicant who satisfies the requirements established in the rules under s. 460.04 (2) (f). A temporary license may not be renewed.

**History:** 2009 a. 355.

**460.09 Reciprocal license.** Upon application and payment of the fee specified in s. 440.05 (2), the affiliated credentialing board shall grant a massage therapist or bodywork therapist license to a person who holds a similar license in another state or territory of the United States or another country if the affiliated credentialing board determines that the requirements for receiving the license in the other state, territory, or country are substantially equivalent to the requirements under s. 460.05.

**History:** 2001 a. 74; 2009 a. 355.

**460.095 Massage therapy and bodywork therapy school, training program, and instructor requirements.**

Each massage therapy or bodywork therapy school located in this state and each massage therapy or bodywork therapy training program offered in this state shall do all of the following:

(1) Provide and require as a prerequisite to graduation completion of a course of instruction on state laws and regulations applicable to massage therapy and bodywork therapy.

(2) Administer, score, and require as a prerequisite to graduation, the examination required under s. 460.06 (2).

(3) Ensure that each instructor hired by the school or training program on or after December 1, 2010, to teach courses in anatomy, physiology, kinesiology, and pathology has at least one of the following:

(a) Professional training and 2 years of experience in a health-related field.

(b) Two years of post-secondary education and training.

(4) Ensure that each instructor hired by the school or training program on or after December 1, 2010, to teach courses in theory and the practice of massage therapy or bodywork therapy is licensed under this chapter and has at least one of the following:

(a) Two years experience as a practicing professional.

(b) Formal education and training as a massage therapy or bodywork therapy instructor.

**History:** 2009 a. 355.

**460.10 Continuing education.** (1) The affiliated credentialing board may promulgate rules establishing all of the following:

(a) Requirements and procedures for a license holder to complete continuing education programs or courses of study to qualify for renewal of his or her license. The rules promulgated under this paragraph may not require a license holder to complete more than 24 hours of continuing education programs or courses of study in order to qualify for renewal of his or her license.

(b) Qualifications applicable to providers of continuing education programs and courses required under par. (a).

(2) The affiliated credentialing board may waive all or part of any requirement established in rules promulgated under sub. (1) (a) if it determines that prolonged illness, disability, or other exceptional circumstances have prevented a license holder from completing the requirement.

**History:** 2001 a. 74; 2009 a. 355; 2011 a. 260.

**460.11 Practice requirements.** (1) A license holder may not practice massage therapy or bodywork therapy on a client unless the license holder first obtains the informed consent of the client and has informed the client that he or she may withdraw the consent at any time.

(2) A license holder shall keep confidential any information that a client in confidence gives to the license holder and any other information that the license holder obtains about a client in the course of practicing massage therapy or bodywork therapy that a reasonable person in the client's position would want kept confidential, unless the information is otherwise required by law to be disclosed or the client specifically authorizes the disclosure of the information.

(3) A license holder may not, whether for compensation or not, practice massage therapy or bodywork therapy for a sexually oriented business, as defined by the affiliated credentialing board by rule.

**History:** 2001 a. 74; 2009 a. 355.

**460.12 Duty to make reports.** (1) A license holder shall submit a report to the affiliated credentialing board if he or she has reasonable cause to believe that another license holder has committed a crime relating to prostitution under ss. 944.30 to 944.34 or has had sexual contact or sexual intercourse with a client. If the report relates to sexual contact or sexual intercourse with a client, the report may not identify the client unless the client has provided written consent for disclosure of this information.

(2) The affiliated credentialing board may use a report made under sub. (1) as the basis for an investigation under s. 460.14 (1). If, after an investigation, the affiliated credentialing board has reasonable cause to believe that a license holder has committed a crime, the affiliated credentialing board shall report the belief to

the district attorney for the county in which the crime, in the opinion of the affiliated credentialing board, occurred.

(3) If, after an investigation, the affiliated credentialing board determines that a report submitted under sub. (1) is without merit, the affiliated credentialing board shall remove the report from the record of the license holder who is the subject of the report.

(4) All reports and records made from reports under sub. (1) and maintained by the affiliated credentialing board, the department, district attorneys, and other persons, officials, and institutions shall be confidential and are exempt from disclosure under s. 19.35 (1). Information regarding the identity of a client with whom a license holder is suspected of having sexual contact or sexual intercourse shall not be disclosed by persons who have received or have access to a report or record unless disclosure is consented to in writing by the client. The report of information under sub. (1) and the disclosure of a report or record under this subsection does not violate any person's responsibility for maintaining the confidentiality of patient health care records, as defined in s. 146.81 (4) and as required under s. 146.82. Reports and records may be disclosed only to the affiliated credentialing board, the department, and the appropriate staff of a district attorney or a law enforcement agency within this state for purposes of investigation or prosecution.

(5) (a) In this subsection, "violation" means a violation of any state or local law that is punishable by a forfeiture.

(b) A license holder shall submit a written report to the affiliated credentialing board if he or she is convicted of a felony or misdemeanor, or is found to have committed a violation, in this state or elsewhere, and if the circumstances of the felony, misdemeanor, or violation substantially relate to the practice of massage therapy or bodywork therapy. The report shall identify the date, place, and nature of the conviction or finding and shall be submitted within 30 days after the entry of the judgment of conviction or the judgment finding that he or she committed the violation. If the report is submitted by mail, the report is considered to be submitted on the date that it is mailed.

**History:** 2001 a. 74; 2009 a. 355.

**460.13 Advertising.** Except as provided in s. 460.03 (1) and (2), a license holder may not advertise that he or she practices massage therapy or bodywork therapy unless the advertisement includes a statement that the license holder is a "licensed massage therapist and bodywork therapist" or "licensed massage therapist" or "licensed bodywork therapist."

**History:** 2001 a. 74; 2009 a. 355; 2011 a. 260 s. 80.

**460.14 Disciplinary proceedings and actions.** (1) Subject to the rules promulgated under s. 440.03 (1), the affiliated credentialing board may make investigations and conduct hearings to determine whether a violation of this chapter or any rule promulgated under this chapter has occurred.

(2) Subject to the rules promulgated under s. 440.03 (1), the affiliated credentialing board may reprimand a license holder or deny, limit, suspend, or revoke a license under this chapter if it finds that the applicant or license holder has done any of the following:

(a) Made a material misstatement in an application for a license or for renewal of a license.

(b) Subject to ss. 111.321, 111.322, and 111.335, been convicted of an offense the circumstances of which substantially relate to the practice of massage therapy or bodywork therapy.

(c) Advertised in a manner that is false, deceptive, or misleading.

(d) Advertised, practiced, or attempted to practice under another's name.

(e) Subject to ss. 111.321, 111.322, and 111.34, practiced massage therapy or bodywork therapy while his or her ability to practice was impaired by alcohol or other drugs.

(f) Intentionally made a false statement in a report submitted under s. 460.12 (1).

(g) Engaged in unprofessional conduct in violation of the standards established in rules promulgated under s. 460.04 (2) (a).

(h) Engaged in conduct while practicing massage therapy or bodywork therapy that jeopardizes the health, safety, or welfare of a client or that evidences a lack of knowledge of, inability to apply, or the negligent application of, principles or skills of massage therapy or bodywork therapy.

(j) Violated this chapter or any rule promulgated under this chapter.

**(2m)** Subject to the rules promulgated under s. 440.03 (1), the affiliated credentialing board shall revoke a license under this chapter if the license holder is convicted of any of the following:

(a) An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.081, 948.085, 948.09, 948.095, or 948.10.

(b) An offense under federal law or a law of any other state that is comparable to an offense under par. (a).

**(3)** The affiliated credentialing board may restore a license that has been suspended or revoked on such terms and conditions as the affiliated credentialing board may deem appropriate.

**(4)** The affiliated credentialing board may, in addition to or in lieu of a reprimand or revocation, limitation, suspension, or denial of a license, assess against a person who has done anything specified under sub. (2) (a) to (j) a forfeiture of not more than \$1,000 for each separate offense. Each day of continued violation constitutes a separate offense.

**History:** 2001 a. 74; 2005 a. 277; 2009 a. 355; 2013 a. 362; 2017 a. 128; 2019 a. 41.

**460.145 Employment of unlicensed persons.** No person may employ or contract for the services of an individual to provide massage therapy or bodywork therapy who is required to be

licensed under s. 460.02 unless the individual is licensed under this chapter.

**History:** 2019 a. 41.

**460.15 Penalty.** Any person who violates this chapter or any rule promulgated under this chapter may be fined not more than \$1,000 for each violation or imprisoned for not more than 90 days, or both.

**History:** 2001 a. 74; 2009 a. 355; 2019 a. 41.

**460.17 Local regulation. (1)** A city, village, town, or county may not enact an ordinance that regulates the practice of massage therapy or bodywork therapy by a person who is licensed by the affiliated credentialing board under this chapter. No provision of any ordinance enacted by a city, village, town, or county that is in effect before February 1, 1999, and that relates to the practice of massage therapy or bodywork therapy, may be enforced against a person who is licensed by the affiliated credentialing board under this chapter.

**(2) (a) 1.** A city, village, or town may enact and enforce an ordinance that prohibits an individual from violating the prohibitions under s. 460.02 unless the individual is licensed under this chapter as required under s. 460.02.

2. A city, village, or town may enact and enforce an ordinance that prohibits a person from employing or contracting for the services of an individual to provide massage therapy or bodywork therapy who is required to be licensed under s. 460.02 unless the individual is licensed under this chapter.

(b) Law enforcement personnel of a city, village, or town may issue citations for violations of a local ordinance described in par. (a), and the city, village, or town may impose forfeitures, not to exceed the amount specified in s. 460.14 (4), for violations of such an ordinance.

**History:** 2001 a. 74 s. 19; 2009 a. 355; 2019 a. 41.





## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** January 21, 2020

**Common Council Meeting Date:** January 22, 2020

**Item:** Extraterritorial Preliminary Plat – Jenkel Fields – Town of Center

**Case Manager:** David Kress

### GENERAL INFORMATION

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**Owner/Applicant:** Steve Jenkel

**Address/Parcel #:** Generally located north of Wege Road and west of County Road A in the Town of Center – Tax Id #040052415

**Petitioner's Request:** The applicant is proposing to subdivide property under Outagamie County's AGD General Agricultural zoning district for residential and agricultural uses. The area is 16.313 acres, which will be divided into two lots.

### BACKGROUND

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The subject area is within the City's extraterritorial plat approval jurisdiction, which includes the unincorporated area within three miles of the City, as described in the Subdivision Ordinance. The Preliminary Plat must also be reviewed and approved by the Town of Center and Outagamie County. This item has not yet appeared before the Town Board and County Zoning Committee.

### STAFF ANALYSIS

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**Existing Conditions:** This is undeveloped land located in the Town of Center, north of Wege Road. Floodplain, delineated wetlands, and a stormwater pond exist on the property. Access to the development will be obtained from Wege Road and Dax Daniel Lane.

**Surrounding Zoning and Land Uses:** The surrounding area is under the jurisdiction of the Town of Center and Outagamie County. The nearby uses are generally residential and agricultural in nature. The surrounding zoning is the County's AGD General Agricultural District.

**Comprehensive Plan 2010-2030:** Community and Economic Development staff has reviewed the City of Appleton's *Comprehensive Plan 2010-2030* and determined this proposed subdivision is within the City's future growth area. The *Comprehensive Plan 2010-2030* Future Land Use Map identifies this area with the One and Two-Family Residential and Agricultural and Private Open Space designations.

**Review Criteria:** Community and Economic Development staff has reviewed the Extraterritorial Preliminary Plat in accordance with the City of Appleton Zoning Ordinance requirements for single-family residential developments. Proposed Lot 1 is 8.187 acres and Lot 2 is 8.126 acres in size. The lot sizes and lot widths for the proposed lots in this Town of Center subdivision exceed minimum City of Appleton Zoning Ordinance requirements.

**Extraterritorial Preliminary Plat – Jenkel Fields – Town of Center**

**January 21, 2020**

**Page 2**

**Additional Comments:** Several issues do not impact the City, but may warrant consideration from the Town of Center and/or Outagamie County:

- Per Section 17-7(b)(4) of the Appleton Municipal Code, the Preliminary Plat shall show the location of abutting lot lines and names of any adjacent subdivisions. Adjacent lots within CSM 7041 and CSM 7377 are not identified.
- It appears parts of Dax Daniel Lane and Wege Road were already dedicated to the public with previously-recorded CSM 7378.

**Technical Review Group (TRG) Report:** This item was discussed at the December 17, 2019 Technical Review Group meeting. No negative comments were received from participating departments.

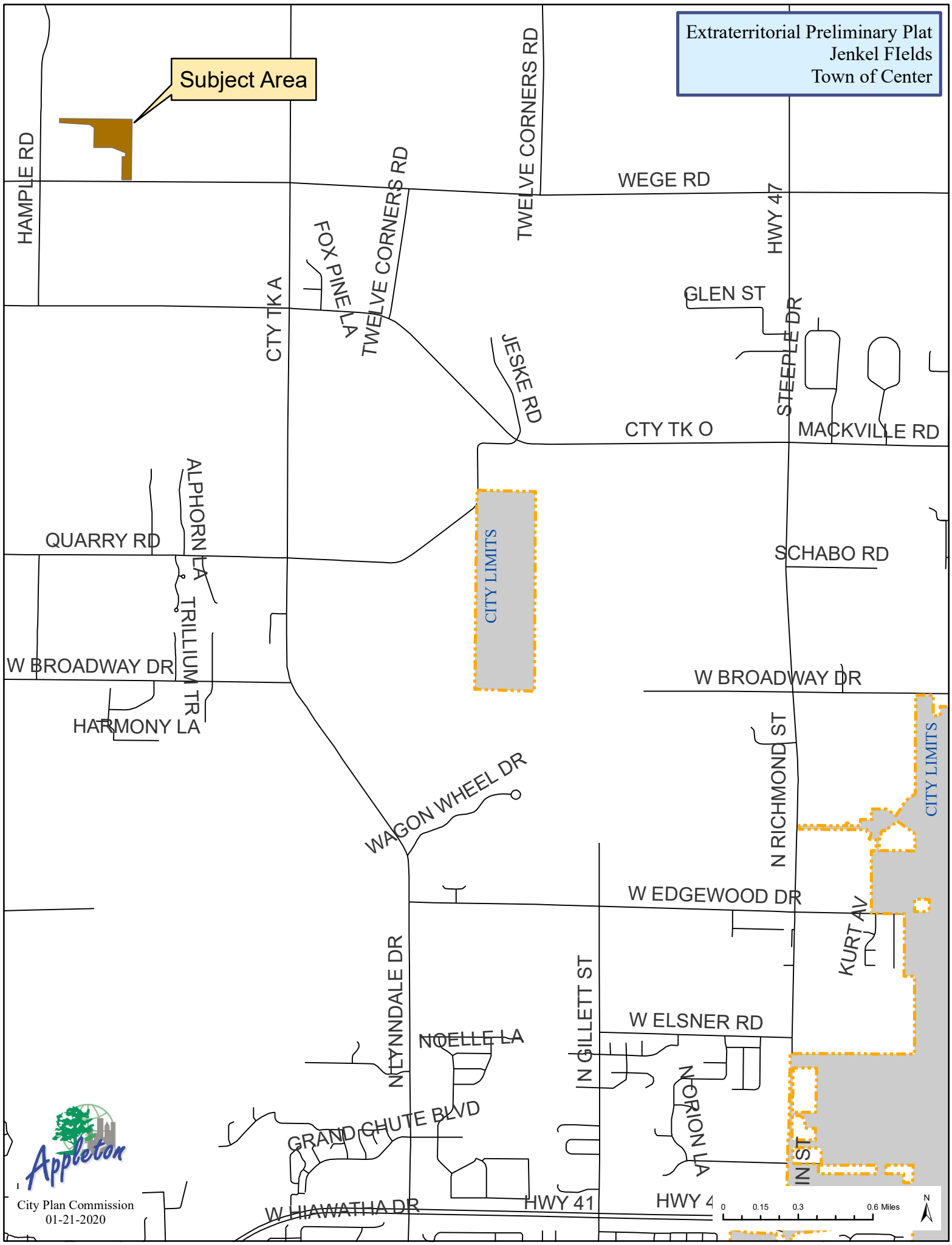
**RECOMMENDATION**

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Based on the above, staff recommends that the Extraterritorial Preliminary Plat – Jenkel Fields located in the Town of Center, as shown on the attached maps, **BE APPROVED**.

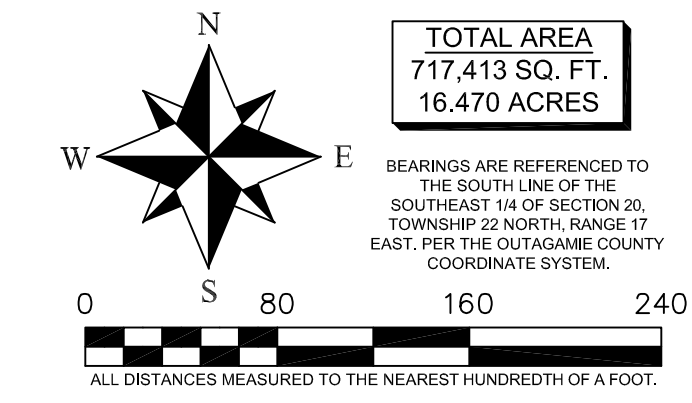
Extraterritorial Preliminary Plat  
Jenkel Fields  
Town of Center

Subject Area



# JENKEL FIELDS PRELIMINARY PLAT

LOT 1 OF CERTIFIED SURVEY MAP NO. 7378 LOCATED IN PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 AND PART OF CERTIFIED SURVEY MAP NO. 7041 LOCATED IN ALL OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, T.22N., R.17E., TOWN OF CENTER, OUTAGAMIE COUNTY, WISCONSIN.



TOTAL AREA  
717,413 SQ. FT.  
16.470 ACRES

BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 22 NORTH RANGE 17 EAST, PER THE OUTAGAMIE COUNTY COORDINATE SYSTEM.

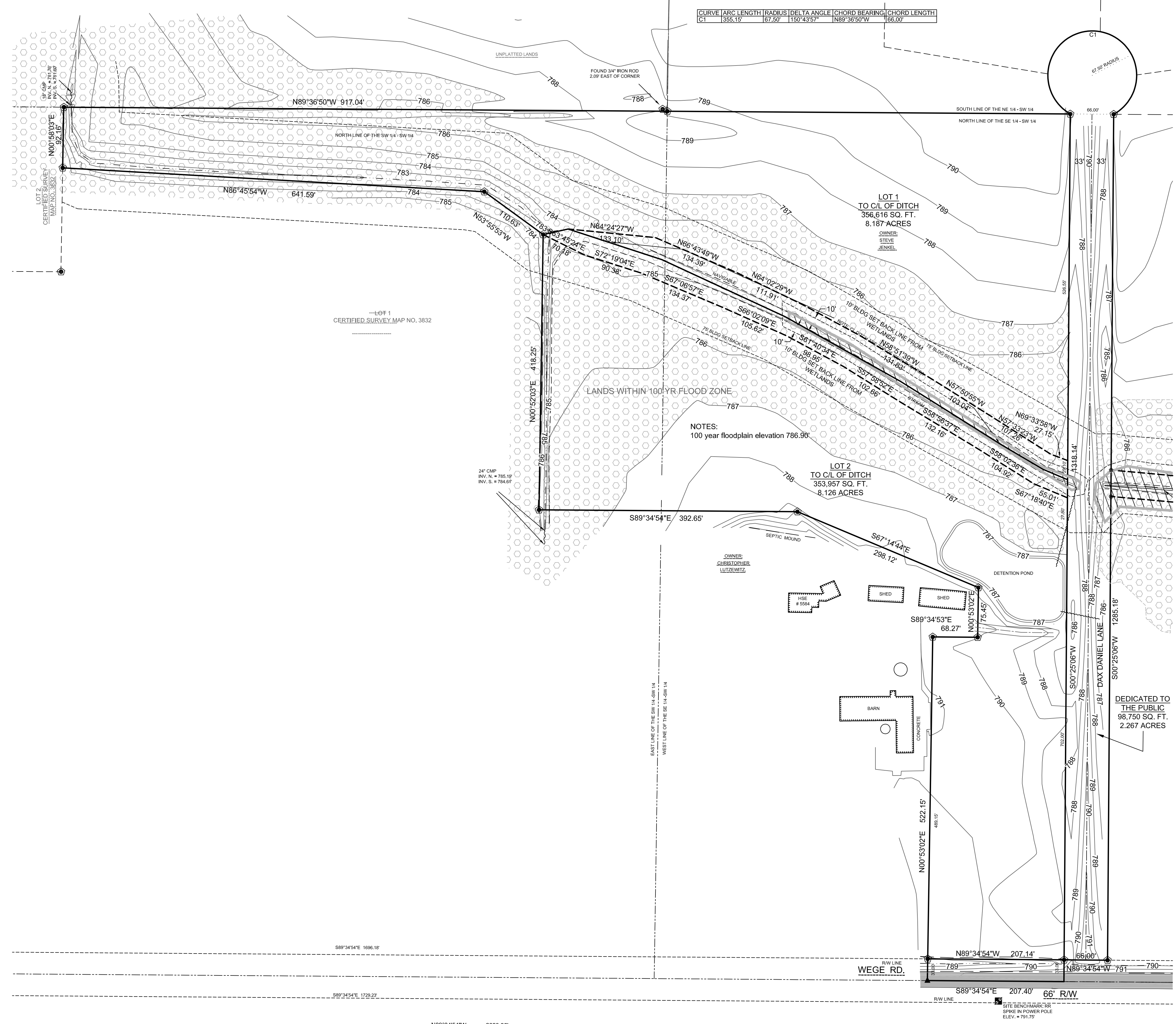
NOTE: FUTURE DEVELOPMENT MAY REQUIRE A WETLAND DELINEATION DUE TO PRESENCE OF HYDRIC SOILS.

THE LOTS CREATED IN THIS COUNTY PLAT ARE ADJACENT TO PROPERTY THAT, AS OF THE DATE OF THIS DOCUMENT, ARE BEING USED FOR AGRICULTURAL PURPOSES. SOME INDIVIDUALS BELIEVE THAT THE ACTIVITIES ASSOCIATED WITH THE AGRICULTURAL USE CONSTITUTE A NUISANCE OR CONFLICT WITH THEIR QUIET ENJOYMENT OF THEIR PROPERTY. THIS STATEMENT IS INTENDED TO PROVIDE THIRD PARTIES WITH NOTICE THAT AGRICULTURAL ACTIVITIES MAY EXIST ON ADJACENT PROPERTY.

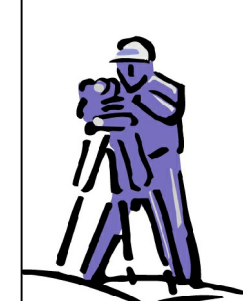
### LEGEND

- 3/4" X 1/8" IRON ROD SET, WEIGHING NOT LESS THAN 1.5 LBS. PER LINEAL FT.
- △ MAG NAIL SET
- ⊕ SECTION CORNER
- ⊙ 3/4" IRON ROD FOUND
- 100 YR FLOOD PER WI FEMA MAPPING
- ( ) PREVIOUSLY RECORDED DIMENSION

NOTES:  
100 year floodplain elevation 786.90'



DEDICATED TO THE PUBLIC  
98,750 SQ. FT.  
2.267 ACRES



PRECISION LAND SURVEYING LLC 1024 W. TAYLOR ST., APPLETON, WI 54914 (920) 205-4895		
DRAWN BY	DATE	SURVEY FOR
CAH	2/18/2019	STEVE JENKEL
APPROVED	DATE	1200 W. GLENDALE
CAH	2/19/2019	APPLETON, WI 54914
SCALE	SHEET	PROJECT NO.
1" = 80'	1 OF 1	8546PP

N89°34'54"W 2628.25'

66' R/W



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Public Hearing Date:** December 10, 2019

**Common Council Public Hearing Meeting Date:** January 22, 2020

**Item:** Rezoning #10-19 – Sommers and Spartan Drive City Stormwater Facilities

**Case Manager:** Don Harp

### **GENERAL INFORMATION**

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

**Address/Parcel #:** 31-6-6001-04 and 31-6-6001-06

**Owner/Applicant's Request:** The owner/applicant is requesting a zoning change for the subject property from AG Agricultural District to P-I Public Institutional District.

### **BACKGROUND**

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Acquisition agreements between the City and Clearwater Development, LLC and ARBB Farm, LLC for the subject area were executed on June 7, 2019 and June 24, 2019.

The subject site was annexed to the City of Appleton through the Spartan Drive-Sommers Drive-Edgewood Drive Annexation and officially came into the City on September 10, 2019 with AG Agricultural zoning classification.

The owner/applicant has submitted two (2) Certified Survey Maps (CSM's) to create the Outlots for future stormwater management facilities in this area of the City such as a stormwater pond, box culvert, retaining walls, flood storage and a yard drain. The CSM, currently under review, is subject to approval of Rezoning #10-19 for Rezoning Areas: A and B and the acceptance of the public right-of-way dedication portion of Sommers Drive by Plan Commission and Common Council.

### **STAFF ANALYSIS**

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**Proposed Zoning Classification:** The purpose of the rezoning is to facilitate the construction of a City owned/maintained regional stormwater pond to serve future public and private improvements in this area of the City.

The P-I District is intended to provide for public and institutional uses and buildings, utilized by the community, and to provide open space standards where necessary for the protection of adjacent residential properties.



**Rezoning # 10-19 - Sommers and Spartan Drive City Stormwater Facilities**  
**December 10, 2019**  
**Page 2**

**Surrounding Zoning and Land Uses:**

North: Town of Grand Chute Zoning and P-I Public Institutional District. The adjacent land uses to the north are currently agricultural and City lift station.

South: Town of Grand Chute Zoning and AG Agricultural District. The adjacent land use to the south are currently agricultural.

East: Town of Grand Chute Zoning and AG Agricultural District. The adjacent land use to the east is currently agricultural.

West: Town of Grand Chute Zoning and AG Agricultural District. The adjacent land use to the west is currently agricultural.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area for future roads and business/industrial. It is important to note, the Comprehensive Plan 2010-2030 does not identify specific locations for future public/institutional uses. The location and construction of future stormwater management facilities in this area of the City such as a stormwater pond, box culvert, retaining walls, flood storage and a yard drain has been designed by the Engineering Division. The following goals set forth in the comprehensive plan are relevant to this rezoning.

Chapter 7 Utilities and Community Facilities:

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

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

Chapter 9 Economic Development:

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

Chapter 10 Land Use:

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

**Rezoning #10-19 - Sommers and Spartan Drive City Stormwater Facilities**  
**December 10, 2019**  
**Page 3**

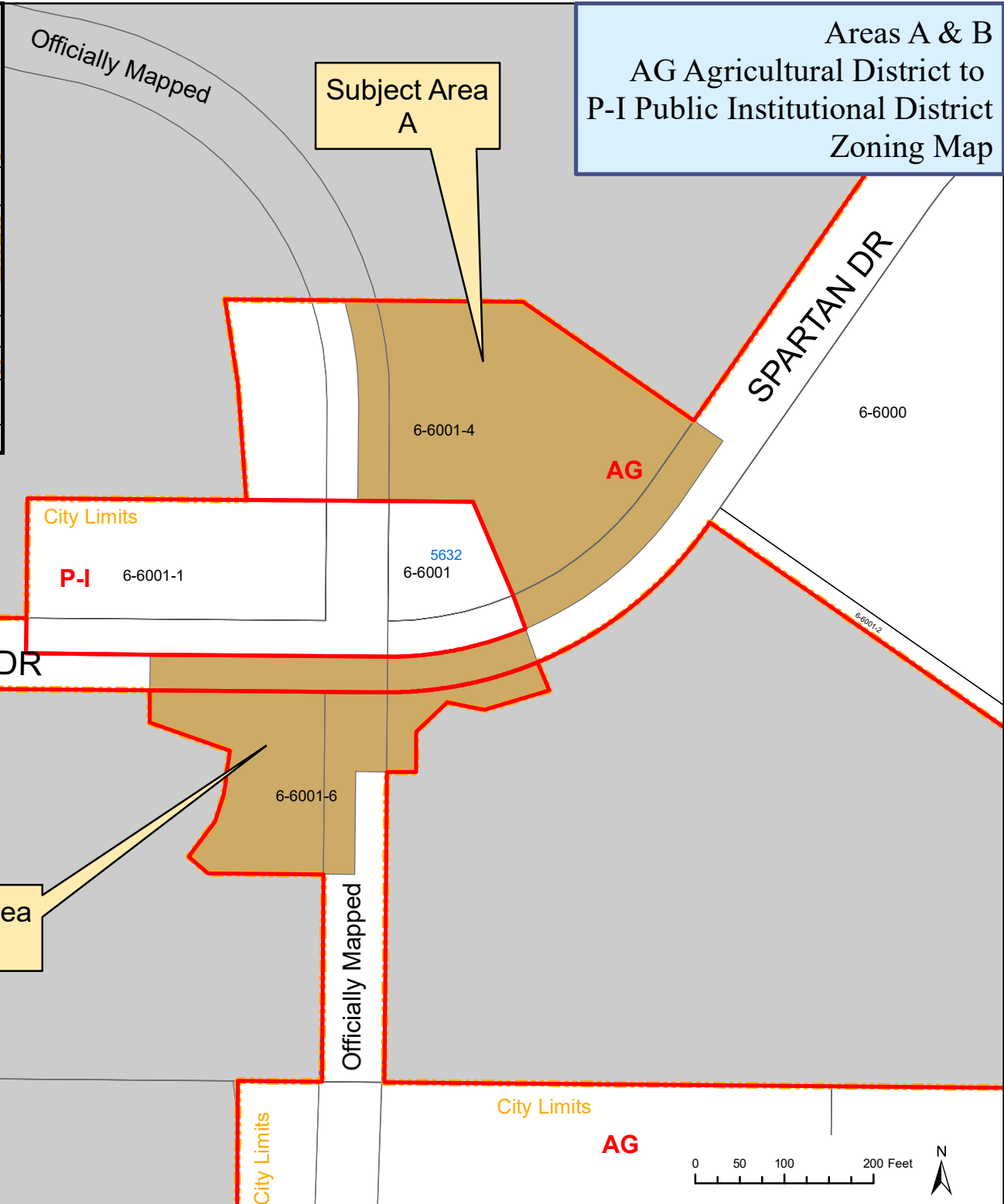
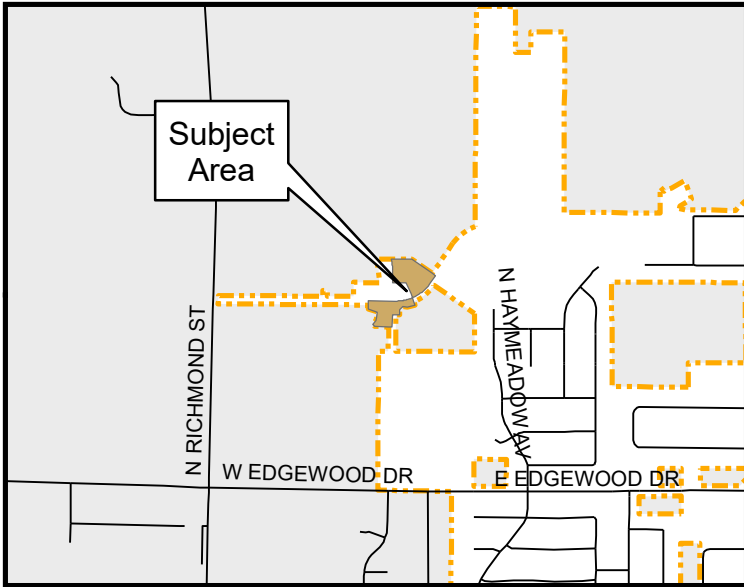
**Technical Review Group Report (TRG):** This item was discussed at the November 19, 2019 Technical Review Group meeting. No negative comments were received from participating departments.

**RECOMMENDATION**

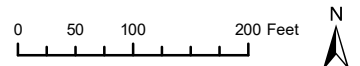
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Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #10-19 to rezone the subject site from AG Agricultural District to P-I Public Institutional District, including to the centerline of the adjacent right-of-way, as shown on the attached maps, **BE APPROVED**.

Areas A & B  
AG Agricultural District to  
P-I Public Institutional District  
Zoning Map

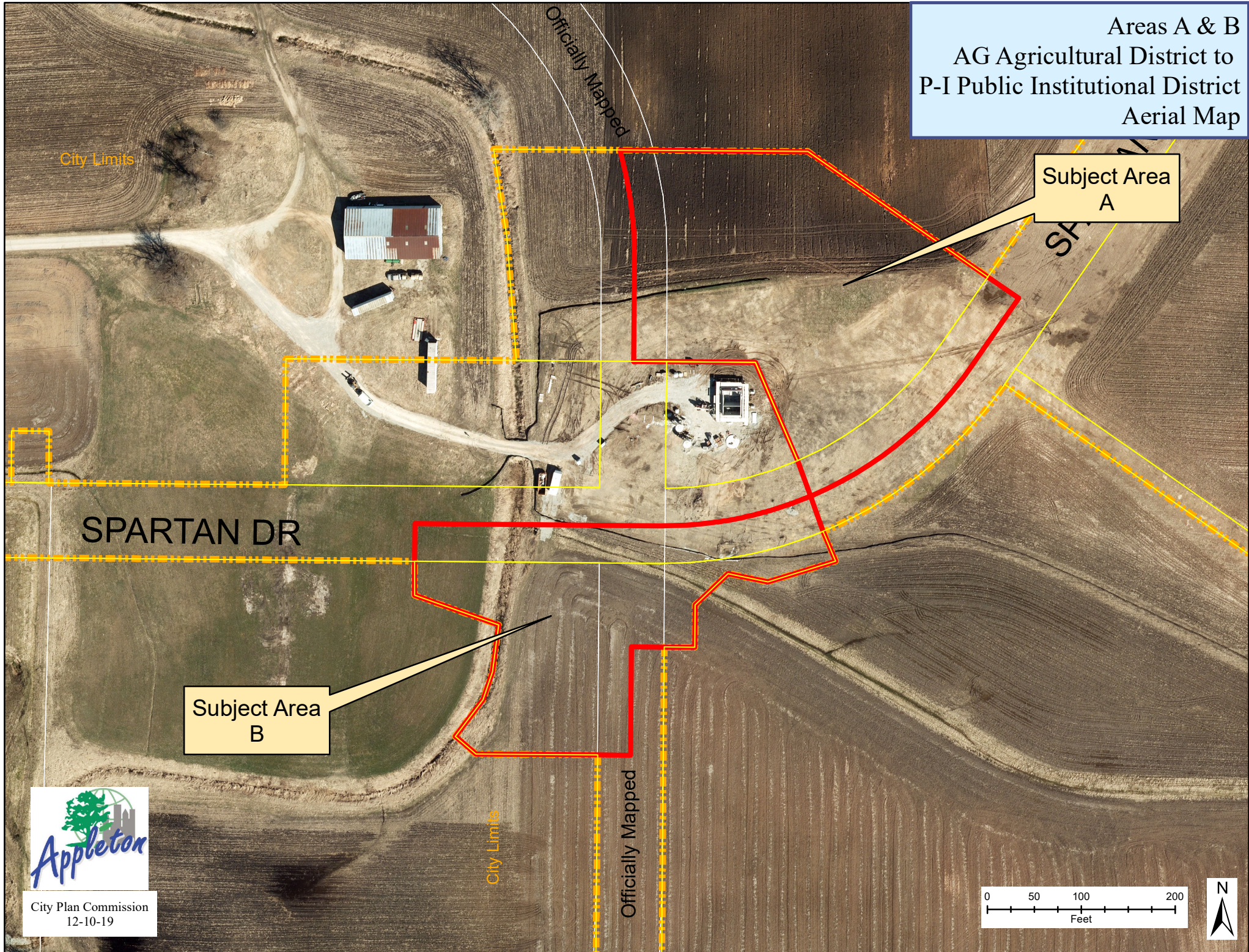


City Plan Commission  
12-10-19





Areas A & B  
AG Agricultural District to  
P-I Public Institutional District  
Aerial Map



City Limits

Officially Mapped

Subject Area  
A

SPARTAN DR

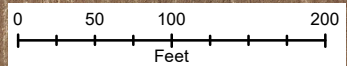
Subject Area  
B

City Limits

Officially Mapped



City Plan Commission  
12-10-19





## REZONING

### **Owner: City of Appleton**

#### **Description for rezoning a part of tax parcel 31-6-6001-04 to P-I:**

Part of Lot 1 of Certified Survey Map No. 4225, located in and being a part of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 92,232 sq. ft. of land and being described by:

Outlot 3 of a Certified Survey Map currently under the process and the adjoining  $\frac{1}{2}$  right of way of Sommers Drive and Spartan Drive lying adjacent thereto.

#### **Description for rezoning a part of tax parcel 31-6-6001-06 to P-I:**

Part of Lot 1 of Certified Survey Map No. 4225, located in and being a part of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 63,565 sq. ft. of land and being described by:

Outlot 1 and Outlot 2 of a Certified Survey Map currently under the process and the adjoining  $\frac{1}{2}$  right of way of Sommers Drive and Spartan Drive lying adjacent thereto.





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

---

**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

**Dean R. Gazza, Director**  
1819 East Witzke Boulevard  
Appleton, Wisconsin 54911-8401  
(920) 832-5572 FAX (920) 993-3103  
Email - [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org)

**To:** Parks and Recreation Committee  
**From:** Dean R. Gazza, Director of Parks, Recreation and Facilities Management  
**Date:** January 13, 2020  
**Re:** Action: Request Approval of Six-Year (2020-2025) Golf Cart Lease to Yamaha Golf & Utility in the Annual Amount of \$27,211.10

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Request for proposals were received by three companies for the purchase or lease of golf carts for periods ranging from four to six years. Various lease and purchase options and terms were requested by our department in order to identify the best option for Reid Golf Course.

Upon evaluation of the proposals, verification of references, demonstrations of carts and interviewing the final candidate we recommend issuing a contract to Yamaha Golf & Utility for the lease of golf carts for a period of six years. Golf carts would be leased from April through October (7 months).

In addition to overall value and price Reid staff experienced excellent customer service by Yamaha Golf & Utility throughout the current lease. Based on the prices provided, leasing is our best option. One major benefit to leasing is the carts are returned to Yamaha Golf & Utility when they begin to be undependable at the end of the lease. Second, routine maintenance is provided by the contractor at a much lower cost than we can provide for the same service.

Three proposals were received. The proposals include (40) golf carts with options and (2) beverage carts.

<u>Company</u>	<u>Proposal \$</u>
Yamaha Golf & Utility (Yamaha)	\$27,211.10
Premier Golf & Utility (Club Car)	\$28,499.76
Versatile Vehicles, Inc. (E-Z-GO)	\$28,860.00

Yamaha Golf & Utility has been aggressive in earning business with Reid. Fond-du-lac County (Rolling Meadows Golf Course) and Brown County (Brown County Golf Course) currently are under contract with Yamaha Golf & Utility and continue to give high recommendations.

It is the recommendation of the Parks, Recreation and Facilities Management Department to award the contract to Yamaha Golf & Utility. Please feel free to contact me at 832-5572 with any questions, or by email at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org).

**Resolution  
#2020-01**

WHEREAS, the City of Appleton is interested in developing lands for multimodal bicycle and pedestrian purposes as described in the application for the WeEnergies Trail;

WHEREAS, financial aid is required to carry out the project;

THEREFORE, BE IT RESOLVED, that the City of Appleton has budgeted a sum sufficient to complete the project.

