



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
[www.appleton.org](http://www.appleton.org)

## Meeting Agenda - Final-revised Common Council

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Wednesday, August 18, 2021

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. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[21-1175](#) Common Council Meeting Minutes of August 4, 2021

Attachments: [CC Minutes 8-4-21.pdf](#)

- G. BUSINESS PRESENTED BY THE MAYOR

[21-1202](#) Breastfeeding Awareness Month Proclamation

Attachments: [Breastfeeding Month Proclamation.pdf](#)

[21-1183](#) COVID-19 Report

Attachments: [COVID -19 Cases 8-18-21.pdf](#)

- H. PUBLIC PARTICIPATION

- I. PUBLIC HEARINGS

[21-1092](#) Public Hearing for Rezoning #9-21 for M&J Weyenberg, LLC Annexation  
from Temporary AG Agricultural District to R1-B Single Family District

Attachments: [RZ #9-21 Notice of Public Hearing.pdf](#)

- J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

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

[21-0873](#) R/B-Approve update to Municipal Code Section 4-392 related to electrical work by a home owner.

**Attachments:** [Municipal Code 4-392.pdf](#)  
[Municipal Code update 4-392.pdf](#)

**Legislative History**

6/21/21	Municipal Services Committee	recommended for approval
7/7/21	Common Council	referred to the Municipal Services Committee
7/12/21	Municipal Services Committee	held
7/26/21	Municipal Services Committee	recommended for approval
8/4/21	Common Council	referred to the Municipal Services Committee
8/9/21	Municipal Services Committee	amended

*Motion to amend and adopt updated language attached to Agenda (Firkus, second by Siebers).*

[21-1154](#)

**Morrison Street**, from Wisconsin Avenue to Glendale Avenue, be reconstructed with asphalt pavement and curb and gutter. The dimensions of the Morrison Street reconstruction project are as follows:

*Wisconsin Ave - Randall St:* New asphalt pavement to be constructed to a width of 33' from back of curb to back of curb, which is 4' narrower than the existing street within this portion of the project. Existing on-street parking to remain unchanged within this portion of the project.

*Randall St - Brewster St:* New asphalt pavement to be constructed to a width of 33' from back of curb to back of curb, which is 2' narrower than the existing street within this portion of the project. Existing on-street parking to remain unchanged within this portion of the project.

*Brewster St - Glendale Ave:* New asphalt pavement to be constructed to a width of 33' from back of curb to back of curb, which is the same width as the existing street within this portion of the project. New street to be shifted 1' to the east within this portion of the project. Existing on-street parking to remain unchanged within this portion of the project.

**Legislative History**

8/9/21	Municipal Services Committee	recommended for approval
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[21-1155](#)

**Bartell Drive**, from Prospect Ave to Pine Street, be reconstructed with asphalt pavement and concrete curb & gutter to a width of 33' from back of curb to back of curb, which is 4' narrower than the existing street. Intersection geometry at Charles St, Hickory St, and Riverdale Dr to be modified to reduce the amount of pavement and create more traditional T-intersection layouts. New concrete sidewalk to be constructed along both sides of Bartell within the project limits. Existing parking provisions within the project limits will remain unchanged.

**Attachments:** [Bartell Dr-sidewalks.pdf](#)

**Legislative History**

8/9/21	Municipal Services Committee	recommended for approval
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[21-1156](#)

**Summit Street**, from Prospect Avenue to Fourth Street, be reconstructed with asphalt pavement and concrete curb & gutter to a width of 26' from back of curb to back of curb, which is 2' narrower than the existing street. On-street parking would be removed within the project limits along the west side of Summit Street.

**Attachments:** [Summit St.-watermain breaks map & pic.pdf](#)  
[Summit St-project proposal.pdf](#)

**Legislative History**

8/9/21	Municipal Services Committee	recommended for approval
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[21-1157](#)

Request from Home Burger for a street occupancy permit to place tables and chairs in the College Avenue beautification strip at 205 W. College Avenue.

**Attachments:** [Home Burger Bar-tables .pdf](#)

**Legislative History**

8/9/21	Municipal Services Committee	recommended for approval
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[21-1158](#)

Request from Grant Thompson Construction, Inc. for a street occupancy permit to place a dumpster in the Roosevelt Street right-of-way at 610 E. Roosevelt Street from August 6, 2021 through October 8, 2021.

**Attachments:** [Grant Thompson-610 E Roosevelt St.pdf](#)

**Legislative History**

8/9/21	Municipal Services Committee	recommended for approval
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[21-1159](#)

Delete Municipal Code Article VII Sections 4-436 through 4-458 related to the Board of Heating Examiners.

**Attachments:** [Municipal Code VII.pdf](#)

**Legislative History**

8/9/21	Municipal Services Committee	recommended for approval
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[21-1160](#)

Request from Sara Wouters for a street occupancy permit to place a Pod in the Lawrence Street right-of-way at 1119 W. Lawrence Street from August 1, 2021 through October 31, 2021.

**Attachments:** [1119 W Lawrence-POD.pdf](#)

**Legislative History**



8/9/21                      Municipal Services                      recommended for approval  
   Committee

[21-1161](#)

Request from Hoffman Planning, Design & Construction Inc. for a street occupancy permit to create a construction zone during the demolition and construction of the YMCA Ramp in the Oneida Street, Lawrence Street, Morrison Street and Soldier Square right-of-way from August 26, 2021 through February 18, 2022.

**Attachments:** [Hoffman Planning-demo YMCA.pdf](#)

**Legislative History**

8/9/21                      Municipal Services                      recommended for approval  
   Committee

**2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE**

[21-1095](#)

Class "B" Beer and "Class B" Liquor License application for NAC LLC d/b/a OB's Brau Haus, Christopher Nelis, Agent, located at 523 & 525 W College Ave, contingent upon approval from all departments.

**Attachments:** [OB's Brau Haus.pdf](#)

**Legislative History**

8/11/21                      Safety and Licensing                      recommended for approval  
   Committee

**3. MINUTES OF THE CITY PLAN COMMISSION**

[21-1040](#)

Request to approve Rezoning #9-21 to rezone the M&J Weyenberg Properties, LLC Annexation, formerly part of the Town of Grand Chute (Parcel #101157102), generally located at the southeast corner of Ballard Road and Ridge Haven Lane, including to the centerline of existing adjacent right-of-way, as shown on the attached maps, from Temporary AG Agricultural District to R-1B Single-Family District

**Attachments:** [StaffReport M&JWeyenbergAnnex Rezoning For07-28-21.pdf](#)

**Legislative History**

7/28/21                      City Plan Commission                      recommended for approval  
   *Proceeds to Council on August 18, 2021.*

[21-1116](#)

Request to approve Resolution Designating Proposed Amended Boundaries and Approving a Project Plan Amendment for Tax Incremental District No. 3, City of Appleton, Wisconsin

**Attachments:** [MemoTIFs#3+#12Amendments\\_8-11-21.pdf](#)

[TID 3 PC Resolution for Amended Boundaries & Project Plan.pdf](#)

[TID No. 3 Amendment #2 FINAL Project Plan June29.2021.pdf](#)

[TID 3 CC Resolution for Amended Boundaries & Project Plan.pdf](#)

**Legislative History**

8/11/21 City Plan Commission recommended for approval

[21-1118](#)

Request to approve Resolution Designating Proposed Amended Boundaries and Approving a Project Plan Amendment for Tax Incremental District No. 12, City of Appleton, Wisconsin

**Attachments:** [MemoTIFs#3+#12Amendments\\_8-11-21.pdf](#)

[TID 12 PC Resolution for Amended Boundaries & Project Plan.pdf](#)

[TID No. 12 Amendment #1 FINAL Project Plan June29.2021.pdf](#)

[TID 12 CC Resolution for Amended Boundaries & Project Plan.pdf](#)

**Legislative History**

8/11/21 City Plan Commission recommended for approval

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

**5. MINUTES OF THE FINANCE COMMITTEE**

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

[21-1112](#)

Request to approve the Development Agreement with Merge LLC for a mixed-use development located on the southeast corner of E. Washington Street and S. Oneida Street (103 E. Washington Street) in Tax Increment Financing District No. 11

**Attachments:** [Merge DA Memo\\_8-11-21.pdf](#)

[0312 - Merge Development Agrm - 07-28-2021 \(with exhibits\).pdf](#)

**Legislative History**

8/11/21 Community & Economic Development Committee recommended for approval

**7. MINUTES OF THE UTILITIES COMMITTEE**

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

[21-1088](#)

Request to approve Police department table of organization modification to move one Communication Specialist to a newly created Crime Analyst position and move reporting structure for two areas.

**Attachments:** [Police TO modification memo.pdf](#)

[Police DRAFT 7.21.21.pdf](#)

**Legislative History**

8/11/21 Human Resources & Information Technology Committee recommended for approval

- [21-1145](#) Request to approve Health Reimbursement Account administrator change to MidAmerica.

**Attachments:** [PEHP recommendation change memo.pdf](#)  
[2021 AndCo RFP Recommendation letter.pdf](#)

**Legislative History**

8/11/21 Human Resources & Information Technology Committee recommended for approval

- [21-1146](#) Request to approve Police to over hire position of Lieutenant for remainder of 2021 and into early 2022.

**Attachments:** [Police LT over hire request 2021.pdf](#)

**Legislative History**

8/11/21 Human Resources & Information Technology Committee recommended for approval

- [21-1151](#) Request to approve Fire department to over hire position of Fire Protection Engineer.

**Attachments:** [Fire Protection Engineer Over Hire.pdf](#)

**Legislative History**

8/11/21 Human Resources & Information Technology Committee recommended for approval

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

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

- [21-1153](#) Resolution #12-R-21 Health Officer Hiring

**Attachments:** [#12-R-21 Health Officer Hiring.pdf](#)  
[Health Office Hiring Process.pdf](#)  
[Health Officer email.pdf](#)  
[Health Officer State of Wisc letter.pdf](#)  
[#12-R-21 Amendment.pdf](#)

**Legislative History**

8/11/21

Board of Health

recommended for approval

*Spears motioned, seconded by Meltzer that paragraph 1 of the resolution be amended as follows:*

*Remove "put forth new guidance in the City requiring" and replace it with "in consultation with Interim Health Officer Jensen, affirmed the CDC Guidance on the use of masks and required"*

*Roll call. Motion carried by the following vote: 6-0, Mayor Woodford abstained*

*Spears motioned, seconded by Fuchs that paragraph 2 of the resolution be amended as follows:*

*To the end of the paragraph, add "resulting in Health Officer Eggebrecht serving the city for an additional year, a nationwide search was initiated in March of 2021 for a Health Officer who meets the City's expectations for quality and qualifications"*

*Roll call. Motion carried by the following vote: 6-0, Mayor Woodford abstained*

*Spears motioned, seconded by Dr. Vogel that paragraph 3 of the resolution be amended as follows:*

*After "Common Council", remove "hereby express their concern that the City has undertaken health initiatives and enacted a public health mandate while the position of Health Officer remains vacant" and replace it with "and Board of Health hereby express their appreciation of the outstanding job that Interim Director Jensen and the Appleton Health Department do as they continue to perform at the high level serving the citizens of Appleton"*

*Roll call. Motion carried by the following vote: 6-0, Mayor Woodford abstained*

*Spears motioned, seconded by Meltzer that paragraph 4 of the resolution be amended as follows:*

*After "Common Council" add "and the Board of Health" express their support of" and remove the word "urge";*

*After "practicably as possible", remove "and prior to enacting or implementing any further COVID-19*

*guidance or mandates in the City" and replace with "who meets the qualifications required to lead a Level III Health Department"*

*Roll call. Motion carried by the following vote: 6-0, Mayor Woodford abstained*

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[21-1176](#) Ordinances #35-21, #57-21 through #65-21

**Attachments:** [Ordinances going to Council 8-18-21.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

[21-1182](#)

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.

- T. ADJOURN

Kami Lynch, City Clerk

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

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



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## Meeting Minutes - Final Common Council

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Wednesday, August 4, 2021

7:00 PM

Council Chambers

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A. CALL TO ORDER

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

B. INVOCATION

*The Invocation was offered by Alderperson Prohaska.*

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

*Alderperson Van Zeeland participated virtually.*

*Alderperson Schulz arrived at 7:25 p.m.*

**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 Matthew Reed, Alderperson Alex Schultz, Alderperson Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska, Alderperson Chad Doran and Mayor Jake Woodford

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*All departments were represented.*

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[21-1094](#)

Common Council Meeting Minutes of July 21, 2021

**Attachments:** [CC Minutes 7-21-21.pdf](#)

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

**Aye:** 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

**Absent:** 1 - Alderperson Alex Schultz

**Abstained:** 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[21-1106](#) Recognition of poems selected for the 2021 Sidewalk Poetry Program

**This Sidewalk Poems were presented**

[21-1107](#) Certificate of Recognition for the Bogenschutz Family

**The Certificate of Recognition was presented**

[21-1108](#) Certificates of Recognition for the Emergency Operations Center

**The Certificates of Recognition were presented**

[21-1110](#) ARPA Fund Allocation Process

[21-1123](#) COVID-19 Report

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

H. PUBLIC PARTICIPATION

*John Petit, 2100 S. Telulah Ave., spoke regarding Item 21-0853*

*Oliver Zornow, Building For Kids, spoke regarding Item 21-1056*

*Andrew Graf, representing the developer for Rezoning #8-21, spoke regarding Item 21-0853*

I. PUBLIC HEARINGS

[21-0920](#) Public Hearing for Comprehensive Plan Map Amendment #2-21 - Core LLC from One and Two Family Residential Land Use to Mixed Use Land Use

**Attachments:** [Public Hearing Notice Comp Plan Amend #2-21.pdf](#)

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

[21-0921](#)

Public Hearing for Rezoning #7-21 along W. Packard Street, N. Richmond Street, and W. Harris Street

**Attachments:** [RZ #7-21\\_Notice of Public Hearing.pdf](#)

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

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[21-0847](#)

Request to approve Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-21 for 719 West Packard Street (Tax Id #31-5-1232-00) from future One and Two-Family Residential land use designation to Mixed Use land use designation, as shown on the attached map, and approve the attached Resolution

**Attachments:** [StaffReport\\_FormerVFWSite\\_CompPlan+Rezoning\\_For06-23-21.pdf](#)  
[EmailFromAnaHauser\\_07-14-21.pdf](#)

**Aldersperson Hartzheim moved, seconded by Aldersperson Martin, that the Comprehensive Plan Future Land Use Amendment be approved. 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 Matthew Reed, Aldersperson Alex Schultz, Aldersperson Michael Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Joe Prohaska and Aldersperson Chad Doran

**Abstained:** 1 - Mayor Jake Woodford

[21-0849](#)

Request to approve Rezoning #7-21 for subject parcels generally located west of North Richmond Street and south of West Packard Street (Tax Id #31-5-1232-00, #31-5-1234-00, #31-5-1236-00, and #31-5-1238-00), including the adjacent one-half (1/2) right-of-way of West Packard Street, North Richmond Street (aka S.T.H. 47), and West Harris Street, as shown on the attached maps, from C-2 General Commercial District, R-2 Two-Family District, and R-1C Central City Residential District to C-1 Neighborhood Mixed Use District

**Attachments:** [StaffReport\\_FormerVFWSite\\_CompPlan+Rezoning\\_For06-23-21.pdf](#)  
[EmailFromAnaHauser\\_07-14-21.pdf](#)

**Aldersperson Hartzheim moved, seconded by Aldersperson Doran, that the Rezoning 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 Matthew Reed, Alderperson Alex Schultz, Alderperson Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

**Abstained:** 1 - Mayor Jake Woodford

[21-0873](#)

R/B-Approve update to Municipal Code Section 4-392 related to electrical work by a home owner.

**Attachments:**     [Municipal Code 4-392.pdf](#)  
                                 [Municipal Code update 4-392.pdf](#)

**This Item was referred back to the Municipal Services Committee.**

[21-0946](#)

Request to approve the allocation of excess General Fund balance at December 31, 2020 and the following related 2021 Budget amendments:

**General Fund**

Transfer Out - Debt Service/Capital Projects Fund	+\$3,840,000
Transfer Out - Industrial Park Land Fund	+\$ 250,000
Transfer Out - Facilities Capital Projects Fund	+\$ 185,000
Transfer Out - IT Capital Projects Fund	+\$ 65,000
Mayor's Office	+\$ 75,000
Public Works Department	+\$ 200,000
Finance Department	+\$ 50,000
General Fund Balance - Reserve for Brand Study	+\$ 450,000
General Fund Balance	-\$5,115,000

**Debt Service/Capital Projects Fund**

Transfer In - General Fund	+\$3,840,000
Debt Service Reduction	+\$3,840,000

**Industrial Park Land Fund**

Transfer In - General Fund	+\$ 250,000
Industrial Park Land	+\$ 250,000

**Facilities Management Capital Projects Fund**

Transfer In - General Fund	+\$ 185,000
Parks Improvements	+\$ 175,000
City Hall Improvements	+\$ 10,000

**Information Technology Capital Projects Fund**

Transfer In - General Fund	+\$ 65,000
Council Chamber AV Project	+\$ 65,000

to allocate excess general fund balance at 12/31/20 per City Fund Balance Policy (2/3 vote of Council required)

**Attachments:**    [Finance Committee - Fund Balance Policy 2021.pdf](#)  
                              [Mayor Memo.pdf](#)

**Alderperson Hartzheim moved, seconded by Alderperson Firkus, that the Budget Amendments be approved as amended in Committee. Roll Call. Motion carried by the following vote:**

**Aye:** 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Michael Smith, Alderperson Kristin Alfheim, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

**Nay:** 2 - Alderperson Katie Van Zeeland and Alderperson Nate Wolff

**Abstained:** 1 - Mayor Jake Woodford

## [21-1032](#)

Mayor's Response to Resolution #9-R-21, Transportation Utility Study

**Attachments:** [#9-R-21 TU Resolution.pdf](#)

[Transportation Utility Study Resolution Response Memo.pdf](#)

**Alderperson Doran moved, seconded by Alderperson Prohaska, 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 Matthew Reed, Alderperson Alex Schultz, Alderperson Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

**Abstained:** 1 - Mayor Jake Woodford

## L. COMMITTEE REPORTS

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

**Alderperson Hartzheim moved, Alderperson Fenton 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 Matthew Reed, Alderperson Alex Schultz, Alderperson Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

**Abstained:** 1 - Mayor Jake Woodford

## 1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

### [21-0870](#)

Approve updated Sidewalk Maintenance Policy.

**Attachments:** [Sidewalk Maintance Policy.pdf](#)

**This Report Action Item was approved.**

[21-0872](#)

Approve update to Municipal Code Section 4-141 regarding prohibited accessory buildings.

**Attachments:**     [Municipal Code 4-141.pdf](#)  
                              [Update-Section 4-141 Municipal Code.pdf](#)

**This Report Action Item was approved.**

[21-1049](#)

Request from AT&T for a street occupancy permit to place a cabinet in the terrace at 2018 S. Kernan Avenue.

**Attachments:**     [AT&T- 2018 S Kernan Ave.pdf](#)

**This Report Action Item was approved.**

[21-1050](#)

Request from AT&T for a street occupancy permit to place a cabinet in the terrace at 1407 W. Kamps Avenue.

**Attachments:**     [AT&T-1407 W Kamps Ave.pdf](#)

**This Report Action Item was approved.**

[21-1052](#)

Request from AT&T for a street occupancy permit to place a cabinet in the terrace at 1130 W. Commercial Street.

**Attachments:**     [AT&T-1130 W Commercial St.pdf](#)

**This Report Action Item was approved.**

[21-1053](#)

Request from Ruby's Pantry for a monthly street occupancy permit to close a portion of Ida Street the first Tuesday of each month from 2:00 p.m. to 7:00 p.m. adjacent to First English Lutheran Church.

**Attachments:**     [First English Lutheran Church-St Occ Permit.pdf](#)

**This Report Action Item was approved.**

[21-1054](#)

Approve updated InterGovernmental Agreement with the Town of Grand Chute and Outagamie County for intersection improvements at CTH OO/Oneida Street, CTH OO/Ballard Road and CTH OO/Roemer Road.

**Attachments:**     [CTH OO-Intersection Improvements.pdf](#)

**This Report Action Item was approved.**

[21-1055](#)

Approve Six Month Trial Period to convert existing 5 minute loading zone (5:00 p.m. to 11:00 p.m.) and taxi loading zone only (11:00 p.m. to 3:00 a.m.) to a standard 15-minute loading zone (5:00 p.m. to 3:00 a.m.) for the six parking stalls on the north side of the 400 W. College Avenue block adjacent to the Fox Cities PAC.

**Attachments:**     [400 W College Ave-parking meters.pdf](#)

**This Report Action Item was approved.**

[21-1056](#)

Request from Building for Kids Children's Museum for a street occupancy permit to install stickers and spray paint for a safe route to the museum. All installation and maintenance is the responsibility of the museum.