CITY OF APPLETON HEREBY AUTHORIZES Dean Gazza, Director of Parks, Recreation, and Facilities Management to act on behalf of the City of Appleton to:

- submit an application to the State of Wisconsin Department of Transportation for any financial aid that may be available;
- submit reimbursement claims along with necessary supporting documentation within 6 months of project completion date;
- submit signed documents;
- and take necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED that the City of Appleton will:

- comply with state or federal rules for the programs;
- may perform force account work;
- will maintain the completed project in an attractive, inviting and safe manner;
- will keep the facilities open to the general public during reasonable hours consistent with the type of facility;
- and will obtain from the State of Wisconsin Department of Transportation or WeEnergies approval in writing before any change is made in the use of the project site.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

I hereby certify that the foregoing resolution was duly adopted by the Appleton Common Council at a legal meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

City of Appleton

By: \_\_\_\_\_  
Timothy M. Hanna, Mayor

By: \_\_\_\_\_  
Kami Lynch, City Clerk

**Resolution**  
**#2020-01 (Revised 1-13-20)**

WHEREAS, the City of Appleton is interested in developing lands for multimodal bicycle and pedestrian purposes as described in the application for the WeEnergies Trail;

WHEREAS, financial aid is required to carry out the project;

THEREFORE, BE IT RESOLVED, that the City of Appleton has budgeted a sum sufficient to complete the project:

- Total Construction Cost \$830,670;
- Federal Share of Participating Construction Cost (80%) \$651,504;
- Local Share of Participating Construction Cost (20%) \$162,876;
- State Review for Construction \$16,290.

CITY OF APPLETON HEREBY AUTHORIZES Dean Gazza, Director of Parks, Recreation, and Facilities Management to act on behalf of the City of Appleton to:

- submit an application to the State of Wisconsin Department of Transportation for any financial aid that may be available;
- submit reimbursement claims along with necessary supporting documentation within 6 months of project completion date;
- submit signed documents;
- and take necessary action to undertake, direct and complete the approved project.

BE IT FURTHER RESOLVED that the City of Appleton will:

- comply with state or federal rules for the programs;
- may perform force account work;
- will maintain the completed project in an attractive, inviting and safe manner;
- will keep the facilities open to the general public during reasonable hours consistent with the type of facility;
- and will obtain from the State of Wisconsin Department of Transportation or WeEnergies approval in writing before any change is made in the use of the project site.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

I hereby certify that the foregoing resolution was duly adopted by the Appleton Common Council at a legal meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

City of Appleton

By: \_\_\_\_\_  
Timothy M. Hanna, Mayor

By: \_\_\_\_\_  
Kami Lynch, City Clerk

## WE Energies Trail

The WE Energies trail is a 10,415-foot bike and pedestrian path connecting Oneida Street to Eisenhower Drive. The trail follows an old rail corridor connecting to local bike and pedestrian accommodations around Horizons Elementary School. Bike and pedestrian upgrades will be made at the intersection of Lake Park Road and Schaefer Circle to safely transition users. The trail continues from Lake Park Road and connects at Eisenhower Drive. The walkway is ADA compliant and provides access for both transportation and recreational users.

### PHASE I (WEST)



### PHASE II (EAST)

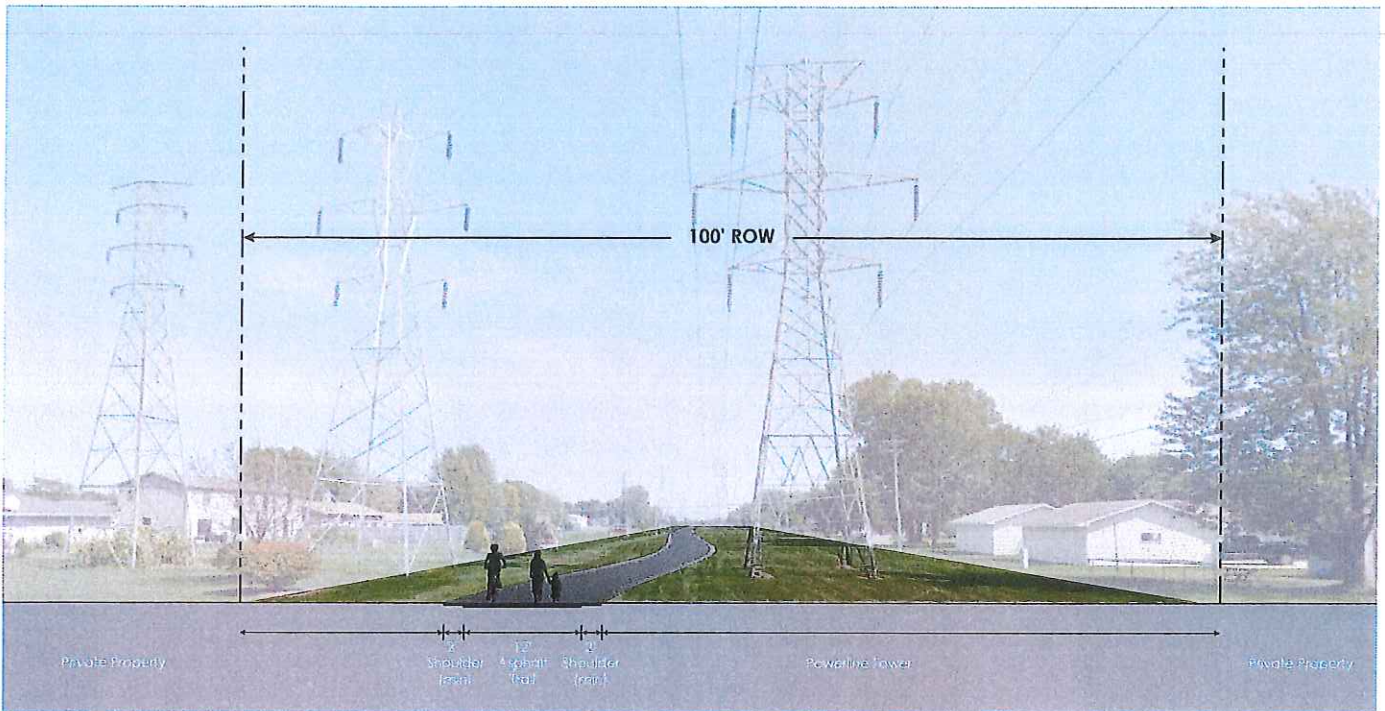




## CHALLENGES

- **Utilities:** Existing ATC and WE Energies transmission and power poles run along the corridor of this trail. Coordination with these stakeholders has been established and they are supportive of the project. Easements will be required for WE Energies West (Wheatfield Drive to Schaefer Street). Modifications to existing easements will be required for WE Energies East (Lake Park Road to Eisenhower Drive).
- **Property Ownership:** ATC has requested a 20' offset from their facilities. Along the corridor, there are locations at which we cannot satisfy the ATC offset and remain outside resident property lines. Ongoing communication with ATC to negotiate offset requirement.
- **Slopes:** No concerns at this time.
- **Stormwater Management:** Given the trail length and disturbances, Best Management Practices (BMP's) and stormwater facilities will need to be provided.
- This trail will not be lighted, per ATC and WE Energies request. This trail will need to be constructed to accommodate utility trucks and is currently modeled with a more robust section.
- Connection to the west at Oneida Street and Roeland Avenue will require coordination with WisDOT, who is currently designing this intersection. At the southeast corner of this intersection is an ATC substation. To the north of this substation is a 6.5 foot terrace and 5 foot sidewalk - any bike and pedestrian accommodations would have to be placed in this area.
- The connection between Schaefer Street and the Schaefer Circle connection will consist of on-street bicycle accommodations and use of existing sidewalks for pedestrians.
- A trail connection will be established at the East end of Schaefer Circle. A 10-foot curb cut will be placed and this portion of the trail will merge into the existing sidewalk. The existing sidewalk will be widened to 10-foot bike and pedestrian accommodation.
- The round-a-bout at Plank Road and Lake Park road will connect WE Energies West to WE Energies East. Bike and pedestrian accommodations will extend from the southeast leg of the roundabout to the WE Energies East trail. Trail alignment will need to be adjusted around existing utility facilities
- WE Energies West will connect at Eisenhower Drive as part of the City of Appleton 2017 design utilizing design best practice.





Above: Section showing relationship of trail to powerline towers and adjacent properties.



**PERMITTING STRATEGY**

The following list of agencies will need to be engaged throughout the design and permitting process:

- » Utilities with facilities along corridor
- » Real Estate



## LEGAL SERVICES DEPARTMENT

### Office of the City Attorney

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

**TO:** Members of the Finance Committee

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

**DATE:** January 7, 2020

**RE:** Creation of a Master Records Retention Schedule and Corresponding Ordinance Amendment

---

The City of Appleton (and its many departments and personnel) are required to maintain records for specified periods of time to comply with the Wisconsin Open Records Law. Historically, various departments operated with their own policies describing some of the records they generated and the corresponding retention periods. The City Attorney's Office was frequently contacted for guidance regarding records that weren't addressed in these policies. Our office recognized that a comprehensive master records retention schedule would be a valuable resource to City departments and staff. This undertaking evolved into a two-year project requiring meetings with each department to review individual records schedules, a comprehensive review to determine additional records to be included in the master schedule as well as eliminating any redundancies. The ultimate goal being the creation of a user-friendly master records retention schedule. The end result is a schedule consisting of approximately 470 different types of records (including retention periods and disposition instructions). This project also required a two-part approval process from the Wisconsin Public Records Board with the final approval just being issued at the end of 2019.

The next step in this process requires an amendment to Sec. 2-1 of the Municipal Code. This amendment will formalize the adoption of the Master Records Retention and Disposition Schedule. (It should also be noted that the Police Department had already obtained state approval with regard to certain records it generates. Likewise, the Library also operates with a state-approved retention schedule specific to libraries. In both cases, the master schedule will supplement their respective schedules regarding records not covered by their individual schedules.)

As a final step in this process, and to formalize adoption of the General Records Retention and Disposition Schedule, an amendment to the Municipal Code is required. The City Attorney's Office recommends as follows:

BE APPROVED that Sec. 2-1 of Chapter 2 of the Appleton Municipal Code relating to the destruction of public records be repealed and recreated to reflect the adoption of a general city records retention/disposition schedule.

## 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 reconstruct a portion of Prospect Avenue, as well as storm sewer construction, in or near the City of Appleton, Wisconsin.
3. That said roadway 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 said storm sewer will be built within the areas marked on the scale drawing, which is attached to this Relocation Order as Exhibit "B" and is incorporated herein;
5. That the legal description for the acquisition and easement area necessary for this construction are contained in Exhibits "C", and "D" which are also incorporated herein;
6. That the City of Appleton will acquire a fee simple interest in the areas described in the "Legal Description for Acquisition" contained in Exhibit "C" from the present owner.
7. That the City of Appleton will also acquire an Easement for the areas described in the "Legal Description for Easement" in Exhibit "D" from the present owner.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, that the within Relocation Order was adopted by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays by the Common Council for the City of Appleton, Wisconsin.

SIGNATURES APPEAR ON THE FOLLOWING PAGE

Record and return to:

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

Tax Key Nos. 31-3-0120-00; 31-3-3860-00

**City of Appleton**

ATTEST:

APPROVED:

---

Kami Lynch, City Clerk

---

Timothy M. Hanna, Mayor

Subscribed and sworn to before me  
this \_\_\_\_\_ day of January, 2020.

---

Jamie L. Griesbach  
Notary Public, State of Wisconsin  
My commission expires: 11/11/2021

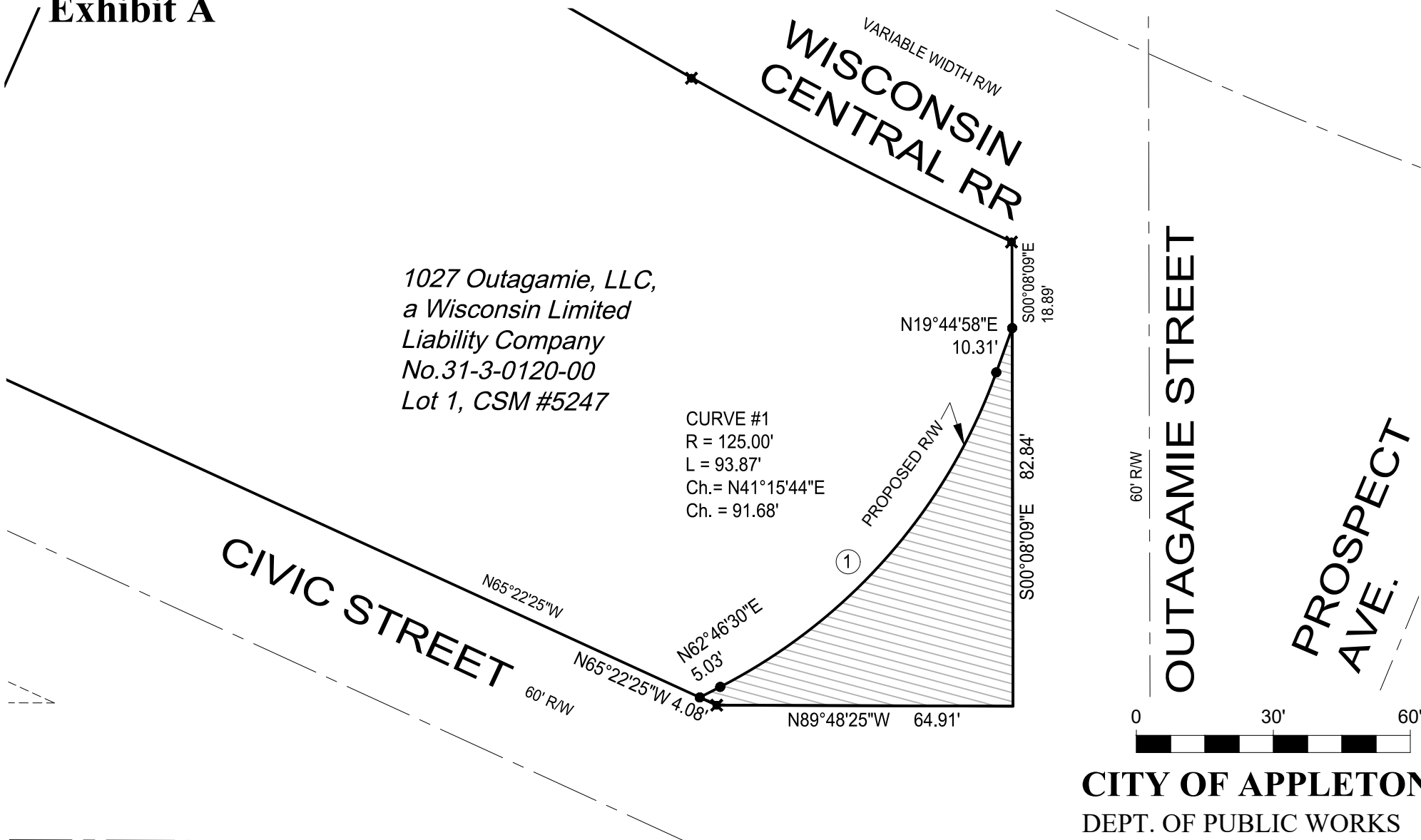
This instrument was drafted by:  
James P. Walsh, Appleton City Attorney  
City Law: A19-1189

# RIGHT OF WAY EXHIBIT MAP

## Exhibit A

1027 Outagamie, LLC,  
a Wisconsin Limited  
Liability Company  
No.31-3-0120-00  
Lot 1, CSM #5247

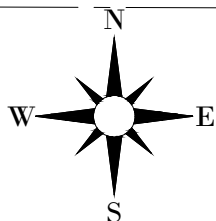
CURVE #1  
R = 125.00'  
L = 93.87'  
Ch. = N41°15'44"E  
Ch. = 91.68'



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

**HASKELL STREET**

BEARINGS ARE REFERENCED TO  
THE WISCONSIN COUNTY  
COORDINATE SYSTEM, OUTAGAMIE  
COUNTY, SOUTH LINE OF THE NW 1/4  
OF SECTION 34-21-17 RECORDED AS  
S.89°45'50"E.

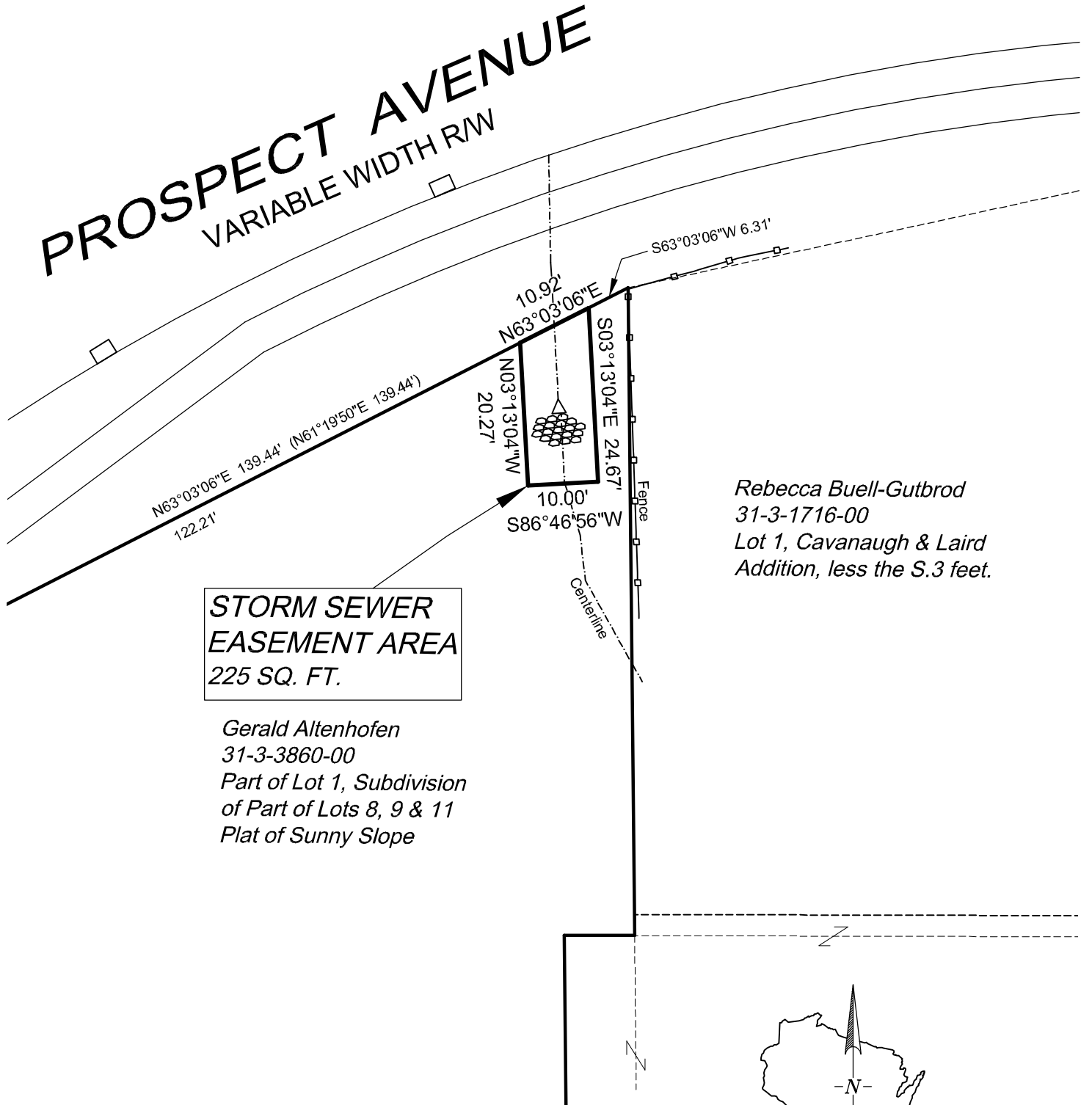


H:\Acad\RightofwayAcq\2019\  
Haskel\_Outagamie\_Civic\_0905\_2019



# EXHIBIT "B"

Part of Lot One (1) of the **SUBDIVISION OF PART OF LOTS 8, 9 & 11 PLAT OF SUNNY SLOPE**, located in the East One-half (E 1/2), of the Southeast Quarter (SE 1/4) (aka Gov't Lot 1) of Section 33, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

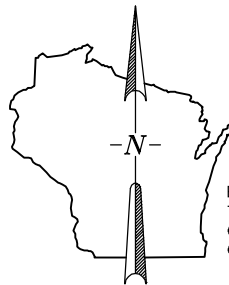


**STORM SEWER  
EASEMENT AREA  
225 SQ. FT.**

*Gerald Altenhofen  
31-3-3860-00  
Part of Lot 1, Subdivision  
of Part of Lots 8, 9 & 11  
Plat of Sunny Slope*

*Rebecca Buell-Gutbrod  
31-3-1716-00  
Lot 1, Cavanaugh & Laird  
Addition, less the S.3 feet.*

**CITY OF APPLETON**  
DEPT. OF PUBLIC WORKS  
ENGINEERING DIVISION  
100 NORTH APPLETON STREET  
APPLETON, WISCONSIN. DWN. BY:TMK  
H:\Acad\Easement\Storm\2019\Prospect\_co\_SunnySlope\_1217\_2019



BEARINGS ARE REFERENCED TO WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY



# EXHIBIT C

## Legal Description for Acquisition 1027 OUTAGAMIE LLC

**TAX PARCEL: 31-3-0120-00**

**Owner: 1027 Outagamie, LLC, a Wisconsin Limited Liability Company**

**Fee Interest: 2,085 sf**

All those lands of the owner within the following described traverse: Being a part of Lot 1 of Certified Survey Map No. 5247, located in and being a part of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 34, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 2,085 Square Feet of land and described as follows:

Commencing at the most South and East corner of said Lot 1 and being the point of beginning;  
Thence North  $89^{\circ}48'25''$  West 64.91 feet along the North line of Civic Street and being coincident with South line of said Lot 1;  
Thence North  $65^{\circ}22'25''$  West 4.08 feet along the Northerly line of Civic Street and being coincident with the Southerly line of said Lot 1;  
Thence North  $62^{\circ}46'30''$  East 5.03 feet;  
Thence Northeasterly 93.87 feet along the arc of a curve to the left having a radius of 125.00 feet and the chord of which bears North  $41^{\circ}15'44''$  East 91.68 feet;  
Thence North  $19^{\circ}44'58''$  East 10.31 feet to the West line of Outagamie Street and being coincident with the East line of said Lot 1;  
Thence South  $00^{\circ}08'09''$  East 82.84 feet along the West line of Outagamie Street and being coincident with the East line of said Lot 1 to the Point of Beginning.

SEE ALSO ATTACHED EXHIBIT "A"

# EXHIBIT D

## Legal Description for Easement GERALD AND ROCHELLE ALTENHOFEN

### **DESCRIPTION OF 10' WIDE STORM SEWER EASEMENT:**

Part of Lot 1 of the Subdivision of part of Lots 8, 9 & 11 of Sunny Slope, located in the East One-half (E 1/2) of the Southeast Quarter (SE ¼) (aka Gov't Lot 1) of Section 33, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 225 square feet of land and being described by:

Commencing at the Northeast corner of said Lot 1;

Thence S63°03'06"W 6.31 feet along the Northwesterly line of said Lot 1 and being coincident with the Southeasterly line of Prospect Avenue to the point of beginning;

Thence S03°13'04"E 24.67 feet;

Thence S86°46'56"W 10.00 feet;

Thence N03°13'04"W 20.27 feet to the Northwesterly line of said Lot 1;

Thence N63°03'06"E 10.92 feet along the Northwesterly line of said Lot 1 and being coincident with the Southeasterly line of Prospect Avenue to the point of beginning.

SEE ALSO ATTACHED EXHIBIT "A"

## 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 storm sewer in the area of Alvin Street in or near the City of Appleton, Wisconsin.
3. That said storm sewer will be built within the areas marked on the scale drawing, which is attached to this Relocation Order as Exhibit "B" and is incorporated herein;
4. That the legal description for the easement area necessary for this construction are contained in Exhibit "A" which is also incorporated herein;
5. That the City of Appleton will acquire a permanent easement in the area described in the "Legal Description for Easement" contained in Exhibit "A" from the present owner.

Record and return to:

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

Tax Key No. 31-6-4500-00

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, 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, 2020.

---

Jamie L. Griesbach  
Notary Public, State of Wisconsin  
My commission expires: 11/11/2021

This instrument was drafted by:  
James P. Walsh, Appleton City Attorney  
City Law: A19-1191



# EXHIBIT A

## Legal Description for Easement PATHWAYS CHURCH INC.

**TAX PARCEL: 31-6-4500-00**

**Owner: Pathways Church, Inc.**

***The Servient Property Is Described As:***

Part of the Northeast ¼ of the Northwest ¼ and the Northwest ¼ of the Northwest ¼ of Section 14, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin and more fully described in a Warranty Deed recorded as Document No.1759035 in the Outagamie County Register of Deeds Office. Also known as City of Appleton tax parcel 31-6-4500-00.

***The Easement Area Is Described As:***

**Permanent Easement Area:**

A strip of land being a part of the Northwest ¼ of the Northwest ¼ of Section 14, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 22,153 square feet of land and being all those lands of the owner within the following described area:

Commencing at the Northwest corner of said Section 14;

Thence South 89°51'46" East 604.24 feet coincident with the North line of the NW ¼ of said Section 14 to the Northerly extension of the East line of Alvin Street;

Thence South 00°08'06" West 564.96 feet coincident with the Northerly extension of the East line of Alvin Street and the East line thereof to the point of beginning;

Thence South 89°55'39" East 93.91 feet;

Thence South 23°35'00" East 122.51 feet m/l to a point 35.00 feet East of, as measured at a right angle to, a West line of lands described in a Warranty Deed recorded as Document No.1759035 in the Outagamie County Register of Deeds Office;

Thence South 00°14'18" East 270.06 feet m/l parallel to said West line to a point 25.00 feet North of, as measured at a right angle to, the Northerly line of Interstate 41;

Thence South 83°27'53" East 264.53 feet;

Thence South 06°32'07" West 25.00 feet to the Northerly line of said Interstate 41;

Thence North 83°27'53" West 296.81 feet m/l coincident with the Northerly line of said Interstate 41 to a West line of lands described in said Document No.1759035;

Thence North 00°14'18" West 296.46 feet m/l coincident with the West line of lands described in said Document No.1759035;

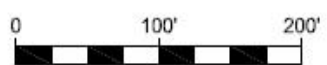
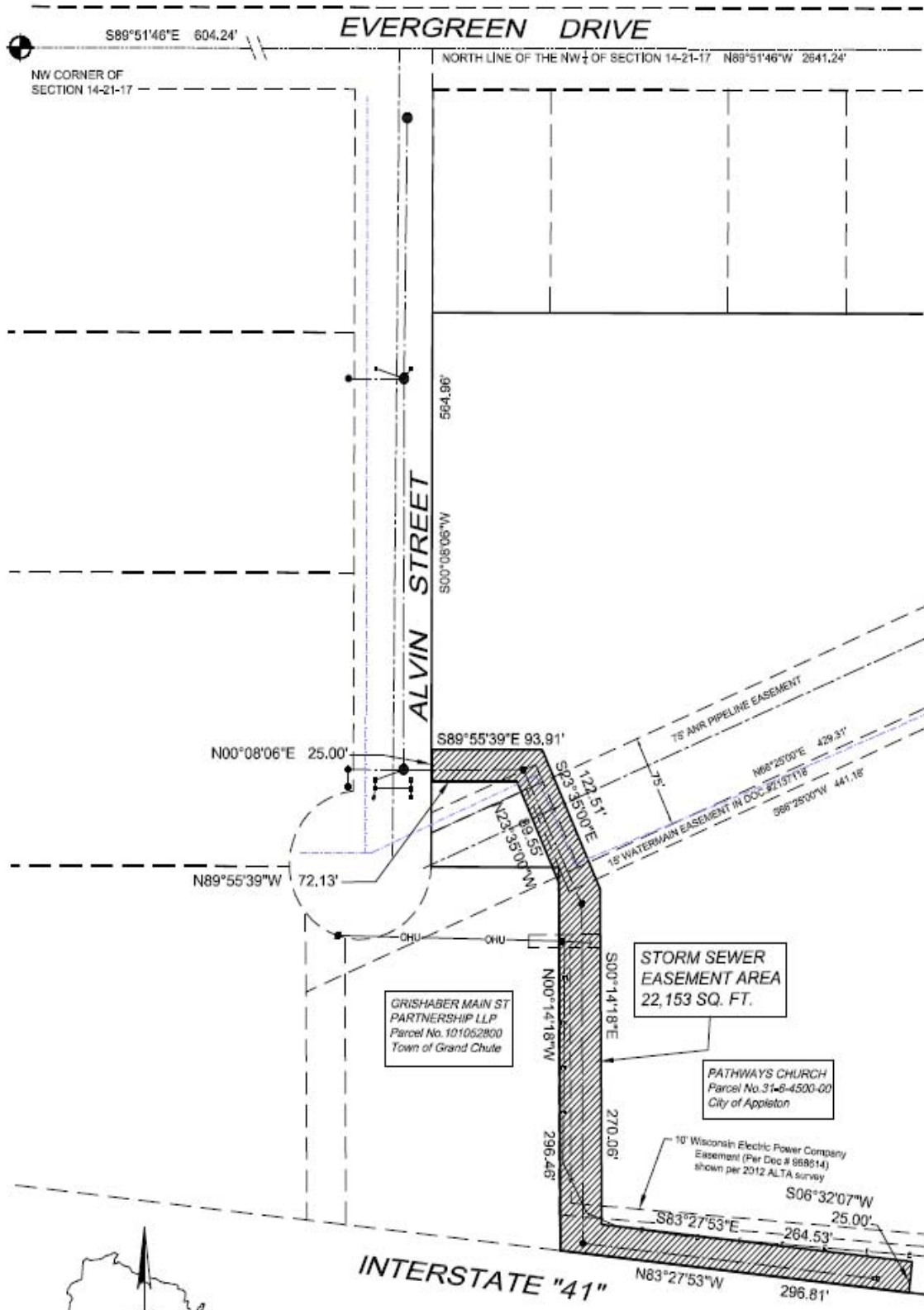
Thence North 23°35'00" West 89.55 feet;

Thence North 89°55'39" West 72.13 feet to the East line of Alvin Street;

Thence North 00°08'06" East 25.00 feet coincident with the East line of Alvin Street to the point of beginning.

SEE ALSO ATTACHED EXHIBIT "B"

# EXHIBIT "B"



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAME COUNTY, NORTH LINE OF THE NW 1/4 SECTION 14, T21N, R17E RECORDED AS S89°51'46"E, H5Acad2Baseline@Stam2019/PathwaysChurch\_AltA\_2507\_2019

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

## 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 reconstruct a portion of the Calumet Street and Carpenter Street intersection in or near the City of Appleton, Wisconsin.
3. That said roadway 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 description for the acquisition areas necessary for this construction are contained in Exhibits "B", "C" and "D" 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 Exhibits "B", "C", and "D" from the present owner.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, 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, 2020.

\_\_\_\_\_  
Jamie L. Griesbach  
Notary Public, State of Wisconsin  
My commission expires: 11/11/2021

Record and return to:

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

Tax Key Nos. 31-4-0772-10; 31-9-0780-00; and  
31-9-0784-00

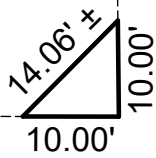
This instrument was drafted by:  
James P. Walsh, Appleton City Attorney  
City Law: A19-1190

# EXHIBIT "A"

## CALUMET STREET AND CARPENTER STREET

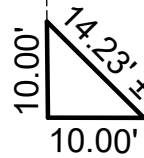
A portion of land for street right way, located in the Southwest ¼ of the Southwest ¼ of Section 36, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin and the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section 6, Township 20 North, Range 18 East, City of Appleton, Calumet County, Wisconsin.

Owners: Joseph and  
Brenda Mlinar  
Parcel 31-4-0772-10  
730 E. Calumet Street



**CARPENTER  
STREET** 60' R/W

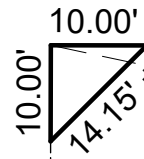
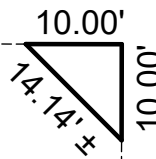
Owners: City of Appleton  
Parcel 31-4-0920-00  
1000 E. Calumet Street



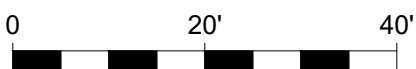
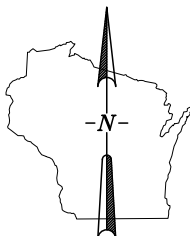
**CALUMET**

**STREET** 66' R/W

Owners: Roger and  
Nancy Miller  
Parcel 31-9-0780-00  
745 E. Calumet Street



Owners: AASD  
Parcel 31-9-0784-00  
2020 S. Carpenter Street



**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\2020\Carpenter\_St\_at\_Calumet\_1202\_2019



# EXHIBIT B

## Legal Description for Acquisition JOSEPH AND BRENDA MLINAR

**TAX PARCEL: 31-4-0772-10**

**Owners: Joseph and Brenda Mlinar**

**Fee Interest: 50 sf**

**Fee Simple Interest:**

A portion of land for street right way, being a part of Lot Ten (10), in Block Thirty-Seven (37), **EDWARD WEST'S PLAT**, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City, located in the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 36, Township 21 North, Range 17 East, containing 50 Square Feet (0.0011 Acres) of land and described as follows:

Commencing at the Southeast corner of said Lot 10 and being the point of beginning;

Thence West 10.00 feet along the South line of said Lot 10 and being coincident with the North line of Calumet Street;

Thence Northeasterly 14.06 feet m/l to a point on the East line of said Lot 10, said point being 10.00 feet North of the point of beginning;

Thence South 10.00 feet along the East line of said Lot 10 and being coincident with the West line of Carpenter Street to the point of beginning.

SEE ALSO ATTACHED EXHIBIT "A"

# EXHIBIT C

## Legal Description for Acquisition ROGER AND NANCY MILLER

**TAX PARCEL: 31-9-0780-00**

**Owners: Roger and Nancy Miller**

**Fee Interest: 50 sf**

**Fee Simple Interest:**

A portion of land for street right way, being part of Lot One (1), Block One (1), **HANSON PLAT**, located in the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 6, Township 20 North, Range 18 East, City of Appleton, Calumet County, Wisconsin, containing 50 Square Feet (0.0011 Acres) of land and described as follows:

Commencing at the Northeast corner of said Lot 1 and being the point of beginning;

Thence South 10.00 feet along the East line of said Lot 1 and being coincident with the West line of Carpenter Street;

Thence Northwesterly 14.14 feet m/l to a point on the North line of said Lot 1, said point being 10.00 feet West of the point of beginning;

Thence East 10.00 feet along the North line of said Lot 1 and being coincident with the South line of Calumet Street to the point of beginning.

SEE ALSO ATTACHED EXHIBIT "A"

# EXHIBIT D

## Legal Description for Acquisition APPLETON AREA SCHOOL DISTRICT

**TAX PARCEL: 31-9-0784-00**

**Owners: Appleton Area School District**

**Fee Interest: 50 sf**

### **Fee Simple Interest:**

A portion of land for street right way, being part of a Vacated Public Park and part of Vacated Calumet Drive of the **HANSON PLAT**, located in the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 6, Township 20 North, Range 18 East, City of Appleton, Calumet County, Wisconsin, containing 50 Square Feet (0.0011 Acres) of land and described as follows:

Commencing at the Northwest corner of said Vacated Public Park and being the point of beginning;  
Thence East 10.00 feet along the North line of said Vacated Public Park and being coincident with the South line of Calumet Street;  
Thence Southwesterly 14.15 feet m/l to a point on the East line of Carpenter Street, said point being 10.00 feet South of the point of beginning;  
Thence North 10.00 feet along the East line of Carpenter Street to the point of beginning.

SEE ALSO ATTACHED EXHIBIT "A"



## MEMO

---

**TO:** Finance Committee

**FROM:** Paula Vandehey, Director of Public Works *PAV*

**DATE:** January 9, 2020

**SUBJECT:** Request to move the Spartan Drive (Haymeadow to 900' east) from the 2021 Sanitary and Watermain Program to the 2020 Program.

---

The Common Council approved the Clearwater Creek Development Agreement in June, 2019. The 2019 – 2023 Capital Improvement Program already included the Sanitary and Watermain Projects for Spartan Drive from Haymeadow to 900' east in the 2021 Program. (See attached 3<sup>rd</sup> Addition to Clearwater Creek Engineering Feasibility). However, with the approval of the Development Agreement, these projects were supposed to move to the 2020 Program. I missed moving those projects up as part of the 2020 Budget process.

Therefore, in order to fulfill the Development Agreement, we request that Spartan Drive (Haymeadow to 900' east) Sanitary and Watermain Projects get moved up to the 2020 Program. Because it is so early in the year, I am not requesting a budget adjustment at this time. Instead, we will bid all of our projects and determine at a future date if a budget adjustment request is necessary.

Attachment

C: Tony Saucerman, Finance Director  
Lisa Lau, Managerial Accounting Coordinator



# ENGINEERING FEASIBILITY

## 3RD ADDITION TO CLEARWATER CREEK

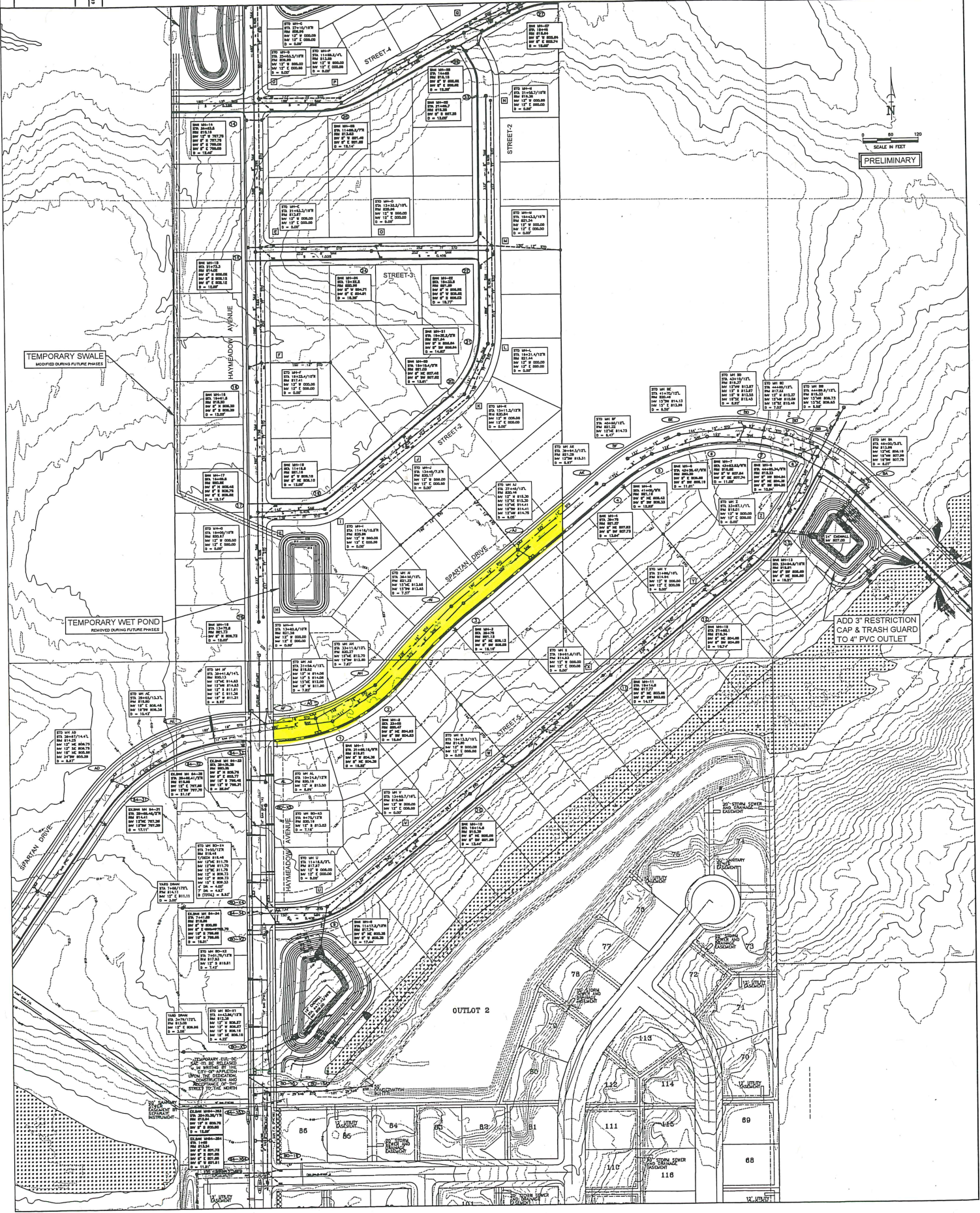
CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

NO.	DATE	CHECKED	APPROVED

**Martenson & Eisele, Inc.**  
 1377 N. Main Street  
 Appleton, WI 54912  
 www.martensoneisele.com  
 info@martensoneisele.com  
 920.731.0281 1.800.236.0281

Planning  
 Environmental  
 Surveying  
 Engineering  
 Architecture

NO.	DATE	BY	REVISION





MEMO: Property Tax bill corrections  
DATE: January 8, 2020  
TO: Finance Committee  
FROM: DeAnn Brosman, City Assessor

Please rescind the following 2019 Real Estate taxes under WI Statute 74.33 (1) which allows for the correction of errors.