**Attachments:**     [Building for Kids-St Occ Permit.pdf](#)

**This Report Action Item was approved.**

[21-1060](#)

Approve proposed traffic control for Trail View Estates South Subdivision.

**Attachments:**     [Trail View Estate South Subdivision.pdf](#)

**This Report Action Item was approved.**

[21-1061](#)

Approve proposed traffic control for the Sixth and Seventh Additions to Emerald Valley Subdivision.

**Attachments:**     [Subdivision traffic control-Emerald Valley.pdf](#)

**This Report Action Item was approved.**

[21-1064](#)

Approve proposed parking restrictions related to the Bennett Street/Wisconsin Avenue enhanced pedestrian crossing.

**Attachments:**     [Parking changes-Bennett St-Wisconsin Ave.pdf](#)

**This Report Action Item was approved.**

[21-1065](#)

Approve proposed parking restrictions related to the Meade Street/Grant Street enhanced pedestrian crossing.

**Attachments:**     [Parking changes-Meade St-Grant St.pdf](#)

**This Report Action Item was approved.**

**2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE**[21-1051](#)

Class "A" Beer and "Class A" Liquor- Cider Only Change of Agent application for Kwik Trip Inc, d/b/a Tobacco Outlet Plus Grocery, Pattie Jo Vergenz, New Agent, located at 1342 W Prospect Ave, contingent upon approval from the Police Department.

**Attachments:** [Pattie Jo Vergenz S&L.pdf](#)

This Report Action Item was approved.

**3. MINUTES OF THE CITY PLAN COMMISSION****4. MINUTES OF THE PARKS AND RECREATION COMMITTEE****5. MINUTES OF THE FINANCE COMMITTEE**[21-0949](#)

Request to award the 2021 Water Treatment Facility Fire Alarm project to Faith Technologies, Inc in the amount of \$51,228 with a contingency of \$10,000 for a project total no to exceed \$61,228

**Attachments:** [2021 WT Fire Alarm.pdf](#)

This Report Action Item was approved.

[21-1069](#)

Request to accept a grant from Mary Beth Nienhaus in the amount of \$500,000 for the construction of a pickleball complex at Telulah Park

**Attachments:** [2021 Donation for Pickleball Courts.pdf](#)

This Report Action Item was approved.

[21-1075](#)

Request approval of Change Order #1 for Contract 42-21 for the 2021 Parks Hardscapes Project - AMP Parking Lot #3 Reconstruction Project for installing Engineered Base Stabilizer (EBS) and drain tile in the amount of \$60,947 resulting in an increase of the contingency from \$50,000 to \$60,947 and an increase to the overall contract amount of \$10,947

**Attachments:** [2021 AMP Parking Lot #3 Renovation Change Order #1.pdf](#)

This Report Action Item was approved.

[21-1076](#)

RIVERSIDE CEMETERY ASSOCIATION submitting a request for payment for maintenance of Veteran's graves

**Attachments:**     [Riverside Cemetery - 2021 Veteran Grave Care Reimbursement.pdf](#)  
[Riverside Cemetery - Veterans July 2020 to June 2021.pdf](#)  
[Riverside Cemetery - Military Report - 7-14-2021.xlsx](#)

This Report Action Item was approved.

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

**7. MINUTES OF THE UTILITIES COMMITTEE**

[21-1042](#)

Amend 2021A Stormwater Management Plan Review contract with Brown and Caldwell by an increase of \$20,000 for a total contract amount not to exceed \$57,500.

**Attachments:**     [2021A SWM Plan Review BC Amendment Memo Util Cmte.pdf](#)

This Report Action Item was approved.

[21-1043](#)

Amend 2021B Stormwater Management Plan Review contract with raSmith by an increase of \$20,000 for a total contract amount not to exceed \$57,500.

**Attachments:**     [2021B SWM Plan Review raSmith Amendment Memo Util Cmte.pdf](#)

This Report Action Item was approved.

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

[21-0830](#)

Request to approve Information Technology to overhire position of Help Desk Analyst.

**Attachments:**     [Help Desk Overhire Request 2021.pdf](#)

This Report Action Item was approved.

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

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

## M. CONSOLIDATED ACTION ITEMS

## N. ITEMS HELD

[21-0853](#)

Request to approve Rezoning #8-21 for the subject undeveloped parcel located on Coolidge Court (Tax Id #31-9-1117-00), including the adjacent one-half (1/2) right-of-way, as shown on the attached maps, from PD/C-2 Planned Development General Commercial District #34-84 to R-3 Multi-Family District

**Attachments:** [StaffReport\\_CoolidgeCourt\\_Rezoning\\_For06-23-21.pdf](#)

**Alderson Prohaska moved, seconded by Alderson Hartzheim, that the Rezoning be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 15 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Matthew Reed, Alderson Alex Schultz, Alderson Michael Smith, Alderson Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim, Alderson Joe Prohaska and Alderson Chad Doran

**Abstained:** 1 - Mayor Jake Woodford

## O. ORDINANCES

[21-1093](#)

Ordinances #40-21, #42-21 through #56-21

**Attachments:** [Ordinances going to Council 8-4-21.pdf](#)

**Alderson Fenton moved, seconded by Alderson Hartzheim, that the Ordinances be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 15 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Matthew Reed, Alderson Alex Schultz, Alderson Michael Smith, Alderson Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim, Alderson Joe Prohaska and Alderson Chad Doran

**Abstained:** 1 - Mayor Jake Woodford

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



Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

#10-R-21

*Scavenging of Solid Waste/Recyclables*

*Submitted By: Alderperson Smith – District 10*

*Date: 8/4/2021*

*Referred To: Municipal Services Committee*

*Whereas Appleton has restructured bulk item pickups for a number of reasons, one being to reduce the number of useful items sent prematurely to the landfill and*

*Whereas a common practice is for individuals to collect items off the terrace on garbage/recycling night and*

*Whereas this is an illegal act by city ordinance Sec. 15-32 Scavenging Solid Waste or recyclables for collection,*

*Be it resolved that city ordinance Sec 15-32 be rescinded as a way to legalize an act which would then legally help reduce items sent prematurely to a landfill.*

*Sec. 15-32 Scavenging Solid Waste or recyclables for collection is below:*

*Sec. 15-32. Scavenging of solid waste or recyclables*

*placed for collection. Authorized personnel. It shall be unlawful for any person other than authorized City employees or county recycling contractors to go through, sort or take anything from any solid waste or recyclables that have been set out for the purpose of being picked up by City refuse collection personnel. Yard waste, grass clippings and brush are not included in the prohibitions set forth in this paragraph.*

*(Ord 166-08, §1, 11-11-08; Ord 24-14, §1, 5-13-14)*

#11-R-21

*Sidewalks near Linwood Park*

*Submitted By: Alderperson Smith – District 10*

*Submitted On: 8/4/2021*

*Referred To: Parks & Recreation Committee*

*Whereas Linwood Park has sidewalks around the majority of its perimeter and,*

*Whereas easy access to parks is important to young and old,*

*Be it resolved that those parts of the perimeter of Linwood Park without sidewalks be connected to sidewalks already in existence, specifically needed sidewalk on Franklin St and Douglas St*

#12-R-21

*Health Officer Hiring*

*Submitted By: Alderperson Martin – District 4, Alderperson Reed – District 8,  
Alderperson Hartzheim – District 13, Alderperson Doran – District 15*

*Date: 8/4/2021*

*Referred To: Board of Health*

*WHEREAS, on August 4, 2021, City of Appleton Mayor Jacob A Woodford put forth new guidance in the City requiring masking in indoor public City facilities; and*

*WHEREAS, the permanent position of Health Officer for the City of Appleton has been vacant since early June, 2021, and the Mayor and city staff were aware of the pending retirement of the previous Health Officer since prior to the first COVID-19 cases in Appleton in early 2020;*

*THEREFORE, BE IT RESOLVED that the Members of the City of Appleton Common Council hereby express their concern that the City has undertaken health initiatives and enacted a public health mandate while the position of Health Officer remains vacant; and*

*BE IT FURTHER RESOLVED that the Members of the City of Appleton Common Council urge the Mayor to prioritize and expedite the hiring of a Health Officer as quickly and as practicably as possible and prior to enacting or implementing any further COVID-19 guidance or mandates in the City.*

R. OTHER COUNCIL BUSINESS

S. ADJOURN

**Alderperson Prohaska moved, seconded by Alderperson Smith, that the meeting be adjourned at 8:30 p.m. 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 Matthew Reed, Alderperson Alex Schultz, Alderperson Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

**Abstained:** 1 - Mayor Jake Woodford

Kami Lynch, City Clerk

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, human milk feeding benefits both mothers and infants and is a proven foundational prevention strategy for life-long health and wellness; and

**WHEREAS**, major medical authorities, including the American Academy of Pediatrics, recommend exclusive human milk feeding for the first six months of a child's life, with continued human milk feeding throughout the child's first year and beyond; and

**WHEREAS**, the Center for Disease Control and Prevention's latest analysis of birth certificate data reports that among infants born in 2019, only 25.8% were exclusively breastfed through six months of age, which percentage of infants exclusively breastfed is steadily declining across the country; and

**WHEREAS**, there are substantial racial and ethnic disparities in access to lactation support resulting in reduced breastfeeding rates and an associated increase in the risk of a variety of negative health outcomes; and

**WHEREAS**, breastfeeding support requires evidence-based, unbiased information, wrap-around community support, and support from partners, families, workplaces, and communities to create an environment that empowers parents to breastfeed.

**NOW THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, do hereby proclaim the month of August 2021, as

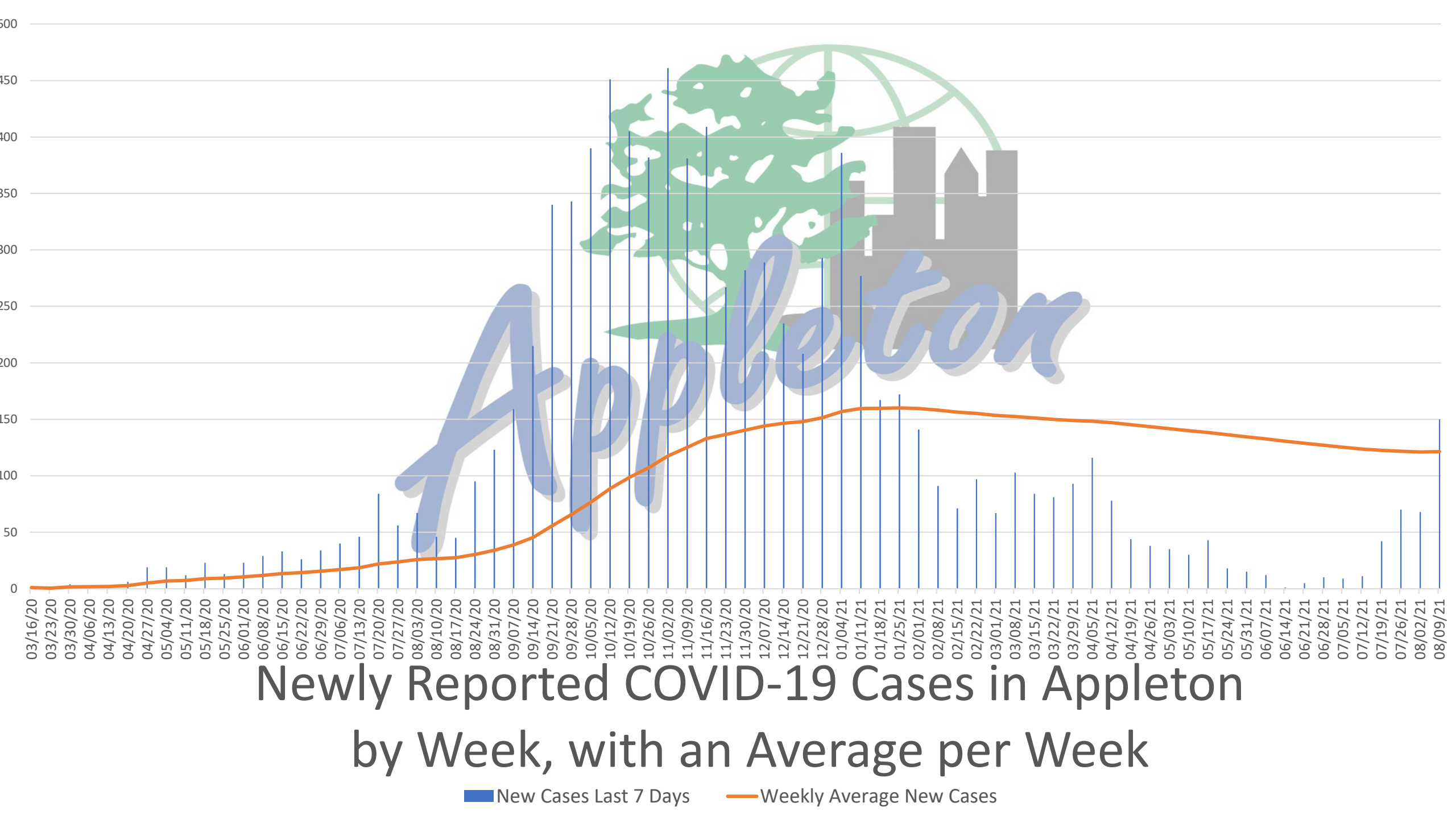
## Breastfeeding Awareness Month

in Appleton and encourage citizens to join healthcare and breastfeeding advocates in celebrating and promoting awareness of the benefits of breastfeeding and supporting parents in doing so.



Signed and sealed this 17<sup>th</sup> day of August 2021.

**JACOB A. WOODFORD**  
MAYOR OF APPLETON



$68 + 150 = 218$  (2 week case counts)

$218 / 75,000 = .0002907$  (Appleton population 75,000)

$.0002907 \times 100,000 = 290.7$  (equals burden)

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

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

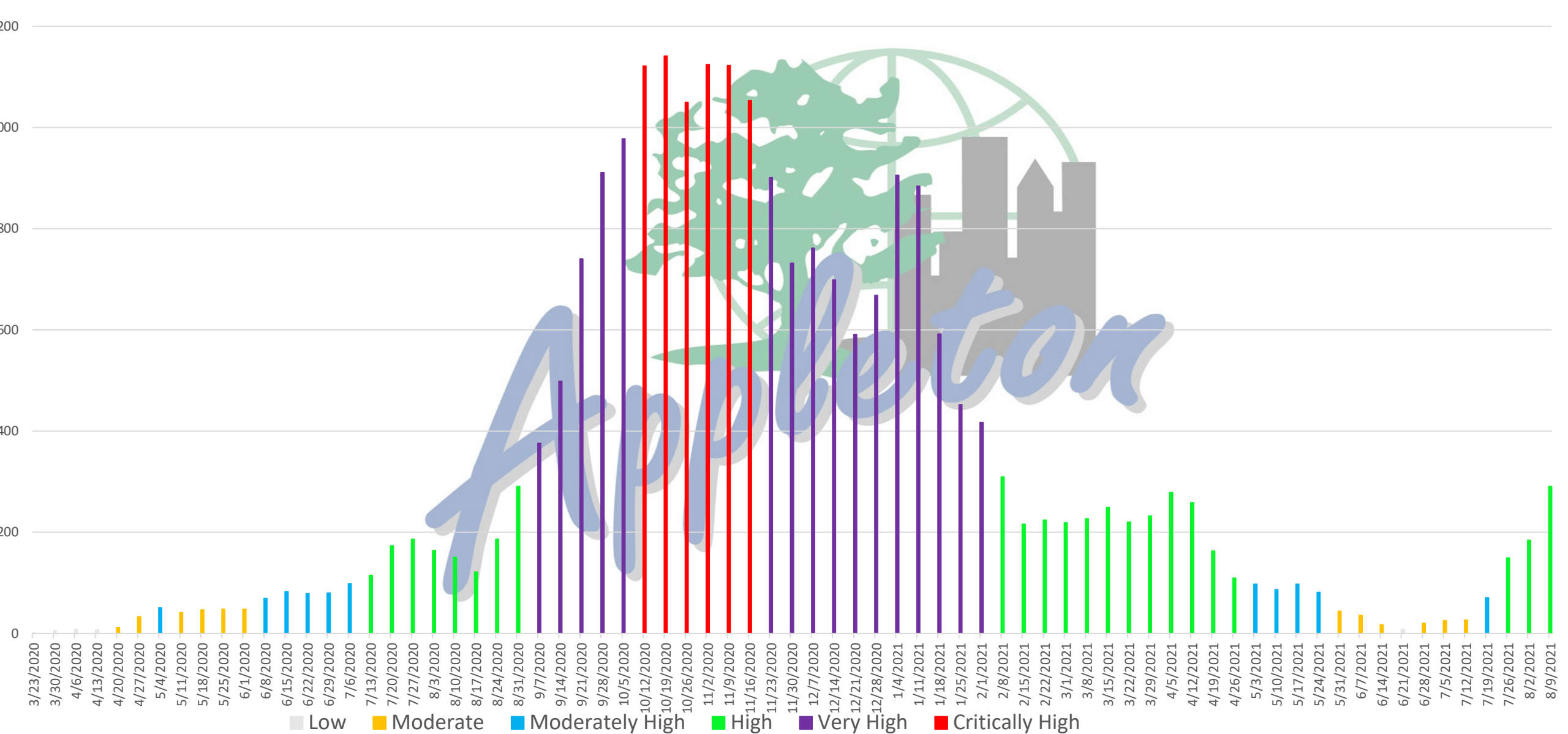
**Moderately High** greater than 50 but less than 100 per 100,000 people

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

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

**Critically High** is greater than 1,000 per 100,000 people

<b>Table 1.</b> Two indicators being based on confirmed cases: Burden and Trajectory. A third indicator maps Burden and Trajectory indicators into one composite indicator.					
Indicator	Definition	Classes			
Burden	Total number of cases per 100,000 in the last two weeks ( $B$ )	Low	$B \leq 10$		
		Moderate	$10 < B \leq 50$		
		Moderately High	$50 < B \leq 100$		
		High	$100 < B \leq 350$		
		Very High	$350 < B \leq 1000$		
		Critcally High	$1000 < B$		
Trajectory	Percent change in the last two weeks ( $T$ ), p-value from a test against $T = 0$ ( $p$ )	Shrinking	$T \leq -10\%$ and $p < 0.025$		
		Growing	$10\% \leq T$ and $p < 0.025$		
		Not changing (No Call)	Otherwise		
Case status indicator(Composite of burden and trajectory)	Summary concern based on Burden and Trajectory classifications		Shrinking	No Call	Growing
		Low	Low	Low	Medium
		Moderate	Medium	Medium	High
		Moderately High	Medium	High	High
		High	High	High	High
		Very High	Very High	Very High	Very High
		Critically High	Critically High	Critically High	Critically High



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

## NOTICE OF PUBLIC HEARING

**#9-21**

### **RE: Proposed Zone Change**

A public hearing will be held in the Council Chambers, City Hall, Appleton, Wisconsin, on August 18, 2021, at 7:00 P.M., or as soon thereafter as can be heard, to consider the following proposed zone change:

**Rezoning #9-21:** A rezoning request has been initiated by the City Plan Commission in the matter of amending Chapter Twenty-three (Zoning Ordinance) of the Municipal Code of the City of Appleton for the following described real estate ("M&J Weyenberg Properties, LLC" Annexation). The City Plan Commission requests to rezone the property from temporary AG Agricultural District to R-1B Single-family District. The R-1B district is intended to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses.

**Purpose of the Rezoning:** To assign a permanent zoning classification following the "M&J Weyenberg Properties, LLC" Annexation and allow the property to be developed as single-family residential.

**Legal Description:** PARCEL 101157102

ALL OF LOT 2, CERTIFIED SURVEY MAP NO. 8075 AND PART OF RIDGE HAVEN LANE, ALL BEING LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 6; THENCE SOUTH 00 DEGREES 09 MINUTES 08 SECONDS EAST, ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 1144.19 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 04 SECONDS EAST, 50.00 FEET; THENCE NORTH 00 DEGREES 09 MINUTES 08 SECONDS WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF N. BALLARD ROAD (C.T.H. "E"), A DISTANCE OF 119.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 09 MINUTES 08 SECONDS WEST, CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF N. BALLARD ROAD (C.T.H. "E"), A DISTANCE OF 7.44 FEET; THENCE NORTH 05 DEGREES 33 MINUTES 30 SECONDS EAST, CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF N. BALLARD ROAD (C.T.H. "E"), A DISTANCE OF 30.17 FEET; THENCE NORTH 00 DEGREES 09 MINUTES 08 SECONDS WEST, CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF N. BALLARD ROAD (C.T.H. "E"), A DISTANCE OF 40.11 FEET; THENCE NORTH 33 DEGREES 46 MINUTES 42 SECONDS EAST, CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF N. BALLARD ROAD (C.T.H. "E"), A DISTANCE OF 44.77 FEET; THENCE NORTH 00 DEGREES 03 MINUTES 39 SECONDS EAST, 33.00 FEET TO THE CENTERLINE OF RIDGE HAVEN LANE; THENCE SOUTH 89 DEGREES 21 MINUTES 49 SECONDS EAST, ALONG THE CENTERLINE OF RIDGE HAVEN LANE,



A DISTANCE OF 324.91 FEET; THENCE SOUTH 00 DEGREES 09 MINUTES 08 SECONDS EAST, ALONG THE EAST LINE OF LOT 2 OF CERTIFIED SURVEY MAP NO. 8075 AND ITS NORTHERLY EXTENSION, A DISTANCE OF 262.98 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES 04 SECONDS WEST, ALONG A SOUTH LINE OF SAID LOT 2, A DISTANCE OF 201.50 FEET; THENCE NORTH 00 DEGREES 09 MINUTES 08 SECONDS WEST, ALONG A WEST LINE OF SAID LOT 2, A DISTANCE OF 119.00 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES 04 SECONDS WEST, ALONG A SOUTH LINE OF SAID LOT 2, A DISTANCE OF 151.50 FEET TO THE POINT OF BEGINNING. CONTAINING A TOTAL OF 73,859 SQUARE FEET [1.696 ACRES].

JULY 29, 2021

RUN: August 3, 2021  
August 10, 2021

**KAMI LYNCH**  
**City Clerk**

**DEPARTMENT OF PUBLIC WORKS**

100 North Appleton Street

Appleton, WI 54911

Phone (920) 832-6474

Fax (920) 832-6489

TO: Municipal Services Committee

FROM: Kurt W. Craanen, Inspections Supervisor *KWC*  
Paula Vandehey, Director of Public Works *PV*

SUBJECT: Update to Section 4-392 of the Municipal Code

DATE: June 21, 2021

---

Staff recommends the following changes to Section 4-392 of the Municipal Code related to electrical work. In 2018, changes were made to this section to prohibit homeowners from doing their own service changes in their homes. The proposed changes below further clarify what is required in order to install a new service, as well as solar installations, by a home owner in their own home.

**Sec. 4-392. Exemptions.**

As allowed under Wis. Stats. §101.862(4)(a), a residential property owner may perform electrical work in his own dwelling which he owns and occupies without a license, ~~with the exception of installing or replacing of service equipment~~, as long as the work is being conducted in a single-family dwelling. In the case of installing or replacing service equipment in a single-family dwelling, solar photovoltaic installations or electrical work performed on a residential property which is not a single-family owner occupied dwelling, the electrical work will need to shall be performed by a licensed electrical contractor, meeting all the requirements of SPS 305.41 as amended from time to time. The owner of the property must procure a permit prior to starting any electrical work. The property owner may not procure a permit on behalf of an electrical contractor or another individual.

**The Department of Public Works recommends approval of the changes to Section 4-392 of the Municipal Code of the City of Appleton.**

cc: Nicholas VandeCastle

**DEPARTMENT OF PUBLIC WORKS**

100 North Appleton Street

Appleton, WI 54911

Phone (920) 832-6474

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**The Department of Public Works recommends approval of the changes to Section 4-392 of the Municipal Code of the City of Appleton.**

cc: Nicholas VandeCastle

# Why Sidewalks on Bartell Drive?

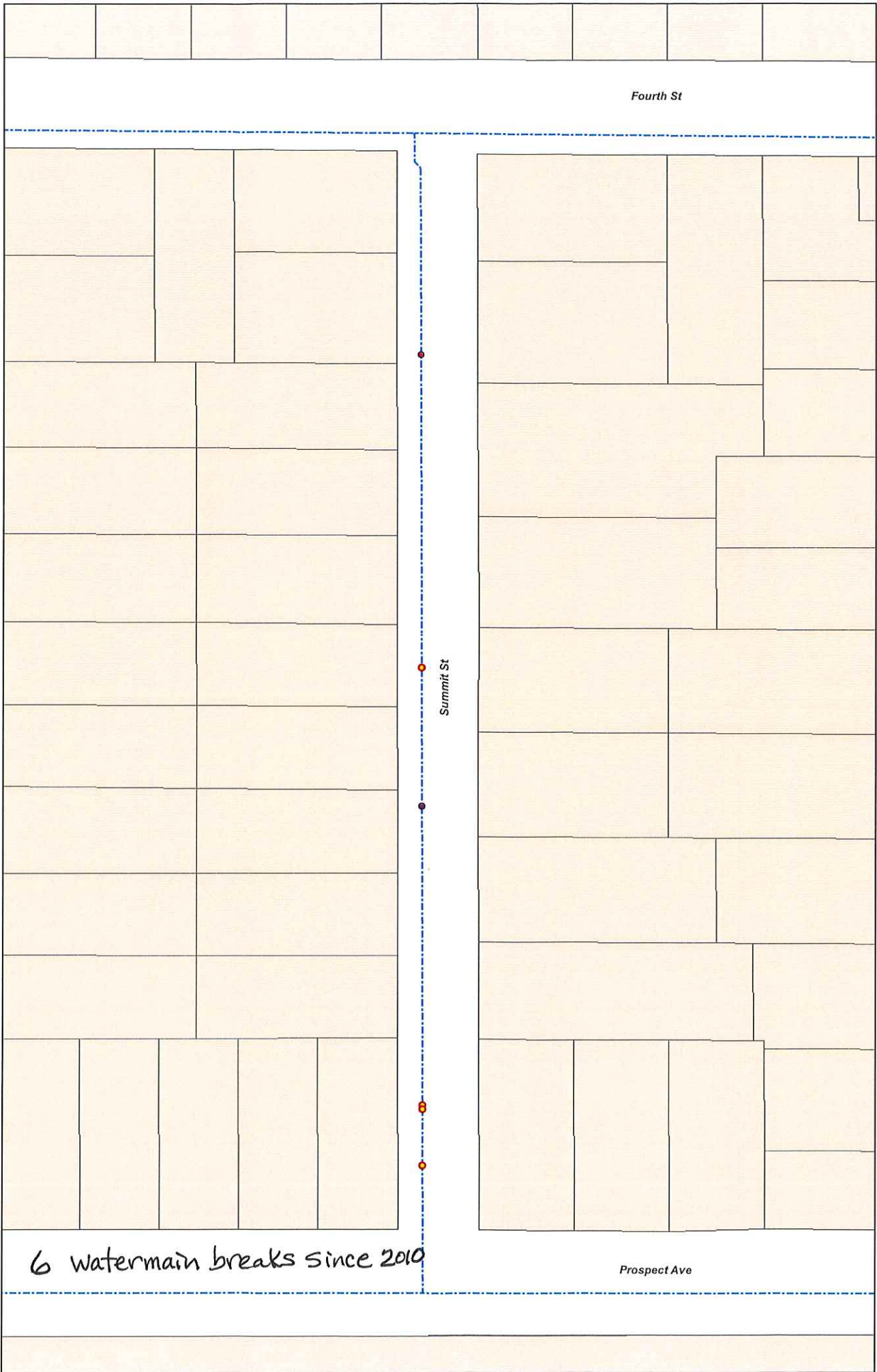
## GENERAL

- Sidewalk Installation Policy
  - First adopted in 1992: *"To provide pedestrian safety and convenience throughout the City of Appleton. Providing a walkable city also promotes a sense of community, provides for safe recreation and exercise, reduces traffic congestion, pollution and noise."*
  - For neighborhoods established prior to 1992: *"Sidewalk shall be considered for installation, where they currently don't exist when streets are reconstructed."*
- Complete Streets Policy
  - First adopted in 2016: *"Appleton streets are designed and maintained to be safe, accessible, convenient and comfortable for all transportation modes, ages and abilities at all times."*
  - Projects Section states: *"The City of Appleton shall approach all transportation projects as an opportunity to create safer, more accessible streets for all users."*
  - Network Section states: *"Under this policy, the City of Appleton will gradually create a network of streets to serve all users."*
- Comprehensive Plan – Transportation Chapter
  - Walking Section states: *"Both on a national and local scale, there is an increasing interest in making walking a viable form of transportation within a community... Appleton has developed a pedestrian friendly network of sidewalks and paths through most of its neighborhoods. This system is expanding through new sidewalks in developing parts of the community and through the efforts to expand the path systems."*
- Creating a Sustainable City Plan
  - Implementing the On-Street Bike Lane Plan, expanding the sidewalk network and trail system are mentioned throughout the Sustainability Master Plan.
- Health in All Policies
  - First adopted in 2017: *"Health in All Policies is a collaborative approach to improving the health of all people by incorporating health consideration into decision-making across sectors and policy areas."*
  - Social Determinates of Health Section states: *"Accessible built environments that promote health and safety, including improved pedestrian, bicycle, and automobile safety, parks and green space, and health school siting."*

## SPECIFIC

- Connects Pine Street sidewalk to Prospect Avenue sidewalk
- Traffic volume over 1100 vehicles per day





Fourth St

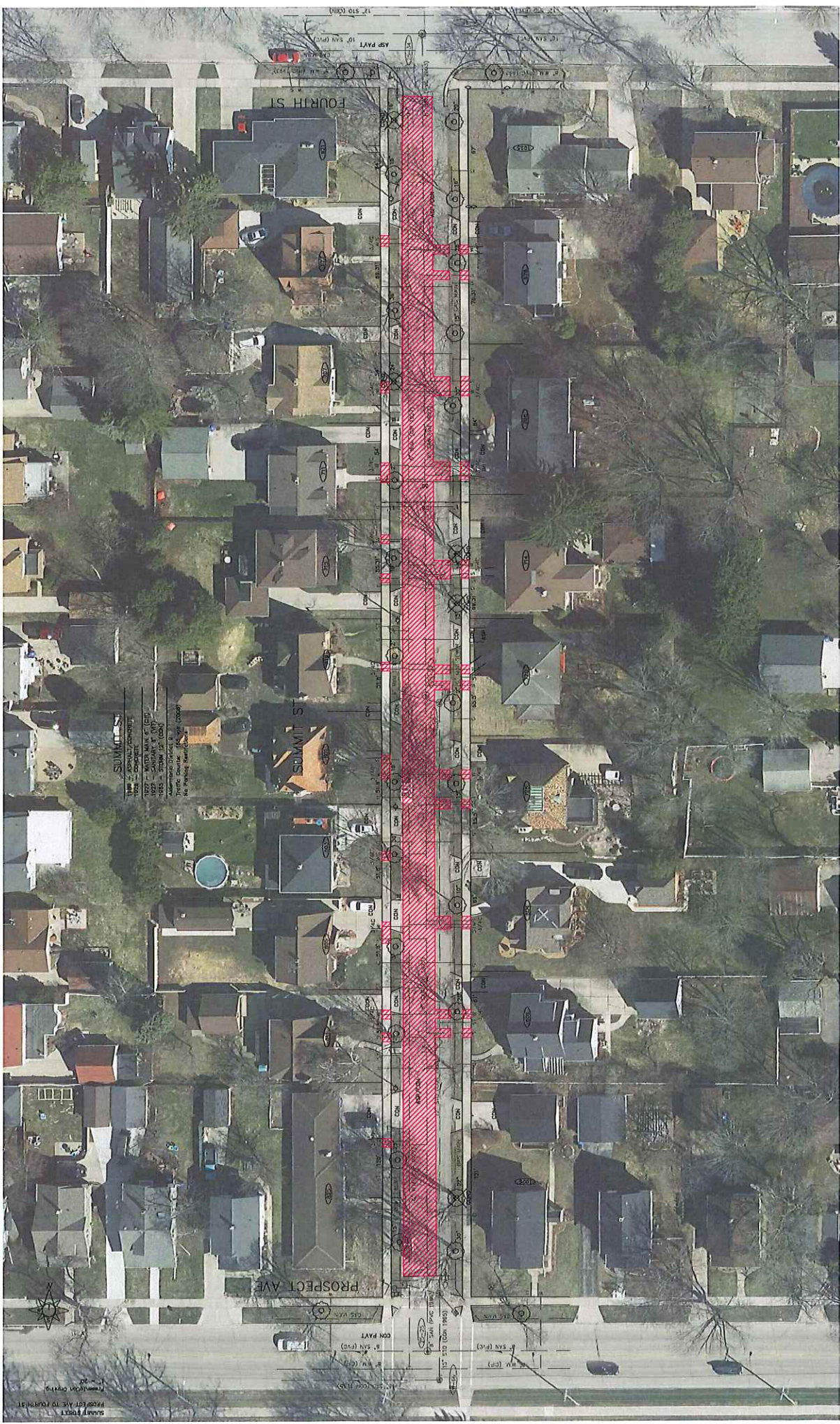
Summit St

6 watermain breaks since 2010

Prospect Ave



21



Summit Street  
area of pavement removed for utility trenches



## Renee Padgett

---

**From:** Cathy Kromm  
**Sent:** Wednesday, August 11, 2021 9:12 AM  
**To:** Diana A. Santiago  
**Subject:** FW: Summit Street project proposal

---

**From:** Traci J. Reed <Traci.Reed@Appleton.org>  
**Sent:** Wednesday, August 11, 2021 8:02 AM  
**To:** Cathy Kromm <Cathy.Kromm@Appleton.org>  
**Subject:** FW: Summit Street project proposal

---

**From:** Paula Vandehey <Paula.Vandehey@Appleton.org>  
**Sent:** Tuesday, August 10, 2021 10:35 PM  
**To:** Traci J. Reed <Traci.Reed@Appleton.org>  
**Subject:** Fwd: Summit Street project proposal

Traci I need to attach another document to the Muni Services Committee minutes. Is that still possible?

Paula

Sent from my iPhone

Begin forwarded message:

**From:** Brad Firkus <District3@appleton.org>  
**Date:** August 10, 2021 at 9:31:12 PM CDT  
**To:** Paula Vandehey <Paula.Vandehey@appleton.org>  
**Cc:** "Amanda K. Abshire" <Amanda.Abshire@appleton.org>  
**Subject:** RE: Re: Summit Street project proposal

Alright, let's try this then:

On Aug 10, 2021 7:37 AM, Paula Vandehey <Paula.Vandehey@Appleton.org> wrote:  
Hi Brad,

I did not get the attachment with your email.

Paula

---

**From:** Brad Firkus <District3@Appleton.org>  
**Sent:** Monday, August 9, 2021 8:43 PM  
**To:** Amanda K. Abshire <Amanda.Abshire@Appleton.org>; Paula Vandehey

I am a resident of 714 S. Summit Street. I, along with three other Summit Street residents, attended and spoke at the Municipal Services Committee meeting of July 26. Attached is a letter signed by many of the Summit Street residents who would be affected by the proposed reconstruction project. The letter is self-explanatory and expresses our opposition to the bulk of the proposed project.

Let me just add a few additional comments. We believe that narrowing the width of the street from 28 to 26 feet and eliminating parking on the west side is a very bad idea for the safety and other reasons mentioned in the letter. Additionally, to do that probably also would necessitate posting permanent "No Parking" signs along the west side of the street. That would diminish the beauty of the street. I am sure that no one living on the west side of the street would want to have such a metal sign in front of their house.

Further, with respect to saving the mature trees, it is my understanding that there is a digging technique called "air-spading" which can be used and is much less damaging to tree roots compared to digging with a bucket. If it is determined that comprehensive sewer/water main work needs to be done (as opposed to simply fixing the water main in front of 719 S. Summit St.), then I would suggest air-spading. Finally, if more comprehensive underground work is determined to be necessary, resulting in repaving the street instead of just patching it, we all request that any such repaving not involve the existing curbs, since keeping the street at 28 feet wide with parking on both sides is important to us.

I am sending you this email instead of using the City's contact form, because there is no way to attach documents on the City's form. Thank you, Jonathan Menn

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



July 29, 2021

**Dear Appleton Common Council Members,**

We are the residents of South Summit Street (between Prospect and Fourth). We have been made aware of a proposal of the Engineering Division of the Municipal Services Committee to reconstruct sanitary sewer, storm sewer, and water main, increase the size of the terraces on both the east and west sides of the street, reduce the width of Summit Street from 28 feet to 26 feet, re-asphalt the entire street, eliminate parking on the west side of the street, and remove five mature trees along the street.

It appears that there may be a problem with the water main in front of 719 S. Summit St. If that needs to be fixed, then we agree that that should be fixed. However, we all strongly oppose the rest of the proposal (i.e., increasing the size of the terraces, narrowing the street, doing comprehensive underground work and re-asphalting, eliminating the parking on the west side, and removing the existing trees). There are several reasons why we believe this is a very bad idea (and four of us were able to be at the Municipal Services Committee meeting on July 26 to voice our concerns).

**First, this comprehensive proposal is unnecessary.**

- The letter of July 12 from the Engineering Division did not indicate that *any* of this was necessary.
- No one who lives here has noticed any problems or voiced any desire to have any of these things done. To impose this major revision on our street and neighborhood seems wrong.
- Our portion of Summit Street is only two blocks long and is not a thoroughfare. Consequently, spending over \$200,000 to make major revisions to our street is an unwarranted use of taxpayer money which could better be spent dealing with streets that are thoroughfares.

**Second, the aspects of the proposal to which we object would adversely affect the character of our street and neighborhood and, if carried out, would likely make the traffic situation worse.**

- Other proposed street projects (as discussed at the July 26 meeting) involve streets 35 or more feet wide. Our street is only 28 feet wide now. To reduce its width by two feet would make backing out of the driveway (if there are cars parked on the street) much more difficult. It would also make turning into the street much more difficult, especially in winter and when there are vehicles parked on the street and/or vehicles at the corners waiting to turn on to Prospect or Fourth.
- We need the parking on both sides of the street. There is an Air BNB (unfortunately with a non-resident owner) located at 628 S. Summit St. They frequently have several cars on the street for guests and parties. To eliminate parking on the west side of the street would adversely affect everyone who lives on the street when we have guests or parties of our own.

- This short street has a historic and distinctive character. Many of the houses were built in the 1920s and 1930s. Most of the trees are mature. To repave the street, eliminate parking, and remove some of the mature trees would adversely affect the character of our neighborhood.
- Regarding the trees, the Forestry Q&A section of the City's website says, "Large trees provide a significant value to the City of Appleton. We strive to maintain them as long as they are safe and healthy. Tree removal is usually only considered as a last option." All of the mature trees along our street have been alive for decades. They are all in full leaf. None of them appears to be diseased or dying, and they all appear to be thriving. While the tree in front of 707 S. Summit St. lost a limb in a big storm a few years ago, it was otherwise not affected and is thriving now. The trees in front of 714 S. Summit St. have never required any repair or maintenance. They have never lost any major limbs in windstorms. Clearly, therefore, these trees do not require a wider terrace to "be saved" and thrive. These trees provide significant value to the City, to the residents of Summit Street, and to the character of Summit Street. They are safe and they are healthy. There is no good or necessary reason (let alone a "last option") to remove them.

In sum, if it is necessary to fix the water main in front of 719 S. Summit St., then, of course, do that. However, all the other aspects of this proposal are not only not necessary but are counterproductive. We therefore request that the street narrowing, terrace enlarging, parking eliminating, comprehensive underground work, street re-asphalting, and tree removal aspects of the proposal NOT be approved.

*[Signature]* 711 S Summit St. Sincerely,

*[Signature]* Marcia Ostroch

715 S. Summit St.  
54914

Rick Martin

707 S. Summit St.

Jean Mawley

805 S. Summit St.

Anne VanHolen

719 S Summit St.

Douglas Martin

720 S Summit ST

*[Signature]*

714 S. SUMMIT ST.

Rachel TenHaken

811 S. Summit St.

Butany Schumacher

711 S. Summit Street.

*[Signature]*

811 S. Summit St.

*[Signature]*

719 S. Summit

Michael R. DeHaven

715 S Summit

Jane Foster

728 S Summit

Nancy McLean 714 S. Summit St.