**Parcel 31-2-0662-00 located at 549 N. Clark Street.** Outagamie County took ownership of this home in August, 2018 due to delinquent taxes. The county sold it to a private owner on January 10<sup>th</sup>, 2019. The county treasurer informed the buyer that no tax bill would be issued for 2019. The property was owned by a government entity on January 1<sup>st</sup>, and it is therefore tax exempt under WI Statute 70.11 for the entire 2019 year. Please cancel the \$1,477.52 tax bill.

**Parcel 31-1-1353-00 located at 1119 Nawada Court.** The 2019 assessed value of \$112,600 was reduced to \$102,400 during the Assessor's Open Book session and confirmed by the Board of Review. However the reduction did not get entered into our computer system due to the heavy volume of Open Book and Board of Review traffic. This has resulted in a tax overage of \$204.88 which needs to be rescinded. Please make this correction.

Approximately 50% of these rescinded amounts can be recovered from the other taxing jurisdictions through the charge-back process. Thank you for your assistance.

Parcel #: PAY 1<sup>ST</sup> INSTALLMENT - \$ 370.52

201 312066200  
CARLSON OR

PAY FULL PAYMENT - \$ 1,477.52

Bill #: 443329 BY Jan 31, 2020

SEND THIS STUB AND MAKE CHECK PAYABLE TO:  
CITY OF APPLETON  
FINANCE DEPARTMENT  
PO BOX 2519  
APPLETON, WI 54912



If receipt is needed send a self addressed stamped envelope

Parcel #: PAY 2<sup>ND</sup> INSTALLMENT - \$ 369.00

201 312066200  
CARLSON

DUE BY March 31, 2020

Bill #: 443329 REMEMBER TO PAY TIMELY  
TO AVOID INTEREST PENALTY

SEND THIS STUB AND MAKE CHECK PAYABLE TO:  
CITY OF APPLETON  
FINANCE DEPARTMENT  
PO BOX 2519  
APPLETON, WI 54912



If receipt is needed send a self addressed stamped envelope

Parcel #: PAY 3<sup>RD</sup> INSTALLMENT - \$ 369.00

201 312066200  
CARLSON

DUE BY May 31, 2020

Bill #: 443329 REMEMBER TO PAY TIMELY  
TO AVOID INTEREST PENALTY

SEND THIS STUB AND MAKE CHECK PAYABLE TO:  
CITY OF APPLETON  
FINANCE DEPARTMENT  
PO BOX 2519  
APPLETON, WI 54912



If receipt is needed send a self addressed stamped envelope

Parcel #: PAY 4<sup>TH</sup> INSTALLMENT - \$ 369.00

201 312066200  
CARLSON

DUE BY July 31, 2020

Bill #: 443329 REMEMBER TO PAY TIMELY  
TO AVOID INTEREST PENALTY

SEND THIS STUB AND MAKE CHECK PAYABLE TO:  
CITY OF APPLETON  
FINANCE DEPARTMENT  
PO BOX 2519  
APPLETON, WI 54912



If receipt is needed send a self addressed stamped envelope

FOR INFORMATION PURPOSES ONLY - Voter Approved Temporary Tax Increases

Taxing Jurisdiction	Total Additional Taxes			Year Increase	Taxing Jurisdiction	Total Additional Taxes			Year Increase
	Taxes	Applied to Property	Ends			Taxes	Applied to Property	Ends	

RICHARD CARLSON  
SUSAN CARLSON  
Property Address: 549 N CLARK ST

STATE OF WISCONSIN - OUTAGAMIE COUNTY  
REAL ESTATE TAX BILL FOR 2019

Bill No. 443329  
Parcel No. 201 312066200

Assessed Value Land	Assd. Value Improve	Tot. Assessed Value	Ave. Assmt. Ratio	Est. Fair Mkt. Land	Est. Fair Mkt. Improve	Total Est. Fair Mkt.	<input type="checkbox"/> A star in this box means unpaid prior years taxes
12,500	64,000	76,500	0.9831295450	12,700	65,100	77,800	
TAXING JURISDICTION		2018 Est. State Aids Allocated Tax Dist.	2019 Est. State Aids Allocated Tax Dist.	2018 Net Tax	2019 Net Tax	% Tax Change	NET PROPERTY TAX \$ 1,477.52
STATE		0	0	0.00	0.00		Total Due FOR FULL PAYMENT BY Jan 31, 2020 \$ 1,477.52
COUNTY		1,678,697	1,860,714	376.10	284.37	-24.4%	
LOCAL		11,690,712	11,937,446	700.88	639.02	-8.8%	
APPLETON SCH		61,110,217	65,339,599	586.33	533.64	-9.0%	
FOX VALLEY TECH		4,871,658	5,146,020	87.32	79.56	-8.9%	
TOTAL		79,351,284	84,283,779	1,750.63	1,536.59	-12.2%	
FIRST DOLLAR CREDIT				-60.74	-59.07	-2.7%	
LOTTERY AND GAMING CREDIT				-147.50	0.00	-100.0%	
NET PROPERTY TAX				1,542.39	1,477.52	-4.2%	
School taxes reduced by school levy tax credit \$ 113.62	Important: This description is for property tax bill only and may not be a full legal description			Net Assessed Value Rate (Does NOT reflect Credits) 0.02008616	Warning: If not paid by due dates, installments option is lost and total tax is delinquent subject to interest (see reverse).		

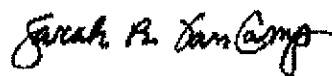
SECOND WARD PLAT 2WD N46FT OF E85FT OF LOT 9 BLK 64

State Bar of Wisconsin Form 3-2003  
**QUIT CLAIM DEED**

Document Number

Document Name

Document #: **2152045**  
Date: **01-11-2019** Time: **02:17 PM**  
Pages: **1** Fee: **\$30.00**  
County: **OUTAGAMIE COUNTY** State: **WI**  
Exempt Code: **4**



**SARAH R VAN CAMP, REGISTER OF DEEDS**  
Returned to: **OUTAGAMIE CO CORP COUNSEL**

**THIS DEED**, made between Outagamie County, a Municipal Corporation

("Grantor," whether one or more), and Richard Carlson and Susan Carlson, as husband and wife

("Grantee," whether one or more).  
Grantor quit claims to Grantee the following described real estate, together with the rents, profits, fixtures and other appurtenant interests, in Outagamie County, State of Wisconsin ("Property") (if more space is needed, please attach addendum):

**The North 46 feet of the East 85 feet of Lot Nine (9) in Block Sixty-four (64), SECOND WARD PLAT, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City.**

Recording Area

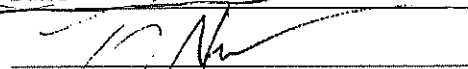
Name and Return Address  
**Attorney Joseph P. Guidote, Jr.**  
**Outagamie County Corporation Counsel**  
**320 S. Walnut Street, Appleton WI 54911**

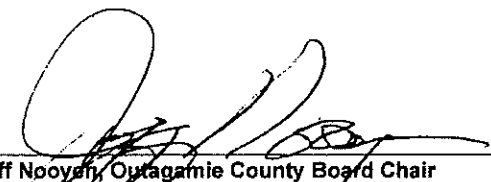
**312066200**

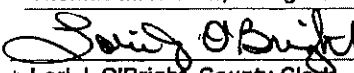
Parcel Identification Number (PIN)

This is  homestead property.  
(is) (is not)

Dated January 10, 2019

  
\_\_\_\_\_  
(SEAL) \* **Thomas M. Nelson, Outagamie County Executive**


  
\_\_\_\_\_  
(SEAL) \* **Jeff Nooyen, Outagamie County Board Chair**

  
\_\_\_\_\_  
(SEAL) \* **Lori J. O'Bright, County Clerk**

\_\_\_\_\_  
(SEAL) \*

**AUTHENTICATION**

Signature(s) Thomas M. Nelson, Jeff Nooyen and Lori J. O'Bright  
authenticated on January 10, 2019

  
\_\_\_\_\_  
\* **Joseph P. Guidote, Jr., Corporation Counsel**  
TITLE: **MEMBER STATE BAR OF WISCONSIN**  
(If not, \_\_\_\_\_  
authorized by Wis. Stat. § 706.06 )

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ )  
\_\_\_\_\_) ss.  
\_\_\_\_\_ COUNTY )

Personally came before me on \_\_\_\_\_,  
the above-named \_\_\_\_\_  
to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

\* \_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
My commission (is permanent) (expires: \_\_\_\_\_)

THIS INSTRUMENT DRAFTED BY:  
**Attorney Joseph P. Guidote, Jr.**  
**Outagamie County Corporation Counsel**

(Signatures may be authenticated or acknowledged. Both are not necessary.)  
NOTE: THIS IS A STANDARD FORM. ANY MODIFICATION TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.

Parcel #: **PAY 1<sup>ST</sup> INSTALLMENT - \$ 552.63**  
 201 311135300  
 VERKUILE **OR**

**PAY FULL PAYMENT - \$ 2,202.63**  
 Bill #: 438314 BY Jan 31, 2020

SEND THIS STUB AND MAKE CHECK PAYABLE TO:  
 CITY OF APPLETON  
 FINANCE DEPARTMENT  
 PO BOX 2519  
 APPLETON, WI 54912



If receipt is needed send a self addressed stamped envelope

Parcel #: **PAY 3RD INSTALLMENT - \$ 550.00**  
 201 311135300  
 VERKUILE

**DUE BY May 31, 2020**  
 Bill #: 438314 REMEMBER TO PAY TIMELY  
 TO AVOID INTEREST PENALTY

SEND THIS STUB AND MAKE CHECK PAYABLE TO:  
 CITY OF APPLETON  
 FINANCE DEPARTMENT  
 PO BOX 2519  
 APPLETON, WI 54912



If receipt is needed send a self addressed stamped envelope.

Parcel #: **PAY 2<sup>ND</sup> INSTALLMENT - \$ 550.00**  
 201 311135300  
 VERKUILE

**DUE BY March 31, 2020**  
 Bill #: 438314 REMEMBER TO PAY TIMELY  
 TO AVOID INTEREST PENALTY

SEND THIS STUB AND MAKE CHECK PAYABLE TO:  
 CITY OF APPLETON  
 FINANCE DEPARTMENT  
 PO BOX 2519  
 APPLETON, WI 54912



If receipt is needed send a self addressed stamped envelope

Parcel #: **PAY 4TH INSTALLMENT - \$ 550.00**  
 201 311135300  
 VERKUILE

**DUE BY July 31, 2020**  
 Bill #: 438314 REMEMBER TO PAY TIMELY  
 TO AVOID INTEREST PENALTY

SEND THIS STUB AND MAKE CHECK PAYABLE TO:  
 CITY OF APPLETON  
 FINANCE DEPARTMENT  
 PO BOX 2519  
 APPLETON, WI 54912



If receipt is needed send a self addressed stamped envelope.

FOR INFORMATION PURPOSES ONLY - Voter Approved Temporary Tax Increases			
Taxing Jurisdiction	Total Additional Taxes	Total Additional Taxes Applied to Property	Year Increase Ends

BRUCE J VERKUILEN  
 LINDA M VERKUILEN

Property Address: 1119 NAWADA CT

STATE OF WISCONSIN - OUTAGAMIE COUNTY  
 REAL ESTATE TAX BILL FOR 2019

Bill No. 438314

Parcel No. 201 311135300

Assessed Value Land	Assd. Value Improve	Tot. Assessed Value	Ave. Assmt. Ratio	Est. Fair Mkt. Land	Est. Fair Mkt. Improve	Total Est. Fair Mkt.	<input type="checkbox"/> A star in this box means unpaid prior years taxes								
22,600	90,000	112,600	0.9831295450	23,000	91,500	114,500									
TAXING JURISDICTION		2018 Est. State Aids Allocated Tax Dist.	2019 Est. State Aids Allocated Tax Dist.	2018 Net Tax	2019 Net Tax	% Tax Change	NET PROPERTY TAX \$								
STATE		0	0	0.00	0.00		2,202.63								
COUNTY		1,678,697	1,860,714	399.70	418.56	4.7%									
LOCAL		11,690,712	11,937,446	744.86	940.56	26.3%									
APPLETON SCH		61,110,217	65,339,599	623.13	785.47	26.1%									
FOX VALLEY TECH		4,871,658	5,146,020	92.80	117.11	26.2%									
TOTAL		79,351,284	84,283,779	1,860.49	2,261.70	21.6%									
FIRST DOLLAR CREDIT LOTTERY AND GAMING CREDIT				-60.74 0.00	-59.07 0.00	-2.7% 0.0%									
NET PROPERTY TAX				1,799.75	2,202.63	22.4%									
<table border="0"> <tr> <td>School taxes reduced by school levy tax credit \$ 167.24</td> <td>Important: This description is for property tax bill only and may not be a full legal description</td> <td>Net Assessed Value Rate (Does NOT reflect Credits) 0.02008616</td> <td>Warning: If not paid by due dates, installments option is lost and total tax is delinquent subject to interest (see reverse).</td> </tr> </table>							School taxes reduced by school levy tax credit \$ 167.24	Important: This description is for property tax bill only and may not be a full legal description	Net Assessed Value Rate (Does NOT reflect Credits) 0.02008616	Warning: If not paid by due dates, installments option is lost and total tax is delinquent subject to interest (see reverse).	<table border="0"> <tr> <td>Total Due</td> <td>FOR FULL PAYMENT BY</td> </tr> <tr> <td>Jan 31, 2020</td> <td>\$ 2,202.63</td> </tr> </table>	Total Due	FOR FULL PAYMENT BY	Jan 31, 2020	\$ 2,202.63
School taxes reduced by school levy tax credit \$ 167.24	Important: This description is for property tax bill only and may not be a full legal description	Net Assessed Value Rate (Does NOT reflect Credits) 0.02008616	Warning: If not paid by due dates, installments option is lost and total tax is delinquent subject to interest (see reverse).												
Total Due	FOR FULL PAYMENT BY														
Jan 31, 2020	\$ 2,202.63														

BEVERLY PLAT 1WD LOT 8 BLK 2

## Notice of Board of Review Determination

Under state law (sec. 70.47(12), Wis. Stats.), your property assessment for the current year 2019 as finalized by the Board of Review (BOR) is listed below.

Property owner	General information
----------------	---------------------

Bruce & Linda VerKuilen  
 1124 E Glendale  
 Appleton, WI 54911

Date issued 10 - 18 - 19  
 Parcel no: 31-1-1353-00  
 Address 1119 Nawada Court  
 Legal description BEVERLY PLAT 1WD LOT 8 BLK 2

Town     Village     City

Municipality Appleton

Assessment information			
2019 Original Assessment		2019 Final Assessment <small>(determined by BOR)</small>	

2019 Original Assessment		2019 Final Assessment <small>(determined by BOR)</small>	
Land	\$ 22,600	Land	\$ 22,600
Improvements	\$ 79,800	Improvements	\$ 79,800
Personal property	\$	Personal property	\$
Personal property	\$	Personal property	\$
Personal property	\$	Personal property	\$
Total personal property	\$ 0	Total personal property	\$ 0
Total all property	\$ 102,400	Total all property	\$ 102,400

Appeal information
--------------------

If you are not satisfied with the BOR's decision, there are appeal options available. **Note:** Each appeal option has filing requirements. For more information on the appeal process, review the Property Assessment Appeal Guide. Visit [revenue.wi.gov](http://revenue.wi.gov) and search keyword "Assessment Appeal."

**Appeal to:**

**Department of Revenue (DOR)** – must file within 20 days after receipt of the BOR's determination notice or within 30 days after the date specified on the affidavit if there is no return receipt. A \$100 filing fee is required. The fair market value of the items or parcels cannot exceed \$1 million dollars. DOR may revalue the property any time before November 1 of the assessment year or within 60 days after receiving the appeal, whichever is later. If adjusted, the value is substituted for the original value and taxes paid accordingly. (sec. 70.85, Wis. Stats.)

**Circuit Court - Action for Certiorari** – must file within 90 days after receiving the determination notice. The Court decides based on the written record from the BOR. You cannot submit new evidence. (sec. 70.47(13), Wis. Stats.)

**Municipality - Excessive Assessment** – must first appeal to the BOR and have not appealed the BOR's decision to Circuit Court or to DOR. You cannot claim an excessive assessment under sec. 74.37, Wis. Stats., unless the tax is timely paid. A claim under section 74.37 must be filed with the municipality by January 31 of the year the tax is payable.





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

**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

**Dean R. Gazza, Director**

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

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 1/13/2020

RE: Action: Award the City of Appleton “2019 MSB Acoustical Ceiling Upgrades Phase 2 Project – Electrical Package” contract to VOE Power and Systems, LLC. in the amount of \$38,700 with a contingency of \$1,900 for a project total not to exceed \$40,600.

Action: Approve balance transfer of \$11,000 from the “2019 MSB Lighting Upgrades Project” to “2019 MSB Ceiling Tile Replacement Project.”

The 2019 Capital Improvement Plan includes \$75,000 to replace several areas of acoustical ceiling at the Municipal Services Building. Of that amount, \$8,475 was spent on design leaving a balance \$66,525 for construction. This project was bid in two different phases to maximize the dollars spent. The first phase of this project was to install the acoustical grid and panels which totaled \$35,925 leaving a balance of \$30,600. The remaining items within the project scope were bid in Phase 2 - Electrical Package. The Phase 2 Electrical Package includes all the electrical aspects of the acoustical ceiling replacement along with items from the 2019 MSB Lighting Upgrades CIP, which is the basis for the budget transfer.

The bids were received as follows:

<b>VOE Power and Systems, LLC. (low bid)</b>	\$38,700
Northern Electric, Inc.	\$40,075
Floske Electrical Services, LLC.	\$68,749

Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to VOE Power and Systems, LLC. The Parks, Recreation, and Facilities Management Department has also reviewed the bids and is in agreement with the engineer’s recommendation. Therefore, we recommend awarding the contract to VOE Power and Systems, LLC. in the amount of \$38,700 plus a contingency of \$1,900 only to be utilized as needed.

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



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Email - [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org)

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 1/13/2020

RE: Action: Award the City of Appleton's "2019 Wastewater Treatment Plant Water Lateral Upgrades Project" contract to Degroot, Inc. in the amount of \$269,220.17 with a contingency of \$30,000 for a project total not to exceed \$299,220.17.

The 2019/2020 Capital Improvement Plan includes \$475,000 to replace the Weimar Court water lateral. Of that amount, \$27,355 was spent on design leaving a balance of \$447,645 for construction. The current water lateral from Weimar Court to the B-Building is original from 1935 and is in need of replacement.

The bids were received as follows:

<b>Degroot, Inc. (low bid)</b>	\$269,220.17
Dorner, Inc.	\$317,620.00
PTS Contractors, Inc.	\$326,487.00
Advance Construction, Inc.	\$348,427.00

Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to Degroot, Inc. The Parks, Recreation, and Facilities Management Department has also reviewed the bids and is in agreement with the engineer's recommendation. Therefore, we recommend awarding the contract to Degroot, Inc. in the amount of \$269,220.17 plus a contingency of \$30,000 only to be utilized as needed.

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



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**PARKS, RECREATION & FACILITIES  
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Appleton, Wisconsin 54911-8401  
(920) 832-5572 FAX (920) 993-3103  
Email - [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org)

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 1/13/2019

RE: Action: Reject bids from PayneCrest Electric, Inc., Van Ert Electric Co., Inc., Pieper Electric, Inc., and Michels Power for the 2019 Appleton Wastewater Treatment Plant Electrical Distribution Main Substation Upgrades Project.

The 2019/2020 Capital Improvement Plan includes \$4,000,000 to upgrade the Main Electrical Substation at the Appleton Wastewater Treatment Plant. This is the third-phase of a five-phase project. Of that amount \$296,500 has been utilized for design leaving a balance of \$3,703,500 for construction. Bids were opened on December 18, 2019 for the Main Electrical Substation at the Appleton Wastewater Treatment Plant.

The bids received were as follows:

PayneCrest Electric, Inc.	\$3,875,979.00
Van Ert Electric Co, Inc.	\$3,994,000.00
Pieper Electric, Inc.	\$4,009,881.00
Michels Power	\$4,569,595.16

The bids exceeded our project budget and after conferring with our consulting engineer (Patrick Engineering), the Parks, Recreation and Facilities Management Department is recommending rejecting the bids and re-bidding with updated specifications.

The Parks, Recreation and Facilities Management Department recommends rejecting these bids. Please contact me at 832-5572 or at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org) with any questions.



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

**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

**Dean R. Gazza, Director**

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Appleton, Wisconsin 54911-8401  
(920) 832-5572 FAX (920) 993-3103  
Email - [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org)

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 1/13/2019

RE: Action: Reject bids from J.F. Ahern Co., EGI Mechanical, Inc., Great Lakes Mechanical, Inc., and Hurkman Mechanical Industries, Inc. for the 2019 Appleton Wastewater Treatment Plant HVAC Upgrades Project.

The 2019/2020 Capital Improvement Plan includes \$750,000 to upgrade the HVAC systems at the Wastewater Treatment Plant within the A-Building and S-Building HVAC systems. Of that, \$41,200 has been utilized for design leaving a balance of \$708,800 for construction. Bids were opened on December 18, 2019 for the A-Building and S-Building HVAC upgrades.

The bids received were as follows:

Hurkman Mechanical Industries, Inc.	\$1,098,900
Great Lakes Mechanical, Inc.	\$1,110,600
J.F. Ahern Co.	\$1,121,000
EGI Mechanical, Inc.	\$1,175,000

The bids exceeded our project budget and after conferring with our consulting engineer (Performa), the Parks, Recreation and Facilities Management Department is recommending rejecting the bids and re-bidding as two separate projects.

The Parks, Recreation and Facilities Management Department recommends rejecting these bids. Please contact me at 832-5572 or at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org) with any questions.



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

**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

**Dean R. Gazza, Director**

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Appleton, Wisconsin 54911-8401  
(920) 832-5572 FAX (920) 993-3103  
Email - [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org)

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 1/13/2020

RE: Action: Award the City of Appleton's "2019 MSB Acoustical Ceiling Upgrades Phase 1 Project - Acoustical Ceiling Replacement" contract to Cardinal Construction, Inc. in the amount of \$35,925 with a contingency of \$3,000 for a project total not to exceed \$38,925.

The 2019 Capital Improvement Plan includes \$75,000 to replace several areas of acoustical ceiling at the Municipal Services Building. Of that amount, \$8,475 was spent on design leaving a balance \$66,525 for construction. This project was bid in two different phases to maximize the dollars spent. This phase of the project was to install the acoustical grid and panels. The remaining items within the project scope were bid in an electrical package and will be in a separate memo.

The bids were received as follows:

<b>Cardinal Construction, Inc. (low bid)</b>	\$35,925
MJI Building Services, LLC.	\$36,850
KSW Construction Corporation	\$41,245

Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to Cardinal Construction, Inc. The Parks, Recreation, and Facilities Management Department has also reviewed the bids and is in agreement with the engineer's recommendation. Therefore, we recommend awarding the contract to Cardinal Construction, Inc. in the amount of \$35,925 plus a contingency of \$3,000 only to be utilized as needed.

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



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

## MEMO

---

**TO:** Karen Harkness, Director of Community and Economic Development

**FROM:** Paula Vandehey, Director of Public Works *PAV*

**DATE:** November 25, 2019

**SUBJECT:** Request for funding from the 2019 Marketing & Business Services Initiatives in the amount of \$10,000.

---

The Department of Public Works, along with the City's Communications Coordinator, is working to create a more positive perception of parking in downtown Appleton. Our goals are as follows:

1. Educate the community on parking options and availability. This includes possible initiatives such as creating an interactive parking map on our webpage, social media videos, brochures for the city and downtown businesses to hand out, etc.
2. Create a more welcoming and fun environment in the parking ramps by providing opportunities for murals painted by area students and community members, utilizing the Public Art Committee.

A campaign of this magnitude is beyond the time and expertise our staff has. We also believe a creative advertising/marketing agency will have relevant experience dealing with public perception issues and how to successfully address them. At the same time, we understand that working cooperatively with the Community & Economic Development team on this campaign will also support the City's efforts to encourage additional investment by businesses and developers in our Downtown, as well as support the existing businesses with retention of employees and customers.

Therefore, we are requesting \$10,000 to hire a marketing firm, purchase materials, boost social network posts, etc. necessary to meet this cooperative initiative.





# MEMORANDUM

---

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

TO: Community & Economic Development Committee (CEDC)

FROM: Karen Harkness, Director  
Monica Stage, Deputy Director

DATE: January 8, 2020

RE: Request to approve 2020 Sponsorships for Appleton Downtown Inc. (ADI) Programs

---

The Council approved 2020 Budget includes \$36,000 in the Marketing & Business Services Business Unit of the Community & Economic Development Department Budget to support economic development projects and initiatives.

Appleton Downtown Inc. (ADI) has presented the City with a sponsorship proposal for 2020 (attached) that would allow the City to invest in numerous programs for both our existing residents and businesses as well as visitors and potential investors in Downtown. These programs align with the updated Comprehensive Plan 2010-2030, especially Chapter 14 Downtown Plan.

Please note that Small Business Saturday sponsorship also includes the Appleton Northside Business Association (ANBA) membership area as well.

**Staff Recommendation:**

Request to approve \$15,000 for 2020 sponsorships for Appleton Downtown Inc. (ADI) programs as outlined in the attached document **BE APPROVED**.

# CREATE



## **City of Appleton Downtown Sponsorship Agreement** **Thank you for helping create a vibrant and artful Downtown**

City of Appleton will be acknowledged as a support sponsor of the following events and programs, as part of this sponsorship package: Trolley, Downtown Community Public Market, Small Business Saturday, Summer Support Banner, Light up Appleton, Downtown for the Holidays, Annual Awards and Annual Meeting, and the Downtown Appleton Farm Market.

The sponsorship total is \$15,000 and breakdown is as follows:

Trolley Sponsor	\$3,000
Annual Meeting Support	\$ 500
Community Public Market	\$3,000
Small Business Saturday	\$3,000
Summer Support Banner	\$1,000
Art on the Town	\$2,500
Downtown for the Holidays	\$1,500
Award Celebration	\$ 500
Farm Market	-0-

### **Downtown Trolley Sponsorship \$3,000**

- The free trolley provides an important connection between the Downtown and the Riverfront while highlighting the historic significance of the first electric trolley.
- City of Appleton logo as one of 5 supporting community sponsors to appear on the trolley signage on both sides of the vehicle.
- City of Appleton logo and link on the Appleton Downtown Inc. website for a year.
- City of Appleton logo included in the trolley brochure map.

### **Annual Meeting and Downtown Project Reports \$500**

- Logo in all promotional materials leading up to event
- Provide promotional materials for take-home bag
- Includes corporate table for eight

### **Downtown Community Public Market \$3,000**

- 3 event line up hosted at the Exhibition Center: February 8, March 21<sup>st</sup> and April 18<sup>th</sup>
- City would be the sponsor of the performance stage featuring a diverse lineup of community performers. We will be assisted by Rhythms of the World to line up the programming.
- City of Appleton would have a double booth 10x20 or two 10x10 booths available.

**Small Business Saturday \$3,000**

- City of Appleton logo on all printed materials including passports, posters, advertising, website and online promotion as Presented by!
- Promotional space in emails to participating businesses during the month prior to event.

**Sustaining Summer Support \$1,000**

- Additional acknowledgment in our monthly E-Blast communication to general public.
- City of Appleton logo on the summer support banner displayed at a secondary location at a variety of our summer events.

**Art on the Town – evolving into Light up Appleton: \$2,500**

- 3 total events days have not yet been selected. Two summer dates and one November date.
- City of Appleton logo on all printed materials including posters, advertising, event programs and online promotion as “Presented by”! Sponsor mention on all radio ads with 91.1 The Avenue and any contests we host along with the event
- City of Appleton logo year round on the ADI homepage linked to your site
- Participate during each event with a display in Houdini Plaza or along College Ave.
- Logo inclusion on performance stage signage

**Downtown for the Holidays and Holiday Fun Fest: \$1,500**

- City of Appleton logo the Downtown for the Holidays holiday guide and advertising.
- Holiday Fun Fest: a feature of the Downtown Appleton Winter Market Dec. 12  
Activities such as: visits with Santa, cookies with Ms. Claus, the One-Stop Elf Shop, the Handcrafted Market and more!

**Downtown Business Awards Celebration table: \$500**

- A table for 8 and recognition in the program and from the stage.

**Farm Market: -0-**

- Logo included on all promotional material
- Occasional booth space available for City promotion such as: Dignity and Respect campaign, Library, Park and Rec etc.. A schedule will be worked out with ADI staff.

## Department of Public Works – Engineering Division

### MEMO

**TO:** Utilities Committee

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

**DATE:** January 6, 2020

**RE:** Approve update to Municipal Code Section 24-10, Erosion and Sediment Control Applicability and Jurisdiction.

---

The Department of Public Works requests approval of an update to Municipal Code Section 24-10. Strike and bold language of the proposed update is shown on the attached document. The proposed change is required per Section 2.4.1.c of WPDES Permit No. WI-S050075-3, which was issued May 1, 2019.

The permit requires the ordinance to be updated per specific sections of NR 151 and NR 216. The previous update to the ordinance was completed per the WDNR model ordinance and included the NR 151 requirements. This current update incorporates the NR 216 requirements. WDNR has stated that there will not be an update to model ordinance for the new permit.

The primary update to Municipal Code Section 24-10 is the clarification that transportation facilities are also required to comply with this ordinance. This changes will not impact staff efforts to administer the ordinance.

**ADOPTED:**  
**PUBLISHED:**  
Office of the City Clerk

**XX-20**

**AN ORDINANCE AMENDING SECTION 24-10(a)(1) OF CHAPTER 24 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO APPLICABILITY AND JURISDICTION.**

(Name of Committee Generated From – XX-XX-XX (Date))

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

**Section 1:** That Section 24-10(a)(1) of Chapter 24 of the Municipal Code of the City of Appleton, relating to applicability and jurisdiction, is hereby amended to read as follows:

**Sec. 24-10. Applicability and jurisdiction.**

(a) *Applicability.*

- (1) This ordinance applies to all land disturbing activities, including transportation facilities, within the City of Appleton except as provided under sub. (3).

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Timothy M. Hanna, Mayor  
City Law A19-1150

\_\_\_\_\_  
Kami Lynch, City Clerk

## Department of Public Works – Engineering Division

### MEMO

**TO:** Utilities Committee

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

**DATE:** January 6, 2020

**RE:** Approve updates to Municipal Code Section 24-35, Erosion and Sediment Control Plan, Statement and Amendments.

---

The Department of Public Works requests approval of updates to Municipal Code Section 24-35. Strike and bold language of the proposed updates is shown on the attached document. The proposed changes are required per Section 2.4.1.c of WPDES Permit No. WI-S050075-3, which was issued May 1, 2019.

The permit requires the ordinance to be updated per specific sections of NR 151 and NR 216. The previous update to the ordinance was completed per the WDNR model ordinance and included the NR 151 requirements. This current update incorporates the NR 216 requirements. WDNR has stated that there will not be an update to model ordinance for the new permit.

The primary update to Municipal Code Section 24-35 is the clarification of required information related to protection of groundwater. These changes will not impact staff efforts to administer the ordinance.



**ADOPTED:**  
**PUBLISHED:**  
Office of the City Clerk

**XX-20**

**AN ORDINANCE AMENDING SECTION 24-35 OF CHAPTER 24 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO EROSION AND SEIMENT CONTROL PLAN, STATEMENT AND AMENDMENTS.**

(Name of Committee Generated From – XX-XX-XX (Date))

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

**Section 1:** That Section 24-35 of Chapter 24 of the Municipal Code of the City of Appleton, relating to erosion and sediment control plan, statement and amendments, is hereby amended to read as follows:

**Sec. 24-35. Erosion and sediment control plan, statement and amendments.**

(a) ***Erosion and sediment control plan.***

- (1) An erosion and sediment control plan shall be prepared and submitted to the City of Appleton Department of Public Works unless the project is required to also submit a site plan. If a site plan is required, the complete erosion and sediment control permit application and appropriate fee shall be submitted to the City of Appleton Community Development Department with the site plan submittal.
- (2) The complete erosion and sediment control plan shall be submitted in both hard copy and .pdf format.
- (3) The erosion and sediment control plan shall be prepared by a person who holds a registration issued by the Wisconsin Department of Regulation and Licensing in one (1) of the following categories:
  - a. Architect.
  - b. Engineer.
  - c. Land Surveyor.
  - d. Landscape Architect.

- (4) The erosion and sediment control plan shall be designed to meet the performance standards in Sec. 24-25 and other requirements of this ordinance.
- (5) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:
  - a. The name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's contact at such firm. The application shall also include start and end dates for construction.
  - b. Description of the site and the nature of the land disturbing activity, ~~—~~ Sites of one (1) acre or more shall include the limits of land disturbance on a United States Geological Service 7.5 minute series topographic map.
  - c. The intended sequence of land disturbing construction of the development site, including stripping; ~~and clearing~~ and grubbing; excavation; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date when clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, establishment of permanent vegetation and removal of erosion and sediment controls.
  - d. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.
  - e. For sites less than one (1) acre of disturbed area, include BMPs meeting the provisions of Sec. 24-25(c)(2).
  - f. For sites with one (1) acre or more of disturbed area, provide calculations per WDNR Soil Loss Guidelines per Sec. 24-25(c)(3).
  - g. Location and description of the existing surface soil as well as subsoils, as indicated by USDA Natural Resource Conservation Service Soil Survey information.
  - h. ~~Depth to groundwater, as indicated by USDA Natural Resources Conservation Department soil survey information. Wherever permanent infiltration devices will be employed or were evaluated,~~

the depth to the nearest seasonal high groundwater elevation or top of bedrock shall be identified per appropriate on-site testing.

- i. Name of the immediate named receiving water from the United States Geological Services 7.5 minute series topographic maps.
- (6) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than one hundred (100) feet per inch and at a contour interval not to exceed two (2) feet.
- a. Existing topography, vegetative cover, natural and engineered drainage patterns and systems, roads, and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on the site and on adjacent lands shall be shown. Any identified 100-year flood plains, flood fringes, floodways, and flood storage areas shall also be shown.
  - b. Boundaries of the parcel and the construction site.
  - c. Drainage patterns and approximate slopes before and after major grading activities.
  - d. Areas of soil disturbance.
  - e. Location, dimensions and descriptions of major structural and non-structural controls identified in the erosion and sediment control plan.
  - f. Location of areas where stabilization BMPs will be employed.
  - g. Areas that will be vegetated following land disturbing construction activity.
  - h. Area(s) and location(s) of wetlands acreage on the site and locations where stormwater is discharged to a surface water or wetland, within one-quarter mile downstream of the construction site.
  - i. Water courses and wetlands that may affect or be affected by runoff from the site.
  - j. On sites one (1) acre or larger an alphanumeric or equivalent grid overlying the entire construction site map.

- k. Topography and drainage network of enough of the contiguous properties to show runoff patterns onto, through, and from the site.
- l. Location, dimensions and description of utilities, structures and pavements.
- m. Area(s) used for infiltration of post-construction stormwater runoff.

(7) Each erosion and sediment control plan shall include a description of appropriate control BMPs that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the state. The erosion and sediment control plan shall clearly describe the appropriate erosion and sediment control BMPs for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the erosion and sediment control BMPs will be implemented. The description of erosion and sediment control BMPs shall include, when appropriate, the following minimum requirements:

- a. Description of interim and permanent stabilization practices, including a BMP implementation schedule. Erosion and sediment control plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
- b. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the City of Appleton, structural measures shall be installed on upland soils.
- c. Management of overland flow at all areas of the construction site, unless otherwise controlled by outfall controls.
- d. Trapping of sediment in channelized flow.
- e. Staging land disturbing construction activities to limit exposed soil areas subject to erosion.
- f. Protection of downslope drainage inlets where they occur.
- g. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.
- h. Clean up of off-site sediment deposits.

- i. Proper disposal of building and waste materials, including but not limited to designated sites for concrete truck washout.
- j. Stabilization of drainage ways.
- k. Control of soil erosion from stockpiles.
- l. Installation of permanent stabilization practices within ten (10) days after final grading.
- m. Minimization of dust to the maximum extent practicable.  
(Ord 187-11, §1, 1-1-12)

(8) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

(b) ***Erosion and sediment control plan statement.*** For each land disturbing construction site identified under Sec. 24-15, an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the City of Appleton. The control plan statement shall briefly describe the site, the development schedules and the best management practices that will be used to meet the requirements of the ordinance.

(c) ***Amendments.*** The applicant shall amend the plan if any of the following occur:

- (1) There is a change in design, construction, operation or maintenance at the site that has the reasonable potential for the discharge of pollutants and has not otherwise been addressed in the erosion and sediment control plan.
- (2) The actions required by the erosion and sediment control plan fail to reduce the impacts of pollutants carried by construction site runoff.
- (3) The City of Appleton notifies the applicant of changes needed in the plan.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

Dated: \_\_\_\_\_

\_\_\_\_\_

Timothy M. Hanna, Mayor  
City Law A19-1150

Kami Lynch, City Clerk





December 17, 2019

**► REQUIRES IMMEDIATE ACTION ◀**  
**Urban Nonpoint Source & Stormwater Mgt**  
**Grant# USP45201Y20**  
**Grant Amount: \$75,000.00**

Sue Olson, Project Engineer  
 City of Appleton  
 100 N Appleton Street  
 Appleton, WI 54911

Dear Ms Olson:

Congratulations! On behalf of the Governor, we are pleased to forward to you a grant agreement for financial assistance for the following project: *City of Appleton Citywide Stormwater Management Plan*.

This grant, and any reimbursements made under it, is governed by very specific statute and administrative code provisions. Accordingly, please read the grant documents thoroughly, paying particular attention to the Scope and Conditions sections for eligibility, grantee requirements and reimbursement provisions. There are also a number of activities where you must obtain prior departmental review and authorization before proceeding; *please see Conditions section of your grant agreement*. You are obligated to submit a Final Report with your final reimbursement request for the projects completed under this grant; products developed under the grant are a required component.

In late January/early February 2020, DNR and UW-Extension will hold a grant administration webinar to provide information about seeking reimbursement from DNR, amending your grant, completing the final report, etc. All grantees receiving CY 2020 grant awards must attend the webinar or view the webinar recording prior to submitting the first reimbursement request for their grant. An invitation to the webinar will be sent to you soon. Stay tuned for details!

To accept this grant, please review the agreement and transmit a copy signed by the authorized government official, along with the completed *Grantee Contact Page*, as well as evidence that your community has committed the necessary funding for the local share, to the Bureau of Community Financial Assistance using one of the return methods below.

Via E-mail:	Via US Postal Service:
<a href="mailto:DNRCFANONPOINTGRANTS@wisconsin.gov">DNRCFANONPOINTGRANTS@wisconsin.gov</a>	Nonpoint Source Program Grant Manager Bureau of Community Financial Assistance Wisconsin DNR P. O. Box 7921 Madison, WI 53707-7921

Please review this grant thoroughly and if you have any questions, contact your Regional Nonpoint Source Coordinator Eric Evensen at (920) 240-5058. You may be contacted by the Office of the Governor or your state Legislator concerning the issuance of a press release to publicize the grant award. Thank you for your continued cooperation with Wisconsin's Runoff Management Program.

Sincerely,

*for*   
 Ann Kipper, Deputy Administrator  
 External Services Division

Enclosure(s)

C (e-copy): Eric Evensen, Regional Nonpoint Source Coordinator, DNR Northeast Region  
 Corinne Johnson, Nonpoint Source Program Grant Manager, CF/2

**PROJECT CONTACT PAGE**

INSTRUCTIONS: In the spaces below, insert contact information for the person **most directly involved** with this particular project. The Department will contact the person named for all matters related to this project.

Grant No.	USP45201Y20
Governmental Unit	City Of Appleton
Project Contact Name	Sue Olson
Project Contact Title	Project Engineer
Project Contact Mailing Address	100 N. Appleton Street
	Appleton, WI 54911
Project Contact Phone Number (direct):	(920) 832-6473 Extension: —
Project Contact E-Mail Address:	sue.olson@appleton.org

Address to which reimbursement checks should be sent if different than contact information above:

Name	Jeri Ohman
Title	Deputy Director of Finance
Mailing Address	100 N. Appleton St., Appleton, WI 54911
Phone Number (direct):	(920) 832-5742 Extension:
E-Mail Address:	jeri.ohman@appleton.org

If information provided on this page -- or any information in Part 1 of this grant agreement -- should change during the Grant Period, please provide that information to DNR Nonpoint Source Program Grant Manager and the DNR Regional Nonpoint Source Coordinator.

Please complete this Contact Page and transmit with the signed grant agreement using one of the return methods below (E-mail is preferred).

Via E-mail:	Via US Postal Service:
<a href="mailto:DNRCFANONPOINTGRANTS@wisconsin.gov">DNRCFANONPOINTGRANTS@wisconsin.gov</a>	Nonpoint Source Program Grant Manager Bureau of Community Financial Assistance Wisconsin DNR P. O. Box 7921 Madison, WI 53707-7921

Thank you very much.

Staff of DNR Nonpoint Source Grant Program

**-- PLANNING GRANT AGREEMENT --**

Form 8700-327 (rev. DEC 2019)

**Notice:** By signing this agreement, the grantee indicates concurrence with the conditions of this agreement, authorized under ss. 281.66 and 283, Wis. Stats., and chs. NR 151, 154, 155 and 216. This agreement must be signed and returned to the address above within 30 days so that funds will be reserved for this project. Failure to return a signed agreement will result in denial of grant funds. Personally identifiable information collected will be used for program administration and may be made available to requesters as required under Wisconsin's Open Records Law [ss. 19.31 - 19.39, Wis. Stats.].

**PART 1. GRANT ADMINISTRATION INFORMATION**

<b>Grant Number</b> USP45201Y20	<b>Grant Award Date</b> December 18, 2019		
<b>Grantee (Unit of Government)</b> City of Appleton			<b>Total Grant Amount</b> \$75,000
<b>Project Name</b> City of Appleton Citywide Stormwater Management Plan		<b>Grant Period</b> From December 18, 2019 Through December 31, 2021	
<b>Authorized Government Official</b> Paula Vandehey, Director of Public Works		<b>Grantee Contact</b> Sue Olson, Project Engineer	
<b>Government Official Address</b> 100 N Appleton Street		<b>Contact's E-mail Address</b> SUE.OLSON@APPLETON.ORG	
<b>City, ZIP Code, County</b> Appleton, 54911, Outagamie County		<b>Contact's Telephone Number</b> (920) 832-6473 Fax No. (920) 832-6489	
<b>Name of Department Regional Nonpoint Source Coordinator, Phone Number and Email Address</b> Eric Evensen, (920) 240-5058, Eric.Evensen@Wisconsin.gov			<b>DNR Region</b> Northeast Region

**PART 2. ELIGIBLE COST-SHARE BUDGET DATA**

Note: Line items cannot be exceeded without approval in advance from the DNR.

Budget Line Item Description	State Cost-Share Amount	Cost-Share Percentage
1. Urban Stormwater/Erosion Plan – BMP U8	\$73,612.00	41.3%
2. Stormwater/Erosion Control Ordinances – BMP U12	\$1,388.00	41.3%
<b>Total Maximum Grant Amount</b>	<b>\$75,000.00</b>	

**PART 3. PURPOSE AND SCOPE**

This grant provides cost-share funding and authorizes reimbursement by the DEPARTMENT for the above-named project as described in the grant application submitted for the grant period in Part 1 above. Reimbursements may be made for work performed and expenses incurred for the following eligible local assistance activities to address storm water management under chs. NR 151 and NR 216, Wis. Adm. Code, or Total Maximum Daily Load goals.

Storm water planning activities will be undertaken by the municipality and will result in the following products per the grant application: develop post-construction storm water management ordinance for new and re-development; and develop storm water quality management plan for meeting developed urban area performance standards.

**PART 4. CONDITIONS**

**A. General Conditions:**

- A.1. The Wisconsin Department of Natural Resources (DEPARTMENT) and the GRANTEE identified in Part 1 above mutually agree to perform this agreement in accordance with the Urban Nonpoint Source Water Pollution Abatement and Storm Water Management Grant Program and ss. 281.66 and 283, Wis. Stats., and chs. NR 151, 154, 155, and 216, Wis. Adm. Code, and with the project proposal, application, terms, promises, conditions, plans, specifications, estimates, procedures, maps and also any assurances attached and made a part of this agreement.
- A.2. This agreement, together with any referenced parts and attachments, shall constitute the entire agreement and previous communications or covenants pertaining to this agreement are superseded. Any revisions to this agreement must be made by written amendment, signed by both parties, prior to the termination date of this agreement, whether

for changes in scope, grant period, or cost. Requests to extend the grant period must be made 45 days or more before the end of the grant period in Part 1.

- A.3. Failure by the GRANTEE to comply with the terms of this agreement shall not cause the suspension of all obligations of the State if, in the judgment of the Secretary of the DEPARTMENT, such failure was due to no fault of the GRANTEE. In such case, any amount required to settle at minimum costs any irrevocable obligations properly incurred shall be eligible for reimbursement under this agreement, at the DEPARTMENT's discretion.
- A.4. Eligibility for cost-sharing reimbursement is governed by the provisions of ch. NR 155, Wis. Adm. Code. Cost-share rates and applicability may be further limited by departmental contract approval(s), which may restrict the cost-share amount due to the eligibility requirements of the statute and codes.
- A.5. The amount listed in Part 2 above is the maximum amount the DEPARTMENT may reimburse under this agreement.
- A.6. The GRANTEE:
1. Agrees to comply with all applicable Federal, Wisconsin, and local laws in fulfilling the terms of this agreement. In particular, GRANTEE agrees to comply with all applicable local and state contract and bidding requirements. GRANTEE should consult its legal counsel with questions concerning contracts and bidding. For assistance, GRANTEE may consult Procurement Guide for Local Governments Receiving DNR Grants.
  2. Promises, in consideration of the promises made by the DEPARTMENT, to execute the project described in accordance with this agreement.
  3. May decline the offer of financial assistance provided through this agreement, in writing, at any time prior to the start of the project and before expending any funds. After the project has been started or funds expended, this agreement may be rescinded, modified, or amended only by mutual agreement in writing.
  4. Agrees that its employees or agents are not employees or agents of the DEPARTMENT for any purpose, including Worker's Compensation.
  5. Agrees, to save, keep harmless, defend and indemnify the DEPARTMENT and all its officers, employees and agents, against any and all liability claims, costs of whatever kind and nature, for injury to or death of any person or persons, and for loss or damage to any property (state or other) occurring in connection with or in any way incident to or arising out of the occupancy, use, service, operation or performance of work in connection with this agreement or omissions of GRANTEE's employees, agents or representatives.
  6. Agrees to reimburse the DEPARTMENT of any and all funds the DEPARTMENT deems appropriate in the event the GRANTEE fails to comply with the conditions of this agreement or project proposal as described or fails to provide public benefits as indicated in the project application, proposal description or this agreement. In addition, should the GRANTEE fail to comply with the conditions of this agreement, fail to progress due to non-appropriation of funds, or fail to progress with or complete the project to the satisfaction of the DEPARTMENT, all obligations of the DEPARTMENT under this agreement may be terminated, including further project cost payment.
  7. Agrees, in connection with the performance of work under this agreement, not to discriminate against any employee or applicant for employment because of age, race, religion, color, disability, handicap, sex, physical condition, developmental disability as defined in s. 51.01(5), Wis. Stats., sexual orientation or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation, the GRANTEE further agrees to take affirmative action to ensure equal employment opportunities, as required by law. The GRANTEE agrees to post in conspicuous places available, for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.



8. Agrees that accounting for project funds shall conform to generally accepted accounting principles and practices, and that GRANTEE shall maintain a financial management system, separate from all other GRANTEE activities, for this agreement.
9. Agrees to comply with the cost containment and procurement procedures in the applicable administrative codes governing this agreement.
10. Agrees that all contracts or scope of service agreements related to this grant-funded project must obtain prior approval of the DEPARTMENT Regional Nonpoint Source Coordinator for this grant, with respect to reimbursement eligibility and conformity with standards and storm water permitting requirements.
11. Agrees to retain and make available to the DEPARTMENT for inspection all fiscal records, including invoices and canceled checks, that support all project costs claimed by the GRANTEE, for three years from the date of final payment by the DEPARTMENT or three years after the end of the Grant period, whichever is later, or for a longer period if required by the DEPARTMENT for audit purposes.
12. Agrees to complete and submit project progress reports to the DEPARTMENT Regional Nonpoint Source Coordinator identified in Part 1 of this agreement with each request for partial grant reimbursement.
13. Agrees, within 60 days of the grant expiration date, to complete and submit a Final Report Form (Form # 3400-189P), including copies of grant deliverables, and final request for grant reimbursement to the DEPARTMENT's Regional Nonpoint Source Coordinator for review and approval.
14. Agrees that reimbursements may only be made for work performed, and expenses incurred, during the grant period as specified in Part 1 above.
15. Agrees to comply with annual Single Audit requirement, at its own expense, if combined total state and federal grant awards received by the GRANTEE from all sources is \$750,000 or more during the calendar year. Annual Single Audit requirements are specified in 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, & Audit Requirements for Federal Awards (referred to as Uniform Guidance) and the Wisconsin State Single Audit Guidelines found at: <http://www.doa.state.wi.us/Divisions/budget-and-finance/financial-reporting/state-controllers-office/state-single-audit-guidelines> issued by the Wisconsin Department of Administration (DOA), State Controller's Office.
16. Should consider following methods for controlling, transporting and disposing of aquatic invasive plants and animals and water in which they may be contained, as described in the DEPARTMENT's Manual Code 9183.1 *Boat, Gear, and Equipment Decontamination and Disinfection* and available on the DEPARTMENT's website at: <http://dnr.wi.gov/topic/invasives/disinfection.html>.

#### A.7. The DEPARTMENT:

1. Promises, in consideration of the covenants and agreements made by the GRANTEE, to obligate for the GRANTEE the amount identified in Part 2 above and to tender to the GRANTEE that portion of the obligation that is required to pay the DEPARTMENT's share of the costs based on the cost-share percentage listed in Part 2 above for eligible project work performed and expenses incurred during the grant period noted in Part 1 above.
2. Agrees that the GRANTEE shall have sole control of the method, hours worked, and time and manner of any performance under this agreement other than as specifically provided in this document. The DEPARTMENT reserves the right only to ensure that the project is progressing or has been completed in compliance with the agreement. The DEPARTMENT takes no responsibility of supervision or direction of the performance of the agreement to be performed by the GRANTEE or the GRANTEE's employees or agents. The DEPARTMENT further agrees that it will exercise no control over the selection and dismissal of the GRANTEE's employees or agents.

- 3. Shall reimburse the grantee at a rate of one-half the cost-share rate stipulated in Part 2 above until completed product(s) is submitted to, and approved by, the DEPARTMENT and the DEPARTMENT has approved the project's Final Report.
- 4. Shall reimburse costs incurred for completed grant project deliverables at amounts not to exceed those itemized for each grant deliverable in the DEPARTMENT's professional service agreement approval letter(s).

**B – Special Condition**

**Environmental and Natural Heritage Concerns.** Research and findings must include at least preliminary determinations on the potential for environmental hazards, cultural, historical, endangered and threatened resources, along with the potential for wetland and Chapter 30 conflicts, within the areas of prospective structural practice installations.

FOR THE GRANTEE  
By:

FOR THE STATE OF WISCONSIN  
By:

\_\_\_\_\_  
Authorized Government Official

*for*   
\_\_\_\_\_  
Ann Kipper, Deputy Administrator  
External Services Division

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date Signed

*12/17/19*  
\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
(Printed Name, If Different Than Authorized Government Official on P.1)

**When returning the signed grant, you must also include evidence of your community's local share of the grant project costs – such as a copy showing its inclusion in the municipal budget, or other evidence that the community has, in fact, committed the necessary funding to complete the project.**



## Department of Public Works – Engineering Division

### MEMO

**TO:** Utilities Committee

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

**DATE:** January 7, 2020

**RE:** Award 2020D Stormwater Consulting Services Contract for the City-wide Stormwater Management Plan Update to Brown and Caldwell in an amount not to exceed \$199,981.

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The Department of Public Works is requesting approval of the 2020D stormwater consulting services contract with Brown and Caldwell for the City-wide Stormwater Management Plan Update in an amount not to exceed \$199,981. After this contract, \$493,269 will remain in the 2020 stormwater consulting services budget.

The last City-wide Stormwater Management Plan was completed in 2014. Part of that plan included benchmarks for making yearly progress toward achieving water quality goals, including updating this plan in 2020-2021. On May 1, 2019, the WDNR issued a new stormwater permit, which also requires the City to update this plan. In anticipation of this effort, the City applied for and received a WDNR Urban NPS Planning Grant for \$75,000 for this project.

The scope of work for this contract includes:

- Preparing or updating the water quality models (WinSLAMM) for older City ponds
- Updating City-wide modeling for “no controls”, existing conditions, street cleaning, grass swales and new regional stormwater ponds
- Adding reachsheds in the Upper Fox/Wolf TMDL
- Evaluating potential water quality practices to assist the City in meeting TMDL goals
- Preparing cost estimates for the various alternatives
- Preparing a short term and long term implementation plan
- Meeting with various City departments, adjacent communities, and other stakeholders such as the Appleton Area School District and Business/Builders Associations
- Preparing a report and grant deliverables

In October 2019, DPW solicited proposals from three engineering firms and received proposals from all three of them. Proposals were rated on a 100-point scale on the following criteria: Relevant Experience, Project Team, Project Understanding and Approach, and Schedule. Technical

Proposals were evaluated by a City review team consisting of Ross Buetow, City Engineer; Pete Neuberger, Staff Engineer; and Sue Olson, Staff Engineer. The ranking below is based on the technical scores.

<u>Rank</u>	<u>Firm</u>	<u>Score</u>	<u>Price</u>	<u>Price/Point</u>
1.	Brown and Caldwell	95.33	\$196,781	\$2,064
2.	McMahon	91.00	\$194,429	\$2,137
3.	Strand	84.67	\$177,200	\$2,093

Based on the Technical scores, staff felt that any of the three consultants could perform the necessary work and meet City and grant schedules. Brown and Caldwell stood out for the following reasons:

- Relevant experience in the Lower Fox TMDL as well as statewide and nationwide experience
- Understanding of the City staffing structure and DPW Operations
- Higher percentage of Professional Engineer hours
- Strongest communication plan during the life of the project
- Close relationship with key personnel at the WDNR and other regulatory agencies

Due to the Urban NPS Planning Grant requirements, this contract was sent to WDNR for approval in December 2019. The City received the approval letter for the scope of services on January 6, 2020. Based on a new requirement in the grant contract and potential changes in WDNR guidance and technical options, both unknown at the time of the RFP, staff requested additional work by the consultant, slightly increasing the cost (\$3,200). This would have been added to any of the proposals. Based on the high technical score and lowest cost per point, staff is recommending Brown and Caldwell for this project.



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

Department of Utilities  
Appleton Water Treatment Facility  
2006 E Newberry Street  
Appleton, WI 54915  
920-832-5945 ph  
920-832-5949 fax

**TO:** Chairperson •Vered Meltzer and Members of the Utilities Committee

**CC:** Chris Shaw, Utilities Director

**FROM:** Chris Stempa, Utilities Deputy Director

**DATE:** January 6, 2020

**RE:** *Award Contract to Fiberglass Solutions Inc. for Hypochlorite Fiberglass Reinforced Plastic Tank Relining Work in the amount of \$42,794 plus a 7.5% contingency of \$3,210 for a total not to exceed of \$46,004*

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**BACKGROUND:**

Sodium hypochlorite is utilized for seasonal disinfection of treated wastewater effluent at the Appleton Wastewater Treatment Plant (AWWTP). Sodium hypochlorite is housed in two (2) 8,850 gallon fiberglass-reinforced plastic (FRP) bulk sodium hypochlorite storage tanks. The bulk storage tanks were originally manufactured by GPI Composites and installed at the AWWTP as part of a chemical systems improvement project in 2000.

A tank inspection completed in 2016 revealed evidence of interior barrier deterioration. This chemically resistant barrier is designed to protect the underlying structural glass mat. The tank inspection contractor recommended tank relining within three to five years. The normally expected life of the tank interior corrosion barrier subjected to year-round usage is 10 to 15 years depending upon the active concentration of the chemical being stored. During the 2019 disinfection season (May through September) sodium hypochlorite feed equipment was routinely fouled by the accumulation of small fiberglass resin flakes. The temporary interruption in sodium hypochlorite significantly elevates the risk of not meeting seasonal disinfection effluent limits specified in the AWWTP Wisconsin Pollution Discharge Elimination System (WPDES) permit.

There was \$50,000 identified in the 2020 budget for tank relining services based on the age of the tanks, supporting inspection reports, and most recently the repeated occurrences associated with the disruption of sodium hypochlorite during the disinfection season.

**QUOTE PROCESS:**

Four qualified firms were selected based upon their ability to provide fiberglass tank relining services described in the RFQ. Only two firms provided a complete quote for all requested services. Fiberglass Solutions Inc. was the least cost quote. Fiberglass Solutions Inc. provided hypochlorite tank relining work at the Appleton Waster Treatment Facility (AWTF) in 2015. A summary of quotations is found below.

<b>Firm</b>	<b>Total Quote</b>
American Fiberglass Tank	\$75,500
ECC Corrosion Inc.	DNP
Fiberglass Solutions Inc.	\$42,794
GPI Composites	DNP

DNP: Did not provide a complete quote or was non-responsive.

**RECOMMENDATION:**

Approval of a contract to Fiberglass Solutions Inc. for the hypochlorite fiberglass reinforced plastic tank relining work in the amount of \$42,794 plus a 7.5% contingency of \$3,210 for a total not to exceed of \$46,004

Please contact Chris Stempa if you have any questions regarding this project at 832-5945.

**Resolution #15-R-19**  
**Youth Mental Health Protection**

Date: October 16, 2019

Submitted By: Alderperson Meltzer – District 2, Alderperson Firkus – District 3, Alderperson VanZeeland – District 5

Referred To: Board of Health

Whereas, Conversion therapy, also known as reparative therapy, is the practice of trying to change a person’s sexual orientation or gender identity; and

Whereas, Science recognizes that being lesbian, gay, bisexual, or transgender is part of the natural spectrum of human identity and is not a disease, disorder, or illness; and

Whereas, The practice of conversion therapy is based on scientifically unfounded approaches not subject to peer review and is often conducted in a violent and damaging manner; and

Whereas, The American Psychological Association issued a report in 2009 that concluded that conversion therapy can pose critical health risks to lesbian, gay, and bisexual people including depression, suicidality, substance abuse, stress, and disconnection with family and friends; and

Whereas, the [American Academy of Pediatrics](#) revealed alarming levels of attempted suicide among transgender youth because of society’s oppression and lack of acceptance; and

Whereas, the American Academy of Pediatrics emphasize the urgency of building welcoming and safe communities for LGBTQ young people, particularly for transgender youth; and

Whereas, Several states and municipalities have banned the practice; and

Whereas, A bill to ban conversion therapy was introduced at the federal level, which stalled in U.S. Congress in 2016; and

Whereas, The Therapeutic Fraud Prevention Act, which is based in consumer fraud and focuses on banning any conversion therapy that charges money, was filed in the U.S. Senate in April 2017;

Now, Therefore, let it be resolved that the City of Appleton seeks to protect LGBTQ youth by adopting a Youth Mental Health Protection ordinance which prohibits any licensed medical or mental health professional from engaging in conversion therapy with any person under 18 years of age;

Furthermore, “Conversion therapy” will be defined as any practices or treatments offered or rendered to consumers for a fee, including psychological counseling, that seeks to change a person’s sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. “Conversion therapy” does not include counseling that provides assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person’s coping, social support, and identity exploration and development, including sexual-

orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity;

Furthermore, "medical or mental health professional" means any individual who is licensed by the City or State to engage in a profession related to physical or mental health, including any interns, trainees, or apprentices who provide medical or mental health services under the supervision of a licensed medical or mental health professional;

Furthermore, anyone found in violation to the ban will be subject to a forfeiture of \$1000, each day a person is found to have practiced conversion therapy shall be considered a separate violation.



# ‘Conversion Therapy’ Misleads, Harms Patients

LINDA M. RICHMOND

Published Online: 19 Sep 2019 <https://doi.org/10.1176/appi.pn.2019.9b9>

*Evidence does not back the efficacy of “conversion therapy” programs, and they can lead to patient depression or even suicide. New state laws are attempting to stamp out these programs, at least for minors. This article is part of a series written in conjunction with APA’s Council on Advocacy and Government Relations.*

A 13-year-old student from South Carolina described being pressured into going to a religious-based “conversion therapy” camp by his parents and his church after struggling with his gender identity. There he was shamed and told how awful and sinful were his actions, thoughts, and desires. Some of his peers were given electric shocks while being shown pornographic images depicting same-sex couples. The patient now identifies as a transgender man and is considering transitioning, although he still has negative flashbacks of his treatment.



Apps and websites have helped gay conversion therapy to proliferate by targeting ads at LGBTQ individuals, says Jacques Ambrose, M.D.

Unfortunately, this patient’s experiences are not unusual at faith-based “conversion therapy” programs, which are typically led by unlicensed counselors, explained Jacques Ambrose, M.D., a child and adolescent psychiatrist at Massachusetts General Hospital/Harvard Medical School.

Conversion therapy is an intervention aimed at changing an individual’s sexual orientation or behavior, also known as sexual orientation change efforts (SOCE). The term gender identity change efforts (GICE) has recently arisen from the same thought process and targets individuals with nonbinary or nontraditional gender identity. Both are based on the harmful and incorrect assumptions that homosexuality and transgenderism are mental disorders—or are sinful—and that the patients can and must change these behaviors.

“In the 1980s and 1990s, the general belief in our profession was that there was no harm in trying talk therapy to help patients who wanted to change their sexual orientation,” explained Jack Drescher, M.D. Among other positions, he is a clinical professor of psychiatry at Columbia University and a member of the World Health Organization’s Working Group on the Classification of Sexual Disorders and Sexual Health revising ICD-11, and he served on the *DSM-5* Work Group on Sexual and Gender Identity Disorders. “However, evidence has shown that not only do such change efforts fail, but they can also lead to depression, guilt and shame, substance use disorders, failed heterosexual marriages, and suicide.”



Many so-called conversion therapy practitioners are not covered by state laws banning the therapy, says Jack Drescher, M.D.

“When people enter these treatments, they are told that their success depends on them and their faith,” Drescher explained. “It means that the failure of the treatment is laid at their feet. It’s not that the therapy didn’t work or that God didn’t want it to work or that the therapist is unqualified. It’s the patients’ fault. So patients end up feeling worse than when they started, and on top of that, they still have sexual feelings that they don’t want to have.”

Ambrose said aversive conditioning is sometimes used in conversion therapy, such as restraint and electroshock, deprivation of food and liquids, smelling salts, and chemically induced nausea; masturbation reconditioning; and systematic desensitization.

“They essentially torture people after exposing them to certain stimuli,” he said. “Patients who have been exposed to these therapies often report significant symptoms of trauma. These SOCE/GICE practices have no evidence of efficacy, can actually hurt people, and further stigmatize legitimate mental health care for this vulnerable population.”

Some 11 million adults identify as LGBT individuals in the United States, and nearly 700,000 of them are estimated to have received treatment to change their sexual orientation or identity, according to data from the UCLA Williams Institute on Sexual Orientation and Gender Identity Law and Public Policy. Two-thirds of LGBTQ youth reported that someone tried to convince them to change their sexual orientation or gender identity, according to a survey report in 2019 by the Trevor Project. Youth who have undergone conversion therapy were more than twice as likely to attempt suicide as those who did not, the report noted.

## Technology Fuels Spread of Therapy

The proliferation of digital technology, such as apps and websites, have enabled targeted discriminations toward LGBTQ individuals. For instance, Facebook came under fire last year when LGBTQ users complained that their feeds were inundated with offers for for-profit conversion therapy programs. Similarly, Google recently reported its removal of conversion therapy ads in its searches. Amazon announced in July it would stop selling books by the late Joseph Nicolosi, the so-called “father of reparative therapy,” author of books such as *A Parent’s Guide to Preventing Homosexuality*.

Nonetheless, digital technology has also empowered community building and political activism within the LGBTQ communities and serves as an outlet of self-empowerment for affected LGBTQ individuals: they have been able to share their conversion therapy survival stories on YouTube and find their communities on Reddit/Tumblr.

“As technology becomes more integrated with our daily lives, clinicians and medical organizations should be mindful of technological resources and their pitfalls in order to better support their LGBTQ patients,” Ambrose said.

## State Laws Ban Therapy for Minors

Politically, the tide is turning against conversion therapy, at least in the United States. In 2012 California became the first state to ban conversion therapy for minors, and now a total of 18 states, plus the District of Columbia and Puerto Rico, ban the practice for minors. Many more states have introduced similar legislation. Twenty years ago, APA issued its first official position statement condemning reparative or conversion therapy, a position that has been refined and strengthened over the years. The American Psychological Association, American Medical Association, National Mental Health Association, and American Academy of Pediatrics are also among those that have spoken out against these misguided attempts to “cure” individuals who are LGBTQ.

Both Drescher and Ambrose said that APA’s support of its district branches and state associations is critical, along with educating psychiatrists about the harms of conversion therapy, to secure more widespread passage of these bans. A major shortcoming of these state laws is that they apply only to licensed therapists and only when the conversion therapy is aimed at minors.

“Its practitioners are usually nonlicensed and quite marginal, with a few exceptions,” Drescher said. “So the laws don’t apply to them.”

Another avenue for advocacy includes the passage of stronger consumer protection laws, Drescher said. In 2015, the New Jersey Superior Court ruled against a conversion therapy outfit known as JONAH (Jews Offering New Alternatives to Homosexuality), finding it liable for unconscionable business practices and violating the New Jersey Consumer Fraud Act. Defendants testified that during their treatments at JONAH, they

were blindfolded and pummeled with basketballs, bound with duct tape, rolled up into blankets, and subjected to anti-gay slurs.

In June, Rep. Ted Lieu (D-Calif.) introduced HR 3570, The Therapeutic Fraud Prevention Act of 2019, which would ban commercial conversion therapy on any person nationwide and curtail most forms of advertising for it. It has strong support from Democrats.

APA is backing a broader antidiscrimination bill, HR 5, the Equality Act, which would clarify the definition of gender-based discrimination under existing civil rights laws to include discrimination on the basis of sexual orientation and gender identity. It passed the House in May after several Republicans broke party ranks to vote for it, but the bill's route to passage in the Senate remains unclear. ■

<https://psychnews.psychiatryonline.org/doi/10.1176/appi.pn.2019.9b9>

**Email Address \*** [jessica@jessicamenn.com](mailto:jessica@jessicamenn.com)  
**First Name:** Jessica  
**Last Name:** Anderson  
**Address:** Not answered  
**City:** Appleton  
**State:** Wisconsin  
**Zip Code:** 54915  
**Phone Number** 9202433393  
**Fax Number:** Not answered  
**Comments/Questions**

Dear Mayor Hanna,

I am writing to express some of my concerns regarding the current wording of the Youth Mental Health Protection Resolution #15-R-19. My main concern is that it is overly broad and lacks clarity. On the one hand the resolution says that “The practice of conversion therapy...is \*often\* conducted in a violent and damaging manner” but then it goes on to ban \*all\* conversion therapy. It seems to me that it should just ban actually abusive practices.

Additionally, I find it problematic that this resolution covers conversion therapy for both homosexuality and transgenderism. The resolution appeals to science, but, while we have many decades of research into homosexuality, transgenderism is not as well understood or studied. At this point, there is research that indicates that, although some people may genuinely be transgender, many of the children who identify as transgender will, if left alone, grow up to be cis-gendered homosexuals. There is also concern that certain vulnerable girls may be susceptible to something that masquerades as transgenderism—that is to say that, as young children they display none of the tendencies typically associated with transgender people but when they get older they suddenly start identifying as transgender, possibly due to a combination of socialization and underlying, non-gender-identity related emotional or mental health concerns, and the transgenderism goes away given time and appropriate therapy.

As I read the proposed language of this resolution, it seems to me that neither children who think they are transgender but are really just homosexual nor straight children who go through a period of believing they are transgender will be served well by it.

I understand that the resolution goes on to say that conversion therapy “does not include counseling that provides assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person’s coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual’s sexual orientation or gender identity” but even that carve out means that even basic, non-abusive talk therapy cannot seek to change an individual’s sexual orientation or gender identity which seems like it could easily be used to block even competent and legitimate therapists from providing appropriate care to their clients.

Additionally, I think it would be a good idea that in the section of the resolution that describes how conversion therapy shall not be defined, that you include a sentence that states that therapy which is not conversion therapy can be sought at the behest of a parent or legal guardian—that a child’s disinterest or dislike of any given therapy will not play a role in determining whether or not it is conversion therapy. I think this is an important addition because you can find multiple anecdotal stories of children who were absolutely convinced they were transgender but their parents were less convinced so had them go to therapy after which the child realized they really weren’t really transgender. You can also find multiple homosexuals saying, “Thank God transgenderism wasn’t a thing when I was a kid because I would have absolutely latched onto it and grown up to be a much less whole and contented adult.”

I asked Alderperson Metzler specifically to tell me how this resolution would effect children who are not transgender but go through a period of thinking they are transgender, and he has yet to respond to me. This suggests to me that this very real issue has not been considered during the drafting of this resolution.

Additionally, it concerns me that Alderperson Metzler clearly stated to me that he was not aware of anyone within Appleton even practicing conversion therapy. When I asked him about conversion therapists in the wider Fox Cities area and what specifically their therapy activities/practices look like, he did not reply.

So, there are no conversion therapists in Appleton, the Alderperson who is the driving force behind this resolution can't or won't describe what exactly conversion therapists in the greater Fox Cities area are doing, and the resolution as written could potentially cause difficulties in getting appropriate therapy for cis-gendered children (both homosexual and straight) who go through a period of thinking they are transgender, all of which leaves me seriously questioning the wisdom or necessity of passing this.

I applaud and support the goal of ending genuinely abusive practices, but this resolution seems overly broad and deeply flawed to the point that I believe it could harm some of the children it is intended to help.

While I understand the desire to make a bold statement, the community would be better served by a more nuanced and less sweeping resolution.

Thanks,

Jessica Anderson



On Nov 19, 2019, at 8:39 PM, Jessica Anderson <[jessica@jessicamenn.com](mailto:jessica@jessicamenn.com)> wrote:

Dear Mr. Eggebrecht,

It was nice meeting you in the elevator on November 13 on the way up to the Board of Health meeting. At the meeting, Mayor Hanna mentioned passing questions on to staff. I don't know if that was only open to members of the committee or to the public as well. I have multiple follow-up questions regarding the proposed resolution and how it would be implemented, how area therapists and doctors would be affected, and how treatment options for cisgender children would be impacted, and I would very much appreciate receiving answers to them. I have already emailed Mayor Hanna and Alderpersons Spears and Fenton. I cannot find contact information on the Appleton website for Doug Nelson, Sally Mielke, or Lee Marie Vogel. I would appreciate it if you would pass this email on to them as well as to whatever staff members would be able to answer these questions.

(1) What are the metrics that would be used to determine if any given procedure, therapy, or intervention is "conversion therapy"?

(2) Who would be determining if something is "conversion therapy", and are there any professional or educational requirements that this person needs to meet in order to be qualified to make such determinations?

(3) How will this law affect the treatment options for cisgender children who go through a period of thinking they are transgender?

(4) Will this law apply to the treatment of children who do not explicitly state they are transgender? Who perhaps only wonder if they might be in the wrong body? Or who wish they were a different sex/gender? If it does apply to those situations, could you please explain what the process would look like for determining if a given therapy is illegal?

(5) This resolution would, obviously, allow a practitioner to be affirming of a child's belief that they are transgender. It would also allow them to remain neutral. Would it allow them to be disaffirming? If so to what extent?

(6) Is the Appleton Board of Health, or anybody in city government, aware of anyone within the city of Appleton practicing "conversion therapy"?

(7) Have the practices of conversion therapists in the greater Fox Cities area been researched? And can you describe what those practices are?

(8) Alderperson Metzler has stated that this resolution is narrowly tailored and does not apply to churches or pastors. Would it apply to stand-alone practices that offer Christian-based therapy for a fee?

(9) Some churches have licensed therapists who serve on staff or volunteer. Would those therapists be affected by this resolution? If they receive a salary from the church? If they receive donations? If the church is paid but not the therapist?

Overall, I'm dissatisfied by how unclear and open-ended this resolution reads. It seems like, were it to be

passed, the actual interpreting and implementing of it would be left up to some unelected city worker who could be very rigid in how they interpret it or very expansive, and the actual text of the resolution offers no checks or balances to a city official who chooses to be overly-broad in their execution of it. I would expect that sort of sloppy legislating from places like California and New Jersey, which are dysfunctional, over-regulated places, but I expect better from Appleton. I do hope that the Board of Health will not move forward with this resolution until it has been thoroughly researched and the board, the Common Council, and the public have a clear understanding of how it will be implemented and enforced and the impact that it will have on therapists and medical practitioners in the area and on the therapy options available to struggling cisgender children.

Thank you very much for your help,

Jessica Anderson



November 25, 2019

Kurt Eggebrecht  
Director of Public Health  
100 North Appleton Street  
Appleton, WI 54911-4799

Dear Director Eggebrecht:

The Wisconsin Coalition Against Sexual Assault (WCASA) is pleased to support the local ordinance banning the practice of conversion therapy in the City of Appleton. Conversion therapy, sometimes referred to as “reparative therapy, consists of several harmful and discredited practices focused on changing an individual’s sexual orientation or gender identity. Practitioners of conversion therapy utilize an array of shaming, emotionally traumatic, or physical painful stimuli to force their victims to associate those stimuli with their LGBTQ identities. Studies estimate that over 700,000 LGBTQ people have been subjected to these harmful practices and that 80,000 LGBTQ youth will experience this conduct in the future, often due to well-intentioned but misguided parents or caretakers.

Conversion therapy is based on the false premise that a person’s identification as LGBTQ is the product of a mental illness that can be cured, despite the fact that all major medical associations have determined that LGBTQ identities are a completely normal and positive part of human nature. Furthermore, no credible scientific study has supported the claims of conversion therapists that they can change a person’s sexual orientation or gender identity. In fact, the American Psychoanalytic Association stated, “Psychoanalytic technique does not encompass purposeful attempts to ‘convert,’ ‘repair,’ change or shift an individual’s sexual orientation, gender identity or gender expression. Such directed efforts are against fundamental principles of psychoanalytic treatment and often result in substantial psychological pain by reinforcing damaging internalized attitudes.”

In addition to the lack of support for the claims for the efficacy of conversion therapy, there is ample evidence to support the contention that these practices are harmful. The American Psychiatric Association has determined that “the potential risks of reparative therapy are great, including depression, anxiety and self-destructive behavior,” and that therapists who utilize these practices align with societal prejudices that exacerbate shame and stigma many LGBTQ youth already experience. It is difficult to comprehend any practice more harmful to LGBTQ youth than attempts to change their sexual orientation or gender identity.

Over the past several years, 18 states and numerous municipalities have prohibited the practice of conversion therapy on youth. Furthermore, the Supreme Court of the United States has upheld or refused to hear challenges to the laws in several states, thus upholding rulings affirming the constitutionality of these laws. In Wisconsin, several municipalities have enacted ordinances prohibiting conversion therapy, and legislation is currently pending in the legislature which would do so on a statewide level.

Conversion therapy relies on many of the harmful stereotypes the anti-sexual violence movement challenges. In fact, gender socialization is one of the social norms WCASA has identified that contribute to sexual violence. Gender socialization is when people interpret social norms and internalize expectations about masculinity and femininity. This reinforces discrimination against LGBTQ people because they do not conform to traditional norms of masculinity and femininity. Furthermore, as discussed above, the impacts of conversion therapy on LGBTQ youth are similar to those who experience sexual violence, including shame, depression, and self-



destructive behavior.

WCASA has long supported the work of organizations like Diverse and Resilient, who is leading the efforts to enact this ordinance in Appleton. We are grateful for their leadership and expertise when advocating for this conversion therapy ban, and we hope the City of Appleton will join other municipalities in Wisconsin and across the nation in prohibiting these harmful practices. If you could please forward this correspondence to the City of Appleton Board of Health that would be greatly appreciated.

Thank you for your consideration,

A handwritten signature in blue ink, which appears to read 'Pennie Meyers', is positioned below the text 'Thank you for your consideration,'.

Pennie Meyers  
Executive Director  
Wisconsin Coalition Against Sexual Assault

**From:** Mark & Jane Isaac [<mailto:isaacmj7@gmail.com>]  
**Sent:** Wednesday, November 27, 2019 12:07 PM  
**To:** Kurt Eggebrecht <[kurt.eggebrecht@appleton.org](mailto:kurt.eggebrecht@appleton.org)>  
**Subject:** Re: Appleton City Ban on Conversion Therapy

Hi Kurt,

Just to keep you in the loop, I have since received an email from one of the sponsors of the Appleton Conversion Therapy proposed ban. Please note that there have been over 100 members of area churches that will be opposing this ban. You are not alone in standing with us if you oppose this ban in it's current state. Thanks so much for hearing our concerns.

**The sponsors response to me is below:**

<<Sorry for the delay in getting back to you on this. As far as talk therapy and specifying what can or can't be practiced, we do draw a line in the resolution. We don't ban the topics of identity or orientation from being discussed in counselling. [Where we put the line down is when the therapist seeks to change their patient's orientation or identity.](#) The first "furthermore" paragraph in the resolution describes what is in and out of bounds in more detail.>>

**My response back to the sponsor of the ban is below:**

No problem with the delay. I know you are busy. I do realize you are one of the co-sponsors of the proposed ban and hope you know whatever the results of this, I still respect you as a person and just know that we have different "world views". I'm one of those that can separate politics and friendships. They are not mutually exclusive.

With that said, I do think the ban is too broad as it is currently written and feel it is being driven by the LGBTQ agenda which I do not agree with. This is a parental rights issue and freedom of speech issue in my opinion. Children are not wards of the "state". They are fully the responsibility of the parents. It is clearly a stretch to call it child abuse for a parent to try to get their confused child help in regard to their sexuality. These children are bombarded with the LGBTQ agenda continuously at every level of our society and are one of the main causes for some children's confusion. So first they confuse the children with too explicit sex education, discussing all different forms of sexual practices, then tell them it's ok for them to experiment, then wonder why some might think they are gay, bi, or trans. Once they confuse them, now they want to deny them access to loving, compassionate, kind hearted talk therapy. THAT is child abuse in my opinion.