PERMIT TO OCCUPY  
THE  
PUBLIC RIGHT-OF-WAY

Permit #: \_\_\_\_\_  
Effective Date: \_\_\_\_\_  
Expiration Date: \_\_\_\_\_  
Fee: 80.00  
Paid (yes or no): \_\_\_\_\_

Rev. 04-10-15

Applicant Information

Name (print): James Ferg Company: Home Burger Bar  
Address: 205 W. College Ave Telephone: (920) 851-6324 FAX: \_\_\_\_\_  
Applicant Signature: [Signature] e-mail: HomeBurgerBarwi@gmail.com  
Date: 7/27/21

Occupancy Information

General Description: 3 Red dining tables  
Street Address: 205 W. College Ave Tax Key No.: \_\_\_\_\_  
- or -  
Street: \_\_\_\_\_ From: \_\_\_\_\_ To: \_\_\_\_\_  
Multiple Streets: \_\_\_\_\_

*(Department use only)*

Occupancy Type

- ☒ Permanent (\$40)  
☐ Temporary - max. 35 days (\$40)  
☒ Amenity/Annual (\$40)  
☐ Blanket/Annual (\$250)  
☐ Block Party (\$15)

Sub-Type

- ☒ Sandwich Board  
☒ Tables / Chairs  
☐ Dumpster  
☐ POD / Container  
☐ Obstruction / Other

Location

- ☐ Sidewalk  
☒ Terrace  
☐ Roadway

Additional Requirements

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

Traffic Control Requirements

☐ N/A

Type of Street:

- ☐ Arterial/CBD  
☐ Collector  
☐ Local

Proposed Traffic Control:

- ☐ City Manual Page(s)  
☐ State Manual Page(s)  
☐ 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: \_\_\_\_\_

## Paula Vandehey

---

**From:** Grant Thompson <grant@920remodel.com>  
**Sent:** Tuesday, July 27, 2021 8:25 AM  
**To:** Paula Vandehey  
**Cc:** Tina Marie  
**Subject:** Hello from Grant Thompson Construction / dumpster permit

Hello

I talked with someone at the appleton inspection office about a street permit for a dumpster  
this dumpster will be there over 30 days total job time would be approx. 8 weeks  
they asked me to contact you

job name and address  
Chad and Emily Walters  
610 E Roosevelt ST  
Appleton Wi

would like to have the dumpster delivered 8/6/21 am

--

Sincerely,  
Grant Thompson  
Builder - Owner  
Grant Thompson Construction, Inc.  
920-304-9571  
[grant@920remodel.com](mailto:grant@920remodel.com)  
[www.920remodel.com](http://www.920remodel.com)



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**ARTICLE VII. MECHANICAL**

**DIVISION 1. GENERALLY**

**Sec. 4-436. Penalty for violation of article.**

Any person who shall violate any provision of this article shall be subject to a penalty as provided in §1-16.  
(Code 1965, §18.14)

**Sec. 4-437. Inspections.**

Article II, Division 4 of this chapter shall apply to inspection of work regulated under this article.  
(Code 1965, §18.03)

**Sec. 4-438. Appeals.**

Any person directly interested who is aggrieved by any decision of the Inspection Supervisor or the Board of Heating Examiners in the execution of their duties pursuant to this article may appeal from any decision to a Heating Board of Appeals, which shall consist of three (3) recognized contractors for work governed by this article or holders of licenses under this article, one (1) of whom shall be chosen by the party taking the appeal, one (1) by the Inspections Division, and the third person chosen by the other two (2) members. The appeal shall be taken by the person aggrieved by giving written notice of such appeal to the Inspections Division at its office within twenty-four (24) hours after such decision is made. The selection of the members of the Heating Board of Appeals shall be made at once and the Board shall meet within forty-eight (48) hours after the giving of such notice and shall render a decision within five (5) days thereafter, which shall be in writing. Any interested party, including the Inspections Division, shall have the right to present the case to the Heating Board of Appeals, whose decision shall be final. The members of the Appeal Board shall serve without pay.

(Code 1965, §18.01(5); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 176-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

**Secs. 4-439 – 4-455. Reserved.**

**DIVISION 2. BOARD OF HEATING EXAMINERS**

**Sec. 4-456. Membership; organization.**

The Board of Heating Examiners shall consist of seven (7) members: the Fire Chief; five (5) licensed heating contractors, to be as diversified as possible, and one (1) member of the Common Council. The Inspection Supervisor shall be secretary of the Board without a vote, except in case of a tie vote, and shall keep a record of all its meetings and transactions. All appointments shall be for a term of two (2) years, except that the term of office of the Council member shall be one (1) year. At the regular meeting in October, the Board shall elect its chairman for the ensuing year.  
(Code 1965, §18.01(4)(b); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

**Sec. 4-457. Procedures.**

The Board of Heating Examiners may adopt such rules of procedure for conduct of its meetings and for examination of applicants and for revocation and suspension of licenses as are reasonably calculated to carry out the purposes of this article.

(Code 1965, §18.01(4)(c))

**Secs. 4-458 – 4-475. Reserved.**



## Paula Vandehey

---

**From:** Sara Wouters <sarawouterscookies@gmail.com>  
**Sent:** Wednesday, August 4, 2021 8:40 AM  
**To:** Paula Vandehey  
**Subject:** Extending Pod permit

Hello Paula. Thanks for getting back to me this morning. My husband and I are looking to extend our Pod permit 2 more months past our original permit that is just going to cover the month of August. Do to situations that be and supplies coming in later than expected, do to Covid, our lumber/trusses for our new garage are coming in 2 months later than originally quoted. So we will need to keep all of our garage items in the Pod till new garage is standing. We live at 1119 W Lawrence St, Appleton, WI 54914. Since we are tarring out the old driveway, old garage and slab there is no where else to put the Pod besides the road in front of our house. It is currently parked directly in front of our home and we've purchased 6' reflective stripping that we placed on all 4 corners of the Pod. Let me know if you have any questions or concerns for me or if I can provide any additional information.

Sara Wouters

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



PERMIT TO OCCUPY  
THE  
PUBLIC RIGHT-OF-WAY

Permit #: 21-059-T

Effective Date: 8/1/21

Expiration Date: 8/31/21

Fee: \$40.00

Paid (yes or no): 94608318

Rev. 04-10-15

**Applicant Information**

Name (print): Travis Wouters

Company: N/A

Address: 1119 W. Lawrence St.

Telephone: (920) 809-0096 FAX: N/A

Appleton, WI 54914

e-mail: ~~travis.wouters@travis.wouters@gmail.com~~ travis.wouters@gmail.com

Applicant Signature: *[Signature]*

Date: 5-19-21

**Occupancy Information**

General Description: 8' x 16" POD Container

Street Address: 1119 W. Lawrence St

Tax Key No.: \_\_\_\_\_

- or -

Street: From: 6/1/21

To: 7/10/21

Multiple Streets: \_\_\_\_\_

**(Department use only)**

**Occupancy Type**

**Sub-Type**

**Location**

- ☒ Permanent (\$40)  
☐ Temporary - max. 35 days (\$40)  
☐ Amenity/Annual (\$40)  
☐ Blanket/Annual (\$250)  
☐ Block Party (\$15)

- ☐ Sandwich Board  
☐ Tables / Chairs  
☐ Dumpster  
☒ POD / Container  
☐ Obstruction / Other

- ☐ Sidewalk  
☐ Terrace  
☒ Roadway

**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:**

Reflective tape on POD

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: 5/25/21





# 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): Jason Vogds Company: Hoffman Planning, Design & Construction Inc.  
Address: 122 E College Ave Suite 1G Telephone: 920-539-6145 FAX: \_\_\_\_\_  
Appleton, WI 64911 e-mail: jvogds@hoffman.net  
Applicant Signature: Jason Vogds Date: 8/3/2021

## Occupancy Information

General Description: See Plan attached. We plan on moving fence to during this period to free up area of public parking along  
Lawrence St. and Soldier Square.  
Street Address: \_\_\_\_\_ Tax Key No.: Exempt 002467  
- or -  
Street: Lawrence, S Morrison, Sol From: August 26 2021 To: February 18th  
Multiple Streets: E. Lawrence, S. Morrison, Soldiers Square, Onieda

(Department use only)

### Occupancy Type

- ☒ Permanent (\$40) > 35 days  
☐ Temporary - max. 35 days (\$40)  
☐ Amenity/Annual (\$40)  
☐ Blanket/Annual (\$250)  
☐ Block Party (\$15)

### Sub-Type

- ☐ Sandwich Board  
☐ Tables / Chairs  
☐ Dumpster  
☐ POD / Container  
☒ Obstruction / Other

### Location

- ☐ Sidewalk  
☐ Terrace  
☒ Roadway

## 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.
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4. This permit is subject to IMMEDIATE REVOCATION if unfavorable traffic conditions develop during the period the occupancy is permitted.
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- 6.

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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:

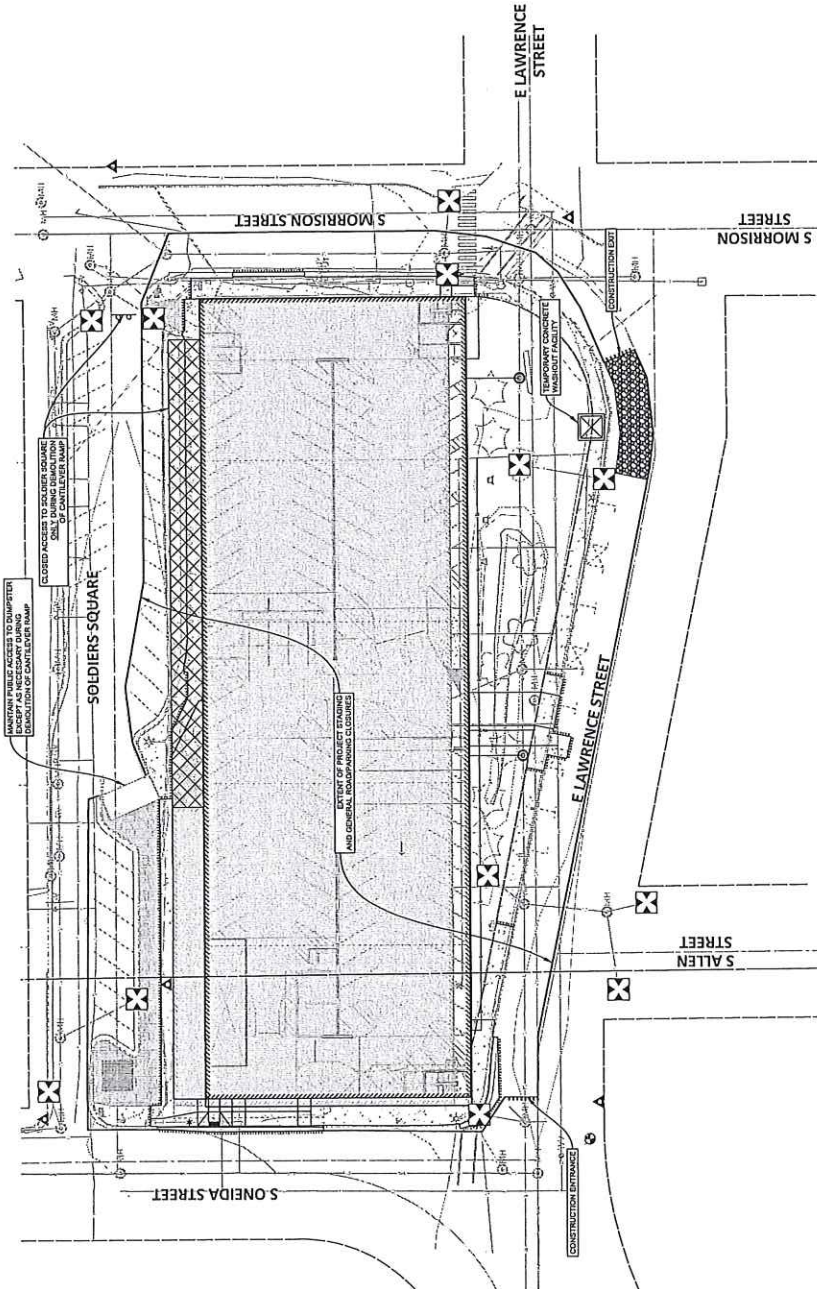


[illegible]

NEW PARKING STRUCTURE FOR:  
YMCA OF THE FOX CITIES  
120 S ONIDA STREET  
APPLETON, WI 54911

**Westwood**

**Hoffman** Planning, Design & Construction, Inc.  
800.236.2370 | hoffmanpi.com



## DNR GENERAL NOTES

- [illegible]

## CITY OF APPLETON NOTES

- [illegible]

20  
SCALE - FEET

PRELIMINARY  
NOT FOR CONSTRUCTION

# Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 07/01/21 ending: 6/30/22  
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: ☐ Town of ☐ Village of ☒ City of APPLETON

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

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

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

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

5235 BR NAC LLC

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

President / Member Last Name <u>NEELIS</u>	(First) <u>CHRISTOPHER</u>	(Middle Name) <u>ALAN</u>	Home Address (Street, City or Post Office, & Zip Code) <u>1315 1/2 S JEFFERSON ST, APPLETON, WI 54915</u>
Vice President / Member Last Name <u>NEELIS</u>	(First) <u>CHRISTOPHER</u>	(Middle Name) <u>ALAN</u>	Home Address (Street, City or Post Office, & Zip Code) <u>1315 1/2 S JEFFERSON ST, APPLETON, WI 54915</u>
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name <u>NEELIS</u>	(First) <u>CHRISTOPHER</u>	(Middle Name) <u>ALAN</u>	Home Address (Street, City or Post Office, & Zip Code) <u>1315 1/2 S JEFFERSON ST, APPLETON, WI 54915</u>
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name OB'S BRAU HAUS Business Phone Number (920) 730-0202  
2. Address of Premises 523+525 W COLLEGE AVE Post Office & Zip Code 54911  
APPLETON, WI, 54911

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)

523-525 WEST COLLEGE AVENUE - 3,200 SQ. FT  
BUILDING WITH DINING ROOM, KITCHEN, STORAGE ROOM,  
BAR AND BASEMENT

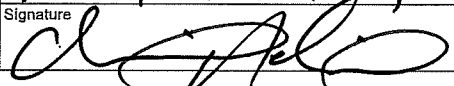


4. Legal description (omit if street address is given above): \_\_\_\_\_

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

(b) If yes, under what name was license issued? OLD BAVARIAN BREWHAUS INC

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? If yes, explain ..... ☐ Yes ☒ No  
current AGENT FOR OBS  
OLD BAVARIAN BREWMAHS INC
7. Is the applicant an employee or agent of, or acting on behalf of anyone except the named applicant? ..... ☒ Yes ☐ No  
 If yes, explain.  
OLD BAVARIAN BREWMAHS INC.
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? If yes, explain ..... ☐ Yes ☒ No
9. (a) Corporate/limited liability company applicants only: Insert state WISCONSIN and date JUNE 2021 of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? If yes, explain ..... ☐ Yes ☒ No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? If yes, explain. ☐ Yes ☒ No
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] ..... ☒ Yes ☐ No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] ..... ☒ Yes ☐ No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ..... ☒ Yes ☐ No

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

Contact Person's Name (Last, First, M.I.) <u>HEIS, CHRISTOPHER, ALAN</u>	Title/Member <u>OWNER</u>	Date <u>07/27/2021</u>
Signature 	Phone Number 	Email Address 

**TO BE COMPLETED BY CLERK**

Date received and filed with municipal clerk <u>07-27-21</u>	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	



## City of Appleton Liquor License Questionnaire

1. Name of Applicant: CHRISTOPHER NELIS

2. Name of Business: OB'S BRAU HAUS

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

- ☒ Restaurant  
☒ Tavern/Night Club/Wine Bar  
☒ Microbrewery/Brewpub  
☐ Painting/Craft Studio  
☐ Other (describe) \_\_\_\_\_

3. Address of Business: 523 + 525 W. COLLEGE AVE, APPLETON, WI, 54911

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

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

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

Disorderly Conduct, DUI, OPERATION WHILE REVOKED

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

CHRISTOPHER	A	NELIS	● / ● / ●●●●
First name	M.I.	Last name	Date of Birth
First name	M.I.	Last name	Date of Birth
First name	M.I.	Last name	Date of Birth
First name	M.I.	Last name	Date of Birth

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

Name: FRANK SCHADT  
First name Middle Initial Last name

Address: 1515 GREENDALE ST, MENASHA, WI, 54952  
City State ZIP

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

Name: OB'S BRAU HAUS

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

- ☒ Restaurant  
☐ Tavern/Night Club/Wine Bar  
☐ Microbrewery/Brewpub  
☐ Painting/Craft Studio  
☐ Other (describe) \_\_\_\_\_

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

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

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

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

X months ago.

10. Seating capacity: Inside 80-120 Outside X

11. Operating hours (Inside the building): 4pm - 9pm TUES-WED, 4pm - 2AM THUR-SAT  
Operating hours (Outdoor seating areas): NONE

12. Employees/Staff

Number of floor personnel 4-5 Number of door checkers 2

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

a. Gross floor building area of the premises to be licensed: 3,200 square feet.

b. Gross outdoor seating areas of the premises to be licensed: X square feet.

c. Below, identify the operational details of the proposed establishment:

RESTAURANT / BREWERY  
SERVING GERMAN AUTHENTIC CUISINE

AND GERMAN AUTHENTIC MICROBREWS. BAR ON

THURSDAY - SATURDAY 10PM - 2AM AND RESTAURANT TUESDAY - SAT

4PM - 10PM

Signature

Date

07/26/2021

# 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 NAC 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

OB'S BRAU HAUS  
(Trade Name)

located at 523 + 525 COLLEGE AVE. APPLETON, WI, 54911

appoints CHRISTOPHER NELIS  
(Name of Appointed Agent)

1315 1/2 S. JEFFERSON ST, APPLETON, WI, 54915  
(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).  
OLD BAVARIAN BRAUHAUS INC. (CITY OF APPLETON, OUTAGAMIE, WINNEBAGO CALLIMET COUNTY)

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? 31 years

Place of residence last year 1315 1/2 S JEFFERSON ST, APPLETON, WI, 54915

For: NAC LLC  
(Name of Corporation / Organization / Limited Liability Company)

By: [Signature]  
(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, CHRISTOPHER NELIS, 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.

[Signature] 07/27/2021  
(Signature of Agent) (Date)

1315 1/2 S JEFFERSON ST APPLETON, WI, 54915  
(Home Address of Agent)

Agent's age 00

Date of birth 00/00/00

## 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)



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Hearing Meeting:** July 28, 2021

**Common Council Public Hearing Meeting:** August 18, 2021

**Item:** Rezoning #9-21 - M&J Weyenberg Properties, LLC Annexation

**Case Manager:** Don Harp, Principal Planner

### **GENERAL INFORMATION**

---

**Owner:** M&J Weyenberg Properties, LLC – Gerald M. Weyenberg

**Petitioner:** City of Appleton Plan Commission

**Tax Id Number:** Town of Grand Chute Parcel #101157102

**Petitioner's Request:** To assign permanent zoning classification to newly annexed property pursuant to Section 23-65(e) of the Zoning Ordinance and Annexation Petition from Temporary AG Agricultural District to R-1B Single-family District.

### **BACKGROUND**

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The subject property was included in the M&J Weyenberg Properties, LLC Annexation that was approved by the Plan Commission on July 14, 2021 and by the Common Council on July 21, 2021. The subject property was officially annexed to the City on July 27, 2021 at 12:01 a.m.

The subject property was annexed to the City with a Temporary AG Agricultural District zoning classification per Section 23-65(e) of the Municipal Code. The Plan Commission initiated the process to rezone the subject property from Temporary AG Agricultural District to R-1B Single-family District at the July 14, 2021 meeting.

### **STAFF ANALYSIS**

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**Existing Conditions:** The subject parcel is approximately 1.696 acres in size. Currently, the subject property is vacant/undeveloped land.



**Proposed Zoning Classification:** The purpose of the R-1B Single-family District is to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses. Per Section 23-93(g) of the Municipal Code, the development standards for the R-1B District are listed below:

- 1) ***Minimum lot area:*** 6,000 square feet.
- 2) ***Maximum lot coverage:*** 50%.
- 3) ***Minimum lot width:*** 50 feet.
- 4) ***Minimum front yard:*** 20 feet (25 feet on arterial street)
- 5) ***Minimum rear yard:*** 25 feet.
- 6) ***Minimum side yard:*** 6 feet.
- 7) ***Maximum building height:*** 35 feet.

**Surrounding Zoning Classification and Land Uses:**

North: Town of Grand Chute. The adjacent land use to the north is currently developed as single-family residential.

South: Town of Grand Chute. The adjacent land use to the south is currently developed as single-family residential.

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

West: City of Appleton. AG Agricultural District. The adjacent land use to the west is currently developed as single-family residential and Ballard Road.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future One/Two-Family residential. The proposed rezoning is consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030*.

***Goal 1 – Community Growth***

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



*OBJECTIVE 5.3 Housing and Neighborhoods:*

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

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

*OBJECTIVE 10.1 Land Use:*

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

**Standards for Zoning Map Amendments:** Per Section 23-65(d)(3) of the Municipal Code, all recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals, and policies of the City and with the intent of the Zoning Ordinance. Related excerpts are listed below.