We can agree to disagree on this, but I will continue to oppose this ban in it's current state. It is semantics to say the ban allows Talk Therapy, just not changing the patient's orientation or identity. You call it orientation or identity, I call it confusion and/or brain washing by a misguided society and an agenda driven LGBTQ community.>>

Mark J. Isaac

On Mon, Nov 25, 2019 at 11:19 AM Kurt Eggebrecht <[kurt.eggebrecht@appleton.org](mailto:kurt.eggebrecht@appleton.org)> wrote:

Ok this will be attached to the Board of Health agenda for our December 11 meeting. All Council members have access to this packet of materials. The BOH meets at 7am in room 6A of the City center located at 100 N. Appleton Street.

Thanks,

Kurt

**From:** Mark & Jane Isaac [mailto:[isaacmj7@gmail.com](mailto:isaacmj7@gmail.com)]

**Sent:** Monday, November 25, 2019 11:16 AM

**To:** Kurt Eggebrecht <[kurt.eggebrecht@appleton.org](mailto:kurt.eggebrecht@appleton.org)>

**Subject:** Re: Appleton City Ban on Conversion Therapy

Morning Kurt,

Yes please do forward this on to the appropriate council members who may have a vote on this. Both the board of health council and the entire council, along with the major.

I believe this proposed ban is too far reaching and unnecessary. If there are particular practices that need to be banned, let us reason together as a community and ban those particular practices, but not ALL counselling or therapy in is regard. There are many children that are simply confused and need help regarding their sexuality. Please don't leave these children without help or council. They need loving, compassionate, kindhearted counselling and therapy. They could make bad decisions without that help and counsel that may leave then depressed, lonely, and suicidal. Please don't cut off access to the only help they may have.

Thank you so much,

Mark J. Isaac

On Mon, Nov 25, 2019, 8:13 AM Kurt Eggebrecht <[kurt.eggebrecht@appleton.org](mailto:kurt.eggebrecht@appleton.org)> wrote:



Thank you for your email. Please understand as a staff of the health department we do not vote on resolutions or any action items for that matter.

I will however forward this on the Board of Health members if you desire.

Thanks,

Kurt

**From:** Mark & Jane Isaac [mailto:[isaacmj7@gmail.com](mailto:isaacmj7@gmail.com)]  
**Sent:** Friday, November 22, 2019 5:13 PM  
**To:** Kurt Eggebrecht <[kurt.eggebrecht@appleton.org](mailto:kurt.eggebrecht@appleton.org)>  
**Subject:** Appleton City Ban on Conversion Therapy

Hello Kurt,

I am writing you in regards to the Appleton City Ban on Conversion Therapy that is being considered by the Health Committee and will eventually be brought to a vote in the near future.

I would ask that you please consider an **exclusion** for Talk Therapy regarding the proposed ban on Conversion Therapy. This is both a parental rights issue and a free speech issue. These children need loving, compassionate counselling before they make any drastic decisions that they could regret the rest of their lives. This open ended ban of ALL Conversion Therapy would leave these children and their parents without any access to secular counselling that has been proven to be very effective at helping confused, innocent, vulnerable children from making decisions that could condemn them to a life of regret, shame, and deep depression if they are not adequately counselled with a loving, compassionate counselor.

There are some Conversion Therapy practices that should be banned (electro shock treatments, etc...), but this ban as it is currently written would ban even Talk Therapy, which is far too intrusive and far to reaching. At the very least I would ask that Talk Therapy would be **excluded** from the ban and those practices banned would be explicitly stated with proven evidence of harm. These types of bans should not be agenda driven but rather fact driven. Please read the

following article on such a painful decision and the regrets that followed by one of many young people as an example.

[https://www.dailysignal.com/2019/11/17/1-year-after-sex-change-this-teen-regrets-his-frankenstein-hack-job/?utm\\_medium=social&utm\\_source=facebook&utm\\_campaign=tds-fb](https://www.dailysignal.com/2019/11/17/1-year-after-sex-change-this-teen-regrets-his-frankenstein-hack-job/?utm_medium=social&utm_source=facebook&utm_campaign=tds-fb)

Thank you,

Mark J. Isaac

## Britney K. Stobbe

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**From:** Kurt Eggebrecht  
**Sent:** Monday, December 16, 2019 8:19 AM  
**To:** Britney K. Stobbe  
**Subject:** FW: Ban on Conversion Therapy

**From:** Emily A. Harper [mailto:emily.a.harper@lawrence.edu]  
**Sent:** Wednesday, December 11, 2019 9:18 PM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** Ban on Conversion Therapy

Director Eggebrecht,

I am writing today in support of Appleton's ban on conversion therapy. Conversion therapy has already been condemned by the AMA, APA, and numerous other professional organizations because it does not work and puts LGBTQ+ people at risk for lifelong mental health issues.

Please support the ban of conversion therapy in Appleton and share the above sentiments with the Board of Health.

Regards,  
Emily Harper

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

## Britney K. Stobbe

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**From:** Kurt Eggebrecht  
**Sent:** Monday, December 16, 2019 10:49 AM  
**To:** Britney K. Stobbe  
**Subject:** FW: Appleton, WI: Contact Us email from website

**From:** webmaster@appleton.org [mailto:webmaster@appleton.org]  
**Sent:** Friday, December 13, 2019 11:48 AM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** Appleton, WI: Contact Us email from website


A new entry to a form/survey has been submitted.

**Form Name:** Contact US- Health  
**Date & Time:** 12/13/2019 12:48 PM  
**Response #:** 173  
**Submitter ID:** 40853  
**IP address:** 2603:6000:8101:50d7:ad97:d6fe:9b1d:29cd  
**Time to complete:** 1 min. , 19 sec.

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### Survey Details

#### Page 1

**Contact:** Kurt Eggebrecht - Health Officer  
Phone:  920-832-6429  
Fax: 920-832-5853

**Mailing Address:** Appleton Health Department  
100 N. Appleton St.  
Appleton, WI 54911

[Map](#)

*This links to an Internet site not affiliated with the City of Appleton. By providing links to other sites, the City of Appleton does not guarantee, approve or endorse the information or products available at these sites.*

**Hours:** Monday-Friday  
8:00a.m.-4:30p.m.

**Email Address:**  
[jonathanmenn@yahoo.com](mailto:jonathanmenn@yahoo.com)

**First Name:**

Jonathan

**Last Name:**

Menn

**Address:**

714 S. Summit St.

**City:**

Appleton

**State/Province:**

Wisconsin

**Zip Code:**

54914

**Phone Number:**

(920) 734-0709

**Fax Number:**

Not answered

**Comments/Questions:**

Dear Appleton Board of Health and Common Council Members,

I testified at the Dec 10 Board of Health meeting concerning Resolution #15-R-19 (the so-called "anti-conversion therapy" ordinance). I also have previously sent you an email listing 6 reasons why I believe you should OPPOSE the proposed ordinance. Without meaning to bombard you with too much information, I am writing you again primarily because one of the BOH members said that the BOH would primarily be considering medical and other non-legal issues in connection with their vote on the matter. At the BOH meeting my impression was that the BOH members probably had not been presented with much of the published scientific and medical studies of the issues underlying the proposed ordinance. Since the Common Council will be voting on this proposal regardless of how the BOH votes, I think it is important that all of you have access to published medical and other research concerning these matters.

This research indicates that the bases or premises behind this proposed ordinance are false. Further, the ordinance is pushing only one approach to young people who assert that they are transgender (the "gender affirmation" approach). That approach is actually contrary to scientific and medical studies and is NOT in the best interest of young people who are experiencing gender dysphoria or who believe themselves to be "transgender." You need to be aware that this ordinance is being driven largely for political reasons and not (contrary to the preamble to the ordinance) for medical or scientific reasons. In fact, the science does not support this ordinance but contradicts it. You are being asked to consider an ordinance involving complicated issues of medicine, science, and psychology. Are you really prepared to do that, and do you really have the background, training, and expertise to enable you to make an informed decision on this? I am very concerned that in an attempt to show tolerance and concern for certain people, you may act in a way fraught with potential danger and, if you pass this ordinance, will actually foster harm to the very people you want to affirm.

What I want to do, first, is provide you with links to available research on the subject which you can then look at yourself (since the research articles are online). Second, I want to highlight some of the important findings which the BOH and the Common Council members should consider as you discuss, debate, and vote on this.

A. Here are links to sites containing multiple research articles:

<http://sexchangeregret.com/research/>

<https://www.thepublicdiscourse.com/?s=walt+heyer>

American College of Pediatricians:

<https://www.acpeds.org/gender-confusion-and-transgender-identity>

<https://www.acpeds.org/gender-confusion-and-transgender-identity-part-2>

B. The following are certain facts that I believe are important and bear on the proposed ordinance:

(1) The underlying premise of this ordinance is demonstrably false. The underlying premise is: "A transgender person transitioning is not 'becoming' a man or a woman; they are starting to live openly as their true gender." (Human Rights Campaign's "Brief Guide to Getting Transgender Coverage Right," *emph. added*; online: <https://www.hrc.org/resources/reporting-about-transgender-people-read-this> [the HRC was the primary source alderperson Meltzer used in framing this ordinance]).

In fact, as clinical psychologist Laura Haynes, Ph.D. states, "Both the American Psychiatric Association (Diagnostic and Statistical Manual-Fifth Edition, p. 455) and the American Psychological Association (Bockting, 2014, APA Handbook, v. 1, p. 744) recognize transgender identity fluctuates, and the vast majority of gender dysphoric minors will eventually accept their chromosomal sex." Statistically, various studies have shown that "According to the APA Handbook (Bockting 2014, v. 1, p. 744), 75% or more of gender dysphoric boys and girls accept their chromosomal sex by adolescence or adulthood. According to the American Psychiatric Association's Diagnostic and Statistical Manual, Fifth Edition (DSM-5), as many as 70 to 98% of gender dysphoric boys and as many as 50 to 88% of gender dysphoric girls eventually accept their chromosomal sex (calculated from DSM-5, p. 455)." (Laura A. Haynes, Ph.D., "The American Psychological Association Says Born-That-Way-And-Can't-Change Is Not True of Sexual Orientation And Gender Identity," *emph. in orig.*; online: <http://www.therapyequality.org/american-psychological-association-says-born-way-cant-change-not-true-sexual-orientation-gender-identity>)

Additionally, the American College of Pediatricians (ACPeds) addresses the issue of transgenderism, gender dysphoria and its treatment in a number of position papers (see the above "links" section). In "Gender Dysphoria in Children," Nov 2018 (online: <https://www.acpeds.org/the-college-speaks/position-statements/gender-dysphoria-in-children>), ACPeds points out that multiple post-natal factors influence gender dysphoria and the identification of people as transgender. Importantly for our purposes, simply "affirming" the transgender person's current beliefs are, in many cases, counterproductive and contrary to the person's best interests. For example, ACPeds states, "Dr. Kenneth Zucker, long acknowledged as a foremost authority on gender identity issues in children, has also been a lifelong advocate for gay and transgender rights. However, much to the consternation of adult transgender activists, Zucker believes that gender-dysphoric pre-pubertal children are best served by helping them align their gender identity with their anatomic sex." (ACPeds, "Gender Dysphoria," *emph. added*) What the proposed ordinance would forbid is the very thing that "the foremost authority on gender identity issues in children" says would best serve such children!

Further, the ACPeds position paper goes on to note that "there is a growing online community of gay-affirming physicians, mental health professionals, and academics with a webpage entitled 'First, do no harm: youth trans critical professionals.' They write:

We are concerned about the current trend to quickly diagnose and affirm young people as transgender, often setting them down a path toward medical transition.... We feel that unnecessary surgeries and/or hormonal treatments which have not been proven safe in the long-term represent significant risks for young people. Policies that encourage—either directly or indirectly—such medical treatment for young people who may not be able to evaluate the risks and benefits are highly suspect, in our opinion." (ibid., *emph. in orig.*)

ACPeds then discusses important medical and other problems with the approach that is being advocated in the proposed ordinance. The point of all of this is that the ordinance is largely based on scientifically false premises. If adopted, it will exacerbate, not alleviate, problems in many young people who may be experiencing gender dysphoria or confusion.

In light of this, Dr. Haynes concludes, "Therapy that is open to change is more in harmony with the course of sexual



orientation and gender identity for many than is gay-affirmative or transgender-affirmative therapy.” (Haynes, op. cit.) The proposed ordinance would prohibit counselors, psychologists, and other health care professionals from “offering or rendering” the very thing (“therapy open to change”) that Dr. Haynes says is more in harmony with the course of sexual orientation and gender identity for many. Instead, the ordinance forces health care professionals to ONLY engage in gay-affirmative or transgender-affirmative therapy. Thus, in addition to being legally and constitutionally problematic, from a medical, scientific, and psychological point of view the ordinance is contrary to the scientific and medical evidence, is not in the best interest of the patient or client, and shuts down the health care provider’s ability to do his or her job properly.

(2) The premises behind this ordinance that “Science recognizes that being lesbian, gay, bisexual, or transgender is part of the natural spectrum of human identity and is not a disease, disorder, or illness” and that “alarming levels of attempted suicide among transgender youth [are] because of society’s oppression and lack of acceptance” are false. In a letter of Dec 4, 2018 to the US Dept. of Justice, Dept. of Health and Human Services, and Dept. of Education, 36 prominent physicians, other clinicians, and attorneys, under the auspices of the American College of Pediatricians, pointed out, “Human sex is a binary, biologically determined, and immutable trait from conception forward. The norm for human design is to be conceived either male or female. Human sexuality is binary by design for the obvious purpose of the reproduction of our species. This principle is self-evident. “XY” and “XX” are genetic markers of male and female, respectively, and are found in every cell of the human body including the brain. Sex is established at conception, declares itself in utero, and is acknowledged at birth.” (Michelle Critella, et al., p.2; online: [https://www.acpeds.org/wordpress/wp-content/uploads/12.4.18-Final Revised - 12.4.18-Joint-letter-to-HHS-DOJ-DOE-Uphold-Definition-of-Sex.pdf](https://www.acpeds.org/wordpress/wp-content/uploads/12.4.18-Final_Revised_-_12.4.18-Joint-letter-to-HHS-DOJ-DOE-Uphold-Definition-of-Sex.pdf))

Specifically with respect to people who identify as “transgender,” these experts noted, “Individuals who identify as transgender deserve optimal medical treatment which is influenced by biological sex. In reality, an individual who identifies as transgender remains either a biological male or female. In reality, an individual who identifies as transgender remains either a biological male or female. This objective biological fact has bearing upon their health even beyond sex-specific illnesses.” (Ibid., emph. in orig.) In other words, the clinical and legal experts in this very field are saying that the “optimal treatment” which patients “deserve” is the exact opposite of what is being pushed for in this ordinance. Indeed, this ordinance would make it illegal to attempt or even offer the very treatment that patients deserve!

Further, contrary to the premises behind the proposed ordinance, J. Michael Bailey, Ph.D. Professor of Psychology at Northwestern University and Ray Blanchard, Ph.D. of Toronto’s Centre for Addiction and Mental Health state, “There is no persuasive evidence that gender transition reduces gender dysphoric children’s likelihood of killing themselves. The idea that mental health problems—including suicidality—are caused by gender dysphoria rather than the other way around (i.e., mental health and personality issues cause a vulnerability to experience gender dysphoria) is currently popular and politically correct. It is, however, unproven and as likely to be false as true.” (Bailey and Blanchard, “Suicide or transition: The only options for gender dysphoric kids?” online: <https://4thwavenow.com/2017/09/08/suicide-or-transition-the-only-options-for-gender-dysphoric-kids/>) In other words, a key (emotionally-laden) basis (in the preamble) for this ordinance is scientifically false.

In this regard, ACPeds observes, “The claim that upholding the scientific definition of sex will increase suicide among transgender identifying people is false. Individuals who identify as transgender may have mistaken beliefs about themselves and their bodies. They suffer real emotional distress and are at a higher risk for mental illness, including suicidal ideation, as compared to the general population. Social and medical ‘gender transition and affirmation,’ however, is not proven to decrease suicide rates. The rate of suicide attempts among transgender identified individuals has been estimated to be almost 9 times that of the general population. Sweden is a transgender affirming country that has adopted laws and policies conflating sex and gender-identity. Nevertheless, a study conducted by researchers therein 2011 found the rate of completed suicides among surgically ‘gender-affirmed’ adults to be 19 times greater than that of the general population. Clearly, transgender affirmation does not prevent suicide, and may paradoxically worsen the emotional health of these individuals in the long term.” (Critella, et al., op. cit., p. 3, emph. added)

In fact, in a huge review of the medical and scientific literature, Lawrence Mayer and Paul McHugh of Johns Hopkins note that, sexual minorities do “show higher rates of depression, anxiety, substance abuse, and suicide compared to the general population. One hypothesis, the social stress model — which posits that stigma, prejudice, and discrimination are the primary causes of higher rates of poor mental health outcomes for these subpopulations — is frequently cited as a way to explain this disparity. While non-heterosexual and transgender individuals are often subject to social stressors and discrimination, science has not shown that these factors alone account for the entirety, or even a majority, of the health disparity between non-heterosexual and transgender subpopulations and the general population.” (Lawrence S. Mayer and Paul R. McHugh, “Conclusion,” *Sexuality and Gender: Findings from the Biological, Psychological, and Social Sciences*, The

New Atlantis, Number 50, Fall 2016, pp. 114-116, emph. added; online:  
<https://www.thenewatlantis.com/publications/conclusion-sexuality-and-gender>)

Consequently, every claim being advanced by the proponents of this ordinance is not substantiated by good science but is, in fact, contrary to the findings of scientific study. Further, the “transgender affirmation” being pushed by this ordinance “does not prevent suicide, and may paradoxically worsen the emotional health of these individuals in the long term.” (Critella, et al., op. cit., p. 3, emph. added) Consequently, in light of the science and the medicine, how can you in good conscience vote in favor of this ordinance which, if followed, is likely to actually worsen the emotional health of the patients at issue?

(3) The implicit assumption behind the proposed ordinance that seeking to change a person’s sexual orientation or gender identity is abusive per se is completely false. Multiple factors lead to same sex attraction or transgenderism. For example, “The APA Handbook confirms there is excellent research evidence for ‘associative or potentially causal links’ between childhood sexual abuse and ever having same-sex partners, especially for some men. (Mustanski, Kuper, & Greene, 2014, pp. 609-610). It also confirms that there is possible evidence that psychopathology may be related to the development of transgender identity (Bockting, 2014, APA Handbook, v.1, p).” With respect to trans-gender identity, “The APA Handbook says the origin of transgender identity is “most likely the result of a complex interaction between biological and environmental factors....Research on the influence of family of origin dynamics has found some support for separation anxiety among gender-nonconforming boys and psychopathology among mothers” (Bockting, 2014, v. 1, p. 743, emphasis added).” (Haynes, op. cit., emph. in orig.)

Dr. Haynes points out the obvious conclusion for counseling, therapy, and treatment, “If pathology leads to an individual’s sexual variation, treatment could lead to a significant and meaningful shift in that variation for some. It is harmful and ineffective to ban such treatment.” (Ibid.) The proposed ordinance would ban the very treatment that might get to the root of the problem. Thus, according to the clinical experts in this very area, “It is harmful and ineffective to ban such treatment.” How, then, can you in good conscience vote in favor of this ordinance?

(4) Final thoughts. This ordinance is pushing an exclusively “gender affirmative” model. You need to be aware that this model does not only consist of counseling and verbal affirmation; as the patient/client is led down the path affirming that he/she is really a member of the opposite sex he/she was born with, this model includes and leads to hormone therapy and even surgery. These treatments entail great potential physical and psychological harm to the patient. “Responding to the Transgender Issue: Parent Resource Guide,” of the Minnesota Family Council (2019), co-sponsored by the Family Policy Alliance, the Heritage Foundation, the Kelsey Coalition, parents of ROGD Kids, and the Women’s Liberation Front; online: [https://genderresourceguide.com/wp-content/themes/genderresource/library/documents/NPRG\\_Full\\_Document\\_Links\\_V18.pdf](https://genderresourceguide.com/wp-content/themes/genderresource/library/documents/NPRG_Full_Document_Links_V18.pdf)), points out:

“Many young people who identify as transgender have pre-existing mental health conditions or past experiences of trauma that may be contributing to the way they feel about their sex. These young people need comprehensive therapy options that will address their mental health needs and patiently guide them towards acceptance of their bodily sex. Sadly, some states have adopted so-called ‘conversion therapy bans’ which outlaw therapeutic approaches that seek to help individuals to live comfortably in their own bodies. In fact, the only treatment option considered legal under a conversion therapy ban is gender identity ‘affirmation.’

The ‘gender affirmative’ model enables and cements false beliefs that children have about themselves. Parents and medical professionals do not, for example, encourage an anorexic child to lose weight, even when she is insistent that she is overweight. Instead, children ‘need medical professionals who will help them mature in harmony with their bodies, rather than deploy experimental treatments to refashion their bodies.’” (“Responding,” p.24) The report is fully documented, and most of the sources are available online.

Again, the proposed ordinance makes it illegal for clinicians to give or even offer their young patients the very counseling and therapy they need but will end up exposing young people to great risk of harm. That is wrong. This ordinance is politically, not medically or scientifically, driven. It is contrary to multiple scientific and clinical studies. If passed, it would result in harming the very young people you would like to help and “affirm.” Therefore, based on the science and medicine alone (to say nothing of the legal and constitutional issues it raises) you should oppose this ordinance.

Thank you,  
Appleton, WI

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**This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.**  
Attention: This message was sent from a source external to the City of Appleton. Please use caution when opening attachments or clicking links.

## Britney K. Stobbe

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**From:** Kurt Eggebrecht  
**Sent:** Monday, December 16, 2019 10:53 AM  
**To:** Chad M. Doran  
**Cc:** Britney K. Stobbe  
**Subject:** RE: Feedback for Appleton, WI

Chad,  
I am just getting caught up on emails from last Friday. I have been receiving many emails and calls related to this topic and we have been compiling them into a folder that will be scanned and sent to the BOH members along with the agenda. I think this will work better than sending them new emails every time I receive one.

Thanks,  
Kurt

**From:** Chad M. Doran  
**Sent:** Friday, December 13, 2019 12:58 PM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** Fwd: Feedback for Appleton, WI

Kurt, can you forward this to the board?

Chad

Sent from my iPhone

Begin forwarded message:

**From:** "Appleton, WI" <[webmaster@appleton.org](mailto:webmaster@appleton.org)>  
**Date:** December 13, 2019 at 11:55:35 AM CST  
**To:** "Chad M. Doran" <[Chad.Doran@appleton.org](mailto:Chad.Doran@appleton.org)>  
**Subject:** Feedback for Appleton, WI  
**Reply-To:** "Jonathan Menn" <[jonathanmenn@yahoo.com](mailto:jonathanmenn@yahoo.com)>

You have received this feedback from Jonathan Menn <[jonathanmenn@yahoo.com](mailto:jonathanmenn@yahoo.com)> for the following page:

<https://www.appleton.org/government/common-council/committees/board-of-health>

I am trying to get the following to all of the Appleton Board of Health members. I have been able to send this to everyone except Douglas Nelson, Sally Mielke, and Lee Marie Vogel. They do not seem to have contact links on the City of Appleton website. Hence, I am sending this here, in the hope that whoever gets it will copy and give it to them or somehow forward it to them. Thank you: Dear Appleton Board of Health and Common Council Members, I testified at the Dec 10 Board of Health meeting concerning Resolution #15-R-19 (the so-called "anti-conversion therapy" ordinance). I also have previously sent you an email listing 6 reasons why I believe you should OPPOSE the proposed ordinance. Without meaning to bombard you with too much information, I am writing you again primarily because one of the BOH members said that the BOH would primarily be considering medical and other non-legal issues in connection with their

vote on the matter. At the BOH meeting my impression was that the BOH members probably had not been presented with much of the published scientific and medical studies of the issues underlying the proposed ordinance. Since the Common Council will be voting on this proposal regardless of how the BOH votes, I think it is important that all of you have access to published medical and other research concerning these matters. This research indicates that the bases or premises behind this proposed ordinance are false. Further, the ordinance is pushing only one approach to young people who assert that they are transgender (the “gender affirmation” approach). That approach is actually contrary to scientific and medical studies and is NOT in the best interest of young people who are experiencing gender dysphoria or who believe themselves to be “transgender.” You need to be aware that this ordinance is being driven largely for political reasons and not (contrary to the preamble to the ordinance) for medical or scientific reasons. In fact, the science does not support this ordinance but contradicts it. You are being asked to consider an ordinance involving complicated issues of medicine, science, and psychology. Are you really prepared to do that, and do you really have the background, training, and expertise to enable you to make an informed decision on this? I am very concerned that in an attempt to show tolerance and concern for certain people, you may act in a way fraught with potential danger and, if you pass this ordinance, will actually foster harm to the very people you want to affirm. What I want to do, first, is provide you with links to available research on the subject which you can then look at yourself (since the research articles are online). Second, I want to highlight some of the important findings which the BOH and the Common Council members should consider as you discuss, debate, and vote on this. A. Here are links to sites containing multiple research articles: <http://sexchangeregret.com/research/>  
<https://www.thepublicdiscourse.com/?s=walt+theyer> American College of Pediatricians:  
<https://www.acpeds.org/gender-confusion-and-transgender-identity>  
<https://www.acpeds.org/gender-confusion-and-transgender-identity-part-2> B. The following are certain facts that I believe are important and bear on the proposed ordinance: (1) The underlying premise of this ordinance is demonstrably false. The underlying premise is: “A transgender person transitioning is not ‘becoming’ a man or a woman; they are starting to live openly as their true gender.” (Human Rights Campaign’s “Brief Guide to Getting Transgender Coverage Right,” emph. added; online: <https://www.hrc.org/resources/reporting-about-transgender-people-read-this> [the HRC was the primary source alderperson Meltzer used in framing this ordinance]). In fact, as clinical psychologist Laura Haynes, Ph.D. states, “Both the American Psychiatric Association (Diagnostic and Statistical Manual-Fifth Edition, p. 455) and the American Psychological Association (Bockting, 2014, APA Handbook, v. 1, p. 744) recognize transgender identity fluctuates, and the vast majority of gender dysphoric minors will eventually accept their chromosomal sex.” Statistically, various studies have shown that “According to the APA Handbook (Bockting 2014, v. 1, p. 744), 75% or more of gender dysphoric boys and girls accept their chromosomal sex by adolescence or adulthood. According to the American Psychiatric Association’s Diagnostic and Statistical Manual, Fifth Edition (DSM-5), as many as 70 to 98% of gender dysphoric boys and as many as 50 to 88% of gender dysphoric girls eventually accept their chromosomal sex (calculated from DSM-5, p. 455).” (Laura A. Haynes, Ph.D., “The American Psychological Association Says Born-That-Way-And-Can’t-Change Is Not True of Sexual Orientation And Gender Identity,” emph. in orig.; online: <http://www.therapyequality.org/american-psychological-association-says-born-way-cant-change-not-true-sexual-orientation-gender-identity>) Additionally, the American College of Pediatricians (ACPeds) addresses the issue of transgenderism, gender dysphoria and its treatment in a number of position papers (see the above “links” section). In “Gender Dysphoria in Children,” Nov 2018 (online: <https://www.acpeds.org/the-college-speaks/position-statements/gender-dysphoria-in-children>), ACPeds points out that multiple post-natal factors influence gender dysphoria and the identification of people as transgender. Importantly for our purposes, simply “affirming” the transgender person’s current beliefs are, in many cases, counterproductive and contrary to the

person's best interests. For example, ACPeds states, "Dr. Kenneth Zucker, long acknowledged as a foremost authority on gender identity issues in children, has also been a lifelong advocate for gay and transgender rights. However, much to the consternation of adult transgender activists, Zucker believes that gender-dysphoric pre-pubertal children are best served by helping them align their gender identity with their anatomic sex." (ACPeds, "Gender Dysphoria," *emph. added*) What the proposed ordinance would forbid is the very thing that "the foremost authority on gender identity issues in children" says would best serve such children! Further, the ACPeds position paper goes on to note that "there is a growing online community of gay-affirming physicians, mental health professionals, and academics with a webpage entitled 'First, do no harm: youth trans critical professionals.' They write: We are concerned about the current trend to quickly diagnose and affirm young people as transgender, often setting them down a path toward medical transition... We feel that unnecessary surgeries and/or hormonal treatments which have not been proven safe in the long-term represent significant risks for young people. Policies that encourage—either directly or indirectly—such medical treatment for young people who may not be able to evaluate the risks and benefits are highly suspect, in our opinion." (Ibid., *emph. in orig.*) ACPeds then discusses important medical and other problems with the approach that is being advocated in the proposed ordinance. The point of all of this is that the ordinance is largely based on scientifically false premises. If adopted, it will exacerbate, not alleviate, problems in many young people who may be experiencing gender dysphoria or confusion. In light of this, Dr. Haynes concludes, "Therapy that is open to change is more in harmony with the course of sexual orientation and gender identity for many than is gay-affirmative or transgender-affirmative therapy." (Haynes, *op. cit.*) The proposed ordinance would prohibit counselors, psychologists, and other health care professionals from "offering or rendering" the very thing ("therapy open to change") that Dr. Haynes says is more in harmony with the course of sexual orientation and gender identity for many. Instead, the ordinance forces health care professionals to ONLY engage in gay-affirmative or transgender-affirmative therapy. Thus, in addition to being legally and constitutionally problematic, from a medical, scientific, and psychological point of view the ordinance is contrary to the scientific and medical evidence, is not in the best interest of the patient or client, and shuts down the health care provider's ability to do his or her job properly.

(2) The premises behind this ordinance that "Science recognizes that being lesbian, gay, bisexual, or transgender is part of the natural spectrum of human identity and is not a disease, disorder, or illness" and that "alarming levels of attempted suicide among transgender youth [are] because of society's oppression and lack of acceptance" are false. In a letter of Dec 4, 2018 to the US Dept. of Justice, Dept. of Health and Human Services, and Dept. of Education, 36 prominent physicians, other clinicians, and attorneys, under the auspices of the American College of Pediatricians, pointed out, "Human sex is a binary, biologically determined, and immutable trait from conception forward. The norm for human design is to be conceived either male or female. Human sexuality is binary by design for the obvious purpose of the reproduction of our species. This principle is self-evident. "XY" and "XX" are genetic markers of male and female, respectively, and are found in every cell of the human body including the brain. Sex is established at conception, declares itself in utero, and is acknowledged at birth." (Michelle Critella, et al., p.2; online: [https://www.acped.org/wordpress/wp-content/uploads/12.4.18-Final\\_Revised\\_-12.4.18-Joint-letter-to-HHS-DOJ-DOE-Uphold-Definition-of-Sex.pdf](https://www.acped.org/wordpress/wp-content/uploads/12.4.18-Final_Revised_-12.4.18-Joint-letter-to-HHS-DOJ-DOE-Uphold-Definition-of-Sex.pdf)) Specifically with respect to people who identify as "transgender," these experts noted, "Individuals who identify as transgender deserve optimal medical treatment which is influenced by biological sex. In reality, an individual who identifies as transgender remains either a biological male or female. In reality, an individual who identifies as transgender remains either a biological male or female. This objective biological fact has bearing upon their health even beyond sex-specific illnesses." (Ibid., *emph. in orig.*) In other words, the clinical and legal experts in this very field are saying that the "optimal treatment" which patients "deserve" is the exact opposite of what is being pushed for in this ordinance. Indeed, this ordinance would make



it illegal to attempt or even offer the very treatment that patients deserve! Further, contrary to the premises behind the proposed ordinance, J. Michael Bailey, Ph.D. Professor of Psychology at Northwestern University and Ray Blanchard, Ph.D. of Toronto's Centre for Addiction and Mental Health state, "There is no persuasive evidence that gender transition reduces gender dysphoric children's likelihood of killing themselves. The idea that mental health problems—including suicidality—are caused by gender dysphoria rather than the other way around (i.e., mental health and personality issues cause a vulnerability to experience gender dysphoria) is currently popular and politically correct. It is, however, unproven and as likely to be false as true." (Bailey and Blanchard, "Suicide or transition: The only options for gender dysphoric kids?" online: <https://4thwavenow.com/2017/09/08/suicide-or-transition-the-only-options-for-gender-dysphoric-kids/>) In other words, a key (emotionally-laden) basis (in the preamble) for this ordinance is scientifically false. In this regard, ACPeds observes, "The claim that upholding the scientific definition of sex will increase suicide among transgender identifying people is false. Individuals who identify as transgender may have mistaken beliefs about themselves and their bodies. They suffer real emotional distress and are at a higher risk for mental illness, including suicidal ideation, as compared to the general population. Social and medical 'gender transition and affirmation,' however, is not proven to decrease suicide rates. The rate of suicide attempts among transgender identified individuals has been estimated to be almost 9 times that of the general population. Sweden is a transgender affirming country that has adopted laws and policies conflating sex and gender-identity. Nevertheless, a study conducted by researchers therein 2011 found the rate of completed suicides among surgically 'gender-affirmed' adults to be 19 times greater than that of the general population. Clearly, transgender affirmation does not prevent suicide, and may paradoxically worsen the emotional health of these individuals in the long term." (Critella, et al., op. cit., p. 3, emph. added) In fact, in a huge review of the medical and scientific literature, Lawrence Mayer and Paul McHugh of Johns Hopkins note that, sexual minorities do "show higher rates of depression, anxiety, substance abuse, and suicide compared to the general population. One hypothesis, the social stress model — which posits that stigma, prejudice, and discrimination are the primary causes of higher rates of poor mental health outcomes for these subpopulations — is frequently cited as a way to explain this disparity. While non-heterosexual and transgender individuals are often subject to social stressors and discrimination, science has not shown that these factors alone account for the entirety, or even a majority, of the health disparity between non-heterosexual and transgender subpopulations and the general population." (Lawrence S. Mayer and Paul R. McHugh, "Conclusion," *Sexuality and Gender: Findings from the Biological, Psychological, and Social Sciences*, The New Atlantis, Number 50, Fall 2016, pp. 114-116, emph. added; online: <https://www.thenewatlantis.com/publications/conclusion-sexuality-and-gender>) Consequently, every claim being advanced by the proponents of this ordinance is not substantiated by good science but is, in fact, contrary to the findings of scientific study. Further, the "transgender affirmation" being pushed by this ordinance "does not prevent suicide, and may paradoxically worsen the emotional health of these individuals in the long term." (Critella, et al., op. cit., p. 3, emph. added) Consequently, in light of the science and the medicine, how can you in good conscience vote in favor of this ordinance which, if followed, is likely to actually worsen the emotional health of the patients at issue? (3) The implicit assumption behind the proposed ordinance that seeking to change a person's sexual orientation or gender identity is abusive per se is completely false. Multiple factors lead to same sex attraction or transgenderism. For example, "The APA Handbook confirms there is excellent research evidence for 'associative or potentially causal links' between childhood sexual abuse and ever having same-sex partners, especially for some men. (Mustanski, Kuper, & Greene, 2014, pp. 609-610). It also confirms that there is possible evidence that psychopathology may be related to the development of transgender identity (Bockting, 2014, APA Handbook, v.1, p)." With respect to trans-gender identity, "The APA Handbook says the origin of transgender identity is "most likely the result of

a complex interaction between biological and environmental factors...Research on the influence of family of origin dynamics has found some support for separation anxiety among gender-nonconforming boys and psychopathology among mothers” (Bockting, 2014, v. 1, p. 743, emphasis added).” (Haynes, op. cit., emph. in orig.) Dr. Haynes points out the obvious conclusion for counseling, therapy, and treatment, “If pathology leads to an individual’s sexual variation, treatment could lead to a significant and meaningful shift in that variation for some. It is harmful and ineffective to ban such treatment.” (Ibid.) The proposed ordinance would ban the very treatment that might get to the root of the problem. Thus, according to the clinical experts in this very area, “It is harmful and ineffective to ban such treatment.” How, then, can you in good conscience vote in favor of this ordinance? (4) Final thoughts. This ordinance is pushing an exclusively “gender affirmative” model. You need to be aware that this model does not only consist of counseling and verbal affirmation; as the patient/client is led down the path affirming that he/she is really a member of the opposite sex he/she was born with, this model includes and leads to hormone therapy and even surgery. These treatments entail great potential physical and psychological harm to the patient. “Responding to the Transgender Issue: Parent Resource Guide,” of the Minnesota Family Council (2019), co-sponsored by the Family Policy Alliance, the Heritage Foundation, the Kelsey Coalition, parents of ROGD Kids, and the Women’s Liberation Front; online: [https://genderresourceguide.com/wp-content/themes/genderresource/library/documents/NPRG\\_Full\\_Document\\_Links\\_V18.pdf](https://genderresourceguide.com/wp-content/themes/genderresource/library/documents/NPRG_Full_Document_Links_V18.pdf)), points out: “Many young people who identify as transgender have pre-existing mental health conditions or past experiences of trauma that may be contributing to the way they feel about their sex. These young people need comprehensive therapy options that will address their mental health needs and patiently guide them towards acceptance of their bodily sex. Sadly, some states have adopted so-called ‘conversion therapy bans’ which outlaw therapeutic approaches that seek to help individuals to live comfortably in their own bodies. In fact, the only treatment option considered legal under a conversion therapy ban is gender identity ‘affirmation.’ The ‘gender affirmative’ model enables and cements false beliefs that children have about themselves. Parents and medical professionals do not, for example, encourage an anorexic child to lose weight, even when she is insistent that she is overweight. Instead, children ‘need medical professionals who will help them mature in harmony with their bodies, rather than deploy experimental treatments to refashion their bodies.’” (“Responding,” p.24) The report is fully documented, and most of the sources are available online. Again, the proposed ordinance makes it illegal for clinicians to give or even offer their young patients the very counseling and therapy they need but will end up exposing young people to great risk of harm. That is wrong. This ordinance is politically, not medically or scientifically, driven. It is contrary to multiple scientific and clinical studies. If passed, it would result in harming the very young people you would like to help and “affirm.” Therefore, based on the science and medicine alone (to say nothing of the legal and constitutional issues it raises) you should oppose this ordinance.

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## Britney K. Stobbe

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**From:** Kurt Eggebrecht  
**Sent:** Monday, December 16, 2019 10:57 AM  
**To:** Britney K. Stobbe  
**Subject:** FW: Conversion Therapy Issue

**From:** sharsm [mailto:slfelten@yahoo.com]  
**Sent:** Saturday, December 14, 2019 7:35 AM  
**To:** Mayor <Mayor@Appleton.org>; Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** Conversion Therapy Issue

I have lived in Appleton for many years. I have never expressed my opinion about anything despite wanting to several times. This is the first time as government control on many levels is getting insanely out of control:

Seriously??? Does Appleton REALLY need to get involved in the conversion therapy issue? Is there any part of life that government can just leave alone? Appleton now needs to regulate sexuality counseling? People have the freedom to choose where to get counseling, and there are many good choices, depending on needs/wants. By regulating conversion therapy, it is my understanding you are extremely limiting the conversations a seeking person might need and want. Life is not always concrete. So now you want to protect one group of people and endanger another. ? Let people have freedom...a concept this country was founded on. Stop the government control madness!!! Makes me want to again move out of Appleton. (I also sent this to all Appleton alderman.)

Thank you for listening to my opinion.

Sharon Smith

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## Britney K. Stobbe

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**From:** Kurt Eggebrecht  
**Sent:** Monday, December 16, 2019 10:57 AM  
**To:** Britney K. Stobbe  
**Subject:** FW: Appleton, WI: Contact Us email from website

-----Original Message-----

From: Jessica Anderson [mailto:jessica@jessicamenn.com]  
Sent: Saturday, December 14, 2019 12:23 PM  
To: Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
Subject: Re: Appleton, WI: Contact Us email from website

Dear Mr. Eggebrecht,

Included is another letter to the Board of Health. I have sent it to the Mayor and to Alderpersons Fenton and Spears, but I would appreciate it if you could send it on to the remaining members of the Board of Health, whom I do not have email addresses for.