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
  1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030 goals and objectives stated above and the Future Land Use Map, which identifies this site as future one and two-family residential land use.*
  2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map, is inadequate to meet the demands for such development.
  3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
  4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
  1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *It was determined during the annexation process for the M&J Weyenberg Properties, LLC Annexation that the City can provide the needed municipal services to serve the subject site.*

2. The effect of the proposed rezoning on surrounding uses. *Single-family residential uses are already established adjacent to the subject site. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding uses.*

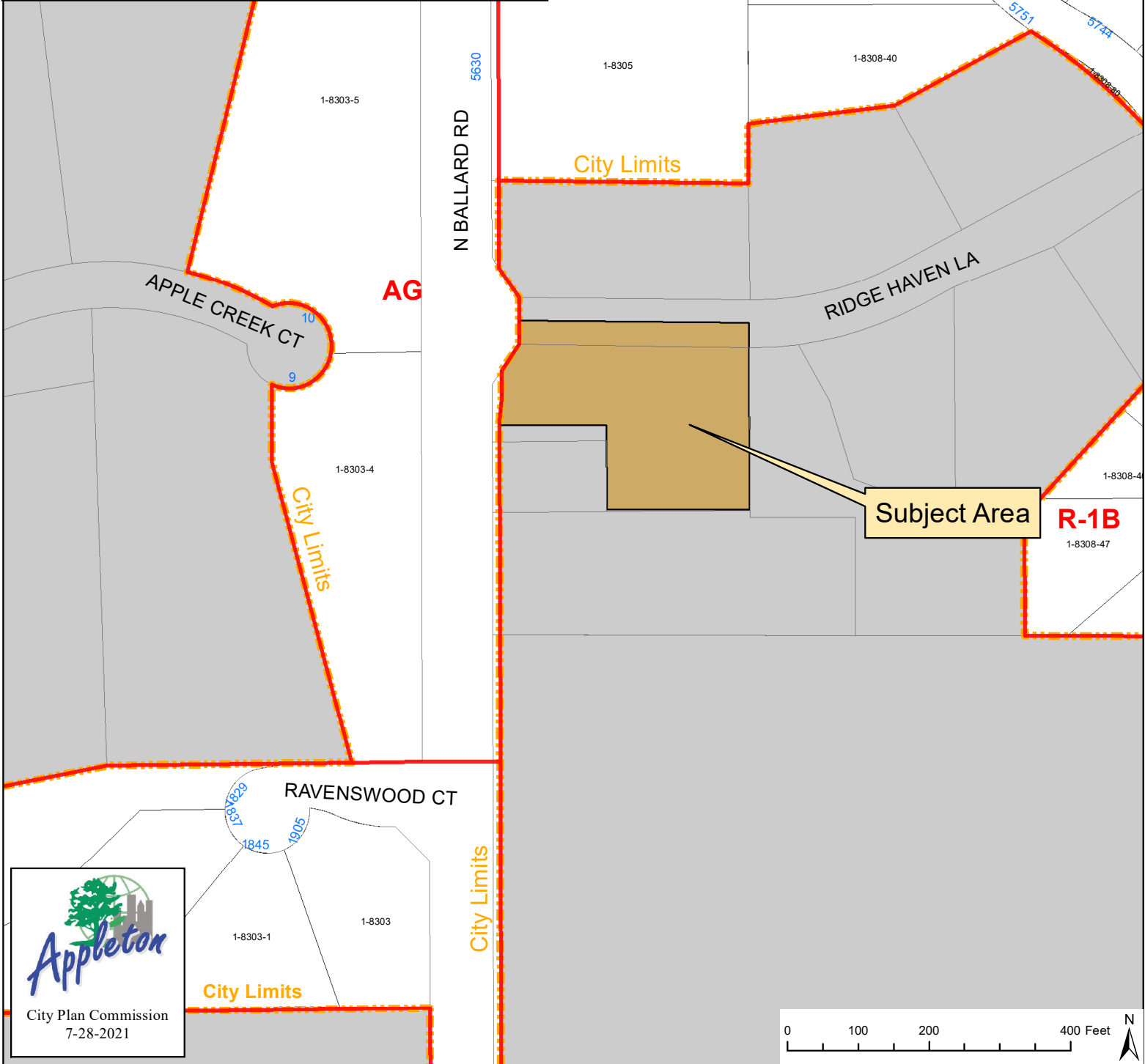
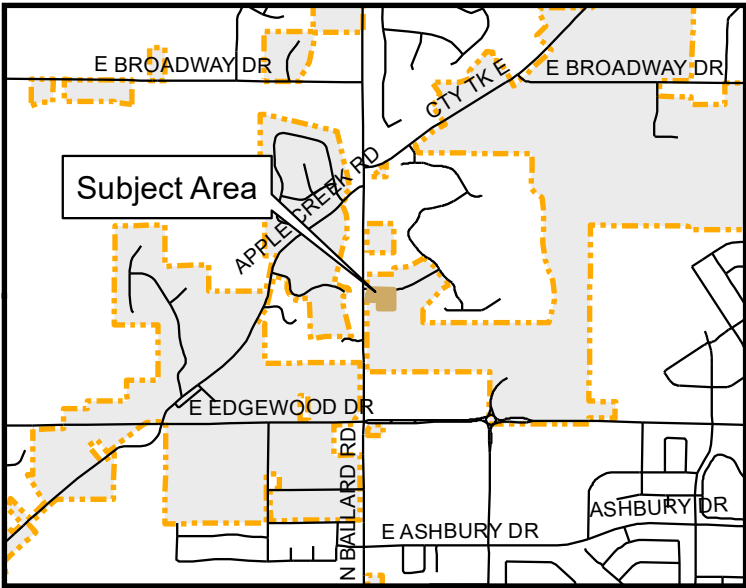
**Technical Review Group (TRG) Report:** This item appeared on the July 6, 2021 TRG Agenda. No negative comments were received from participating departments.

### **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 #9-21 to rezone the subject site from Temporary AG Agricultural District to R-1B Single-family District, including to the centerline of existing adjacent right-of-way, as shown on the attached maps, **BE APPROVED**.

M & J Weyenberg Annexation  
Rezoning  
Temporary Ag Agricultural to R-1B  
Single-family Residential District





M & J Weyenberg Annexation  
Rezoning  
Temporary Ag Agricultural to R-1B  
Single-family Residential District







# MEMORANDUM

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TO: City Plan Commission

FROM: Karen Harkness, Director of Community and Economic Development Department

DATE: August 11, 2021

RE: Tax Incremental Financing Districts #3 & #12 Amendments

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The Department is proposing amendments to the boundaries and project plans for Tax Incremental Financing Districts #3 and #12.

TIF #3 was created in 1992 as a blighted district. Objectives were to stimulate downtown and commercial development, expand the property tax base and employment opportunities, and reduce blight in the downtown retail area.

In 2011, it was designated a distressed TIF following a \$15.4 million decrease in the District's valuation from 2009 to 2010 resulting from the Department of Revenue (DOR) implementation of a new valuation methodology and loss of valuation in the Richmond Terrace project due to bankruptcy. A distressed TIF is not eligible for new projects, nor can a new TIF be overlaid. TIF #3 expires in 2029.

TIF #3 is being amended to pull undervalued/underutilized parcels out and add them to TIF #12 to encourage redevelopment and reinvestment in our Central Business District. The proposed Tax Incremental District #3 Project Plan amendment subtracts 13 tax parcels from the District, which will be added to Tax Incremental District #12.

TIF #12 was created as a rehabilitation/conservation district in 2017. The objectives were to eliminate blight and stimulate the rehabilitation, conservation and redevelopment of West College Avenue and the surrounding area.

The proposed Tax Incremental District #12 Project Plan amendment will add to the District the 13 tax parcels being removed from Tax Incremental District #3 along with 23 additional parcels. The amendment will also revise the kind, number and location of proposed public works or improvements within the District and the detailed list of project costs to add approximately \$2.3 million or \$2,345,594 in additional potential project cost expenditures. Project costs include potential cash grants (development incentives) to be paid to owners, lessees or developers of land located within the District.

This item will go to Council on August 18<sup>th</sup>.

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION DESIGNATING PROPOSED AMENDED BOUNDARIES  
AND APPROVING A PROJECT PLAN AMENDMENT  
FOR TAX INCREMENTAL DISTRICT NO. 3,  
CITY OF APPLETON, WISCONSIN**

WHEREAS, the City of Appleton (the "City") has determined that use of Tax Incremental Financing is required to promote development and redevelopment within the City; and

WHEREAS, Tax Incremental District No. 3 (the "District") was created by the City on November 4, 1992 as a blighted area district and amended on September 10, 2020; and

WHEREAS, the City now desires to amend the Project Plan and boundaries of the District (the "Amendment") in accordance with the provisions of Wisconsin Statutes Section 66.1105 (the "Tax Increment Law"); and

WHEREAS, such Amendment will remove territory from the District as permitted under Wisconsin Statutes Section 66.1105(4)(h)2.; and

WHEREAS, an amended Project Plan for the District (the "Amendment") has been prepared that includes:

- a. A statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Wisconsin Statutes Sections 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n., outside of the District;
- b. An economic feasibility study;
- c. A detailed list of estimated project costs;
- d. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
- e. A map showing existing uses and conditions of real property in the District;
- f. A map showing proposed improvements and uses in the District;
- g. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
- h. A list of estimated non-project costs;
- i. A statement of the proposed plan for relocation of any persons to be displaced;
- j. A statement indicating how the amendment of the district promotes the orderly development of the City;
- k. An opinion of the City Attorney or of an attorney retained by the City advising that the plan is complete and complies with Wisconsin Statutes Section 66.1105(4)(f).; and

WHEREAS, prior to its publication, a copy of the notice of public hearing was sent to the chief executive officers of Outagamie County, the Appleton Area School District, and the Fox Valley Technical College District, and any other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Plan Commission, on August 11, 2021 held a public hearing concerning the proposed amendment to the Project Plan and boundaries of the District, providing interested parties a reasonable opportunity to express their views thereon.

NOW, THEREFORE, BE IT RESOLVED by the Plan Commission of the City of Appleton that:

1. It recommends to the Common Council that the boundaries of Tax Incremental District No. 3 be amended as designated in Exhibit A of this Resolution.
2. It approves and adopts the amended Project Plan for the District, attached as Exhibit B, and recommends its approval to the Common Council.
3. Amendment of the Project Plan and Boundaries of the District promotes orderly development in the City.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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Jacob A. Woodford, Mayor  
Plan Commission Chair

ATTEST:

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Kami L. Lynch, City Clerk

**LEGAL BOUNDARY DESCRIPTION OR MAP OF  
TAX INCREMENTAL DISTRICT NO. 3  
CITY OF APPLETON**

[INCLUDED WITHIN PROJECT PLAN]



**PROJECT PLAN AMENDMENT**

[DISTRIBUTED SEPARATELY]

June 29, 2021

## **Tax Incremental District No. 3 Project Plan Amendment #2**



Organizational Joint Review Board Meeting Held:	Scheduled for August 11, 2021
Public Hearing Held:	Scheduled for August 11, 2021
Adoption by Plan Commission:	Scheduled for August 11, 2021
Adoption by Common Council:	Scheduled for August 18, 2021
Approval by the Joint Review Board:	TBD

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## SECTION 1:

### Executive Summary

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#### Description of District

Tax Incremental District (“TID”) No. 3 (“District”) is a blighted area district created by the City on November 4, 1992. In accordance with its Project Plan (“Plan”), the objectives for the District were to stimulate downtown and commercial development, to expand the property tax base and employment opportunities, and to reduce blight in the downtown retail area. On August 3, 2011, the District was designated as distressed as permitted under Wis. Stat. § 66.1105(4e) which extended the expiry of its maximum life by ten years until November 4, 2029. This extension did not lengthen the District’s expenditure period, which terminated on November 4, 2014. The distressed designation was sought following a \$15.4 million decrease in the District’s valuation from 2009 to 2010 resulting from the Department of Revenue’s implementation of a new valuation methodology, and a loss of valuation in the Richmond Terrace project following a bankruptcy sale. As of January 1, 2020, the District had an incremental valuation of \$58,719,700. The District’s remaining liabilities include an advance from the City’s General Fund, which is projected to be repaid in 2023, and payments due to the City’s Parking Utility which are expected to run through the remaining life of the District. On August 19, 2020, Council approved the first amendment to TID No. 3, removing undervalued parcels and adding them to TID No. 11.

#### Amendment Purpose

The City has identified 13 parcels within the District that continue to have redevelopment potential. Since the District’s expenditure period has passed, the City is unable to incur further Project Costs to promote redevelopment on those sites. This Plan Amendment will subtract these 13 parcels from the District as permitted under Wis. Stat. § 66.1105(4)(h)2. By separate amendment to Tax Incremental District No. 12 (“TID No. 12”), the City will add the same 13 parcels to that district, which has an active expenditure period through August 2, 2039. This will allow the City to promote further redevelopment in the downtown area in furtherance of the objectives of both TIDs No. 3 and 12. The effective date of the subtraction for valuation purposes will be January 1, 2021, first impacting the 2022 levy for the 2023 budget year.

Other than the subtraction of territory from the District, this Plan Amendment makes no further changes to the District or its Plan. Due to the subtraction of certain underperforming parcels, the territory subtraction is expected to slightly increase the incremental value of the District by a net amount of \$19,670. At the present tax rate, the annual revenue increase to the District will be approximately \$400, or \$3,200 over the remaining life of the District. As the District is currently projected to remain open for the balance of its remaining life, the removal of territory will not impact closure, but will instead slightly increase the funds available for repayments to the Parking Utility.

#### Summary of Findings

As required by Wis. Stat. § 66.1105, and as documented in this Plan Amendment and the exhibits contained and referenced herein, the following findings are made:

1. **That “but for” this Plan Amendment: 1) the City’s economic development objectives for the District will not be achieved; and 2) additional potential development within the District may not occur in the manner, at the values, or within the timeframe desired by the City.** In evaluating the appropriateness of this Plan Amendment, the Joint Review Board must consider “whether the development expected in the tax incremental district would occur without the use of tax incremental financing” customarily referred to as the “but for” test. Since the purpose of this Plan Amendment is solely to subtract territory, this test cannot be applied in the conventional way. The Joint Review Board has previously concluded that the “but for” test was met with respect to the District. Accordingly, the City finds that it is reasonable to conclude the “but for” test continues to be satisfied.

2. **The economic benefits of amending the District, as measured by increased employment, business and personal income, and property value, are sufficient to compensate for the cost of the improvements.** As a result of the Project Costs made within the District, \$58,719,700 in incremental property value has been created. While not quantified, increased employment, business and personal income, and other economic benefits have resulted from the redevelopment that has occurred within the District.
3. **The benefits of the proposal outweigh the anticipated tax increments to be paid by the owners of property in the overlying taxing jurisdictions.** Given the Joint Review Board has previously concluded the benefits of the District outweigh the anticipated tax increments to be paid by the owners of property in the overlying taxing jurisdictions, the City finds that it is reasonable to conclude that this test continues to be satisfied.
4. Not less than 50% by area of the real property within the District, as amended, was a blighted area within the meaning of Wis. Stat. § 66.1105(2)(a)(e)1 at the time the District was created.
5. Based on the foregoing finding, the District is declared to be, and remains, a blighted area district based on the identification and classification of the property included within the District.
6. The District's Project Costs, which remain unchanged, relate directly to promoting the elimination of blight.
7. No territory will be added to the District. Demonstration of compliance with the 12% equalized value test is, therefore, not required for this Plan Amendment.
8. Improvements to be made in the District are likely to significantly enhance the value of substantially all of the other real property in the District
9. The Plan for the District is feasible and is in conformity with the Master Plan of the City.
10. That based on the District's creation date, the City was not required to provide an estimate of the percentage of territory within the District expected to be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Wis. Stat. § 66.1105(5)(b).

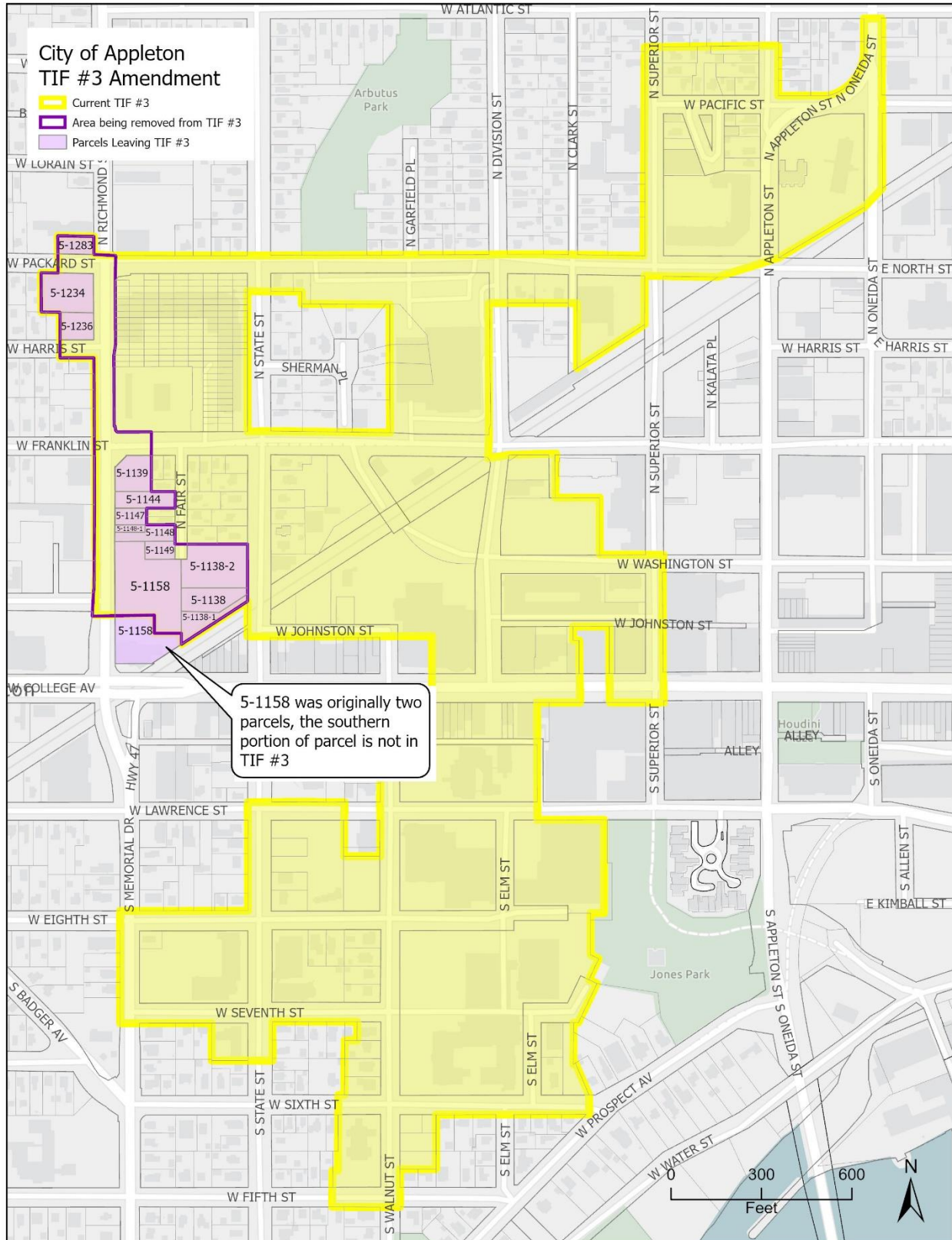
## **SECTION 2:**

### **District Boundary Map & Identification of Parcels to be Subtracted**

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Map Found on Following Page.





## SECTION 3:

### Identification of Parcels to be Subtracted

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The purpose of this Plan Amendment is to remove the parcels identified in the table below from the District effective January 1, 2021. The parcel subtraction will reduce the District's base value by approximately \$1,058,970 and increase its incremental value by approximately \$19,670. The figures listed in the table reflect assessed values. The actual adjustments to the base and incremental value will be calculated by the Department of Revenue using equalized value. Furthermore, the figures listed under the "Current Value" column reflect valuations as of January 1, 2020. The actual reduction in incremental value will be based on January 1, 2021 valuations which are not yet available. The actual reductions in both the base and incremental valuation of the District will, therefore, vary from the estimates provided. The District's revised based and incremental values resulting from the removal of the listed parcels will first be reflected in the valuations certified for January 1, 2022.

<b>Parcel Number</b>	<b>Street Address</b>	<b>Base Value (Jan. 1, 1993)</b>	<b>Current Value (Jan. 1, 2021)</b>
5-1138	133 N STATE ST	\$ 97,400	\$ 0
5-1138-1	123 N STATE ST	\$ 0	\$ 0
5-1138-2	139 N STATE ST	SPLIT FROM 5-1138	\$ 0
5-1139	226 N RICHMOND ST	\$119,110	\$ 47,100
5-1144	N RICHMOND ST	\$ 37,710	\$ 66,200
5-1147	208 N RICHMOND ST	\$ 52,800	\$ 95,000
5-1148	200 N RICHMOND ST	\$106,300	\$120,000
5-1148-1	204 N RICHMOND ST	\$ 34,500	\$ 83,600
5-1149	139 N FAIR ST	\$ 32,500	\$ 59,000
5-1158	110 N RICHMOND ST	\$382,670	\$210,000
5-1234	N RICHMOND ST	\$ 93,800	\$169,200
5-1236	N RICHMOND ST	\$ 42,800	\$ 79,200
5-1283	501 N RICHMOND ST	\$ 59,380	\$110,000

**Totals**

<b>\$</b>	<b>1,058,970</b>	<b>\$</b>	<b>1,039,300</b>
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## **SECTION 4:**

### **Map Showing Existing Uses and Conditions**

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Except for subtraction of territory, this Plan Amendment makes no changes to the map depicting existing uses and conditions of real property within the District as included in the original Project Plan for the District approved on November 4, 1992. That map is hereby incorporated by reference.

## **SECTION 5:**

### **Equalized Value Test**

---

No territory will be added to the District. Demonstration of compliance with the 12% equalized value test is, therefore, not required for this Plan Amendment.

## **SECTION 6:**

### **Statement of Kind, Number and Location of Proposed Public Works and Other Projects**

---

The District's expenditure period terminated on November 4, 2014; therefore, no additional Project Costs may be incurred. The Statement of Kind, Number and Location of Proposed Public Works and Other Projects set forth in the original Project Plan for the District approved on November 4, 1992 remains unchanged.

## **SECTION 7:**

### **Map Showing Proposed Improvements and Uses**

---

Except for subtraction of territory, this Plan Amendment makes no changes to the maps depicting proposed improvements and uses within the District as included in the original Project Plan for the District approved on November 4, 1992. That map is hereby incorporated by reference.

## **SECTION 8:**

### **Detailed List of Project Costs**

---

The District's expenditure period terminated on November 4, 2014; therefore, no additional Project Costs may be incurred. The Detailed List of Project Costs set forth in the original Project Plan for the District approved on November 4, 1992 remains unchanged.

## **SECTION 9:**

### **Economic Feasibility Study, Financing Methods, and the Time When Costs or Monetary Obligations Related are to be Incurred**

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The cash flow projection found on the following page reflects the District's current financial position and anticipated performance through the end of its maximum life. The District's expenditure period ended on November 4, 2014, and additional expenditures will be limited to repayment of existing obligations and direct administrative cost. Existing liabilities include an advance from the General Fund expected to be repaid by 2023, and payments owed to the City's Parking Utility, which will run through the District's final year in 2030.

# **TAX INCREMENT DISTRICT #3** **CASH FLOW PROJECTION**

Valuation Year 1/1	Revenue Year	TIF District 3 Valuation*	Tax Rate	Tax Increment	Other Revenues	Admin Expense	Interest on Gen Fund Advance	Repayment to Parking Utility	Fund Balance	Repayment of General Fund Advance	Cash Balance
	2020								\$ (3,211,621)		\$ 130,806
2020	2021	77,660,500	20.7044	1,215,753	10,983	(1,460)	(139,621)	0	(2,125,966)	(1,100,000)	116,461
2021	2022	78,437,108	20.7044	1,231,835	13,000	(2,000)	(84,621)	0	(967,752)	(1,100,000)	174,675
2022	2023	79,221,476	20.7044	1,248,075	13,000	(2,000)	(28,560)	0	262,763	(1,142,427)	262,763
2023	2024	80,013,691	21.2190	1,264,478	13,000	(2,000)	0	(1,400,000)	138,241	0	138,241
2024	2025	80,813,828	21.2190	1,281,044	13,000	(2,000)	0	(1,300,000)	130,285	0	130,285
2025	2026	81,621,966	21.2190	1,297,776	13,000	(2,000)	0	(1,300,000)	139,061	0	139,061
2026	2027	82,438,186	21.2190	1,314,675	13,000	(2,000)	0	(1,300,000)	164,736	0	164,736
2027	2028	83,262,568	21.2190	1,331,744	13,000	(2,000)	0	(1,300,000)	207,480	0	207,480
2028	2029	84,095,193	21.2190	1,348,983	13,000	(2,000)	0	(1,400,000)	167,463	0	167,463
2029	2030	84,936,145	21.2190	1,366,394	13,000	(5,000)	0	(1,541,857)	0	0	0
				<u>\$ 12,900,757</u>	<u>\$ 127,983</u>	<u>\$ (22,460)</u>	<u>\$ (252,802)</u>	<u>\$ (9,541,857)</u>		<u>\$ (3,342,427)</u>	

\* A 1% valuation growth has been used for 2021 and beyond.

## **SECTION 10:**

### **Annexed Property**

---

A tax incremental district cannot include annexed territory unless at least three years have elapsed since the annexation, or certain other requirements are met. No territory is being added to the District as part of this Plan Amendment

## **SECTION 11:**

### **Proposed Zoning Ordinance Changes**

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The proposed Plan Amendment is in general conformance with the City's current zoning ordinances. Individual properties may require rezoning at the time of development.

## **SECTION 12:**

### **Proposed Changes in Master Plan, Map, Building Codes and Ordinances**

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The proposed Plan Amendment is in general conformance with the City's Comprehensive Plan. Development within the District will be required to conform to State Building Codes and will be subject to the City's permitting and inspection procedures. The proposed Plan conforms to all relevant State and Local ordinances, plans, and codes. No changes to the existing regulations are proposed or needed.

## **SECTION 13:**

### **Relocation**

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The District's expenditure period terminated on November 4, 2014; therefore, no additional Project Costs, to include relocation costs, may be incurred.



## SECTION 14:

### Orderly Development of the City

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This original District Plan contributed to the orderly development of the City by promoting revitalization of blighted and transitional areas in the City's Downtown District. The District's expenditure period has past, and this Plan Amendment has no impact to the original District Plan regarding orderly development of the City.

## SECTION 15:

### List of Estimated Non-Project Costs

---

Non-Project Costs are public works projects which only partly benefit the District. Costs incurred that do not benefit the District may not be paid with tax increments. Examples of non-project costs are:

- A public improvement made within the District that also benefits property outside the District. That portion of the total Project Costs allocable to properties outside of the District would be a non-project cost.
- A public improvement made outside the District that only partially benefits property within the District. That portion of the total Project Costs allocable to properties outside of the District would be a non-project cost.
- Projects undertaken within the District as part of the implementation of this Project Plan, the costs of which are paid fully or in part by impact fees, grants, special assessments, or revenues other than tax increments.

The District's expenditure period terminated on November 4, 2014; therefore, no additional Project Costs, or Non-Project Costs will be incurred.

## SECTION 16:

### Opinion of Attorney for the City of Appleton Advising Whether the Plan is Complete and Complies with Wisconsin Statutes 66.1105

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#### LEGAL SERVICES DEPARTMENT

##### Office of the City Attorney

100 North Appleton Street  
Appleton, WI 54911  
Phone: 920/832-6423  
Fax: 920/832-5962

June 28, 2021

Mayor Jacob A. Woodford  
City of Appleton  
100 North Appleton Street  
Appleton, WI 54911-4799

Re: Tax Increment Finance Program Plan, City of Appleton  
Tax Incremental District #3

Dear Mayor Woodford:

You have asked me for a legal opinion as to the legal sufficiency and statutory compliance of the proposed Tax Incremental Financing District #3 Project Plan Amendment (amendment #2) for the City of Appleton Tax Incremental District #3. I have reviewed the second Project Plan Amendment for said District as well as the appendices attached thereto, specifically as to their compliance with the provision of Section 66.1105(4), Wisconsin Statutes. It is my opinion that the Project Plan Amendment is in compliance with all of the provisions of Section 66.1105(4) of the Wisconsin Statutes dealing with the creation of Tax Incremental Financing Districts.

If you have any questions concerning this matter, please contact me at your earliest convenience.

Sincerely,

Christopher R. Behrens  
City Attorney

CRB:jljg

---

Christopher R. Behrens  
City Attorney

Amanda Abshire  
Deputy City Attorney

Darrin M. Glad  
Assistant City Attorney

Nicholas J. Vande Castle  
Assistant City Attorney

## **SECTION 17:**

### Calculation of the Share of Projected Tax Increments Estimated to be Paid by the Owners of Property in the Overlying Taxing Jurisdictions

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The scope of this Plan Amendment makes no changes to the calculations prepared and included in the original District Project Plan approved on November 4, 1992. Those calculations are hereby incorporated by reference.

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION APPROVING AN AMENDMENT TO THE PROJECT PLAN AND  
BOUNDARIES OF TAX INCREMENTAL DISTRICT NO. 3,  
CITY OF APPLETON, WISCONSIN**

WHEREAS, the City of Appleton (the "City") has determined that use of Tax Incremental Financing is required to promote development and redevelopment within the City; and

WHEREAS, Tax Incremental District No. 3 (the "District") was created by the City on November 4, 1992 as a blighted area district and amended on September 10, 2020; and

WHEREAS, the City now desires to amend the boundaries of the District (the "Amendment") in accordance with the provisions of Wisconsin Statutes Section 66.1105 (the "Tax Increment Law"); and

WHEREAS, such Amendment will remove territory from the District as permitted under Wisconsin Statutes Section 66.1105(4)(h)2.; and

WHEREAS, an amended Project Plan for the District has been prepared that includes:

- a. A statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Wisconsin Statutes Sections 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n., outside of the District;
- b. An economic feasibility study;
- c. A detailed list of estimated project costs;
- d. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
- e. A map showing existing uses and conditions of real property in the District;
- f. A map showing proposed improvements and uses in the District;
- g. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
- h. A list of estimated non-project costs;
- i. A statement of the proposed plan for relocation of any persons to be displaced;
- j. A statement indicating how the amendment of the District promotes the orderly development of the City;
- k. An opinion of the City Attorney or of an attorney retained by the City advising that the Project Plan is complete and complies with Wisconsin Statutes Section 66.1105(4)(f).; and

WHEREAS, prior to its publication, a copy of the notice of public hearing was sent to the chief executive officers of Outagamie County, the Appleton Area School District, and the Fox Valley Technical College District, and any other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Plan Commission, on August 11, 2021 held a public hearing concerning the proposed amendment to the Project Plan and boundaries of the District, providing interested parties a reasonable opportunity to express their views thereon; and

WHEREAS, after said public hearing, the Plan Commission designated the boundaries of the amended district, adopted the Project Plan, and recommended to the Common Council that it amend and adopt the Project Plan and boundaries for the District.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Appleton that:

1. The boundaries of the District named "Tax Incremental District No. 3, City of Appleton", are hereby amended as identified in Exhibit A of this Resolution.
2. The territory being subtracted from the District shall no longer be part of the District effective as of January 1, 2021.
3. The Common Council finds and declares that:
  - (a) Not less than 50% by area of the real property within the District, as amended, was a blighted area at the time the District was created.
  - (b) Based upon the finding stated in 3.a. above, the District was declared to be, and remains, a blighted area district based on the identification and classification of the property included within the District.
  - (c) The District's project costs will not change as a result of this amendment. Prior project costs incurred directly promoted the elimination of blight, consistent with the purpose for which the District is created
  - (d) The limitation as the percentage of equalized taxable property value that can be located within tax incremental districts does not apply to this Plan Amendment as no territory will be added to the District
  - (e) Improvements made within the District have and are likely to continue to significantly enhance the value of substantially all of the other real property in the District.
  - (f) The City estimates that less than 35% of the territory within the District was devoted to retail business at the end of the District's maximum expenditure period, pursuant to Wisconsin Statutes Section 66.1105(5)(b).
4. The Project Plan for "Tax Incremental District No. 3, City of Appleton" (see Exhibit B), as amended, is approved, and the City further finds the Project Plan is feasible and in conformity with the master plan of the City.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to apply to the Wisconsin Department of Revenue, in such form as may be prescribed, for a "Determination of Tax Incremental Base", as of January 1, 2021, pursuant to the provisions of Wisconsin Statutes Section 66.1105(5)(b).

BE IT FURTHER RESOLVED THAT pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes that the City Assessor is hereby authorized and directed to identify upon the assessment roll returned and examined under Wisconsin Statutes Section 70.45, those parcels of property which are within the District, specifying thereon the name of the said District, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jacob A. Woodford, Mayor

ATTEST:

\_\_\_\_\_  
Kami L. Lynch, City Clerk



**EXHIBIT A -**

**LEGAL BOUNDARY DESCRIPTION OR MAP OF  
TAX INCREMENTAL DISTRICT NO. 3  
CITY OF APPLETON**

[INCLUDED WITHIN PROJECT PLAN]

**PROJECT PLAN AMENDMENT**

[DISTRIBUTED SEPARATELY]



# MEMORANDUM

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TO: City Plan Commission

FROM: Karen Harkness, Director of Community and Economic Development Department

DATE: August 11, 2021

RE: Tax Incremental Financing Districts #3 & #12 Amendments

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The Department is proposing amendments to the boundaries and project plans for Tax Incremental Financing Districts #3 and #12.

TIF #3 was created in 1992 as a blighted district. Objectives were to stimulate downtown and commercial development, expand the property tax base and employment opportunities, and reduce blight in the downtown retail area.

In 2011, it was designated a distressed TIF following a \$15.4 million decrease in the District's valuation from 2009 to 2010 resulting from the Department of Revenue (DOR) implementation of a new valuation methodology and loss of valuation in the Richmond Terrace project due to bankruptcy. A distressed TIF is not eligible for new projects, nor can a new TIF be overlaid. TIF #3 expires in 2029.

TIF #3 is being amended to pull undervalued/underutilized parcels out and add them to TIF #12 to encourage redevelopment and reinvestment in our Central Business District. The proposed Tax Incremental District #3 Project Plan amendment subtracts 13 tax parcels from the District, which will be added to Tax Incremental District #12.

TIF #12 was created as a rehabilitation/conservation district in 2017. The objectives were to eliminate blight and stimulate the rehabilitation, conservation and redevelopment of West College Avenue and the surrounding area.

The proposed Tax Incremental District #12 Project Plan amendment will add to the District the 13 tax parcels being removed from Tax Incremental District #3 along with 23 additional parcels. The amendment will also revise the kind, number and location of proposed public works or improvements within the District and the detailed list of project costs to add approximately \$2.3 million or \$2,345,594 in additional potential project cost expenditures. Project costs include potential cash grants (development incentives) to be paid to owners, lessees or developers of land located within the District.

This item will go to Council on August 18<sup>th</sup>.

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION DESIGNATING PROPOSED AMENDED BOUNDARIES  
AND APPROVING A PROJECT PLAN AMENDMENT  
FOR TAX INCREMENTAL DISTRICT NO. 12,  
CITY OF APPLETON, WISCONSIN**

WHEREAS, the City of Appleton (the "City") has determined that use of Tax Incremental Financing is required to promote development and redevelopment within the City; and

WHEREAS, Tax Incremental District No. 12 (the "District") was created by the City on August 2, 2017 as a rehabilitation/conservation district; and

WHEREAS, the City now desires to amend the Project Plan and boundaries of the District (the "Amendment") in accordance with the provisions of Wisconsin Statutes Section 66.1105 (the "Tax Increment Law"); and

WHEREAS, such Amendment will:

- a. Add territory to the District as permitted under Wisconsin Statutes Section 66.1105(4)(h)2.
- b. Amend the categories, locations or costs of project costs to be made as permitted under Wisconsin Statutes Section 66.1105(4)(h)1.; and

WHEREAS, an amended Project Plan for the District (the "Amendment") has been prepared that includes:

- a. A statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Wisconsin Statutes Sections 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n., outside of the District;
- b. An economic feasibility study;
- c. A detailed list of estimated project costs;
- d. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
- e. A map showing existing uses and conditions of real property in the District;
- f. A map showing proposed improvements and uses in the District;
- g. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
- h. A list of estimated non-project costs;
- i. A statement of the proposed plan for relocation of any persons to be displaced;
- j. A statement indicating how the amendment of the district promotes the orderly development of the City;
- k. An opinion of the City Attorney or of an attorney retained by the City advising that the plan is complete and complies with Wisconsin Statutes Section 66.1105(4)(f).; and

WHEREAS, prior to its publication, a copy of the notice of public hearing was sent to owners of all property in the proposed District, to the chief executive officers of Outagamie County, the Appleton Area School District, and the Fox Valley Technical College District, and any other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Plan Commission, on August 11, 2021 held a public hearing concerning the proposed amendment to the Project Plan and boundaries of the District, providing interested parties a reasonable opportunity to express their views thereon.

NOW, THEREFORE, BE IT RESOLVED by the Plan Commission of the City of Appleton that:

1. It recommends to the Common Council that the boundaries of Tax Incremental District No. 12 be amended as designated in Exhibit A of this Resolution.
2. It approves and adopts the amended Project Plan for the District, attached as Exhibit B, and recommends its approval to the Common Council.
3. Amendment of the Project Plan and Boundaries of the District promotes orderly development in the City.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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Jacob A. Woodford, Mayor  
Plan Commission Chair

ATTEST:

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Kami L. Lynch, City Clerk



**LEGAL BOUNDARY DESCRIPTION OR MAP OF  
TAX INCREMENTAL DISTRICT NO. 12  
CITY OF APPLETON**

[INCLUDED WITHIIN PROJECT PLAN]

**PROJECT PLAN AMENDMENT**

[DISTRIBUTED SEPARATELY]

June 29, 2021

# TAX INCREMENTAL DISTRICT No. 12 PROJECT PLAN AMENDMENT #1



Organizational Joint Review Board Meeting Held:	Scheduled for August 11, 2021
Public Hearing Held:	Scheduled for August 11, 2021
Adoption by Plan Commission:	Scheduled for August 11, 2021
Adoption by Common Council:	Scheduled for August 18, 2021
Approval by the Joint Review Board:	TBD
Expenditure Deadline:	August 2039 (22 Years)
TID Expiration Date:	August 2044 (27 Years)

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## *Section 1: Executive Summary*

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### Description of District

Tax Incremental District (“TID”) No. 12 (“District”) was created by the City on August 2, 2017 under the authority provided by Wisconsin Statute Section 66.1105 “Tax Increment Law”. In accordance with its Project Plan (“Plan”), the objectives for the District are to eliminate blight and stimulate the rehabilitation, conservation and redevelopment of this urban corridor located on West College Avenue from the east side of Story Street to the west side of Walnut Street as well as Memorial Drive/Richmond Street from the north side of Lawrence Street to the south side of Elsie Street (excluding the east side of the 400 block of Richmond Street that contains the gas station and Richmond Terrace). A map of the proposed District boundaries is found in Section 3. A complete description of the District, individual development areas, and objectives related to those areas can be found in Section 2 of this Plan.

### Amendment Purpose

The City has identified 13 undervalued and high re-development parcels within Tax Incremental District No. 3 (TID No. 3) comprising an area that continues to have redevelopment potential. Since TID No. 3’s expenditure period has passed, the City is unable to incur further Project Costs within this area. This Plan Amendment will add these 13 parcels to the District as permitted under Wis. Stat. § 66.1105(4)(h)2. Twenty-three (23) additional parcels not presently located within TID No. 3 will also be added to the District as part of this Plan Amendment. This will allow the City to promote further redevelopment in the downtown area in furtherance of the objectives of both TIDs No. 3 and 12. The effective date of the territory additions for valuation purposes will be January 1, 2021. The Plan also sets forth additional Project Costs the City may incur within the District and the territory being added to the District.

### Summary of Findings

As required by Wis. Stat. § 66.1105, and as documented in this Plan Amendment and the exhibits contained and referenced herein, the following findings are made:

1. **That “but for” this Plan Amendment: 1) the City’s economic development objectives for the District will not be achieved; and 2) additional potential development within the District may not occur in the manner, at the values, or within the timeframe desired by the City.** Development Areas identified in this Plan Amendment contain various impediments to redevelopment including obsolete structures, structures requiring substantial renovation, substandard access, and inadequate parking. Due to the additional development costs associated with brownfield redevelopment such as demolition, remediation and provision of off-street parking, Tax Incremental Financing (“TIF”) is often required to make a project economically feasible. Without use of TIF, redevelopment projects that the City wants to encourage are unlikely to attract needed private investment capital. It is therefore the City’s judgment that “but for” the use of TIF within the District and the territory to be added, that redevelopment is not likely to occur in the manner, at the values, or within the timeframe desired by the City. Since the District includes various potential Development Areas, the City will evaluate specific projects as they are proposed regarding any requested TIF assistance.



2. **The economic benefits of amending the District, as measured by increased employment, business and personal income, and property value, are sufficient to compensate for the cost of the improvements.** Beyond the expected increase in incremental property value, development within the District will result in short-term employment opportunities as a result of both public and private construction, as well as long-term employment opportunities resulting from commercial and retail operations that will locate in or be retained within the District. Implementation of the Plan Amendment will also provide housing opportunities, and commercial enterprise providing goods and services to workers and residents in the area. The City expects that the level of economic benefit derived from implementing the amended Plan will be more than sufficient to compensate for the Project Costs to be undertaken.
3. **The benefits of the proposal outweigh the anticipated tax increments to be paid by the owners of property in the overlying taxing jurisdictions.** As identified in 2. above, the economic benefits of the Plan Amendment are expected to more than compensate for the Project Costs. These same benefits will be enjoyed by taxpayers of all overlying taxing jurisdictions. The City finds that the benefits of the Plan Amendment similarly outweigh the cost of the anticipated tax increments to be paid.
4. Not less than 50% by area of the real property within the District, as amended, is a blighted area within the meaning of Wis. Stat. § 66.1105(2)(ae)1. The District was created as a Rehabilitation District and at least 50% by area of real property within the District is blighted and/or in need of rehabilitation and/or conservation work within the meaning of Wisconsin State Statutes 66.1337 (2m) (a).
5. Based on the foregoing finding, the District is declared to be, and remains, a blighted rehabilitation area district based on the identification and classification of the property included within the District.
6. The District's Project Costs relate directly to promoting the elimination of blight and rehabilitation.
7. The equalized value of the taxable property within the territory to be added to the District, plus the value increment of all other existing tax incremental districts within the City, does not exceed 12% of the total equalized value of taxable property within the City.
8. Improvements to be made in the District are likely to significantly enhance the value of substantially all of the other real property in the District
9. The Plan for the District is feasible and is in conformity with the Master Plan of the City.
10. The City estimates that 10% of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Wis. Stat. § 66.1105(5)(b).