Thanks,  
Jessica Anderson

Dear Board of Health Members,

Thank you for your patience during the December meeting and willingness to take public comment. I expect this is a fairly atypical issue for the BOH to have to consider and the level of public engagement is probably not what you normally experience.

It was stated during the meeting that the BOH would not be considering any issues related to law but just the medical and health related aspects of the resolution. While some of my concerns (which I shared with you last month) are of a more legal aspect, some of them are health related and I would very much appreciate if I could receive an answer to them.

(1) If this resolution is enacted, how will it effect the treatment options for cisgender children who think they are transgender? The DSM 5 plainly states that "Rates of persistence of gender dysphoria from childhood into adolescence or adulthood vary. In natal males, persistence has ranged from 2.2% to 30%. In natal females, persistence has ranged from 12% to 50%." That means that a minimum of 50% of children (and possibly a strong majority) who experience feelings of gender dysphoria are not transgender—rather, they're cisgender and will grow up to have their gender identity align with their biological sex.

Will these children be well-served by a law that would allow practitioners to affirm their transgender feelings or remain neutral about them but not openly delve into whether those feelings may be temporary?

(2) Who or what entity would the BOH recommend be in charge of enforcing this resolution were it to pass? Surely a matter this complicated should not be left up to someone with no medical experience. What professional qualifications should this person have?

(3) The resolution states that "The practice of conversion therapy...is



\*often\* conducted in a violent and damaging manner”, which implies that conversion therapy also can be and is conducted in a non-abusive manner, but it goes on to ban \*all\* conversion therapy. What is the public health benefit to banning even non-abusive therapy?

(4) Multiple LGBTQ individuals spoke at the Dec. 11 meeting and said they were victims of conversion therapy or had friends who were, but it was not clear to me if that conversion therapy was conducted by licensed professionals (who would be covered by this ban) or by unlicensed and unpaid church affiliated individuals (who would not be covered by this ban). Nor was it clear to me if this conversion therapy happened in Appleton (where it would be covered by this ban) or someplace else (that would not be affected by it). Has the Board of Health or another City of Appleton entity or employee done any research into conversion therapy as it is performed by licensed practitioners in Appleton or in the wider Fox Cities community? Have their practices been determined to be abusive? Can we reasonably expect the passing of this resolution to improve the health of Appleton residents and, if so, in what way?

Again, I would very much appreciate receiving answers to and clarity on these issues.

Thank you,

Jessica Anderson

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## Britney K. Stobbe

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**From:** Kurt Eggebrecht  
**Sent:** Monday, December 16, 2019 11:03 AM  
**To:** Britney K. Stobbe  
**Subject:** FW: Appleton, WI: Contact Us email from website

**From:** Mayor  
**Sent:** Monday, December 16, 2019 8:21 AM  
**To:** Tim Hanna <Tim.Hanna@appleton.org>; Kurt Eggebrecht <kurt.eggebrecht@appleton.org>; Cathy Spears <District12@Appleton.org>  
**Subject:** FW: Appleton, WI: Contact Us email from website

FYI below regarding conversion therapy.

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**From:** [webmaster@appleton.org](mailto:webmaster@appleton.org) <[webmaster@appleton.org](mailto:webmaster@appleton.org)>  
**Sent:** Saturday, December 14, 2019 12:16 PM  
**To:** Mayor <[Mayor@Appleton.org](mailto:Mayor@Appleton.org)>  
**Subject:** Appleton, WI: Contact Us email from website

A new entry to a form/survey has been submitted.

**Form Name:** Contact Us-Mayor  
**Date & Time:** 12/14/2019 1:15 PM  
**Response #:** 803  
**Submitter ID:** 40867  
**IP address:** 107.10.66.68  
**Time to complete:** 0 min. , 40 sec.

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### Survey Details

Page 1

**Contact:**

Timothy Hanna - Mayor

Phone:  920-832-6400

Fax: 920-832-5962

**Mailing Address:** 100 N. Appleton Street  
Appleton, WI 54911-4799

Map

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**Hours:** Monday - Friday  
8:00 a.m. to 4:30 p.m.  
2015 City Hall Closings

\*\*\*\*\*

January 1 - New Years

May 27 - Memorial Day  
July 4 - Independence Day  
September 2 - Labor Day  
November 28 & 29 - Thanksgiving  
December 24 & 25 - Christmas

**Email Address \*** [jessica@jessicamenn.com](mailto:jessica@jessicamenn.com)

**First Name:** Jessica  
**Last Name:** Anderson  
**Address:** Not answered  
**City:** Appleton  
**State:** Wisconsin  
**Zip Code:** 54915  
**Phone Number:** 9202433393  
**Fax Number:** Not answered

**Comments/Questions**

Dear Board of Health Members,

Thank you for your patience during the December meeting and willingness to take public comment. I expect this is a fairly atypical issue for the BOH to have to consider and the level of public engagement is probably not what you normally experience.

It was stated during the meeting that the BOH would not be considering any issues related to law but just the medical and health related aspects of the resolution. While some of my concerns (which I shared with you last month) are of a more legal aspect, some of them are health related and I would very much appreciate if I could receive an answer to them.

(1) If this resolution is enacted, how will it effect the treatment options for cisgender children who think they are transgender? The DSM 5 plainly states that "Rates of persistence of gender dysphoria from childhood into adolescence or adulthood vary. In natal males, persistence has ranged from 2.2% to 30%. In natal females, persistence has ranged from 12% to 50%." That means that a minimum of 50% of children (and possibly a strong majority) who experience feelings of gender dysphoria are not transgender—rather, they're cisgender and will grow up to have their gender identity align with their biological sex. Will these children be well-served by a law that would allow practitioners to affirm their transgender feelings or remain neutral about them but not openly delve into whether those feelings may be temporary?

(2) Who or what entity would the BOH recommend be in charge of enforcing this resolution were it to pass? Surely a matter this complicated should not be left up to someone with no medical experience. What professional qualifications should this person have?

(3) The resolution states that "The practice of conversion therapy...is \*often\* conducted in a violent and damaging manner", which implies that conversion therapy also can be and is conducted in a non-abusive manner, but it goes on to ban \*all\*

conversion therapy. What is the public health benefit to banning even non-abusive therapy?

(4) Multiple LGBTQ individuals spoke at the Dec. 11 meeting and said they were victims of conversion therapy or had friends who were, but it was not clear to me if that conversion therapy was conducted by licensed professionals (who would be covered by this ban) or by unlicensed and unpaid church affiliated individuals (who would not be covered by this ban). Nor was it clear to me if this conversion therapy happened in Appleton (where it would be covered by this ban) or someplace else (that would not be affected by it). Has the Board of Health or another City of Appleton entity or employee done any research into conversion therapy as it is performed by licensed practitioners in Appleton or in the wider Fox Cities community? Have their practices been determined to be abusive? Can we reasonably expect the passing of this resolution to improve the health of Appleton residents and, if so, in what way?

Again, I would very much appreciate receiving answers to and clarity on these issues.

Thank you,

Jessica Anderson

Thank you,  
**Appleton, WI**

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**Britney K. Stobbe**

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**From:** Kurt Eggebrecht  
**Sent:** Thursday, December 26, 2019 5:50 PM  
**To:** Britney K. Stobbe  
**Subject:** Fwd: Appleton, WI: Contact Us email from website

For BOH Packer  
Sent from my iPhone

Begin forwarded message:

**From:** Mayor <Mayor@Appleton.org>  
**Date:** December 26, 2019 at 11:41:11 AM CST  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** FW: Appleton, WI: Contact Us email from website

FYI below.

**From:** webmaster@appleton.org <webmaster@appleton.org>  
**Sent:** Thursday, December 26, 2019 11:38 AM  
**To:** Mayor <Mayor@Appleton.org>  
**Subject:** Appleton, WI: Contact Us email from website

A new entry to a form/survey has been submitted.

**Form Name:** Contact Us-Mayor  
**Date & Time:** 12/26/2019 12:37 PM  
**Response #:** 814  
**Submitter ID:** 40969  
**IP address:** 107.10.66.68  
**Time to complete:** 0 min. , 59 sec.

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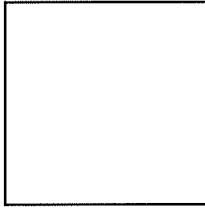
**Survey Details**

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Page 1



**Contact:** Timothy Hanna - Mayor



Phone: 920-832-6400

Fax: 920-832-5962

**Mailing Address:** 100 N. Appleton Street  
Appleton, WI 54911-4799

Map

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2015 City Hall Closings

\*\*\*\*\*

January 1 - New Years

May 27 - Memorial Day

July 4 - Independence Day

September 2 - Labor Day

November 28 & 29 - Thanksgiving

December 24 & 25 - Christmas

**Email Address \*** jessica@jessicamenn.com

**First Name:** Jessica

**Last Name:** Anderson

**Address:** Not answered

**City:** Appleton

**State:** Wisconsin

**Zip Code:** Not answered

**Phone Number:** Not answered

**Fax Number:** Not answered

**Comments/Questions**

Dear Mayor Hanna,

I am writing to express some of my concerns regarding the current wording of the Youth Mental Health Protection Resolution #15-R-19. My main concerns are that it is overly broad and lacks clarity and the resolution does not lay out an enforcement processes.

On the one hand the resolution says that "The practice of conversion therapy...is \*often\* conducted in a violent and damaging manner" but then it goes on to ban \*all\* practices defined as conversion therapy whether or not they are, in fact abusive. I have not received any explanation as to why it seeks to ban non-abusive practices in addition to abusive ones.

Additionally, I find it problematic that this resolution covers conversion therapy for both homosexuality and transgenderism. The resolution appeals to science, but, while we have many decades of research into homosexuality, transgenderism is not as well understood or studied. The DSM 5 clearly states that "Rates of persistence of gender dysphoria from childhood into adolescence or adulthood vary. In natal males, persistence has ranged from 2.2% to 30%. In natal females, persistence has ranged from 12% to 50%." That means that a majority of children who experience feelings of gender dysphoria are not

transgender—rather, they're cisgender and will grow up to have their gender identity align with their biological sex.

Will these children be well-served by a law that would allow practitioners to affirm their feelings of gender dysphoria or remain neutral about them but not openly delve into whether those feelings may be temporary? This seems like an obvious concern, but when I asked Alderperson Metzler how the resolution would affect the treatment options available to cisgender children experiencing gender dysphoria, he had no answer for me. This suggests to me that this very real issue has not been considered during the drafting of this resolution.

Beyond that, it appears that the drafters of this resolution are not aware of anyone within Appleton who even practices conversion therapy. And when I asked about conversion therapists in the wider Fox Cities area and what specifically their therapy activities/practices look like, I again received no answer.

I am baffled as to how an effective and cogent law can be crafted in the abstract with no research conducted into what conversion therapy practices in the area look like, how Appleton and the surrounding communities are practically impacted by those practices, and how non-transgender children would be affected by the proposed resolution.

I also find it odd and problematic that the resolution sets up no rules for who will be enforcing this law and lays out no guidelines to use in determining if a given practice does, in fact, fall under the definition of "conversion therapy". Even the city's no smoking ordinance clearly states who has the authority to give out tickets.

It has been stated that this resolution would be Constitutional were it to be passed, but constitutionality is only one hurdle the city needs consider when trying to craft an enforceable law that will not get mired down in legal action. Other considerations are how is it enforced? Is the process fair? Is the language of the resolution and the banned practices clear?

The State has a very plainly laid out process to deal with complaints against licensed professionals (<https://dsps.wi.gov/Pages/SelfService/CaseHandling.aspx>); the system is set up to promote impartiality and provide the sorts of checks and balances that citizens in America have come to expect from their government. Will the city be creating such a process themselves?

Beyond that, the types of practices that the State investigates and disciplines professionals over are much more objective and observable than "conversion therapy" as currently defined in this resolution. Right now, the resolution defines conversion therapy as "Any practices or treatments offered or rendered to consumers for a fee, including psychological counseling, that \*Seeks\* To Change a person's sexual orientation or gender identity." That definition is breathtakingly broad and goes far beyond preventing abusive behaviors and instead focuses on practitioners' intentions irrespective of whether their actions are genuinely abusive. It also doesn't clearly give metrics for determining which practices "seek to change" a person's gender identity, nor does it define what "gender identity" is or give guidance on how to determine a child's gender identity. Those seem like pretty important things that should be clearly laid out if the city is going to start levying \$1,000 a day fines against practitioners they find have broken this resolution.

There are a number of questions that I believe the city should consider and get answers to before they move forward with any proposed resolution.

(1) What are the metrics that would be used to determine if any given procedure, therapy, or intervention is "conversion therapy"?

(2) Who would be determining if something is "conversion therapy", and are there any professional or educational requirements that these persons need to meet in order to be qualified to make such determinations?

(3) How will this law affect the treatment options for cisgender children who experience gender dysphoria?

(4) Will this law apply to the treatment of children who do not explicitly state they are transgender?

Who perhaps only wonder if they might be in the wrong body? Or who wish they were a different sex/gender? If it does apply to those situations, could you please explain what the process would look like for determining if a given therapy is illegal?

(5) This resolution would, obviously, allow a practitioner to be affirming of a child's belief that they are transgender. It would also allow them to remain neutral. Would it allow them to be disaffirming? If so to what extent?

(6) Is the City of Appleton aware of any licensed professionals within the city practicing "conversion therapy"?

(7) Have the therapy practices of licensed professionals who perform conversion therapy in the greater Fox Cities area been researched? And can you describe what those practices are?

(8) Alderperson Metzler has stated that this resolution is narrowly tailored and does not apply to churches or pastors. Would it apply to stand-alone practices that offer Christian-based therapy for a fee?

(9) Some churches have licensed therapists who serve on staff or volunteer. Would those therapists be affected by this resolution? If they receive a salary from the church? If they receive donations? If the church is paid but not the therapist?

Overall, I'm dissatisfied by how unclear and open-ended this resolution reads. It does not clearly define key terms and it seems like no thought has been put into how it would actually be implemented and enforced. I would expect that sort of sloppy legislating from places like California and New Jersey, which are dysfunctional, over-regulated places, but I expect better from Appleton. I do hope that the Common Council will not move forward with this resolution until it has been thoroughly researched. The Common Council, to say nothing of the public, should have a clear understanding of how it will be implemented and enforced and the impact that it will have on therapists and medical practitioners in the area and on the therapy options they are able to provide to struggling cisgender children.

Thanks,

Jessica Anderson

Thank you,  
Appleton, WI

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## Britney K. Stobbe

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**From:** Kurt Eggebrecht  
**Sent:** Thursday, December 19, 2019 1:24 PM  
**To:** Britney K. Stobbe  
**Subject:** FW: Appleton, WI: Contact Us email from website

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

For BOH

**From:** webmaster@appleton.org [mailto:webmaster@appleton.org]  
**Sent:** Thursday, December 19, 2019 1:17 PM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** Appleton, WI: Contact Us email from website


A new entry to a form/survey has been submitted.

**Form Name:** Contact US- Health  
**Date & Time:** 12/19/2019 2:17 PM  
**Response #:** 175  
**Submitter ID:** 40932  
**IP address:** 2603:6000:8101:50d7:7560:39cd:37a6:6767  
**Time to complete:** 2 min. , 8 sec.

---

### Survey Details

Page 1

**Contact:** Kurt Eggebrecht - Health Officer  
Phone:  920-832-6429  
Fax: 920-832-5853

**Mailing Address:** Appleton Health Department  
100 N. Appleton St.  
Appleton, WI 54911  
[Map](#)

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**Hours:** Monday-Friday  
8:00a.m.-4:30p.m.

**Email Address:**

jonathanmenn@yahoo.com

**First Name:**

Jonathan

**Last Name:**

Menn

**Address:**

714 S. Summit St.

**City:**

Appleton

**State/Province:**

Wisconsin

**Zip Code:**

54914

**Phone Number:**

(920) 734-0709

**Fax Number:**

Not answered

**Comments/Questions:**

Dear Mr. Eggebrecht: Below an email I have just sent to the Mayor and the members of the Common Council. Would you please make sure that the other members of the Board of Health receive this as well? Thank you.

Dear Mayor Hanna, Members of the Common Council, and Members of the Board of Health,

Legal and constitutional concerns about the breadth and vagueness of the proposed anti-“conversion therapy” ordinance, including First Amendment concerns, have been articulated by a number of people. However, I believe that there is another constitutional and legal problem with the proposed ordinance. Namely, a city does not have the constitutional or legal right infringe state-mandated protections, guarantees, rules, and regulations. Specifically, I am referring to the fact that licensed health care professionals are subject to a comprehensive system of licensing, regulation, mandatory procedures, and rights specified by their respective licensing boards.

Sec. 180.1901(1m) says that a “health care professional” means “an individual who is licensed, registered or certified by any of the following: . . .

(e) Psychology examining board under ch. 455.

(f) Marriage and family therapy, professional counseling, and social work examining board under ch. 457.”

Those are the very type of people this ordinance is directed to or are the very type of people whose professional practices would be affected by this ordinance.

All of these health care professionals are subject to the regulatory authority of the Department of Safety and Professional Services pursuant to ch. 440, Wis. Stats. Sec. 440.035, Wis. Stats. gives the relevant examining boards and affiliated credentialing boards essentially plenary regulatory authority over the health care professionals.

Licensed psychologists are subject to regulation by the Psychology Examining Board, ch. 455, Wis. Stats. Ch. 455 is comprehensive in its scope, including requirements for licensure, definitions of what the practice of psychology involves, continuing educational requirements, rules and code of ethics for practice, and disciplinary procedures and penalties. Psychologists' professional conduct is also regulated in detail by ch. Psy 5, Wis. Adm. Code.

Marriage and family therapists, professional counselors, and social workers are subject to regulation by the MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING, AND SOCIAL WORK EXAMINING BOARD, ch. 457, Wis. Stats. That chapter is similar to ch. 455 and likewise is comprehensive in scope. The professional conduct of professionals regulated by ch. 457, Wis. Stats. also is subject to the requirements of ch. MPSW 20, Wis. Adm. Code, which includes a lengthy, multi-paragraph description of "unprofessional conduct."

Although municipalities have certain home rule powers, the practices of psychologists, professional counselors, marriage and family therapists are regulated by comprehensive state-mandated rules and procedures. They also have rights under their licensure and pursuant to the state-mandated rules and codes of ethics. Consequently, the proposed ordinance would be constitutionally and legally invalid as infringing the rights of these health care practitioners under the state-mandated system. The proposed ordinance also would be constitutionally and legally invalid because the State itself, by statute and rule, comprehensively regulates these health care professionals. Because of this comprehensive regulation by the State and its examining boards, the City of Appleton does not have the legal authority to itself regulate licensed health care professionals by means of this ordinance. Consequently, this ordinance should NOT be passed.

Thank you,  
**Appleton, WI**

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## Kurt Eggebrecht

---

**From:** Christopher Lee <christopherlee@global.t-bird.edu>  
**Sent:** Tuesday, December 10, 2019 4:13 PM  
**To:** Kurt Eggebrecht  
**Subject:** conversion therapy ban proposal

Director Eggebrecht:

I am writing to support the proposed ban on conversion therapy. As a parent and as an LGBTQ individual, I am fully aware that these therapies have been proven harmful through multiple studies by the AMA, the APA and others. I ask that the Board of Health use these medical considerations in confirming the ban on these harmful therapies.

Regards,  
Christopher Lee

--  
Christopher Lee  
1042 E Melrose Ave  
Appleton, WI 54911  
+1.972.357.6537 mobile

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## Britney K. Stobbe

---

**From:** Kurt Eggebrecht  
**Sent:** Tuesday, December 10, 2019 3:13 PM  
**To:** Britney K. Stobbe  
**Subject:** FW: Support for Conversion Therapy Ban

One more for BOH members.

Thanks,  
Kurt

**From:** Nick Ross [mailto:nross@diverseandresilient.org]  
**Sent:** Tuesday, December 10, 2019 2:56 PM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** Support for Conversion Therapy Ban

Hello,

Please share my message with the rest of the Board of Health members.

I'm writing to express my support for the proposed conversion therapy ban. Conversion therapy as a practice has been condemned as harmful by all mainstream medical and mental health organizations. It is extremely important that the board recommend this ban for approval in the interest of the public health of our community. Conversion therapy practices can and do have lasting harmful effects on those to whom they are subjected, often young LGBTQ people who come from unsupportive families that subject them to this harm.

This ban will pose no infringement on freedom to express religion, but will protect members in our community who are seeking actual mental health support from licensed practitioners who would practice these condemned therapies.

Thank you for your time.

Nick Ross  
LGBTQ Anti-Violence Program Advocate • Diverse & Resilient  
408 ½ West Wisconsin Avenue • Appleton, WI 54911  
Phone: (920) 840-2040

Pronouns: He • Him • His



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## Britney K. Stobbe

---

**From:** Kurt Eggebrecht  
**Sent:** Monday, December 09, 2019 1:02 PM  
**To:** Britney K. Stobbe  
**Subject:** FW: Appleton, WI: Contact Us email from website

Another email for BOH.  
Thanks,  
Kurt

**From:** webmaster@appleton.org [mailto:webmaster@appleton.org]  
**Sent:** Saturday, December 07, 2019 11:01 AM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** Appleton, WI: Contact Us email from website


A new entry to a form/survey has been submitted.

**Form Name:** Contact US- Health  
**Date & Time:** 12/07/2019 12:01 PM  
**Response #:** 171  
**Submitter ID:** 40606  
**IP address:** 99.27.61.154  
**Time to complete:** 0 min. , 55 sec.

---

### Survey Details

#### Page 1

**Contact:** Kurt Eggebrecht - Health Officer  
Phone:  920-832-6429  
Fax: 920-832-5853

**Mailing Address:** Appleton Health Department  
100 N. Appleton St.  
Appleton, WI 54911

[Map](#)

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**Hours:** Monday-Friday  
8:00a.m.-4:30p.m.



**Email Address:**

[tonybeach@jacobswellgb.org](mailto:tonybeach@jacobswellgb.org)

**First Name:**

Tony

**Last Name:**

Beach

**Address:**

1925 N Erb St

**City:**

Appleton

**State/Province:**

Wisconsin

**Zip Code:**

54911

**Phone Number:**

(920) 205-5130

**Fax Number:**

Not answered

**Comments/Questions:**

Dear Kurt,

I'm writing to share concerns regarding the ban on conversion therapy minors that the Board of Health is scheduled to vote on this Tuesday. This is an issue of personal importance to me. I'm on staff at Emmaus Road in Appleton and Jacob's Well in Green Bay as a part time counselor while I work on my doctorate in counseling at Westminster Theological Seminary in PA. Previously, I was the Family Ministries Pastor at Valley Baptist in Appleton. Through that work I got to know several pastors through the Fox Cities Evangelical Ministerial Fellowship (FCEMF), which I chaired in 2016.

The proposed ban threatens the counsel that all of us as pastors in the FCEMF give to teens as well as the counsel of the members who serve in the counseling ministries of our churches.

We're asking for the ability to continue to express the religious convictions that have a long history in our Christian traditions. These are not convictions that single out or go after gay or transgender people. We believe all have sinned and fallen short of the glory of God (Rom 6:23). Instead, we emphasize self-control and emotional self-regulation in regards to attraction to both the same sex and opposite sex. Most of us believe that some people experience life-long same sex attraction and believe this is a deeper issue than just a momentary choice. Still, we warn all people of the dangers of unhealthy sexual practices regardless of their orientation. We teach everyone that acting out many of your sexual desires is harmful to yourself, your relationship to God, and to others.

As followers of Jesus we seek to show the deepest love to everyone regardless of their sexual orientation, and I'm excited that I've seen many examples of our members doing that. We just have a difference of beliefs between what we see in Scripture compared to popular views in society. We believe that God clearly tells us that acting out of homosexual desires or identifying with your non-biological gender is not God's plan for us.

Most of us don't highlight same sex attraction as a bigger problem than other broken desires in our hearts. We actually spend most of our time focusing on the dangers of pride, selfishness, laziness, arrogance, isolation, unhealthy fears, disbelief, negativity, etc. We believe every one of us is deeply broken and isolated from God by sin. We believe that Scripture teaches God can and does give us a whole new nature through faith in Christ. It's a new nature that has new desires to love, serve, share, build trusting relationships, rejoice in what's good, etc. And it's a new nature that can resist all of the sexual temptations we face while finding joy and fulfillment in life in Christ. We believe that all of us still stumble and fall in this effort but God gives more grace (James 4:6).

We realize that there are many who feel that the denial of the expression of their sexual desires or gender orientation is a denial of their personhood. We realize how personal of an issue this is and can empathize with their perspective. Still, we respectfully disagree with them. Our conviction is that resisting the broken desires we have is important for every relationship we have -- we need to resist jealousy, defensiveness and rage, as well as lust. We believe that we are also much more than our sexual desires or gender affinity. We are human beings made in God's image with all kinds of dimensions to our personhood, which, ultimately, will be completely renewed in the resurrection.

Many of us have a story where, at one time, we didn't believe in the things I'm writing about. But, we believe God did a work in our lives to change our hearts. Walking with him in our Christian faith is of ultimate importance to us. Doing this with the highest level of respect for anyone who disagrees is also a key part of our beliefs. Because God teaches grace and patience, we are all opposed to forcing anyone (teen or adult) to agree with our views. We are happy we live in a society where people are free to counsel and advocate for ideas that are different than ours. We only desire the freedom to continue to offer the perspectives I'm writing about to young people who seek our counsel.

We're asking for the ability to continue counseling youth from our convictions from Scripture. We don't want to be put in the place where we have to weigh faithfulness to God against obedience to our local government. I'm requesting that you not pass the ban on conversion therapy. Please reject this proposal in consideration of the freedom of religious expression for thousands of Christians in the Fox Valley, their leaders, and their counselors.

Thanks for your consideration. I'd be happy to talk about this more if you're interested.

Grace and Peace,

Tony

Tony Beach  
Contract Counselor at Jacob's Well and Emmaus Road Churches  
Cell: 920-205-5130

[www.jacobswellgb.org](http://www.jacobswellgb.org) [www.emmausroadpca.org](http://www.emmausroadpca.org)

Thank you,  
Appleton, WI

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## Britney K. Stobbe

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**From:** Kurt Eggebrecht  
**Sent:** Monday, December 09, 2019 8:14 AM  
**To:** Britney K. Stobbe  
**Subject:** FW: Feedback for Appleton, WI

For Board of Health members

**From:** Chad M. Doran  
**Sent:** Thursday, December 05, 2019 10:56 AM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** FW: Feedback for Appleton, WI

FYI.

Chad Doran, CPC  
City of Appleton Communications Coordinator  
Office: (920) 832-5814  
Cell: (920) 419-0292



Please note: Wisconsin has a very broad public records law. Most written communications to or from government employees and officials regarding city/county business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure.

**From:** Appleton, WI <webmaster@appleton.org>  
**Sent:** Thursday, December 5, 2019 10:37 AM  
**To:** Chad M. Doran <Chad.Doran@appleton.org>  
**Subject:** Feedback for Appleton, WI

You have received this feedback from Bill Taylor <[billdian@tds.net](mailto:billdian@tds.net)> for the following page:

<https://www.appleton.org/government/common-council/committees>

FOR THE BOARD OF HEALTH: "Science is real" is often cited in favor of government regulation of whatever we think is causing our earth's temperature to rise, a quite complicated subject. Where is "science is real" when one's feelings are different from one's genetic makeup. For example, I feel feminine but want to feel male when every cell in my body has male chromosomes. To deny me help to get my feelings in line with my real nature seems cruel not kind, and certainly not "scientific."

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## Britney K. Stobbe

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**From:** Kurt Eggebrecht  
**Sent:** Monday, December 09, 2019 8:25 AM  
**To:** Britney K. Stobbe  
**Subject:** FW: Appleton, WI: Contact Your Alderpersons email

For BOH members.  
Thanks,  
kurt

**From:** webmaster@appleton.org [mailto:webmaster@appleton.org]  
**Sent:** Thursday, December 05, 2019 8:33 PM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** Appleton, WI: Contact Your Alderpersons email

A new entry to a form/survey has been submitted.

**Form Name:** Contact US- Common Council- Group  
**Date & Time:** 12/05/2019 9:33 PM  
**Response #:** 841  
**Submitter ID:** 40570  
**IP address:** 2600:1700:d7a0:5970:99d7:5b2f:e1ff:571c  
**Time to complete:** 19 min. , 37 sec.

---

### Survey Details

Page 1

**Contact:** For a group message to all Alderpersons

**Mailing Address:** 100 N. Appleton Street  
Appleton, WI 54911  
[Map](#)

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**Hours:** If you wish to contact an individual Alderperson, please click on their name for more information.

By completing and sending this form, an email will go to all 15 Appleton Alderpersons. If you want to contact a specific Alderperson, please see the Common Council page under Departments.

**Email Address:**

[jill@swenbooks.com](mailto:jill@swenbooks.com)

**First Name:**

Jill

**Last Name:**

Swenson

**Address:**

1501 N Elinor St

**City:**

Appleton

**State:**

Wisconsin

**Country:**

United States

**Zip Code:**

54914

**Phone Number:**

(920) 358-7991

**Fax Number:**

Not answered

**Comments/Questions:**

I write to express my support for a ban on gay conversion therapy by the Appleton City Council. While I would endorse a state-wide ban as eighteen other states, the District of Columbia and Puerto Rico have passed, it makes sense to join the 62 other cities in states which have not yet passed a statewide ban. Kansas City and Minneapolis did so last month, and Cudahy, Shorewood, Racine, Sheboygan, Superior, and Glendale, Wisconsin in 2019. Eau Claire, Madison, and Milwaukee did so in 2018. Gay conversion therapy is not based on science, and the American Psychological Association has issued repeated warnings against this practice harmful to mental health. After 20 years as the founder of a faith-based gay conversion therapy center, McKrae Game has now admitted he was wrong and acknowledged the harm he has done (Washington Post, Sept 5, 2019). According to a UCLA study, more than 698,000 individuals have been subjected to these discredited methods to traumatize LGBTQ individuals into submission of their identity. I received my Ph.D. from The University of Chicago in the Committee on Human Development in 1989 and in my professional opinion these practices are human rights violations and should be allowed to operate within the city limits. I encourage you to pass the ban on gay conversion therapy.

Thank you,  
Appleton, WI

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## Britney K. Stobbe

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**From:** Kurt Eggebrecht  
**Sent:** Friday, December 06, 2019 12:39 PM  
**To:** Britney K. Stobbe  
**Subject:** Fwd: Conversion Therapy Ban

Sent from my iPhone

Begin forwarded message:

**From:** Tara Firkus <tholz249@gmail.com>  
**Date:** December 6, 2019 at 11:29:43 AM CST  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** Conversion Therapy Ban

Good morning Kurt,

I am writing you this morning in regards to the Youth Mental Health resolution that is coming forth during this months Board of Health meeting. As a worker in the human services field for ten years as a crisis counselor, a parent, and a survivor of childhood trauma myself, I fully 100% support the banning of conversion therapy. I have seen and experienced firsthand the effects of trauma and abuse and how it shapes a child in every aspect of their lives not only at the time of the event (s), but from that point of their lives forward. It is paramount to hold accountable those who are in positions of power and trust in children's lives to not inflict harm, especially when there are numerous professional agencies that have stated that conversion therapy does not work. Therefore, I support the Youth Mental Health resolution. Thank you,

Tara Firkus

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## Britney K. Stobbe

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**From:** Britney K. Stobbe  
**Sent:** Friday, December 06, 2019 1:33 PM  
**To:** Britney K. Stobbe  
**Subject:** FW: Phone Msg

Begin forwarded message:

**From:** Jamie Griesbach <[Jamie.Griesbach@appleton.org](mailto:Jamie.Griesbach@appleton.org)>  
**Date:** December 6, 2019 at 10:52:13 AM CST  
**To:** Tim Hanna <[Tim.Hanna@appleton.org](mailto:Tim.Hanna@appleton.org)>, Kurt Eggebrecht <[kurt.eggebrecht@appleton.org](mailto:kurt.eggebrecht@appleton.org)>  
**Subject:** Phone Msg

Barb Nielson (sp?) called this morning to express her strong disagreement to the proposed youth mental health act. She stated it is unconstitutional and infringes on free speech and the freedom of religion. She stated that it is getting between the patient, the counselor and the family and that is not a proper role of the government.

I told her that I would pass this along. She did not want to leave her number and did not want a call back.

Thank you.

Jamie



## Britney K. Stobbe

---

**From:** Kurt Eggebrecht  
**Sent:** Wednesday, December 11, 2019 12:52 PM  
**To:** Britney K. Stobbe  
**Subject:** FW: Prohibition on conversation therapy

**From:** Jason Brozek [mailto:jason.d.brozek@gmail.com]  
**Sent:** Tuesday, December 10, 2019 4:33 PM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** Prohibition on conversation therapy

Director Eggebrecht,

I'm writing before tomorrow morning's Board of Health meeting to urge you and the committee to support the proposed prohibition on conversion therapy. Leading medical associations and children's health organizations have made it crystal clear that conversion therapy actively harms children, and I want to see the city address this issue with the seriousness it deserves. My understanding is that some folks at the last meeting angrily opposed this prohibition because they see it as an intrusion on the rights of parents. My response to that is that it's not any more of an intrusion on the rights of parents than any other regulation that protects children's mental and physical well-being.

Likewise, I don't see any reason to believe this proposed restriction is over-broad. It strikes me as narrow, direct, and right in line with what other cities and states have implemented.

I think there are a handful of loud voices trying to steer Appleton away from doing the right thing, or that doing the right thing is too confusing, too restrictive, or too difficult. I'd urge you to defer to the expertise of the American Medical Association, which notes in a 2019 statement that conversion therapy for sexual or gender identity can cause, "significant psychological distress" including depression, anxiety, social isolation, lowered self-esteem, family alienation - and even suicidal thoughts and behaviors. The AMA ends this 4-page statement by clearly, unequivocally noting that the organization, "opposes the use of 'reparative' or 'conversion' therapy for sexual orientation or gender identity."

Finally, not that I think it's terribly relevant, but I'm a straight, cis-gendered parent of two children, aged 7 and 11. I only bring that up to counter the idea that only LGBTQ-identified people support a prohibition on conversation therapy.

Thank you,

Jason Brozek

Appleton resident – District 1

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## Britney K. Stobbe

---

**From:** Kurt Eggebrecht  
**Sent:** Wednesday, December 11, 2019 12:54 PM  
**To:** Britney K. Stobbe  
**Subject:** FW: Appleton, WI: Contact Us email from website

**From:** webmaster@appleton.org [mailto:webmaster@appleton.org]  
**Sent:** Tuesday, December 10, 2019 5:12 PM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** Appleton, WI: Contact Us email from website

A new entry to a form/survey has been submitted.


**Form Name:** Contact US- Health  
**Date & Time:** 12/10/2019 6:11 PM  
**Response #:** 172  
**Submitter ID:** 40742  
**IP address:** 184.59.236.134  
**Time to complete:** 7 min. , 9 sec.

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### Survey Details

#### Page 1

**Contact:** Kurt Eggebrecht - Health Officer

Phone:  920-832-6429  
Fax: 920-832-5853

**Mailing Address:** Appleton Health Department  
100 N. Appleton St.  
Appleton, WI 54911

[Map](#)

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**Hours:** Monday-Friday  
8:00a.m.-4:30p.m.

**Email Address:**  
[Julie.filapek@gmail.com](mailto:Julie.filapek@gmail.com)



**First Name:**

Julie

**Last Name:**

Filapek

**Address:**

221 E. Roosevelt St.

**City:**

Appleton

**State/Province:**

Wisconsin

**Zip Code:**

54911

**Phone Number:**

Not answered

**Fax Number:**

Not answered

**Comments/Questions:**

Director Eggebrecht,

Please share with your board the following:

I would be proud to live in a community that takes a stand against conversion therapy by banning the practice. Conversion therapy is hateful, and has no place in a healthy community.

Thank you,  
Appleton, WI

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**Britney K. Stobbe**

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**From:** Kurt Eggebrecht  
**Sent:** Wednesday, December 11, 2019 12:55 PM  
**To:** Britney K. Stobbe  
**Subject:** FW: Protect Appleton LGBTQ+ Folx

**From:** Brent Mecikalski [mailto:readyssetbrent@gmail.com]  
**Sent:** Tuesday, December 10, 2019 5:28 PM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** Protect Appleton LGBTQ+ Folx

Good evening,

I'm writing today in support of Appleton's ban on conversion therapy. Conversion therapy has already been condemned by the AMA, APA, and numerous other professional organizations because it does not work and puts LGBTQ people at risk for lifelong mental health issues.

Please support the ban of conversion therapy in Appleton.

Thank you,  
Brent Mecikalski

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## Britney K. Stobbe

---

**From:** Kurt Eggebrecht  
**Sent:** Wednesday, December 11, 2019 12:55 PM  
**To:** Britney K. Stobbe  
**Subject:** FW: APPLETON BAN ON CONVERSION THERAPY

**From:** Soupanya Chomsisengphet [mailto:soupanya@gmail.com]  
**Sent:** Tuesday, December 10, 2019 5:34 PM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** APPLETON BAN ON CONVERSION THERAPY

Good Evening Director Eggebrecht,

It has come to my attention that the the Department of Health is going to hold a meeting tomorrow morning in regards to the Ban on Conversion Therapy in the city of Appleton.

I am writing to you to express my support for the Ban on Conversion Therapy. Conversion therapy is pseudoscientific and has been condemned by licensed professional associations like the AMA (American Medical Association), and the APA (American Psychiatric Association), and other numerous professional organizations. It's known that Conversion Therapy DOES NOT WORK, is extremely traumatic, and puts LGBTQ+ folks at a higher risk for lifelong mental health issues.

Cities nationwide are banning conversion therapy, and Appleton, a city that prides itself on being progressive, welcoming, and inclusive, should be one of those cities; we don't want to be on the wrong side of history by not banning this extremely detrimental and harmful practice.

Thank you for your time and consideration.

Sincerely,

An extremely concerned citizen

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**Britney K. Stobbe**

---

**From:** Kurt Eggebrecht  
**Sent:** Wednesday, December 11, 2019 12:55 PM  
**To:** Britney K. Stobbe  
**Subject:** FW: conversion therapy ban

**From:** Helen Boyd Kramer [mailto:helen.boyd@lawrence.edu]  
**Sent:** Tuesday, December 10, 2019 6:04 PM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** conversion therapy ban

Kurt Eggebrecht,

I'm writing today to in support of the conversion therapy ban.

Helen Boyd Kramer  
Lecturer, Gender Studies, Lawrence

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## **Britney K. Stobbe**

---

**From:** Kurt Eggebrecht  
**Sent:** Wednesday, December 11, 2019 12:58 PM  
**To:** Britney K. Stobbe  
**Subject:** FW:

**From:** Amy A. Ongiri [mailto:amy.a.ongiri@lawrence.edu]  
**Sent:** Tuesday, December 10, 2019 6:43 PM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:**

Dear Mr. Eggebrecht,

I'm writing in support of the ban on conversion therapy.

When I lived and taught in the south, this was very popular as people struggled to reconcile their homosexuality and their version of Christianity that taught them that homosexuality would result in their damnation. I had several students be damaged by this practice and one who took their own life after "backsliding" into homosexuality after receiving church counseling. I cannot overstate how damaging conversion therapy is. The fact that it will most likely be forced onto young people makes it particularly odious.

Please continue to make Appleton "one great place" that honors its diversity. Consider banning conversion therapy. You may literally be saving our young people's lives.

Amy Ongiri

Amy Abugo Ongiri  
Associate Professor and Jill Beck Director of Film Studies  
Lawrence University, Appleton, WI 54911

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## Britney K. Stobbe

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**From:** Kurt Eggebrecht  
**Sent:** Wednesday, December 11, 2019 12:58 PM  
**To:** Britney K. Stobbe  
**Subject:** FW: Conversion therapy ban

**From:** Erik Leveille [mailto:emleveille1@hotmail.com]  
**Sent:** Tuesday, December 10, 2019 7:11 PM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** Conversion therapy ban

Dear Mr. Eggebrecht, While I am not a resident of Appleton, I have been a member of the Fox Valley Symphony for 14 seasons and also perform frequently in your city as a freelance violinist. My faith community is in Appleton and I spend a good deal of my free time in your city. Many of us who live in other areas of the Fox Valley look to Appleton as a beacon of openness, tolerance, and positive change.

Therefore, I'm writing today in support of Appleton's ban on conversion therapy. Conversion therapy has already been condemned by the AMA, APA, and numerous other professional organizations because it does not work and puts LGBTQ people at risk for lifelong mental health issues. I had my own encounter with conversion therapy 16 years ago- the therapist came highly recommend, and while I was in a state of crisis I was old and informed enough to immediately seek a different counselor. Vulnerable and impressionable LGBTQ youth are often not so fortunate.

Please support the ban of conversion therapy in Appleton.

Sincerely yours, Erik Leveille, Oshkosh

Every moment is a chance to make peace possible for the world- Thich Nhat Hanh  
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**Britney K. Stobbe**

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**From:** Kurt Eggebrecht  
**Sent:** Wednesday, December 11, 2019 12:59 PM  
**To:** Britney K. Stobbe  
**Subject:** FW:

**From:** jill gault [mailto:jillgault7@hotmail.com]  
**Sent:** Tuesday, December 10, 2019 7:25 PM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:**

I am writing today in support of Appleton's ban on conversion therapy. Conversion therapy has already been condemned by the AMA, APA, and numerous other professional organizations because it does not work and puts LGBTQ people at risk for lifelong mental health issues.

Please support the ban of conversion therapy in Appleton.

Sincerely,

Jill Gault

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## Britney K. Stobbe

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**From:** Kurt Eggebrecht  
**Sent:** Wednesday, December 11, 2019 12:59 PM  
**To:** Britney K. Stobbe  
**Subject:** FW: Conversion therapy ban

-----Original Message-----

From: Samantha Zinth [mailto:samanthazinth@gmail.com]  
Sent: Tuesday, December 10, 2019 8:03 PM  
To: Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
Subject: Conversion therapy ban

Mr. Eggebrecht,

As a city of Appleton resident, I am writing in support of the ban on conversion therapy.

Conversion therapy is harmful, dangerous, and traumatic to those in the LGBTQ+ community, and can have major, long-lasting effects on mental health.

The AMA (American Medical Association), and APA (American Psychiatric Association), and numerous other licensed and professional organizations have condemned conversion therapy as ineffective and detrimental. It is a traumatic practice that is akin to child abuse.

As a parent, I ask the Board of Health to center the needs of our children, and bring this resolution to council for vote on December 18. Our kids deserve to know that Appleton is a safe community where they are accepted for who they are and free to live fully.

Thank you,

Samantha Zinth  
333 River Drive, Appleton  
920-716-4153

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**Britney K. Stobbe**

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**From:** Kurt Eggebrecht  
**Sent:** Wednesday, December 11, 2019 12:59 PM  
**To:** Britney K. Stobbe  
**Subject:** FW: Board of Health meeting

**From:** Matthew B. Rynkiewicz [mailto:matthew.b.rynkiewicz@lawrence.edu]  
**Sent:** Tuesday, December 10, 2019 8:22 PM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** Board of Health meeting

Mr. Eggebrecht,

I'm writing today in support of Appleton's ban on conversion therapy. Conversion therapy has already been condemned by the AMA, APA, and numerous other professional organizations because it does not work and puts LGBTQ people at risk for lifelong mental health issues.

Please support the ban of conversion therapy in Appleton.

Thank you,  
Matt Rynkiewicz LU '22

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**Britney K. Stobbe**

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**From:** Kurt Eggebrecht  
**Sent:** Wednesday, December 11, 2019 12:59 PM  
**To:** Britney K. Stobbe  
**Subject:** FW: Board of Health Hearing 12/11/19

**From:** Christopher J. Aceto [mailto:christopher.j.aceto@lawrence.edu]  
**Sent:** Tuesday, December 10, 2019 8:29 PM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** Board of Health Hearing 12/11/19

Hello,

I'm writing today in support of Appleton's ban on conversion therapy. Conversion therapy has already been condemned by the AMA, APA, and numerous other professional organizations because it does not work and puts LGBTQ people at risk for lifelong mental health issues.

Please support the ban of conversion therapy in Appleton, and please pass this message on to the Board of Health.

Thank you,  
Christopher Aceto

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**Britney K. Stobbe**

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**From:** Kurt Eggebrecht  
**Sent:** Wednesday, December 11, 2019 12:59 PM  
**To:** Britney K. Stobbe  
**Subject:** FW: conversion therapy ban

**From:** Karen Bruno [mailto:brunoscheffler@new.rr.com]  
**Sent:** Tuesday, December 10, 2019 8:44 PM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** conversion therapy ban

Director Eggebrecht:

I write today to implore you to support the proposed ban on conversion therapy. As I'm sure you know, conversion therapy has been condemned by the AMA, APA, and other professional organizations. Not only does it not work, it puts LGBTQ people at risk for lifelong mental health issues. Those who say they wish to have "every option available" to "help" LGBTQ friends or family members mean well, I'm sure, but they are simply wrong. Conversion therapy has no place in anyone's life, and I ask that you support its ban in Appleton.

Sincerely,  
Karen Bruno  
522 E Pacific St  
Appleton, WI 54911

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**Britney K. Stobbe**

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**From:** Kurt Eggebrecht  
**Sent:** Wednesday, December 11, 2019 1:00 PM  
**To:** Britney K. Stobbe  
**Subject:** FW: Appleton, WI: Contact Your Alderpersons email

**From:** Maria Myers [mailto:mariammyers@gmail.com]  
**Sent:** Tuesday, December 10, 2019 9:23 PM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** Fwd: Appleton, WI: Contact Your Alderpersons email

Hi Kurt!

I saw on a Facebook post that you're involved in this somehow - and I felt like I should at least pass along my feedback and two cents about NOT supporting conversion therapy. I really hope we don't have something like this in Appleton and we're just having the discussion for the greater good?

Let me know how I can help, if there's anything I can do.

My best,  
Maria



**Maria Myers**  
CEO | Meet Consulting  
m: 269.598.7346  
e: [mariammyers@gmail.com](mailto:mariammyers@gmail.com)  
[linktr.ee/Meet](https://linktr.ee/Meet)



----- Forwarded message -----

**From:** <[webmaster@appleton.org](mailto:webmaster@appleton.org)>  
**Date:** Tue, Dec 10, 2019 at 8:20 PM  
**Subject:** Appleton, WI: Contact Your Alderpersons email  
**To:** <[MariaMMyers@gmail.com](mailto:MariaMMyers@gmail.com)>

A new entry to a form/survey has been submitted.

**Form Name:** Contact US- Common Council- Group  
**Date & Time:** 12/10/2019 9:20 PM  
**Response #:** 947

Submitter ID: 40770  
IP address: 2603:6000:8501:bff5:6068:1401:6ed1:7986  
Time to complete: 2 min. , 50 sec.

## Survey Details

### Page 1

**Contact:** For a group message to all Alderpersons

**Mailing Address:** 100 N. Appleton Street  
Appleton, WI 54911

[Map](#)

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**Hours:** If you wish to contact an individual Alderperson, please click on their name for more information.

**By completing and sending this form, an email will go to all 15 Appleton Alderpersons. If you want to contact a specific Alderperson, please see the Common Council page under Departments.**

**Email Address:**  
[MariaMMyers@gmail.com](mailto:MariaMMyers@gmail.com)

**First Name:**  
Maria

**Last Name:**  
Myers

**Address:**  
3317 S Tahoe Lane

**City:**  
Appleton

**State:**  
Wisconsin

**Country:**  
United States

**Zip Code:**  
54915

**Phone Number:**

(269) 598-7346

**Fax Number:**

Not answered

**Comments/Questions:**

I wanted to send this message to communicate that I am FOR the ban on conversion therapy, in accordance with the AMA (American Medical Association), and APA (American Psychiatric Association), and numerous other licensed and professional organizations that have already condemned conversion therapy as pseudoscience, ineffective, and detrimental to mental health.

We must be better than this.

Thank you,  
**Appleton, WI**

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**Britney K. Stobbe**

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**From:** Kurt Eggebrecht  
**Sent:** Wednesday, December 11, 2019 1:00 PM  
**To:** Britney K. Stobbe  
**Subject:** FW: Please support Appleton's ban on conversion therapy!

**From:** Mia Ljung [mailto:mialjung80@gmail.com]  
**Sent:** Tuesday, December 10, 2019 9:35 PM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** Please support Appleton's ban on conversion therapy!

Dear Mr Eggebrecht,

I'm writing in support of Appleton's ban on conversion therapy. Conversion therapy has already been condemned by the AMA, APA, and numerous other professional organizations because it does not work and puts LGBTQ people at risk for lifelong mental health issues.

Please support the ban of conversion therapy in Appleton - your support has massive effect on the mental health of many of our beloved residents.

Thank you,  
Mia Ljung  
532 N Sampson St  
Appleton

--

*Mia Ljung*

[mialjung80@gmail.com](mailto:mialjung80@gmail.com)  
+1 920 840 3677

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**Britney K. Stobbe**

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**From:** Kurt Eggebrecht  
**Sent:** Wednesday, December 11, 2019 1:00 PM  
**To:** Britney K. Stobbe  
**Subject:** FW: Conversion "Therapy" Ban

**From:** Renee Millard [mailto:trumpetinstructor@gmail.com]  
**Sent:** Tuesday, December 10, 2019 10:12 PM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** Conversion "Therapy" Ban

Health Officer Eggebrecht-

I'm writing today in support of Appleton's ban on conversion therapy. Conversion therapy has already been condemned by the AMA, APA, and numerous other professional organizations because it does not work and puts LGBTQ people at risk for lifelong mental health issues.

Please support the ban of conversion therapy in Appleton.

I, as a resident of Appleton and a teacher of students of all ages, support the conversion therapy ban. Nothing good comes of it and to call it "therapy" is inaccurate.

Please, continue to listen with an open heart and open mind. Taking into account the personal testimonies and supportive documentation that you are receiving regarding the ban.

Thank you for your consideration,

Renée Millard

Sent from my iPhone

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## Britney K. Stobbe

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**From:** Kurt Eggebrecht  
**Sent:** Wednesday, December 11, 2019 1:00 PM  
**To:** Britney K. Stobbe  
**Subject:** FW: Please support the ban on conversion therapy

-----Original Message-----

From: Brian G. Pertl [mailto:brian.g.pertl@lawrence.edu]  
Sent: Tuesday, December 10, 2019 10:53 PM  
To: Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
Subject: Please support the ban on conversion therapy

Dear Director Eggebrecht,

> I'm writing today in support of Appleton's ban on conversion therapy. Conversion therapy has already been condemned by the AMA, APA, and numerous other professional organizations because it does not work and puts LGBTQ people at risk for lifelong mental health issues.

>

> Please support the ban on conversion therapy in Appleton.

>

> Respectfully yours

>

> Brian Pertl

>

> Sent from my iPhone

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## Britney K. Stobbe

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**From:** Kurt Eggebrecht  
**Sent:** Wednesday, December 11, 2019 1:01 PM  
**To:** Britney K. Stobbe  
**Subject:** FW: Undeliverable: support for ban on conversion therapy in Appleton

**From:** Amy Nottingham-Martin [mailto:amynm47@gmail.com]  
**Sent:** Wednesday, December 11, 2019 12:26 AM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** Fwd: Undeliverable: support for ban on conversion therapy in Appleton

Dear Director Eggebrecht,

I'm writing in advance of the Board of Heath's hearing tomorrow morning to express support for Appleton's ban on conversion therapy: please share this message with other members of the Board. Most major medical and psychological associations have issued statements against conversion therapy because it does not work and increases distress and threatens well-being. Here's a link to a collection of these statements, which in turn contains links to the organizations' full statements:

<https://www.hrc.org/resources/policy-and-position-statements-on-conversion-therapy>

As I hope you are aware, the American Psychiatric Association removed "homosexuality" from its list of disorders in the DSM II in 1973. Furthermore, the APA has also updated (2012) the diagnosis of "gender identity disorder" to "gender dysphoria" to reflect that identifying as a gender that does not match that assigned to an individual at birth is not itself a disorder, but that treating distress created as a result of this disconnect merits support from the medical community.

<https://www.glaad.org/blog/apa-removes-gender-identity-disorder-updated-mental-health-guide>

Treating LGBTQ+ folk as if their gender identity/sexual orientation is an illness is retrograde, the opposite of compassionate, and unethical in terms of potential harm to the individual undergoing the process. Anecdotally, I have heard conversion therapy described as torture. So please do the right thing and support the ban of conversion therapy in Appleton.

Thank you,

Amy Nottingham-Martin  
Appleton resident

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## Britney K. Stobbe

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**From:** Kurt Eggebrecht  
**Sent:** Wednesday, December 11, 2019 1:01 PM  
**To:** Britney K. Stobbe  
**Subject:** FW: Ban conversion therapy

-----Original Message-----

**From:** Margaret Paek [mailto:margaretpaek@gmail.com]  
**Sent:** Wednesday, December 11, 2019 1:22 AM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** Ban conversion therapy

Hello Kurt,

I'm writing today in support of Appleton's ban on conversion therapy. Conversion therapy has already been condemned by the AMA, APA, and numerous other professional organizations because it does not work and puts LGBTQ people at risk for lifelong mental health issues.

Please support the ban of conversion therapy in Appleton.

~Margaret Paek  
Appleton resident  
54911

Sent from my iPhone

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## Britney K. Stobbe

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**From:** Kurt Eggebrecht  
**Sent:** Wednesday, December 11, 2019 1:06 PM  
**To:** Britney K. Stobbe  
**Subject:** FW: Conversion Therapy Ban

-----Original Message-----

From: Courtney E. Wilmington [mailto:courtney.e.wilmington@lawrence.edu]  
Sent: Wednesday, December 11, 2019 10:42 AM  
To: Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
Subject: Conversion Therapy Ban

Hello Director Eggebrecht of the Health Department,

I'm writing today in support of Appleton's ban on conversion therapy. Conversion therapy has already been condemned by the AMA, APA, and numerous other professional organizations because it does not work and puts LGBTQ people at risk for lifelong mental health issues. Please help us learn from history, instead of repeating it.

Please support the ban of conversion therapy in Appleton.

Thank you for your time,  
Courtney Wilmington

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## Britney K. Stobbe

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**From:** Kurt Eggebrecht  
**Sent:** Thursday, January 02, 2020 9:31 AM  
**To:** Britney K. Stobbe  
**Subject:** FW: Resolution #15-R-19 Youth Mental Health  
**Attachments:** Clinical studies on Conversion Therapy effectiveness.pdf; Banning SOCE Would be Especially Harmful to Adolescents.pdf; A Formal Response to 2009 APA Task Force Report.pdf

One more

**From:** michael.d.levenhagen@gmail.com [mailto:michael.d.levenhagen@gmail.com]  
**Sent:** Monday, December 30, 2019 4:16 PM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>; 'District' <6@appleton.org>  
**Subject:** Resolution #15-R-19 Youth Mental Health

Could you please distribute this e-mail to the entire Board of Health Committee, as I do not have contact information for everyone.

I was glad to see the Appleton Board of Health Committee is committed to looking at actual data and scientific research to make your decision on Resolution #15-R-19 Ban on Conversion Therapy for Minors. I am not addressing this issue from a political perspective, but attempting to give you actual documentation to help in your deliberations.

I am attaching documentation of actual research as well as critique of "reports" and "resolutions" that have been circulated that critique Conversion Therapy (also known as Sexual Orientation Change Efforts – SOCE) without clear, unbiased scientific data.

Please also consider that by banning SOCE for minors, the city would only allow one type of therapy for those dealing with unwanted LGBT attractions – it is called Affirming Therapy (also known as Multicultural Therapy). To give this resolution a fair hearing, I would encourage the committee to review Affirming Therapy under the same standards as Conversion Therapy.

Please review the following attachments:

1. **Banning SOCE Would be Especially Harmful to Adolescents** - a two-page document referencing research that indicates this type of legislation would be counter-productive.
2. **Clinical studies on Conversion Therapy Effectiveness** – a three-page documentation of published studies showing the effectiveness of SOCE
3. **A Formal Response to 2009 APA Task Force Report** – A critique of the often quoted 2009 APA Gay Task Force Report. This critique also can be applied to the September 2019 report that was distributed in the December meeting.

Finally, consider the following: Reasonable clinicians and mental health association representatives should agree that anecdotal accounts of harm constitute no basis upon

which to prohibit a form of psychological care. If this were not the case, the practice of any form of psychotherapy could place the practitioner at risk of regulatory discipline, ***as research indicates that 5 to 10% of all psychotherapy clients report deterioration and as many as 50% experience no reliable change during treatment (Hansen, Lambert, & Forman, 2002; Lambert & Ogles, 2004).***

Thank you for taking the time to review these documents for your deliberations.

Regards,

Michael Levenhagen, ASQSSBB  
Gender Identity Consultant for Wisconsin Family Council  
920-303-1041  
[Michael.d.levenhagen@gmail.com](mailto:Michael.d.levenhagen@gmail.com)

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This is a collection and critique of 31 clinical research studies, individual case studies and surveys on homosexuality and the possibility of change published in books or academic journals between 1952 and 2003. The reviewers looked for reported changes, and supporting evidence for changes, in behavior, attractions, fantasy and self-identification by the subjects of the various studies and surveys. They summarize the collective results of 28 of the studies, and discuss the other three separately.

Collectively, the 28 studies present information on 2,252 subjects. The reviewers with the "Homosexuality and the Possibility of Change (HP&C)" project selected for analysis only those subjects for whom enough data was available in the published reports to assign the subjects approximate before-and-after Kinsey sexual orientation scores of from 0 (exclusively heterosexual) to 6 (exclusively homosexual). They eliminated from consideration those subjects whose "before" scores were lower than 5 (where 5 is "predominantly homosexual") or for whom insufficient information was available to assign any scores at all.

The reviewers found that using even this conservative before-and-after analysis, the published research clearly supports at least:

- 45 cases of people who were exclusively or predominantly homosexual (a 6 or 5 on the Kinsey scale) making a full shift in sexual orientation (to a 0 on the Kinsey scale).
- 287 cases of people who were exclusively or predominantly homosexual (a 6 or 5 on the Kinsey scale) making a partial shift in sexual orientation (to a 1 or 2 on the Kinsey scale).
- 86 cases of people who were exclusively or predominantly homosexual who transitioned to satisfying heterosexual relationships. (This third group of studies measured change by external behavior and reports of satisfaction, rather than reports of levels of attraction.)

Thus you have at least **418** cases in the published psychological literature of heterosexual orientation shift, according to the criteria used by the "Possibility of Change" project. However, the studies themselves actually report at least **563** subjects who experienced varying degrees of change toward increased heterosexuality. (The lower number is due to the project reviewers applying uniform criteria, years after the fact, to summarize more than 50 years of published studies, and thus excluding reports that didn't fit their criteria for analysis.)

Some may argue that many of these studies are old, and thus outdated. But old and outdated are not synonymous. Research doesn't "go bad" with time alone, like old bread. Older research can be confirmed, expanded, reinterpreted or contradicted by new, better designed or more thorough research. But age alone never invalidates a research study. And it is striking that these 31 studies, conducted over 50-some years, consistently show at least some evidence for sexual orientation shift, every time.

Year	Name	Published	No. of subjects	No. experiencing at least some heterosexual shift	# counted by H&PC; Project as K6/5 to K0/1 shift
1952	Poe, John S.	Psychoanalytic Review	1	1	1
1958	Hadfield, J.A.	British Medical Journal	9	6	6
1959	Ellis, Albert	Journal of Clinical Psychology	1	1	1
1962	Bieber, et al	Book: "Homosexuality: A Psychoanalytic Study"	106	29-43	14
1965	Mayerson & Lief	Book: "Sexual Inversion: The Multiple Roots of Homosexuality"	19	9	6
1966	Mintz	Journal of Consulting Psychology	10	3	3
1966	Hadden	International Journal of Group Psychology	32	12	12
1967	Kaye	Archives of General Psychiatry	?	?	--
1969	Wolpe	Book: The Practice of Behavior Therapy	1	1	1
1969	Wallace	Psychoanalytic Review	1	1	1
1970	Hatterer	Book: Changing Homosexuality in the Male	143	49-67	12
1973	Liss & Weiner	American Journal of Psychotherapy	1	1	1
1973	McCrary	Journal of Behavioral Therapy and Experimental Psychiatry	1	?	--
1973	Barlow and Agras	Journal of Applied Behavior Analysis	2	2	1
1974	Canton-Dutari	Archives of Sexual Behavior	54	44-49	15
1975	Freeman and Meyer	Behavior Therapy	11	9	4
1976	Callahan	Book: Counseling Methods	1	1	1
1978	Socarides	Book: Homosexuality	45	20	20
1979	Masters & Johnson	Book: Homosexuality in Perspective	67	29	12
1980	Pattison & Pattison	American Journal of Psychiatry	11	11	5
1980	Birk	Book: Homosexual Behavior: A Modern Reappraisal	29	18	18
1986	Van den Aardweg	Book: On the Origins and Treatment of Homosexuality	101	37	5
1992	Shechter	International Forum of Psychoanalysis	1	1	1
1993	Golwyn & Sevlie	Journal of Clinical Psychiatry	1	1	1
1994	Berger	American Journal of Psychotherapy	1	1	1
1994	MacIntosh	Journal of the American Psychoanalytic Association	1215	276	276
1999	Schaeffer	Journal of Psychology and Theology	140	?	--
2000	Schaeffer	Journal of Psychology and Christianity	248	?	--
Total			2252	563 (25%)	418 (19%)

In their book, "Homosexuality: The Use of Scientific Research in the Church's Moral Debate," psychologists Dr. Stanton L. Jones and Dr. Mark A. Yarhouse present summary data on 30 research studies conducted between 1954 and 1994. Of these, 13 are also included in New Direction's "Homosexuality and the Possibility of Change" summary, but 17 are not. These 17 additional studies, conducted mostly in the 1960s

and 1970s, present data on 327 subjects. Of these, **108** men and women made a successful shift from primarily homosexual to primarily heterosexual attractions and/or behaviors.

*Source: Jones, Stanton L., and Yarhouse, Mark A., Homosexuality: The Use of Scientific Research in the Church's Moral Debate, InterVarsity Press, 2000, p. 123, 131*

Year	Name, Where Published	No. of subjects	No. experiencing at least some heterosexual shift
1954	Eliasberg, Group Psychotherapy	6	3
1958	Hadden, American Journal of Psychiatry	3	1
1960	Beukenkamp, Archives of General Psychiatry	1	1
1960	Finney, Journal of the Society of Therapists	3	2
1961	Litman, International Journal of Group Psychotherapy	1	In process
1965	Munzer, Topical Problems of Psychotherapy	18	5
1966	Stone, Schengber & Seifried, International Journal of Group Psychotherapy	1	In process
1967	MacCulloch & Feldman, British Medical Journal	35	10
1967	Singer & Fischer, International Journal of Group Psychotherapy	8	4
1970	Johnsgard & Schumacher, Psychotherapy: Theory, Research and Practice	5	0
1970	McConaghy, British Journal of Psychiatry	40	10
1970	Truax, Moeller and Tourney, Journal of the Iowa Medical Society	20	In process
1971	Pittman & DeYoung, International Journal of Group Psychotherapy	6	3
1971	Truax & Tourney, Diseases of the Nervous System	30	20
1972	Covi, Psychotherapy and Psychosomatics	30	In process
1974	Birk, Journal of Sex and Marital Therapy	66	14
1984	Schwartz & Masters, American Journal of Psychiatry	54	35
	Total	327	108 (33%)



## **Banning SOCE Would be Especially Harmful to Adolescents**

The fact that homosexuality, especially in males, usually develops in vulnerable individuals during childhood and adolescence makes banning SOCE especially harmful to adolescents.

It is not uncommon for youth to question their sexual orientation as a normal part of the maturation process. For example, one large U.S. study of 12-year-olds found that 26 percent were uncertain about their sexual orientation.<sup>1</sup> Yet the best estimates are that less than 2 percent of the U.S. population is exclusively homosexual.<sup>2</sup> This means that most of these confused youth grow up to be heterosexual.

As noted earlier, banning SOCE would further victimize youth who have been the victims of sexual molestation, and who, primarily for that reason, are experiencing sexual orientation confusion or are developing unwanted same-sex attraction. Therapy that has been proven effective by the personal experience of many sexual abuse victims would be denied to minors where laws are passed to ban SOCE. And adolescents who may not have been molested, but are still experiencing sexual orientation confusion or unwanted same-sex attraction for other reasons, would also be denied this right.

Most of the legislation being proposed does not ban all therapy for struggling youth, only change therapy that might help them overcome an unwanted sexual orientation or resolve sexual orientation confusion by offering them support and guidance if they want to develop a heterosexual orientation. This is in essence what SOCE is.

But there is another therapeutic approach for those dealing with any issues related to sexual orientation known as “affirmative therapy.” This form of therapy is favored by homosexual rights activists and their allies because it focuses on “affirming” homosexuality by trying to help an individual accept, cope with, and be more comfortable with his or her same-sex attraction. It is based on the false premise that homosexuals are “born that way” and that no one should try to change (which is precisely the reason why it is supported by homosexual rights activists and their allies).

There is little question that affirmative therapy is helpful for many homosexuals who are comfortable with their same-sex orientation. But for those with *unwanted* same-sex attraction, being subjected to affirmative therapy can be devastating because it not only fails to hold out the possibility of change that they are seeking, but also implicitly tells them that they cannot change and must learn to live with their present sexual orientation.<sup>3</sup>

What the governments in the two U.S. states that have adopted laws banning SOCE for minors are actually doing is dictating that only one of these two therapeutic approaches can be offered to

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<sup>1</sup> Remafedi, G., Resnick, M., Blum, R., Harris, L. (1992). Demography of sexual orientation in adolescents. *Pediatrics*, 89,714-721.

<sup>2</sup> 3 Gates, G. J. “How Many People are Lesbian Gay, Bi-sexual and Transgender?” Williams Institute. Retrieved from <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-How-Many-People-LGBT-Apr-2011.pdf>.

<sup>3</sup> See Lock, J. (1998). Treatment of Homophobia in a Gay Male Adolescent. *American Journal of Psychotherapy*, 52, 202-214. This article dramatically illustrates the harm that can be done by subjecting someone with strongly felt, unwanted same-sex attraction to affirmative therapy. Contrast this to Caleb’s positive experience with SOCE that he relates in FWI’s video “Understanding Same Sex Attraction” <https://vimeo.com/71799175>.



clients. These governments are doing this with no evidence that SOCE is ineffective or that the known benefits outweigh any possible risks for harm. As noted above, the APA in its report on SOCE had to admit that there is no evidence of undue harm. And the organization also had to admit that “Given the limited amount of methodologically sound research, we cannot draw a conclusion regarding whether recent forms of SOCE are or are not effective.”<sup>4</sup>

Those trying to ban SOCE often allege there is an increased risk of suicide as a result of undergoing this therapy. As noted above, there is in fact no research that supports a higher risk generally for SOCE. Indeed, the problem of suicide among adolescents raises some special concerns about banning SOCE according to some of the research.

One significant research study found that for every year that an adolescent postpones self-identifying as homosexual, the risk of suicide drops 20 percent per year.<sup>5</sup> If an adolescent undergoing affirmative therapy is told during the period of normal confusion about sexual orientation that homosexuality is an inborn trait that cannot be changed and believes it, this can push the adolescent into early identification as same-sex attracted and increase the risk of suicide. It can also push an adolescent into same-sex sexual exploration and homosexual pornography, which, in and of themselves, can be a contributing factor in tipping a vulnerable youth toward homosexual behavior, which will subsequently put them at a high risk for many negative health consequences. Unfortunately, such messages as “if you think you might be gay, you are” and “if you think you might be gay, you need to experiment sexually and find out” are all too frequently conveyed by homosexual rights activists, same-sex attracted peers, and even counselors and affirmative therapists.

Suicide has been called the ultimate expression of hopelessness. There can be multiple causes of this hopelessness in individuals with unwanted same-sex attraction, but many individuals who have been helped by SOCE efforts have testified that this therapy and the possibility of change turned their despair into hope. Many believe that SOCE literally saved their lives by preventing them from resorting to suicide. Yet those seeking to ban SOCE and many mental health professionals driven by political correctness will not acknowledge that it is beneficial in any way and can in itself reduce the risk of suicide for many adolescents.

By legislating that only affirmative (not change) therapy is available for any struggling youth regardless of whether it is appropriate for their individual circumstances, such as being victims of molestation, banning SOCE will guarantee that some of these youth who might have been helped will instead be further harmed. Finally, banning SOCE will reinforce the fallacy that people are “born gay,” thus leading many teachers, counselors and others who work with youth to continue to convey this fallacy with all the harm that this alone can cause.

As a result, teenage suicides inevitably will increase if SOCE is banned.

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<sup>4</sup> American Psychological Association Report of the APA task force on appropriate therapeutic response to sexual orientation, 2009, page 42, Retrieved from <http://www.apa.org/pi/lgbt/resources/therapeutic-response.pdf>.

<sup>5</sup> Remafedi, G., Farrow, J. A., Deisher, R. W. (1991). Risk factors for attempted suicide in gay and bisexual youth. *Pediatrics* 87, 869-875.

## **A Formal Response to the Report of the American Psychological Association Task Force on Appropriate Therapeutic Responses to Sexual Orientation<sup>1</sup>**

**By The National Association for Research and Therapy of Homosexuality (NARTH)**

In February 2007, the American Psychological Association (APA) established the Task Force on Appropriate Therapeutic Response to Sexual Orientation (TF). The goal of this six member TF was to answer clinical questions about the efficacy of sexual orientation change efforts. They produced a 138-page document updating and promulgating the APA resolutions of the same title.

The TF deemed that the report was grounded in the scientific fact that same-sex attractions, behavior, and orientations were normal and positive variants of human sexuality. In this view, same-sex orientations do not represent mental or developmental disorders. The TF incorrectly used the research methods of *evidence-based medicine* to address the following clinical questions: (1) are sexual orientation change efforts (SOCE) effective at changing sexual orientation, (2) are SOCE harmful, (3) are there any additional benefits that can be reasonably attributed to SOCE? The TF broadly defined SOCE and categorized research studies into three designs: experimental, quasi-experimental, and non-experimental. The three categories represented types of *quantitative* research design. The TF then applied quantitative research design to *behavioral* research.

The goal of this response is to address concerns about the TF report and the promulgated APA resolutions which the report recommended in an appendix. A major theme

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<sup>1</sup> This represents a formal, over arching scientific response by NARTH to the APA's Task Force report. NARTH already has responded with a shorter statement: <http://www.narth.com/docs/apataskforcereportbroch.pdf>. This paper is not exhaustive, Other commentaries on particular aspects of the APA report by individual NARTH members may be seen at: <http://www.narth.com/>.

of the report, that must not be overlooked, is the driving force of multiculturalism<sup>2</sup> or the belief that all cultures are created equal. This ideology allows the APA to assert the null hypothesis as policy; in plain terms, the policy is that homosexuality as culture is no different than heterosexuality as culture. If there is truly no difference between these two “cultures”, questions should be asked and answered through scientific inquiry that would allow professionals and laypersons to accept or reject the null hypothesis, i.e. decide rationally whether or not the cultures of homosexuality and heterosexuality differ - and if so how.

Answering these questions scientifically requires adding to the body of knowledge through quantitative or qualitative research. But, in an apparent rush to advance gay civil liberties, the APA ignores these basic questions. However, it is NARTH’s position that: (1) basic science relies on quantitative - and sometimes qualitative - data to explain theory and support scientific conclusions. And (2), policy, multiculturalism, or subjective truths cannot be demonstrated, verified or disproved solely by quantitative data alone. The application of the scientific method and the interpretation of its findings should preempt jumping to conclusions where no data exists. This is in keeping with the APA’s own “Leona Tyler Principle,” which states that in speaking as psychologists, whether as an organization or as individuals, advocacy should be based on scientific data and demonstrable professional experience. Otherwise, psychologists are free to speak individually or as members of a group, but only as “concerned citizens.”

Additionally, the importance of preventing biases in scientific research cannot be overlooked. Bias is the over representation or the under presentation of segments of the population. In the postmodern world, this applies not only to the sample, but also to the

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<sup>2</sup> Multiculturalism is part of a postmodern ideology or worldview (*Zeitgeist*) in which traditional scientific inquiry is devalued and replaced with subjective “truth”.

investigator(s). It is important to note that the TF members consisted of individuals who were on record as opposing re-orientation approaches before being named as a TF member.<sup>3</sup>

Although a number of APA member psychologists, equally as qualified as those selected, but also experienced in working with those distressed by unwanted homosexual attractions, were recommended to the APA, none were named as a member of the TF. Since the TF included only members with arguably strong gay-activist backgrounds, it may be assumed that this influenced their ability to look objectively at all of the existing scientific data. Although a clear case could be made for confirmation bias simply based on the membership of the TF formally responsible for the report and associated resolutions, the balance of this response addresses the merits of the report itself.

#### **STRONG ASSERTIONS MADE IN THE ABSENCE OF SCIENTIFIC EVIDENCE:**

##### *Concerns about the following APA Resolutions*

*APA Resolution – That the American Psychological Association affirms that same-sex sexual romantic attractions, feeling, and behaviors are normal and positive variations of human sexuality regardless of sexual orientation identity.*

*APA Resolution – That the American Psychological Association reaffirms its position that homosexuality per se is not a mental disorder and opposes portrayals of sexual minority youths and adults as mentally ill due to their sexual orientation. (APA, 2009, p. 120)*

Quantitative research addresses predictions (hypotheses) that are based on the premise that scientific knowledge can be organized into general laws. The TF grounds the

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<sup>3</sup> Judith M. Glassgold sits on the board of the Journal of Gay and Lesbian Psychotherapy and is the past president of APA's Gay and Lesbian Division 44; Jack Dresher is a well-known gay-activist psychiatrist; Lee Beckstead is on record as opposing any efforts to change sexual orientation and is a gay-identified man; Beverly Green was the co-editor of APA Gay and Lesbian Division 44 series on Psychological Perspectives on Lesbian, Gay, and Bisexual Issues; Robin Lin Miller worked for the Gay Men's Health Crisis and has written for gay publications; and Roger Worthington is the interim Chief Diversity Officer at the University of Missouri and was awarded the "2001 Catalyst Award" from the LGBT Resource Center.

aforementioned resolutions in what is claimed as “scientific fact” (dogma/law); namely, that homosexuality is a normal and positive variant of human sexuality (APA, p. 2). Normal is defined by the TF as the absence of mental or developmental disorders. This definition is supported by references from research that shows or claims to show that the homosexual population suffers no more or less mental or developmental disorders than the heterosexual population. The TF makes no mention of more recent and higher quality studies that show that homosexuals do have more mental health issues. When the TF does mention other mental health issues, it deems that these psychological disturbances are caused by “organismic (in-) congruent” religiosity and the stigmatism of a prejudiced society. However, no experimental, quasi-experimental or qualitative data are presented that support their conclusion, let alone even define what are “normal” (typical or usual, if not good, healthy) variations in human sexuality in the overall population. If this type of statistical data exists, the TF should present it in support of their position.<sup>4</sup>

Additionally, the TF does not define the meaning of a positive variant of human sexuality. They need to specifically define “positive variant”, paying particular attention to the positive reproductive advantage of homosexuality. Although it is understood that reproduction is not the only goal of human sexuality, it is likely the most important. The TF should address this oversight before incorporating the word “positive” into formal APA resolutions.

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<sup>4</sup> In more technical terms, what is lacking is a predictive population frequency of variations in human sexuality that could be defined as normal (no reference range). No descriptive statistics are presented that define a *Gaussian distribution* or probability of population statistics relative to human sexuality. As presented, the definition of “normal variant” could be misinterpreted that homosexuality falls within two standard deviations of a human sexuality distribution; however, it is much more likely that homosexual behavior falls into or near the tails of a normal distribution. For example, for a trait that was “normally distributed” (e.g., height), most or roughly 68% of persons would be within one standard deviation of the “mean” (average) height common for someone of that sex, and “almost all” or roughly 95% of persons would be within two standard deviations of their mean height. Statistically, the TF lacks the research to claim that homosexuality is “normal”, i.e., statistically “not uncommon”.

Also missing from the TF's work is a scientific grounding, i.e., suitable references of quality research findings, for the origin of such a variant. For example, if homosexuality is genetic in origin, the human chromosome which contains the specific gene should be identified. It should be stated whether the gene is *autosomal* or sex-linked. There is no identification of the specific protein product of that gene, and there is no mention of the function of the protein and its influence on behavior. The TF report misses this opportunity to present clearly the scientific, i.e., empirically demonstrable, "facts" or data on which their hypotheses are based.

Though not specifically stated in the report, an implicit hypothesis of the TF is that SOCE have no effect on sexual orientation. This is a correctly stated null hypothesis. However, hypothesis-driven biases are a potential outcome of all quantitative research designs. Functioning from what they believed is a scientific fact that same-sex sexual attractions, behavior, and orientations are normal and positive; the TF's hypothesis would come from this presumably governing scientific law. The TF's "scientific fact" (dogma) established the paradigm that guided the Task Force into their ultimate conclusion not to reject the null hypothesis, i.e, not to accept any evidence of any kind that demonstrated that SOCE may work. With such an initial bias, SOCE's could never be shown or seen to work as their caregivers or recipients intended because, by definition, experience cannot overcome a "scientific fact."<sup>5</sup>

## **BIAS IN THE APPLICATION OF EMPIRICAL AND CLINICAL CRITERIA**

### *Concerns about the following APA Resolutions*

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<sup>5</sup> The analysis in this section is also relevant for considering the implications of the TF report's claim of a second "scientific fact": "*Gay men, lesbians, and bisexual individuals form stable, committed relationships and families that are equivalent to heterosexual relationships and families in essential respects*" (APA, p. 2). Cited references, for this and the other "scientific fact" mentioned in the report, include only the political decision to remove "homosexuality" from the DSM-II, APA resolutions, and opinion pieces by gay activists as references. None of these, singly or taken together offer sufficient proof for these TF assertions.

APA Resolution – *That the American Psychological Association concludes that there is insufficient evidence to support the use of psychological interventions to change sexual orientation.*

APA Resolution – *That the American Psychological Association concludes that the benefits reported by participants in sexual orientation change efforts can be gained through approaches that do not attempt to change sexual orientation.*

APA Resolution – *That the American Psychological Association concludes that the emerging knowledge on affirmative multiculturally competent treatment provides a foundation for an appropriate evidence-based practice for children, adolescents, and adults who are distressed by or seek to change their sexual orientation.* (APA, 2009, p. 120)

*Evidence-based medicine* research design is a quantitative approach to studying treatment methods involving a cause (independent variable) on some effect (dependent variable). The randomized clinical trial or randomized control trial is the gold standard for sources of new knowledge in evidence-based medicine. The TF deems that their review assessed the current randomized control trials (experimental), nonequivalent group comparisons (quasi-experimental), and multiple uncontrolled designs (non-experimental) as if the methods of evidence-based medicine research were appropriate for evaluating the efficacy or effectiveness of SOCE.<sup>6</sup>

The TF report includes no SOCE or affirmative-multicultural studies that fit the standards of evidence-based medicine research. No studies are presented that directly compare an SOCE to an affirmative-multicultural therapy. The TF and their report's attempt to evaluate SOCE

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<sup>6</sup> In general, it is methodologically difficult to prove a cause and effect relationship between variables that are meant to impact human behavior. Experimental (quantitative) data link independent variables to dependent variables (in this instance, SOCE to change in one or more facets of sexual orientation). This makes it difficult to show if and the extent to which SOCE may impact sexual orientation. This is especially true in the light of the experimental data that is presented in the report. The TF lumps the outcome research findings of all the SOCEs which are reported together. Also, the TF excludes other clinical and research data which otherwise support the efficacy of SOCE. Methodologically, the TF has applied reasoning that sets the stage for a *Type II error*, i.e., failing to notice significant or meaningful change when it does occur. Again, *quantitative* research design is difficult to use in the study of any behavior, including sexual orientation.

using evidence-based research in accordance with randomized control design is an inappropriate application of the scientific standard. In light of this, an attempt will be made to address the SOCE studies as presented in the report.