## ***Section 2: Intent and Purpose of District and the Amendment***

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Tax Incremental District (“TID”) No. 12 (“District”) was created by the City of Appleton under the authority provided by Wis. Stat. § 66.1105 as a Rehabilitation & Conservation TIF District per State Statute 66.1337 (2m)(a). The intent and purpose of the district is to eliminate blight and stimulate the rehabilitation, conservation and redevelopment of this urban corridor located on West College Avenue from the east side of Story Street to the west side of Walnut Street as well as Memorial Drive/Richmond Street from the north side of Lawrence Street to the south side of Elsie Street (excluding the east side of the 400 block of Richmond Street that contains the gas station and Richmond Terrace). This area is primarily characterized by a large vacant parking lot, commercial building, a mixture of small and medium retail, office, service and hospitality businesses, which have the potential to, and in some cases already have, created a blighting influence on the surrounding area. While several property owners have made significant investment in the area, there are still numerous blighted properties that hamper further investment. The original District consisted of approximately 23 acres of land with the vast majority zoned Central Business District. This Amendment will add approximately 12 acres of land to the District.

The District is being created as a “Rehabilitation District” based upon the finding that at least 50%, by area of the real property within the District, is blighted and/or is in need of rehabilitation and/or conservation work within the meaning of Wisconsin Statute Section 66.1337 “Urban Renewal” described below. Some properties identified as rehabilitation or conservation may not experience any redevelopment or conservation activities during the TIF lifetime, while others not identified may experience redevelopment activities due to inclusion in the District. The identification of properties considered in need of rehabilitation or conservation work does not compel the City, or private landowners, to undertake public or private improvement projects specific to that location. 62 of the 95 properties in the amended area (Development Areas #1 and #5) of the District have been identified as in need of rehabilitation or conservation. These parcels represent approximately 69% of the total amended District area, excluding right-of-way. The map exhibit found in Section 5 illustrates existing uses and conditions of the District.

Rehabilitation or conservation work includes any of the following:

1. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements.
2. Acquisition of real property and demolition, removal or rehabilitation of buildings and improvements on the property where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities.
3. Installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the objectives of the urban renewal project.
4. The disposition, for uses in accordance with the objectives of the urban renewal project, of any property acquired in the area of the project. The disposition shall be in the manner prescribed in this section for the disposition of property in a redevelopment project area.

This Project Plan outlines the City of Appleton's role in assisting with the rehabilitation and conservation of existing properties and business as well as redevelopment of vacant, blighted, and underutilized properties as needed to support the urban renewal of this area. The investment in this District will:

- eliminate blight and foster urban renewal through public and private investment
- enhance the development potential of private property within and adjacent to the District
- stabilize property values in the area
- promote retention, expansion, attraction and reuse through the development of an improved area thereby facilitating the creation of new jobs and increased tax base
- improve the overall appearance of public and private spaces
- strengthen the economic well-being and economic diversity of the area
- provide appropriate financial incentives to encourage business expansion
- maximize the Districts strategic location in Appleton's Downtown and easy access to U.S. Interstate 41.

There are five identified development areas within the District that include a combination of redevelopment and rehabilitation sites. The following map and narrative highlight the key development areas targeted for rehabilitation/conservation as well as redevelopment in this District that would not happen otherwise but for the creation of this District.







**Development Area #1:** This Development Area comprises approximately 11.4 acres of the approximate 35 acre TIF District and is predominately home to independent businesses in the retail, personal and professional services, hospitality and financial industries. Buildings dating back to 1870 through the 1980s provide a mixture of architectural styles and aesthetic characteristics. See pictures below of the College Avenue portion of this Development Area. There are also about 82 housing units located in this Development Area.

While several businesses have committed significant time and financial investment into improving and maintaining their properties in Development Area #1, there are also a substantial number of properties that are for sale or lease, vacant, or in need of property maintenance. Conservation of the existing businesses is also critical to the economic vitality of this corridor. Many of these properties have and will continue to benefit from Property Improvement Grants to mitigate the deteriorated conditions and improve the overall economic vitality and appearance of the corridor.

The Amendment Project Plan adds a total of 10 parcels to this development area. 8 parcels were previously in TIF #3 and consist of a large parking lot, WE Energies electrical station, an old gas station and commercial properties that are vacant and/or where rehabilitation of the existing buildings and properties would further enhance the entire area. The two 2 additional parcels consist of railroad right of way and Good Company's building.

- **200 NORTH Richmond Street (East) Block**



- **500 WEST College Avenue (North) Block**



- **500 WEST College Avenue (South) Block**



- **600 WEST College Avenue (North) Block**



- **600 WEST College Avenue (South) Block**



**Development Area #2:** This Development Area comprises approximately 7.5 acres of the approximately 35 acre TIF District and is home to a variety of independent businesses, several houses, public services and a youth community center. The businesses include retail, personal and professional services, hospitality and automotive sales and repair. The buildings date back to 1894 and include a variety of architectural styles and aesthetic characteristics. See below for pictures of the College Avenue properties in this Development Area. Prior to the original creation of TIF #12, the most recent construction projects included the expansion of the Boys & Girls Club in 2010. Since the creation of TIF #12, this area has seen the rehabilitation of the 800 block of West College Avenue in 2020. Block 800 is a mixed use project that added commercial/retail space and 20 apartments with one, two and three bedroom options with underground parking and a patio on the top floor. Additionally, 741 W. College Avenue, a Quonset hut building purchased at a Sheriff Sale, utilized a Business Enhancement Grant to rehabilitate exterior portions of the property.

Several properties remain vacant in this area and rehabilitation of the existing buildings and properties would further enhance the entire area. Since this entire area is also highly visible and an integral part of the Downtown, this Development Area would benefit from increased commercial activity. Redevelopment of the blighted and vacant properties in this Development Area would further benefit, and potentially induce, investment in parcels located surrounding and in close proximity to this area. Conservation of the existing businesses is also critical to the economic vitality of this corridor. Many of these properties have and will benefit from Property Improvement Grants to mitigate the deteriorated conditions and improve the overall appearance of the corridor with 18 of the 25 properties identified as in need of rehabilitation, conservation or redevelopment.

- **700 WEST College Avenue (South) Block**





- **800 WEST College Avenue (South) Block**



- **900 WEST College Avenue (South) Block**



**Development Area #3:** This Development Area comprises about 5 acres of the approximately 35 acre TIF District and includes several large buildings. Most of the buildings are relatively recent in their construction, from the Capital Credit Union's building in 1989 to Walgreens in 2000. When TIF #12 was originally created, the Thompson Center located at 820 W. College Avenue, built in 1972 was vacant. As the largest building in this Development Area at over 23,500 square feet, the site was negatively impacting other properties, had deteriorating property conditions, was not aesthetically pleasing, and needed to be rehabilitated or redeveloped to enhance the overall economic vitality of the area and provide a positive impression for those travelling this corridor. Conservation of the existing businesses is also critical to the economic vitality of this corridor. In September 2020, The Core church moved into the renovated site. It is a contemporary church affiliated with St. Peter Lutheran Church in Freedom and 922 Ministries. This project was not eligible for TIF support due to its property tax exemption.

This Development Area is highly visible and a primary gateway into the City of Appleton and Appleton's Downtown. Redevelopment of this site would further benefit, and potentially induce investment in parcels located surrounding and in close proximity to this site/area.

- **800 WEST College Avenue (North) Block**



- **900 WEST College Avenue (North) Block**

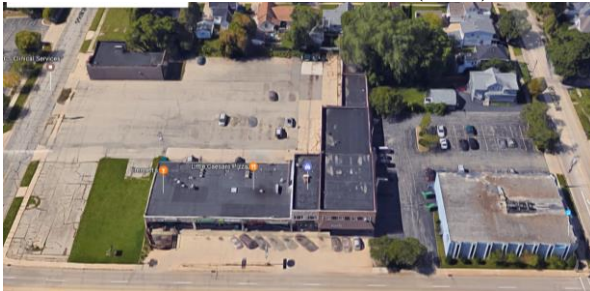


**Development Area #4:** This Development Area comprises just over 4 acres of the approximately 35 acre TIF District and includes a commercial center with storage units and office building among a couple vacant parcels and single-family homes. The commercial center was built in 1961, and the blue office building at the corner of Richmond and Franklin Streets was built in 1969. Access to the commercial center site can be challenging with the high volume of traffic on Richmond Street, and parking is a challenge as there are a limited number of stalls in the front of the building despite the substantial parking lot behind. The unit on the north end of the center has remained vacant for years. The vacant and underutilized parcels at the corner of Washington Street and Richmond Street present a deteriorated condition in this area. With the original creation of TIF #12, this vacant parcel was redeveloped into Evergreen Credit Union which opened early 2021. This entire corridor is a high visibility route into Downtown Appleton. Rehabilitation of the existing buildings and conservation of the businesses along with redevelopment of this blighted site would further enhance the entire area.

- **200 NORTH Richmond Street (West) Block**



- **100 – 200 NORTH Richmond Street (West) Block**



**Development Area #5:** This Development Area comprises approximately 7.7 acres of the approximately 35 acre TIF District and includes not- for- profits, financial institutions, commercial, retail entities, office buildings, vacant parcels and single family homes. There are also about 12 housing units located in this development area. The credit union building was built in 1920. The VFW site is comprised of a very large parking lot and a building built in 1884 and most recently used as a bar and grill until it closed in 2019. The large underutilized parking lot is in a deteriorated condition. Business centers built in 1949, 1963, 1965 and 1983 may benefit with the amendment to this district. Access to the commercial sites can be challenging with the high volume of traffic on Richmond Street, and ingress and egress to parking can be a challenge as well. This entire corridor is a high visibility route into Downtown Appleton. Rehabilitation of the existing buildings and conservation of the businesses along with redevelopment of this blighted site would further enhance the entire area.

Greywolf Partners, Inc. has proposed to construct a multi-family project on the former VFW site which includes parcels 31-5-1232-00, 1234-00, 1236-00 and 1238-00. Three of these parcels are the former VFW parking lot, and the other parcel is an older duplex.

The proposed multi-family project would consist of 91 apartments with 94 underground parking stalls and 22 surface parking stalls. This new multi-family development is proposed to contain the following units:

- 30 studios (514-655 sq. ft.)
- 33 one-bedrooms (730-790 sq. ft.)
- 24 two-bedrooms (1,016-1,248 sq. ft.)
- 4 three-bedrooms (1,428 sq. ft.)

Greywolf Partners, Inc. would start construction in November 2021 and be ready for occupancy in March 2023. Greywolf estimates a total development cost of \$18,400,000.

- **300 NORTH Richmond Street (West) Block**



- **400 NORTH Richmond Street (West) Block**



- **500 NORTH Richmond Street (West) Block**





- **600 NORTH Richmond Street (East) Block**



- **600 NORTH Richmond Street (West) Block**



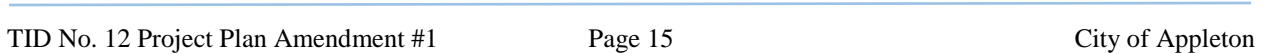
Development Areas #1 and #5 (new) are the only 2 areas that changed. On the following page is the list of parcels in these 2 areas.

TAXKEY	Owner Name	Property Address	Prop Zip	Zoning	Area in Square Feet	Business Name	Personal Property Value	Improvements	Land Value	Total Real Estate Value	Total Real Estate & Personal Property Value	Develop Area	Rehab/Conservation/Re development
31-0-0976-02	MAI VANG	104 S MEMORIAL DR	54911	CBD	1474.13	MAI'S DELI LLC	\$ 32,600.00	\$ -	\$ -	\$ -	\$ 32,600.00	1	Rehab/Conservation
31-3-0976-00	GENIA'S LEGACY LLC	623 W COLLEGE AVE	54911	CBD	5787.03	FOXLEY'S GALLERY LTD	\$ 3,600.00	\$ 224,600.00	\$ 69,400.00	\$ 294,000.00	\$ 297,600.00	1	Rehab/Conservation
31-3-0976-01	MAI VANG	104 S MEMORIAL DR	54911	CBD	6788.01	ALLEGRA APPLETON : ROCKVILLE CORPORATION	\$ -	\$ 90,400.00	\$ 107,500.00	\$ 197,900.00	\$ 197,900.00	1	Rehab/Conservation
31-3-0979-00	APPLETON WEST END REAL	609 W COLLEGE AVE	54911	CBD	17311.70	VAL U BEAUTY SUPPLY LLC	\$ 1,300.00	\$ 271,700.00	\$ 202,300.00	\$ 474,000.00	\$ 475,300.00	1	Rehab/Conservation
31-3-0979-00	APPLETON WEST END REAL	609 W COLLEGE AVE	54911	CBD		SIDE QUEST GAMING LLC	\$ 11,000.00				\$ 11,000.00	1	Rehab/Conservation
31-3-0983-00	DAS VENTURES HOLDINGS	603 W COLLEGE AVE	54911	CBD	8653.19	APPLETON BEER FACTORY : DAS VENTURES INC	\$ 65,500.00	\$ 488,600.00	\$ 112,500.00	\$ 601,100.00	\$ 666,600.00	1	Rehab/Conservation
31-3-0985-00	JAMES LISON	601 W COLLEGE AVE	54911	CBD	2880.00	PIXEL PRO AUDIO LLC	\$ 6,300.00	\$ 168,900.00	\$ 46,100.00	\$ 215,000.00	\$ 221,300.00	1	Rehab/Conservation
31-3-0986-00	MCFLESHMAN'S COMMONS L	115 S STATE ST	54911	CBD	6724.46	MC FLESHMAN'S BREWING CO LLC	\$ 63,500.00	\$ 539,000.00	\$ 63,900.00	\$ 602,900.00	\$ 666,400.00	1	Rehab/Conservation
31-3-0988-00	121 STATE ST LLC	121 S STATE ST	54911	CBD	10395.64	APPLETON BICYCLE SHOP LLC	\$ 5,600.00	\$ 126,500.00	\$ 83,000.00	\$ 209,500.00	\$ 215,100.00	1	Rehab/Conservation
31-3-0990-00	THE MOORING FOUNDATION	131 S STATE ST	54911	CBD	3293.82		\$ -	\$ -	\$ -	\$ -	\$ -	1	
31-3-0991-00	THE MOORING FOUNDATION	610 W LAWRENCE ST	54911	CBD	2353.25		\$ -	\$ -	\$ -	\$ -	\$ -	1	
31-3-0992-00	RUBY LOU PROPERTIES LL	614 W LAWRENCE ST	54911	CBD	7203.91		\$ -	\$ 24,800.00	\$ 35,700.00	\$ 60,500.00	\$ 60,500.00	1	Rehab/Conservation
31-3-0993-00	RUBY LOU PROPERTIES LL	620 W LAWRENCE ST	54911	CBD	9984.87	FOX VALLEY RESTAURANT SUPPLY INC	\$ 3,000.00	\$ 108,100.00	\$ 59,900.00	\$ 168,000.00	\$ 171,000.00	1	Rehab/Conservation
31-3-0996-00	ROBERT MAZZA	122 S MEMORIAL DR	54911	CBD	22767.31	HOBBY TOWN - APPLETON STORE : RJM ENTERPRISES-OSHKOSH INC	\$ 10,900.00	\$ 138,000.00	\$ 182,000.00	\$ 320,000.00	\$ 330,900.00	1	Rehab/Conservation
31-3-0998-00	RUBY LOU PROPERTIES LL	613 W COLLEGE AVE	54911	CBD	5559.28		\$ -	\$ 35,600.00	\$ 24,400.00	\$ 60,000.00	\$ 60,000.00	1	Rehab/Conservation
31-3-0999-00	JOHN GREINER	535 W COLLEGE AVE	54911	CBD	2879.67	JACK'S APPLE PUB LLC	\$ 3,800.00	\$ 151,100.00	\$ 51,800.00	\$ 202,900.00	\$ 206,700.00	1	Rehab/Conservation
31-3-0999-00	JOHN GREINER	535 W COLLEGE AVE	54911	CBD		MR TACO AUTHENTIC MEXICAN CUISINE CORPORATION	\$ 1,600.00				\$ 1,600.00	1	Rehab/Conservation
31-3-1003-00	EFS LLC	523 W COLLEGE AVE	54911	CBD	14492.38	C-VINE LOUNGE LLC	\$ 28,100.00	\$ 724,800.00	\$ 246,400.00	\$ 971,200.00	\$ 999,300.00	1	Rehab/Conservation
31-3-1003-00	EFS LLC	523 W COLLEGE AVE	54911	CBD		OB'S BRAU HAUS GASTRO BREW PUB : OLD BAVARIAN BRAUHAUS INC	\$ 77,200.00				\$ 77,200.00	1	Rehab/Conservation
31-3-1003-00	EFS LLC	523 W COLLEGE AVE	54911	CBD		SUSHI LOVER : C & K CATERING CORPORATION	\$ 176,700.00				\$ 176,700.00	1	Rehab/Conservation
31-3-1004-00	KOROLL PROPERTIES LLC	519 W COLLEGE AVE	54911	CBD	4311.34	DEJA VU MARTINI/THE MONKEY BAR : DEJA VU ENTERPRSES LLC	\$ 40,200.00	\$ 336,300.00	\$ 77,600.00	\$ 413,900.00	\$ 454,100.00	1	Rehab/Conservation
31-3-1005-00	BELA DEVELOPMENT LLC	513 W COLLEGE AVE	54911	CBD	7123.90	513 APPLETON LLC THE	\$ 2,800.00	\$ 720,800.00	\$ 128,100.00	\$ 848,900.00	\$ 851,700.00	1	Rehab/Conservation
31-3-1006-00	BELA DEVELOPMENT LLC	516 W LAWRENCE ST	54911	CBD	11461.17		\$ -	\$ 10,000.00	\$ 90,900.00	\$ 100,900.00	\$ 100,900.00	1	Rehab/Conservation
31-3-1008-00	NORWEST BANK WISCONSIN	118 S STATE ST	54911	CBD	34129.56	WELLS FARGO BANK NA #100429	\$ 97,000.00	\$ 791,700.00	\$ 341,000.00	\$ 1,132,700.00	\$ 1,229,700.00	1	Rehab/Conservation
31-3-1014-00	CRESENCIO VICTORIA	129 S WALNUT ST	54911	CBD	4774.04		\$ -	\$ 54,900.00	\$ 25,100.00	\$ 80,000.00	\$ 80,000.00	1	
31-3-1015-00	CRESENCIO VICTORIA	510 W LAWRENCE ST	54911	CBD	2650.38		\$ -	\$ 55,700.00	\$ 24,300.00	\$ 80,000.00	\$ 80,000.00	1	
31-3-1016-00	CITY OF APPLETON	125 S WALNUT ST	54911	CBD	7621.40		\$ -	\$ -	\$ -	\$ -	\$ -	1	Rehab/Conservation
31-3-1017-00	CAROL HAUSSERMAN ET AL	119 S WALNUT ST	54911	CBD	7560.18		\$ -	\$ 78,000.00	\$ 82,000.00	\$ 160,000.00	\$ 160,000.00	1	Rehab/Conservation
31-3-1020-00	JJS VENTURES LLC	511 W COLLEGE AVE	54911	CBD	5768.10	FRESS RESTAURANT & BAR : DVV ENTERPRISES LLC	\$ 7,900.00	\$ 508,100.00	\$ 109,400.00	\$ 617,500.00	\$ 625,400.00	1	Rehab/Conservation
31-3-1021-00	VICTORIAS APPLETON INC	507 W COLLEGE AVE	54911	CBD	2884.28		\$ -	\$ 259,300.00	\$ 57,600.00	\$ 316,900.00	\$ 316,900.00	1	Rehab/Conservation
31-3-1022-00	VICTORIAS APPLETON INC	503 W COLLEGE AVE	54911	CBD	5532.75	VICTORIA'S APPLETON INC	\$ 61,400.00	\$ 249,000.00	\$ 121,400.00	\$ 370,400.00	\$ 431,800.00	1	Rehab/Conservation
31-5-1058-00	STATEVIEW LLC	532 W COLLEGE AVE	54911	CBD	3004.67	STATEVIEW LLC	\$ 3,200.00	\$ 231,200.00	\$ 51,800.00	\$ 283,000.00	\$ 286,200.00	1	Rehab/Conservation
31-5-1059-00	ANDREW THORNELL	530 W COLLEGE AVE	54911	CBD	3004.28	MARLEY'S SMOKE SHOP % ANDY THORNELL	\$ 23,900.00	\$ 123,500.00	\$ 49,000.00	\$ 172,500.00	\$ 196,400.00	1	Rehab/Conservation
31-5-1060-00	PATRICK FLANAGAN	524 W COLLEGE AVE	54911	CBD	11542.08	FLANAGAN'S STOP & SHOP INC	\$ 6,200.00	\$ 326,100.00	\$ 201,500.00	\$ 527,600.00	\$ 533,800.00	1	Rehab/Conservation
31-5-1060-00	PATRICK FLANAGAN	524 W COLLEGE AVE	54911	CBD		528 BY PISCO MAR : PISCO MAR LLC	\$ 2,200.00				\$ 2,200.00	1	Rehab/Conservation
31-5-1063-00	NOBLE ASSETS INC	514 W COLLEGE AVE	54911	CBD	8623.09	CRAZY SWEET : FENDT & SCHALLIOL ENTERPRISES LLC	\$ 29,100.00	\$ 155,200.00	\$ 154,900.00	\$ 310,100.00	\$ 339,200.00	1	Rehab/Conservation
31-5-1065-00	FRASER PROPERTIES LLC	512 W COLLEGE AVE	54911	CBD	2913.84		\$ -	\$ 98,900.00	\$ 52,400.00	\$ 151,300.00	\$ 151,300.00	1	Rehab/Conservation
31-5-1066-00	FRASER PROPERTIES LLC	509 W JOHNSTON ST	54911	CBD	2934.01		\$ -	\$ 234,700.00	\$ 31,700.00	\$ 266,400.00	\$ 266,400.00	1	Rehab/Conservation
31-5-1067-00	FRASER PROPERTIES LLC	508 W COLLEGE AVE	54911	CBD	2940.09		\$ -	\$ 129,400.00	\$ 55,700.00	\$ 185,100.00	\$ 185,100.00	1	Rehab/Conservation
31-5-1068-00	FRASER PROPERTIES LLC	506 W COLLEGE AVE	54911	CBD	2882.44		\$ -	\$ 121,400.00	\$ 54,700.00	\$ 176,100.00	\$ 176,100.00	1	Rehab/Conservation
31-5-1070-00	COLLEGE AVE LEGACY LLC	500 W COLLEGE AVE	54911	CBD	4320.45	MAKAROFF SCHOOL OF BALLET LTD	\$ 900.00	\$ 89,800.00	\$ 89,800.00	\$ 179,600.00	\$ 180,500.00	1	Rehab/Conservation
31-5-1070-00	COLLEGE AVE LEGACY LLC	500 W COLLEGE AVE	54911	CBD		ACOCA COFFEE HAUS : WAAM ENTERPRISES LLC	\$ 8,600.00				\$ 8,600.00	1	Rehab/Conservation