The TF reported that six randomized control trials of acceptable SOCE were completed from 1969 to 1975. In all cases, some form of *aversion therapy* was the intervention (independent variable) and penile circumference was the effect (dependant variable) measured. Aversion therapy was popular among mental health professionals in the 60's and 70's and was used to treat many types of unwanted behaviors. During that time, there was some use of aversion therapy on persons with distress regarding sexual orientation. However, it was concluded at least 25 years ago that these types of interventions were unethical and did not work in regard to human behavior. In other words, what worked for lower mammals did not work on humans. Yet, the TF seems to imply that these types of therapies are still being used. Also, the TF gives far too much attention to outdated, unethical aversion therapies and too little attention to current approaches to psychological care which are aimed at restoring congruence (attachment). In the TF's view, six randomized control studies of aversion-based SOCE pass the *rigor* test because of their randomized design. However, these studies are not relevant to gathering data about whether modern approaches to SOCE work. Additionally, the rigorous standard (randomization) set by the TF for SOCE would not be met for research cited by the TF in support of the affirmative-multicultural approaches which it recommends.

In the TF report, affirmative-multicultural therapies should have been presented and subjected to the same standard, presenting their strengths and weaknesses as scrupulously as those of SOCE. This is a significant - and arguably fatal - weakness in the literature review of the



report. When used correctly, the methods of evidence-based medicine demand an equitable comparison of one kind of therapy to another therapy. If such a method were relevant for assessing the absolute and relative efficacy/ effectiveness of SOCE and the TF preferred “affirmative-multicultural” therapies, then the TF clearly fails to apply the standards consistently, in an objective or professional manner.

The TF cited three quasi-experimental studies from the years 1971 to 1981. Subjects in these research studies were not randomized, but assigned to nonequivalent treatment groups. These studies did not pass the Task Force’s rigor test. Unfortunately, the studies overwhelmingly relied on aversion therapies as well. These studies only help to show that behavior modification was not the answer. No other answers to the clinical questions can be gleaned from these studies.

The TF further cited thirty-six non-experimental studies from the years 1960 to 1976. In non-experimental design, there is no attempt to control, eliminate, or exclude variables. Again, these studies used the form of behavioral therapy popular at the time, aversion therapy. Many of them were retrospective, i.e., subjects were studied only after they had completed treatment. Overall, as mentioned before, the studies did not support the use of aversion therapy as effective SOCE.

The TF also reported on eight recent studies completed between the years of 1999 to 2004. These studies included various research designs such as retrospective pretest, ethnography, case study, and qualitative retrospective case study. Treatments ranged from conversion therapy to Bible study. Researchers used the patients’ perceptions of the usefulness of treatment as a major outcome measure. Many patients reported that they

believed sexual reorientation therapy was helpful to them psychologically and physiologically. However, the TF dismissed the relevance of these studies because the design of these studies did not permit cause-and-effect attributions to be made. The TF valued these studies only for their ability to understand the population with distress concerning sexual orientation. To the TF, this population mostly consisted of white men with strong religious backgrounds.

Religiosity and stigmatization were the stated motivators of their distress. In the TF's view, this population relied heavily on "telic congruence" (vs. "organismic congruence"); however, the TF does not consider that these studies attempt to investigate the reconciliation of *telic* and *organismic* congruence, both of which are belief systems. It is quite possible that developmental and reparative processes including self-awareness and personal identity are not based on either doctrine.

If recent studies using SOCE therapies show that the population of interest can live more congruently with respect to the reality and needs of human physiology and psychology, the dismissal of these older studies is inappropriate. Ultimately, to offer reliable, valid and relevant scientific answers to the clinical questions addressed by the TF, psycho-social and medical clinicians and researchers must study the psychology and physiology of human sexuality as objectively as possible, without undue consideration of religious, societal, family or LGBT values. The TF has not dealt with these issues from an objective scientific stance, but from a belief system based on multiculturalism. In effect, the TF traded science for ideology and activism.

#### **NEGLECT OF CRITICAL AREAS OF SCIENTIFIC LITERATURE**

The APA TF report neglected a number of critical areas in the existing clinical and scientific literature. Studies using case study design were ignored in the TF's report. Literature which documents spontaneous change in sexual attraction was omitted. And the literature showing that a combination of factors may be involved in the development of homosexuality was not reported.

Additionally, there was no mention of the literature on the persistence and significantly greater risk of comorbid pathologies in homosexual individuals who live in gay-friendly countries such as Denmark, the Netherlands and New Zealand. Such research casts doubt on the TF's assumption that *minority stress* is primarily the source of mental-health problems for homosexuals, and suggests that some factors intrinsic to homosexuality may instead be at work in elevating the level of mental-health problems. There also was a neglect to discuss the literature on lack of relationship commitment and the relational instability among homosexual individuals, including among those who have been legally "married" or otherwise given formal civil recognition in a same-sex union.

The TF failed to discuss predictive factors in the development of homosexuality and the hypothesized mechanisms of change in SOCE interventions. No attempts were made to reconcile the APA Resolutions to new theories on the development and regulation of the central nervous system or the origin of self. Scientific knowledge has significantly increased in these areas, and the TFs should have considered them. Literature on the etiology of homosexuality (e.g., the influence of family interactions) was disregarded as if it had been scientifically disproved. The TF report also arbitrarily disregards a large subset of the literature

on SOCE, presumably due to its age. Such older research was state of the art at the time and warrants that this literature be considered more seriously.

## **SUMMARY**

Basic scientific research in all human development has advanced tremendously and is ongoing. Modern medicine owes its existence to the quantitative design of basic scientific research. As professionals, we cannot ignore this knowledge. If real theories are to emerge on the true origins of a variety of human behaviors and experiences, clinicians and researchers will have to reconcile this massive increase in knowledge. It is questionable whether a postmodern society can do this type of work.

Perhaps a future endeavor of the APA should be to design and conduct an evidence-based research study which compares a relevant SOCE to a relevant affirmative-multicultural therapeutic approach. The APA insists that affirmative multicultural therapies can provide the same relief as SOCE; however, this only can be scientifically evaluated through an evidence-based research project. Such a project ideally would use the methodological rigor emphasized by the TF. In this way, the patients would be randomized to groups, SOCE could be the intervention, affirmative multicultural therapy would be the comparison, and objective and subjective outcomes would determine the relative efficacies between the therapies. This type of study would add to the body of knowledge needed in helping to answer the important clinical questions on SOCE.

It also should be noted, however, that a true experimental test of the absolute and relative efficacy/effectiveness in the end may be therapeutically unethical to conduct. The rights of clients to self-determination, i.e., to decide their own goals of treatment, may not be

respected if clients were randomly assigned to be treated for a goal they did not want. For example, it would be unethical to force persons who do not want relief from homosexual attractions and/or behaviors to undergo therapy with that goal in mind. Similarly, it would be unethical to force a client who wanted psychological care to resolve unwanted homosexual attractions/behaviors to undergo instead therapy to enable them to accept and be pleased with those attractions/behaviors.

The conclusions of the APA Task Force are based on a postmodern belief in multiculturalism, in which traditional science is looked at with skepticism and “truth” is in the eye of the beholder. The poor use of science in the TF report appears to be yet another example of a disturbing trend. As Baker, McFall and Shoham (2009) have argued, “Clinical psychologists’ failure to achieve a more significant impact on clinical and public health may be traced to their deep ambivalence about the role of science and their lack of adequate science training, which leads them to value personal clinical experience over research evidence” (p. 8). In his introductory commentary to the Baker, et al., monograph, Walter Mischel laments that this “widening gulf” (p. 1) or “disconnect between much of clinical practice and the advances in psychological science is an unconscionable embarrassment” (p. 2). Mischel further warns that “clinical psychology... will increasingly discredit and marginalize itself if it continues the trajectory it has pursued for far too many years” (p. 1).

#### REFERENCES:

- APA Task Force on Appropriate Therapeutic Responses to Sexual Orientation. (2009). *Report of the Task Force on Appropriate Therapeutic Responses to Sexual Orientation*. Washington, DC: American Psychological Association.
- Baker, T.B., McFall, R.M., & Shoham, V. (2009). Current status and future prospects of clinical psychology: Toward a scientifically principled approach to mental and behavioral health care. *Psychological Science in the Public Interest*, 9 (2), 5-145. Retrieved on 04/21/10 from:

[http:// www.psychologicalscience.org /journals/pspi/inpress/baker.pdf](http://www.psychologicalscience.org/journals/pspi/inpress/baker.pdf).

Mischel, W. (2009). Editorial: Connecting clinical practice to scientific progress. *Psychological Science in the Public Interest*, 9 (2), 1-4. Retrieved on 04/21/10 from:

[http:// www.psychologicalscience.org /journals/pspi/inpress/baker.pdf](http://www.psychologicalscience.org/journals/pspi/inpress/baker.pdf).

Tyler, L. (1969). An approach to public affairs: Report of the Ad Hoc Committee on Public Affairs. *American Psychologist*, 24(1), 1-4. doi: [10.1037/h0037787](https://doi.org/10.1037/h0037787)



**Britney K. Stobbe**

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**From:** Kurt Eggebrecht  
**Sent:** Tuesday, January 07, 2020 11:22 AM  
**To:** Britney K. Stobbe  
**Subject:** FW: Phone Msg

Here is one more-  
Kurt

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**From:** Jamie Griesbach  
**Sent:** Tuesday, January 07, 2020 10:46 AM  
**To:** Tim Hanna <Tim.Hanna@appleton.org>  
**Cc:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** Phone Msg

Vicki Wells, Appleton resident, called re: Resolutoin 15-R-19, Converstion Therapy. She is not in favor of the ban and does not recommend the resolution. She has also urged her Alderperson, Denise Fenton, to vote against it.

I also have her address and phone number if you'd like it.

Thank you,

Jamie





## Britney K. Stobbe

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**From:** Kurt Eggebrecht  
**Sent:** Tuesday, January 07, 2020 9:02 AM  
**To:** Britney K. Stobbe  
**Subject:** FW: Appleton, WI: Contact Us email from website

One more

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**From:** Mayor  
**Sent:** Tuesday, January 07, 2020 8:58 AM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** FW: Appleton, WI: Contact Us email from website

FYI...more conversion therapy comments.

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**From:** [webmaster@appleton.org](mailto:webmaster@appleton.org) <[webmaster@appleton.org](mailto:webmaster@appleton.org)>  
**Sent:** Monday, January 6, 2020 7:23 PM  
**To:** Mayor <[Mayor@Appleton.org](mailto:Mayor@Appleton.org)>  
**Subject:** Appleton, WI: Contact Us email from website

A new entry to a form/survey has been submitted.

**Form Name:** Contact Us-Mayor  
**Date & Time:** 01/06/2020 8:23 PM  
**Response #:** 817  
**Submitter ID:** 41112  
**IP address:** 2603:6000:844d:d98:4933:25e3:5bac:9115  
**Time to complete:** 30 min. , 58 sec.

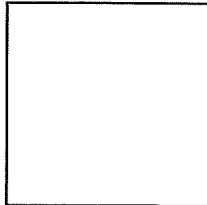
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### Survey Details

#### Page 1

**Contact:**

Timothy Hanna - Mayor



Phone: 920-832-6400  
Fax: 920-832-5962

**Mailing Address:**

100 N. Appleton Street  
Appleton, WI 54911-4799

Map

*This links to an Internet site not affiliated with the City of Appleton. By providing links to other sites, the City of Appleton does not guarantee, approve or endorse the information or products available at these sites.*

**Hours:** Monday - Friday  
8:00 a.m. to 4:30 p.m.  
2020 City Hall Closings

\*\*\*\*\*

January 1 - New Years

May 25 - Memorial Day  
July 3 - Independence Day Observation  
September 7 - Labor Day  
November 26 & 27 - Thanksgiving  
December 24 & 25 - Christmas

**Email Address \*** [crahncat@gmail.com](mailto:crahncat@gmail.com)  
**First Name:** Carol  
**Last Name:** Rahn  
**Address:** 1008 North Bay Ridge Rd  
**City:** Appleton  
**State:** Wisconsin  
**Zip Code:** 54915  
**Phone Number** 920-915-7738  
**Fax Number:** Not answered  
**Comments/Questions**

Please say NO to the proposal that bans Conversion Therapy.  
What causes more harm for our young people is the struggle in society and among their peers to who they really are. Think about it. There are only 2 choices: man or women.  
Who is going to help these young people? Drugs, Alcohol, Suicide? Changing your gender does not end well.  
Please DO NOT TAKE AWAY THEIR FREEDOM  
TO GET HELP FROM THEIR PARENTS, SCHOOL  
OR CHURCH.

Thank you,  
Appleton, WI

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**This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.**  
Attention: This message was sent from a source external to the City of Appleton. Please use caution when opening attachments or clicking links.

## Britney K. Stobbe

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**From:** Kurt Eggebrecht  
**Sent:** Monday, January 06, 2020 8:16 AM  
**To:** Britney K. Stobbe  
**Subject:** FW: Automatic reply: Appleton City Ban on Conversion Therapy

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**From:** Mark & Jane Isaac [mailto:[isaacmj7@gmail.com](mailto:isaacmj7@gmail.com)]  
**Sent:** Sunday, January 05, 2020 2:54 PM  
**To:** Kurt Eggebrecht <[kurt.eggebrecht@appleton.org](mailto:kurt.eggebrecht@appleton.org)>  
**Subject:** Re: Automatic reply: Appleton City Ban on Conversion Therapy

Mr. Eggebrecht,

I want to provide you with a link regarding the TRUTH that those confused about their sexual orientation CAN change and clear up their confusion with proper Talk Therapy and counseling. This is why the Appleton common council should OPPOSE the proposed ban on Talk Therapy. This is an agenda driven proposal by the LGBTQ community, and although well intentioned is misguided and will HURT minor children who need loving, compassionate counseling by those who can help them with their confusion brought on often by bullying, grooming, and sexual molestation at a young age. Denying these children help when they need it most is True Child Abuse. Please don't sentence these vulnerable children to a life of confusion and self-hate which often ends in suicide without proper help and loving counseling.

[https://www1.cbn.com/cbnnews/us/2020/january/former-lgbtqers-testify-if-you-no-longer-want-to-be-gay-or-transgender-you-dont-have-to-be?fbclid=IwAR3QckX0a-bR\\_oHDVNCYinXXM6rc8VwGwNMMNE9AD58IU\\_CLfGZW9IPYqFU](https://www1.cbn.com/cbnnews/us/2020/january/former-lgbtqers-testify-if-you-no-longer-want-to-be-gay-or-transgender-you-dont-have-to-be?fbclid=IwAR3QckX0a-bR_oHDVNCYinXXM6rc8VwGwNMMNE9AD58IU_CLfGZW9IPYqFU)

Mark J. Isaac

On Mon, Dec 9, 2019 at 8:29 AM Kurt Eggebrecht <[kurt.eggebrecht@appleton.org](mailto:kurt.eggebrecht@appleton.org)> wrote:

Sorry about that 7:00 am on Wednesday.

Thanks,

Kurt

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**From:** Mark & Jane Isaac [mailto:[isaacmj7@gmail.com](mailto:isaacmj7@gmail.com)]  
**Sent:** Friday, December 06, 2019 10:29 AM  
**To:** Kurt Eggebrecht <[kurt.eggebrecht@appleton.org](mailto:kurt.eggebrecht@appleton.org)>  
**Subject:** Re: Automatic reply: Appleton City Ban on Conversion Therapy

Thanks Kurt, what time is the meeting next Wednesday?

Mark

On Friday, December 6, 2019, Kurt Eggebrecht <[kurt.eggebrecht@appleton.org](mailto:kurt.eggebrecht@appleton.org)> wrote:

Next Wednesday this will be an action item at the Board of Health meeting which is held in room 6A of the City Center located at 100 N Appleton Street.

The Board of Health report then move to Common Council the following Wednesday in the same location at 7:00 pm. In order to speak at the Council meeting you will want to sign in ( table in the back of the room) 15 minutes prior to the start of the meeting.

Thanks

Kurt

Sent from my iPhone

On Dec 5, 2019, at 12:50 PM, Mark & Jane Isaac <[isaacmj7@gmail.com](mailto:isaacmj7@gmail.com)> wrote:

Hi Mr. Eggebrecht,

Can you please email me when all the meetings will be held regarding the proposed ban on Talk Therapy for minors?

Thanks so much,

Mark J. Isaac

On Wed, Nov 27, 2019 at 12:05 PM Kurt Eggebrecht <[kurt.eggebrecht@appleton.org](mailto:kurt.eggebrecht@appleton.org)> wrote:

Thanks for your e-mail. I am away from the office until Dec 2 . If this is an urgent matter please call 920-832-6429 and another staff member will assit you.

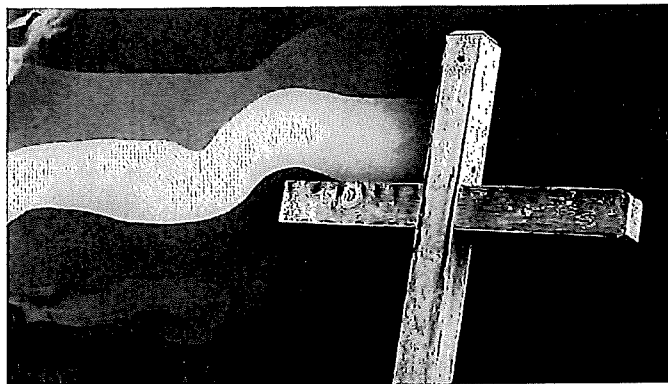
Thanks,

Kurt

Allow Ads

## **Former LGBTQers Testify: If You No Longer Want to Be Gay or Transgender, You Don't Have to Be**

01-05-2020



CAPITOL HILL—A number of former homosexuals and transgendered people gathered recently outside the U.S. Congress to say sexual identity can be changed, and their changed lives are proof.

Here are excerpts from their remarkable testimonies of change.

### **APRIL LOCKHART FROM ALBUQUERQUE, NEW MEXICO:**

"I am a former lesbian. I'm very passionate about this topic because I really embraced that life. I won't talk about how or why I went into that lifestyle. But I fully embraced it, and I was confident in who I was and I sought it out. I was a champion for the LGBT and I really even liked to just be out there and promote it."

"I had fully believed in this lie that gets perpetuated that people don't change, they can't change, and if you try to change them, it's detrimental to their health. And I just want to say that's a lie."

"I almost missed out on some of the best and most precious moments of my life. I wasn't going to get married. I wasn't going to meet my husband. I wasn't going to get to have my own children. This is not something that my mind was even open to. I didn't know that it was a possibility for me. And I stand before you now a changed woman. I don't struggle with same-sex attraction. It's almost like it never was for me. And so I would like for that lie to stop being perpetuated. It's just simply not true. People can and do change if they want. And we need to be allowed as free Americans to seek that out. Nobody has the right to tell you you can't be what you want to be. And I did want change. And through the power of God, the Creator of heaven and earth, this was able to happen. These days we're able to happen. These moments. And I'm a happy woman. I don't suffer depression. I don't suffer with anxiety. I don't drink myself into stupors like I used to have to."

**LUIS RUIZ FROM ORLANDO, FLORIDA:**

"For a long time, I was very broken and hurt. I found out that I was HIV positive because I was promiscuous. My generation would say a 'ho.' While I was searching for men, sleeping around a lot, I didn't realize that there was a man looking for me."

"And His name is Jesus. I was able to find a church where they loved me. And they taught me that my identity is not my behavior. My identity was not who I thought it was. But it was a child of God. So I stand here to say that I was a homosexual, a former 'ho.' And now I am a child of God."

**KEVIN WHITT OF DALLAS, TEXAS:**

"I'm a former transsexual, drag queen, and prostitute. I lived a life of much gender confusion, much abuse -- verbally, physically, sexually -- by my father."

"Over the years I had had probably 5,000 sexual partners because I was a sex worker. I hated myself. I hated the fact that I was a man. I never knew how to accept myself or truly love myself. And then about six years ago, someone invited me to church."

"And God began to change my life. Began to change my heart. And began to change my sexual identity, my gender confusion. And I began to heal from all those things."

"Change is possible. Because if God can change me, He can change anybody."

**ANGEL COLON, A MASS SHOOTING SURVIVOR:**

"My name is Angel Colon. I am a former homosexual. I am a survivor of the Pulse Nightclub shooting on June 12, 2016. I was shot six times, sustained a shattered femur and suffered nerve damage. A day I will never forget -- a big turning point in my life. Even in the midst of chaos, I prayed and prophesied over my life that I would survive and live free. And here I am today, standing here with no pain, here in the Capitol with my Changed family. Many think I've made my decision to leave the LGBT community lifestyle because of the shooting. But I was desiring change way before June 12, 2016. Going through this horrible tragedy made me make the biggest decision in my life, which I'm very happy with. I made this decision a year after the Pulse nightclub shooting -- finding what was the most important thing in my life, which was finding my true identity. Which was in Christ. And today I stand here in the Capitol, sharing to the world that change is possible. Yes, I am known as a Pulse survivor, but I really want to be known as living proof that God does transform lives."

**KATHYGRACE DUNCAN OF PORTLAND, OREGON:**

"My name is KathyGrace Duncan, I'm from Portland Oregon and I'm a former trans-man, former transgender. Before I went to kindergarten, at a very early age like three or four, I believed that I should have been a man. I felt that I should have

been a man. Dysfunctional family situations: my dad was very emotionally and verbally abusive to my mom, which told me that women were hated, women were weak and they were vulnerable."

"I was then molested by a family member which went on for two years, also confirming that women were weak, vulnerable and hated. At age 18, I finally surrendered and went into the lifestyle, took hormones and changed my name. From there, I began to live as a man. Two weeks later, I got saved. However, because I didn't hear from the Lord, I thought He was okay with my lifestyle."

"Four years later I was confronted by the church, and they asked me 'Who are you? Who are you really?' And at that point, I told the truth and said 'I'm a woman living as a man.' And the Holy Spirit blew into me. And I realized at that point I needed to go back to being the woman that He created me to be. The next day I started that journey out. Five years later -- it took five years for the hormone effects to really wear off -- and at that point, I crossed over and began to live fully as a woman. That was 26 years ago. And I have to say, I'm changed I'm free. I no longer struggle with the attraction to women."

**ELIZABETH WONING, CHANGED MOVEMENT CO-FOUNDER:**

"I was often suicidal or out of control. I came out during my early 20s and found solace and comfort in the LGBTQ community. They were my family. I was pursuing the path of an ordained pastor in the LGBT-affirming church movement when I began questioning my faith. That long journey led me ultimately to question my sexuality as a lesbian. Over time as my faith brought deeper emotional health, I also experienced an unexpected change in my sexual desires. Today I've been married to my husband for 14 years. I no longer experience same-sex desires and I no longer have symptoms of bipolar disorder. I've seen the restoration I have in countless lives of other Christians. Our faith compels us to share what we have received. We simply want to offer a vision to those who feel conflict in their sexual orientation. But also to ask that America recognize there are multiple options for people who experience LGBTQ. People deserve the right to choose their own path and follow their religious convictions, especially in matters of their sexuality."

**EDWARD BYRD OF WASHINGTON, DC:**

"I was born to a mother who had me at 15 years old. My home was very dysfunctional. It was abusive. I actually have seen my father put his hands on my mom. It left mental scars and emotional scars in me. It got to the point where my dad ended up abandoning us, and that left me really, really sad. As a young child, I can only remember wanting to have a relationship with my father. And him continually not showing up and being there. It was very tragic to me. So I grew up with a single mom. She was one of my only influences. And I was the guy who was not into sports. I was not going to get dirty, I was like 'that's not for me.' I want to dance and I want to sing and I want to be an actor."



"I never had the desire to be a homosexual. But it wasn't until people began calling me homosexual, it wasn't until they began planting these seeds and saying, 'Hey, you like hair, you like to dance, you over there with the cheerleaders instead of the football players. You're a homosexual.' And so that began to create curiosity. I already suffered emotional wounds from my dad not being there, that abandonment, and I was looking for male affirmation."

"For most of my teen years, I was abused by a close family member; physically abused, which led to more pain and more hurt. And so I dived into the lifestyle. I really gave myself over to promiscuity. By the time I was 18, I was stripping, I was into living the nightlife, drinking every night, partying from Sunday to Sunday."

"I knew there had to be more. And then I encountered the love of God. And He came and radically changed my life. The person you see here today is not the person I used to be. I am changed, I am fulfilled, I am living my best life. I'm smiling and I'm dancing and I'm loving life. And I want to tell the government that you cannot make decisions that will block people who were like me, who needed to change and who want to change, to find freedom."

#### **CHRISTOPHER SIMS, WAS TORTURED BY HIS PARENTS:**

"I'm a person who formerly had a same-sex attraction. When I was very young in New York City, my father – who is a pastor – raped me. And when I got to kindergarten, my mother and my father decided to take me out of school. And I was taken out of school for a total of eight years. And during that time, I was tortured by my mother. My mother was very hurt by men. So any sign of masculinity was a trigger and a threat to her. I can remember her beating me with a wire hanger until I was bloody and putting alcohol all over my body as I stood in front of a mirror. And I learned at that moment that I could not be masculine. I learned that I had to be effeminate. I had to emulate my sisters to avoid triggering her and so that I could survive."

"By the time I was 18, I had been living in Alaska for a year. I had been through foster care. That was a time where the things that I had suppressed began to manifest themselves through pornography addiction. By that time I had a restraining order. I was in anger management. I was in counseling for PTSD. And I had a measure of gender dysphoria. And it was also that year that a friend who was 18 decided to force me to go to church. I wanted nothing to do with church. But when I went to that church, I saw something in those people's eyes that I had never seen before. I saw a God that my parents did not tell me about. Those people in that church – they didn't hate me or anything. They loved me. I saw life inside of them and I wanted that freedom and that life. The love that I saw inside of their eyes convicted me of the error of my ways. And I remember for three weeks just telling God how sorry I was for all the wrong that I had done. And He said 'Christopher, I love you.'"

**GREG QUINLAN, PRO-FAMILY NETWORK FOUNDER:**

"I grew up in a dysfunctional American family like most everyone else. But my father was emotionally, physically, verbally abusive. I'm the oldest of four children, and he took his venom out on me...and his rage. I was eight years old and my dad was...it was an autumn day kind of like this...my dad was working on the car in the driveway, and he was about to explode. And I knew I was going to be the target of his venom. I just looked at him and said, 'You hate me, don't you?' He looked back at me as he took the Lord's name in vain and laughed, 'Yes, I hate you.' That wasn't a revelation. That was like 'Yeah, I knew that.'

"Then at 10 years old, the neighborhood boys found their dads' Playboys. You see, Hugh Hefner was my first molester. I was introduced to porn, and I became instantly addicted. At 10 years old, I was sexually active with boys in the neighborhood."

"My father, on his death bed, the night before he went into a coma, said to me...I said, 'Bye, Dad. I'll see you tomorrow.' He said, 'Bye, Greg. I love you, Greg.' I felt like I was in the Twilight Zone. The very man who told me he hated me now told me he loved me. From that point on, that was my journey: when I finally forgave my father, that's when the same-sex attraction started to wane. That's when it started to leave. There are so many people trapped in homosexuality who want out, that have stories so similar to everything you've heard here. And standing right here on this stage is proof that homosexuality doesn't have to last a lifetime. Ex-gays, formers, ex-trans, prove that change is possible."

These folks came to Capitol Hill to warn Congress is considering legislation banning some counseling that could lead LGBTQ people out of those lifestyles. They're leery of legislation they feel discriminates against former gays and transgenders. They said they oppose HR5, HR3570 and Senate 2008.

**PASTOR JIM DOMEN, CHURCH UNITED FOUNDER:**

"I was in the lifestyle for five years, and I was so desperate to love and be loved, I didn't care if my partner was HIV positive and Hepatitis C positive. Thankfully, I was protected and I didn't get any of those terminal illnesses. Yet, June 8, 2002, an incredible experience happened to me. Jesus transformed me. I chose to go the route of Christ. I chose to change my sexual identity. I needed help to do that. I chose to follow my faith, my belief in the Bible. I received professional counseling, psychiatrists and psychologists, as well as pastoral counseling. And bills like HR5, HR3570 and Senate 2008 would not have allowed me to get the help that I needed. Or anyone on this stage or anyone who wanted to change their sexual attraction or behaviors. I dealt with same-sex attraction since the seventh grade. No one ever forced me to change. No therapist. My parents did not. My pastor did not. My heart, my mind -- I chose to change."

**KEN WILLIAMS, CHANGED MOVEMENT CO-FOUNDER:**

"Our rights are being threatened in America. Governors think that they know better how I should identify sexually than I do."

"Apparently, we're inappropriate. It's okay for everyone else to choose their sexual identity, but not with us because we're not going with the narrative. How disrespectful of us not to go along with the narrative. Well, with all due respect, what gives you the right to decide what I'd like to pursue with my sexuality? Why in the world would you or someone sitting with a gavel or someone in an elected office decide what therapy I should or should not be able to get?"

**ANGEL COLON, MASS SHOOTING SURVIVOR:**

"This morning I want to tell the US that the Changed movement loves gay people. America needs to hear there is a diversity of experience. We just want our rights as well."

**ELIZABETH WONING, CHANGED MOVEMENT CO-FOUNDER:**

"We have chosen a different route for our lives. And in following that path, either through professional counseling or faith-based discipleship, we've obtained levels of fullness and fulfillment that most assume is impossible. We've all experienced a life-altering change that has impacted our sexuality. Many of us are in happy marriages to our opposite-sex spouses. Some even would say they no longer experience any same-sex attraction. Several of us have de-transitioned. We no longer identify as LGBTQ. And many, many people upon hearing our testimonies of fulfillment are seeking what we have."

**PASTOR JIM DOMEN, CHURCHUNITED.COM:**

"All of us up here, we love, we absolutely love the LGBTQ community. We understand you. We know what it's like. We've lived there. We've walked it. We've been from gay bars and back. We know the journey. We know the pain. And we're not telling you that any of you have to change. But if you've ever thought or needed help or desired to change, we would want to talk to you."

For further help or information contact [Changed Movement](#).

**AROUND THE WEB**

Ads by Revcontent

## Letter to the Board of Health of the Appleton Common Council:

### Modifications to the Youth Mental Health ordinance.

(1. hormones "puberty blockers" 2. Clarifications)

Dear Appleton Board of Health Members/Appleton Common Council,

I am writing with respect to the proposed Youth Mental Health ordinance otherwise referred to as a ban on conversion therapy.

If the Board of Health and the Appleton common council is considering this ordinance as an attempt to protect minors from the physical and psychological harm stemming from treatment of gender dysphoria, I am requesting that the following two modifications be made to the ordinance before passing on to the common council for review:

**1. A ban on the NON-FDA approved, "off label" use of puberty blockers and hormones for children under the age of 18 who are experiencing gender dysphoria.** I work in the pharmaceutical industry and understand that these treatments are not FDA approved for gender dysphoria in minors and are being administered to physically healthy children. It is well known that these treatments, among other things, lead to infertility, disrupt brain development and bone development, and increases the risk of osteoporosis later in life. Experts agree that these treatments are experimental as more studies are needed to show that the benefits clearly outweigh the risks and because the long-term effects of these therapies on youth, both physically and mentally, are not fully known. Bills banning these practices are or have been introduced in other states such as Texas, South Carolina, Georgia, Alaska, Illinois and Kentucky. See links below

In pharmaceutical/medical practice, "off label" use of drugs is common especially in the cases of life-threatening physical ailments such as cancer where, for some patients, conventional therapy has been shown to be ineffective. In this case however, we are prescribing for physically healthy children where studies have shown that 80-98% of those who express a gender identity different from their "bodily sex" will ultimately identify with their sex at birth IF their natural development isn't interrupted. What proven universal selection criteria is being used to avoid the use of hormones for those 80 to 98% of children? There isn't one!

Until these hormone therapies for minors have passed the properly designed safety and efficacy testing necessary to receive FDA approval, it seems prudent and necessary to ban these seemingly barbaric therapies and be added to this proposed ordinance to fully protect minors' mental and physical health. Do no harm. Please note: I am NOT proposing that licensed therapists be banned from discussing it. Which brings me to my second request for modification

<http://www.house-press.com/2019/10/30/rep-ginny-ehrhart-announces-vulnerable-child-protection-act/>

[https://genderresourceguide.com/wp-content/themes/genderresource/library/documents/NPRG\\_Full\\_Document\\_Links\\_V18.pdf](https://genderresourceguide.com/wp-content/themes/genderresource/library/documents/NPRG_Full_Document_Links_V18.pdf)

2. Further clarification and definition of terms written into the ordinance is warranted and necessary.

*“Furthermore, “Conversion therapy” will be defined as any practices or treatments offered or rendered to consumers for a fee, including psychological counseling, that seeks to change a person’s sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender”*

This ban is breathtakingly broad and vague in its definition of terms and courts have and continue to rule differently with regards to conversion therapy speech versus conduct. Is this act banning “Talk therapy”? What about the youth that are feeling same sex same attraction and do not want to ... or are struggling with the feeling or experiencing peer pressure that they may be the opposite of their birth sex but do not want to be? Or the 80-98% of youth that outgrow their gender dysphoria? Will these licensed medical professionals be able to discuss this?

Parents also seek licensed professionals that share their own worldview be they Christian, Jewish, Muslim, etc. Will these licensed medical professionals be prohibited from reading from their sacred texts during counseling sessions or just portions of it? What if a licensed therapist also provides paid counselling services at their church, synagogue, mosque? These and many other legitimate questions about this ordinance posed to certain common council members are not being answered. Or being answered differently depending on who you ask. Why is that? How will you enforce something that even council members seem to understand differently?

I know ALL agree that the past uses of abusive physical conditioning therapies were barbaric and that use as a treatment for any mental illness, physical, or phycological condition including autism and gender dysphoria in minors are no longer accepted medical practice and should be/are banned. Perhaps proposing a different, more inclusive ban of these physical and abusive phycological practices for ANY mental and phycological health issue in minors would be a better and less controversial option.

Until these important modifications are addressed and more detail and clarifications are provided *in writing* as to the extent and limitations therein, this ordinance should not move forward as it is currently written.

Respectfully,

Stacy Westmoreland - Appleton, WI

Cc: Mark Vorass - Appleton, WI (District 6)

**Britney K. Stobbe**

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**From:** Kurt Eggebrecht  
**Sent:** Tuesday, January 07, 2020 8:32 AM  
**To:** Britney K. Stobbe  
**Subject:** FW: Appleton City Ban on Conversion Therapy

Here it is-  
Kurt

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**From:** Ralph Wells [mailto:ivbnredemd@sbcglobal.net]  
**Sent:** Monday, January 06, 2020 6:12 PM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** Appleton City Ban on Conversion Therapy

Dear Mr. Eggebrecht,

I was recently made aware of Resolution #15-R-19.

After reading this proposal I believe this resolution is a bad idea because it would:

- 1) Tie the hands of our health care professionals. They are professionals and have been trained to treat their patients and their Parents with the counsel they feel is appropriate. They need the freedom to do this.
- 2) This proposal applies to children and minors who have not fully developed mentally or physically. They are too young to make such drastic decisions on their own. This resolution would usurp the parental right to hear all aspects of the issue.
- 3) Many of these unethical practices of conversion therapy have been discontinued. It would be better to have laws that address the abuses and harmful and disastrous procedures if they still exist. Many are done by unlicensed people.
- 4) The City of Appleton does not need this resolution. We have highly trained professionals and this resolution could force parents to seek counseling or therapy services outside Appleton's city limits.

Sincerely,

Vicki Wells

2519 N. Division St.

Appleton, Wi 54911

920-731-8714

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

## Britney K. Stobbe

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**From:** Kurt Eggebrecht  
**Sent:** Wednesday, January 08, 2020 11:50 AM  
**To:** Britney K. Stobbe  
**Subject:** FW: Citizen Comments - Conversion Therapy

One more

**From:** Mary L. Roberts  
**Sent:** Wednesday, January 08, 2020 11:48 AM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** Citizen Comments - Conversion Therapy

Hi Kurt,

Dr. Robin Goldsmith called this morning to voice her opinion on the conversion therapy issue. She is against the Youth Mental Health Act. She's basing this on her work as a doctor for her patients as well as on her faith. She did not leave a phone number for a return call.

Thank you.

*Mary L. Roberts*

Secretary to the Mayor | City of Appleton  
100 N Appleton Street, Appleton, WI 54911  
(920) 832-6400 | [Mary.Roberts@Appleton.org](mailto:Mary.Roberts@Appleton.org)

*Dedicated to meeting the needs of the community and enhancing the quality of life.*

*#IWillDoMyPart*



NOW, THEREFORE, LET IT BE RESOLVED, that the City of Appleton seeks to protect LGBTQ youth by adopting a Youth Mental Health Protection ordinance which prohibits any licensed medical or mental health professional from engaging in conversion therapy with any person under 18 years of age;

Furthermore, "Conversion therapy, will be defined as any practices or treatments offered or rendered to consumers for a fee, including psychological counseling, that seeks to change a persons' sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. "Conversion therapy" does not include counseling that provides assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity;

Furthermore, "medical or mental health professional" means any individual who is licensed by the ~~City~~ ~~or~~ State to engage in a profession related to physical or mental health, including any interns, trainees, or apprentices who provide medical or mental health services under the supervision of a licensed medical or mental health professional;

Furthermore, ~~anyone found in violation to the ban will be subject to a forfeiture of \$1000, each day a person is found to have practiced conversion therapy shall be considered a separate violation.~~ any licensed medical or mental health professional alleged to be practicing conversion therapy in Appleton as defined herein shall be referred to the State of Wisconsin Department of Safety and Professional Services, which regulates therapy services and professional counseling.

**ADOPTED: January 22, 2020**  
**PUBLISHED: January 27, 2020**  
Office of the City Clerk

**5-20**

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

(City Plan Commission 1/22/2020)

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

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

To rezone lands generally located at officially mapped Sommers Drive north and south of officially mapped Spartan Drive from AG Agricultural District to P-I Public Institutional District. Part of property tax id numbers 31-6-6001-04 and 31-6-6001-06, including the adjacent public right-of-way. (Rezoning #10-19 – City of Appleton - Sommers Dr. NO & SO Spartan Drive)

**LEGAL DESCRIPTION:**

**Description for rezoning a part of tax parcel 31-6-6001-04 to P-I:**

Part of Lot 1 of Certified Survey Map No. 4225, located in and being a part of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 92,232 sq. ft. of land and being described by:

Outlot 3 of a Certified Survey Map currently under the process and the adjoining  $\frac{1}{2}$  right of way of Sommers Drive and Spartan Drive lying adjacent thereto.

**Description for rezoning a part of tax parcel 31-6-6001-06 to P-I:**

Part of Lot 1 of Certified Survey Map No. 4225, located in and being a part of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 63,565 sq. ft. of land and being described by:

Outlot 1 and Outlot 2 of a Certified Survey Map currently under the process and the

adjoining ½ right of way of Sommers Drive and Spartan Drive lying adjacent thereto.

**COMMON DESCRIPTION:**

Generally located at officially mapped Sommers Drive north and south of officially mapped Spartan Drive. Part of property tax id numbers 31-6-6001-04 and 31-6-6001-06, including the adjacent public right-of-way

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

Dated: January 22, 2020

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Timothy M. Hanna, Mayor

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Kami Lynch, City Clerk