31-5-1070-01	BANKS NATASHA	111 N WALNUT ST	54911	CBD	1431.34	COZZY CORNER THE : BENNETT MANOR 2 LLC	\$ 82,300.00	\$ 47,100.00	\$ 29,900.00	\$ 77,000.00	\$ 159,300.00	1	Rehab/Conservation
31-5-1138-00	LANDMARK INFRASTRUCTUR	133 N STATE ST	54911	CBD	14715.22		\$ -	\$ -	\$ -	\$ -	\$ -	1	
31-5-1138-01	US SPRINT COMMUNICATIO	123 N STATE ST	54911	CBD	10669.38		\$ -	\$ -	\$ -	\$ -	\$ -	1	
31-5-1138-02	WISCONSIN ELECTRIC POW	139 N STATE ST	54911	CBD	31102.88		\$ -	\$ -	\$ -	\$ -	\$ -	1	
31-5-1139-00	2418 S ONEIDA ST LLC	226 N RICHMOND ST	54911	C2	13690.27		\$ -	\$ 100.00	\$ 47,000.00	\$ 47,100.00	\$ 47,100.00	1	Redevelopment
31-5-1144-00	US VENTURE INC	N RICHMOND ST	54911	CBD	11005.90		\$ -	\$ -	\$ 66,200.00	\$ 66,200.00	\$ 66,200.00	1	
31-5-1147-00	JAMIE BOYCE	208 N RICHMOND ST	54911	CBD	5793.06		\$ -	\$ 60,300.00	\$ 34,700.00	\$ 95,000.00	\$ 95,000.00	1	
31-5-1148-00	JAMIE BOYCE	200 N RICHMOND ST	54911	CBD	8528.76		\$ -	\$ 69,500.00	\$ 50,500.00	\$ 120,000.00	\$ 120,000.00	1	
31-5-1148-01	JAMIE BOYCE	204 N RICHMOND ST	54911	CBD	2463.95	RICHMOND RESALE LLC	\$ 2,600.00	\$ 66,300.00	\$ 14,700.00	\$ 81,000.00	\$ 83,600.00	1	
31-5-1149-00	MICHAEL LAUX	139 N FAIR ST	54911	CBD	6030.20		\$ -	\$ 40,900.00	\$ 18,100.00	\$ 59,000.00	\$ 59,000.00	1	
31-5-1158-00	OLD BRICK PROPERTIES L	110 N RICHMOND ST	54911	CBD	78861.64	GOOD COMPANY LTD	\$ 63,800.00	\$ 489,100.00	\$ 630,900.00	\$ 1,120,000.00	\$ 1,183,800.00	1	Rehab/Conservation
31-5-1159-00	RANDY KESTER	638 W COLLEGE AVE	54911	CBD	3042.67	EXPERT JEWELRY REPAIR LLC	\$ 900.00	\$ 37,800.00	\$ 41,700.00	\$ 79,500.00	\$ 80,400.00	1	Rehab/Conservation
31-5-1160-00	SPARKY MARK LLC	600 W COLLEGE AVE	54911	CBD	4072.50	MUNCHEEZ PIZZERIA : VANDER LINDEN BUS VENTURES LLC	\$ 2,300.00	\$ 77,500.00	\$ 53,500.00	\$ 131,000.00	\$ 133,300.00	1	Rehab/Conservation
31-5-1162-00	SHANE KRUEGER	602 W COLLEGE AVE	54911	CBD	2837.78	APPLETON IMPORTS % SHANE KRUEGER	\$ -	\$ 88,300.00	\$ 32,600.00	\$ 120,900.00	\$ 120,900.00	1	Rehab/Conservation
31-5-1163-00	FDS LLC	604 W COLLEGE AVE	54911	CBD	2464.33	POSH % DEMETRA SCHADT	\$ 1,900.00	\$ 126,500.00	\$ 28,500.00	\$ 155,000.00	\$ 156,900.00	1	Rehab/Conservation
31-5-1164-00	FREDERICK VANHANDEL	606 W COLLEGE AVE	54911	CBD	2090.86		\$ -	\$ 90,800.00	\$ 24,300.00	\$ 115,100.00	\$ 115,100.00	1	Rehab/Conservation
31-5-1165-00	FREDERICK VANHANDEL	610 W COLLEGE AVE	54911	CBD	1717.41	COSTUME SHOPPE % FREDERICK G VAN HANDEL	\$ 1,900.00	\$ 98,600.00	\$ 20,200.00	\$ 118,800.00	\$ 120,700.00	1	Rehab/Conservation
31-5-1166-00	INVESTMENT CREATIONS L	612 W COLLEGE AVE	54911	CBD	1345.45	SUPREME TATTOO SOCIETY % KANI XIONG	\$ 4,600.00	\$ 103,700.00	\$ 16,300.00	\$ 120,000.00	\$ 124,600.00	1	Rehab/Conservation
31-5-1167-00	JGA INVESTMENTS LLC	614 W COLLEGE AVE	54911	CBD	1254.41		\$ -	\$ 86,900.00	\$ 15,100.00	\$ 102,000.00	\$ 102,000.00	1	Rehab/Conservation
31-5-1168-00	JOHN YDE	616 W COLLEGE AVE	54911	CBD	883.09	APPLETON COBBLER SHOPPE % JOHN A YDE	\$ 1,900.00	\$ 61,700.00	\$ 11,000.00	\$ 72,700.00	\$ 74,600.00	1	Rehab/Conservation
31-5-1169-00	ANTAR BARQUET-LEYTE ET AL	618 W COLLEGE AVE	54911	CBD	649.24		\$ -	\$ 30,900.00	\$ 9,700.00	\$ 40,600.00	\$ 40,600.00	1	Rehab/Conservation
31-5-2226-00	WISCONSIN CENTRAL LTD	LAND LOCKED	54911		23651.79		\$ -	\$ -	\$ -	\$ -	\$ -	1	
31-0-1304-00	RICKEY J LLC	603 N RICHMOND ST	54914	C2	1042.93		\$ -	\$ -	\$ -	\$ -	\$ -	5	
31-5-0693-00	LEWIS KRUEGER	305 N RICHMOND ST	54914	C2	9558.30	MYLEE'S EGG ROLL HOUSE : MYLEE'S EGG ROLLS LLC	\$ 1,100.00	\$ 95,200.00	\$ 71,800.00	\$ 167,000.00	\$ 168,100.00	5	
31-5-0694-00	ZEST RENTALS LLC	710 W FRANKLIN ST	54914	R1C	4928.23		\$ -	\$ 60,400.00	\$ 14,000.00	\$ 74,400.00	\$ 74,400.00	5	
31-5-0696-00	LEWIS KRUEGER	N RICHMOND ST	54914	C2	8740.88		\$ -	\$ -	\$ 51,200.00	\$ 51,200.00	\$ 51,200.00	5	
31-5-0697-00	DOTY INVESTMENTS II	N RICHMOND ST	54914	R3	5236.41		\$ -	\$ -	\$ 22,900.00	\$ 22,900.00	\$ 22,900.00	5	
31-5-0698-00	DOTY INVESTMENTS II	323 N RICHMOND ST	54914	R3	4351.66		\$ -	\$ 106,400.00	\$ 12,400.00	\$ 118,800.00	\$ 118,800.00	5	
31-5-0699-00	AMY ZAK	711 W HARRIS ST	54914	R1C	5857.75		\$ -	\$ 115,000.00	\$ 16,300.00	\$ 131,300.00	\$ 131,300.00	5	
31-5-1028-00	I.A.A.M. LLC	604 N RICHMOND ST	54911	C2	16299.62	HUSSEY, BRENNAN PT LLC	\$ -	\$ 191,900.00	\$ 81,300.00	\$ 273,200.00	\$ 273,200.00	5	Rehab/Conservation
31-5-1028-00	I.A.A.M. LLC	604 N RICHMOND ST	54911	C2		STUDIO 604 LLC	\$ 11,900.00				\$ 11,900.00	5	Rehab/Conservation
31-5-1028-00	I.A.A.M. LLC	604 N RICHMOND ST	54911	C2		POPP DENTAL LABORATORY INC	\$ 6,900.00				\$ 6,900.00	5	Rehab/Conservation
31-5-1029-00	I.A.A.M. LLC	550 N RICHMOND ST	54911	C2	22552.26		\$ -	\$ 3,500.00	\$ 64,600.00	\$ 68,100.00	\$ 68,100.00	5	Rehab/Conservation
31-5-1031-00	MDC REAL ESTATE INVEST	536 N RICHMOND ST	54911	C2	35243.09	APPLE TOWN DENTAL CARE : MDC APPLETON LLC	\$ 68,400.00	\$ 513,400.00	\$ 185,000.00	\$ 698,400.00	\$ 766,800.00	5	Rehab/Conservation
31-5-1031-00	MDC REAL ESTATE INVEST	536 N RICHMOND ST	54911	C2		FOX VALLEY COMMUNICATIONS LLC	\$ 5,300.00				\$ 5,300.00	5	Rehab/Conservation
31-5-1032-00	DENNIS VIEGUT	532 N RICHMOND ST	54911	C2	17620.92	SOTO'S MARTIAL ARTS LLC	\$ 2,600.00	\$ 102,000.00	\$ 87,900.00	\$ 189,900.00	\$ 192,500.00	5	Rehab/Conservation
31-5-1034-00	CHERIE VIEGUT	524 N RICHMOND ST	54911	C2	17620.55	HAIR DESIGNERS : JBSOTO LLC	\$ 3,600.00	\$ 164,100.00	\$ 87,900.00	\$ 252,000.00	\$ 255,600.00	5	Rehab/Conservation
31-5-1038-00	AUTOZONE INC	500 N RICHMOND ST	54911	C2	56279.83	AUTO ZONE PARTS INC #101962	\$ 19,100.00	\$ 732,300.00	\$ 337,700.00	\$ 1,070,000.00	\$ 1,089,100.00	5	Rehab/Conservation



31-5-1232-00	CORE LLC	719 W PACKARD ST	54914	R2	6498.66		\$ -	\$ 109,400.00	\$ 19,200.00	\$ 128,600.00	\$ 128,600.00	5	Redevelopment
31-5-1234-00	CORE LLC	N RICHMOND ST	54914	C2	22611.30		\$ -	\$ 10,900.00	\$ 158,300.00	\$ 169,200.00	\$ 169,200.00	5	Redevelopment
31-5-1236-00	CORE LLC	N RICHMOND ST	54914	C2	10155.77		\$ -	\$ 8,800.00	\$ 70,400.00	\$ 79,200.00	\$ 79,200.00	5	Redevelopment
31-5-1238-00	CORE LLC	W HARRIS ST	54914	R1C	4185.67		\$ -	\$ 1,800.00	\$ 18,400.00	\$ 20,200.00	\$ 20,200.00	5	Redevelopment
31-5-1278-00	JOSEPH ARNOLDUSSEN	525 N RICHMOND ST	54914	C2	4471.99	A-S-K ASSOCIATES INC	\$ 5,700.00	\$ 95,400.00	\$ 26,800.00	\$ 122,200.00	\$ 127,900.00	5	
31-5-1281-00	COMMUNITY FIRST CREDIT	509 N RICHMOND ST	54914	C2	50601.58	COMMUNITY FIRST CREDIT UNION	\$ 84,200.00	\$ 508,100.00	\$ 272,100.00	\$ 780,200.00	\$ 864,400.00	5	Rehab/Conservation
31-5-1281-00	COMMUNITY FIRST CREDIT	509 N RICHMOND ST	54914	C2		COMMUNITY FIRST SERVICES INC	\$ 2,600.00				\$ 2,600.00	5	Rehab/Conservation
31-5-1283-00	CORE LLC	501 N RICHMOND ST	54914	C2	7199.99		\$ -	\$ 66,800.00	\$ 43,200.00	\$ 110,000.00	\$ 110,000.00	5	Rehab/Conservation
31-5-1289-00	RICHMOND LLC	533 N RICHMOND ST	54914	C2	6873.79	NEUMAN'S AUTO REPAIR LLC	\$ 3,300.00	\$ 74,600.00	\$ 41,300.00	\$ 115,900.00	\$ 119,200.00	5	
31-5-1290-00	RICHMOND LLC	W LORAIN ST	54914	R1C	6873.81		\$ -	\$ -	\$ 17,200.00	\$ 17,200.00	\$ 17,200.00	5	
31-5-1302-00	RICKEY J LLC	709 W ELSIE ST	54914	C2	3141.48		\$ -	\$ 67,900.00	\$ 9,300.00	\$ 77,200.00	\$ 77,200.00	5	
31-5-1303-00	RICKEY J LLC	545 N RICHMOND ST	54914	C2	6408.61	VALLEY GLASS COMPANY INC	\$ 900.00	\$ 216,500.00	\$ 35,200.00	\$ 251,700.00	\$ 252,600.00	5	
31-5-1304-00	RICKEY J LLC	601 N RICHMOND ST	54914	C2	2224.20		\$ -	\$ 116,300.00	\$ 18,700.00	\$ 135,000.00	\$ 135,000.00	5	
19.04 acres							\$ 1,151,900.00	\$ 12,602,800.00	\$ 5,991,800.00	\$ 18,594,600.00	\$ 19,746,500.00		



**TIF District #12 Legal Description**

DESCRIPTION: A TRACT OF LAND BEING PART OF THE SW ¼ AND THE NW ¼ OF SECTION 26 AND A PART OF THE NE ¼ AND THE SE ¼ OF SECTION 27, ALL IN TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE OF LOCUST STREET AND FRANKLIN STREET AND BEING THE POINT OF BEGINNING;

THENCE EAST 281 FEET ALONG THE CENTERLINE OF FRANKLIN STREET TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 1, BLOCK 4, HERMAN ERB'S 5<sup>TH</sup> WARD ADDITION, ACCORDING TO THE RECORDED ASSESSOR'S MAP OF THE CITY OF APPLETON;

THENCE NORTH 292.14 FEET ALONG SAID EXTENSION AND THEN THE WEST LINE OF LOT'S 1 THRU 5 OF SAID BLOCK 4 TO THE SOUTH LINE OF HARRIS STREET;

THENCE EAST 36.8 FEET ALONG THE SOUTH LINE OF HARRIS STREET TO THE SOUTHERLY EXTENSION OF THE EAST LINE OF LOT 6, BLOCK 37, HERMAN ERB'S 5<sup>TH</sup> WARD ADDITION, ACCORDING TO THE RECORDED ASSESSOR'S MAP OF THE CITY OF APPLETON;

THENCE NORTH ALONG SAID EXTENDED LINE TO THE NORTH LINE OF HARRIS STREET;

THENCE WEST 45.5 FEET ALONG THE NORTH LINE OF HARRIS STREET;

THENCE NORTH 92.39 FEET TO THE NORTH LINE OF SAID LOT 6;

THENCE WEST 66.5 FEET ALONG THE NORTH LINE OF SAID LOT 6 TO THE WEST LINE OF BLOCK 37, HERMAN ERB'S 5<sup>TH</sup> WARD ADDITION, ACCORDING TO THE RECORDED ASSESSOR'S MAP OF THE CITY OF APPLETON;

THENCE NORTH 130 FEET ALONG THE WEST LINE OF BLOCK 37, HERMAN ERB'S 5<sup>TH</sup> WARD ADDITION, ACCORDING TO THE RECORDED ASSESSOR'S MAP OF THE CITY OF APPLETON TO THE SOUTH LINE OF PACKARD STREET;

THENCE EAST 2.00 FEET ALONG THE SOUTH LINE OF PACKARD STREET;

THENCE NORTH 228 FEET M/L ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 10, BLOCK 49, HERMAN ERB'S 5<sup>TH</sup> WARD ADDITION, ACCORDING TO THE RECORDED

ASSESSOR'S MAP OF THE CITY OF APPLETON AND THEN ALONG SAID WEST LINE TO THE NW CORNER THEREOF;

THENCE WEST 20 FEET ALONG THE SOUTH LINE OF LOT 4, BLOCK 49, HERMAN ERB'S 5<sup>TH</sup> WARD ADDITION, ACCORDING TO THE RECORDED ASSESSOR'S MAP OF THE CITY OF APPLETON TO THE SOUTHWEST CORNER THEREOF;

THENCE NORTH 102 FEET ALONG THE WEST LINE OF LOT 4 OF SAID BLOCK 49 TO THE SOUTH LINE OF LORAIN STREET;

THENCE EAST 132 FEET ALONG THE SOUTH LINE OF LORAIN STREET TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 2, BLOCK 50, HERMAN ERB'S 5<sup>TH</sup> WARD ADDITION, ACCORDING TO THE RECORDED ASSESSOR'S MAP OF THE CITY OF APPLETON;

THENCE NORTH 330 FEET ALONG SAID EXTENDED LINE AND THEN THE WEST LINE SAID LOT 2 AND THE WEST LINE OF LOT 13, BLOCK 50, HERMAN ERB'S 5<sup>TH</sup> WARD ADDITION, ACCORDING TO THE RECORDED ASSESSOR'S MAP OF THE CITY OF APPLETON TO THE SOUTH LINE OF ELSIE STREET;

THENCE EAST 176 FEET ALONG THE SOUTH LINE OF ELSE STREET AND THE EASTERLY EXTENSION OF SAID LINE TO THE EAST LINE OF RICHMOND STREET;

THENCE NORTH 29.97 FEET M/L ALONG SAID EAST LINE TO THE NORTHWEST CORNER OF LOT 12, BLOCK 17, HERMAN ERB'S 5<sup>TH</sup> WARD ADDITION, ACCORDING TO THE RECORDED ASSESSOR'S MAP OF THE CITY OF APPLETON;

THENCE EAST 297 FEET ALONG THE NORTH LINE OF LOT 12, BLOCK 17, HERMAN ERB'S 5<sup>TH</sup> WARD ADDITION, ACCORDING TO THE RECORDED ASSESSOR'S MAP OF THE CITY OF APPLETON TO THE NORTHEAST CORNER THEREOF;

THENCE SOUTH 132 FEET ALONG THE EAST LINE OF LOT 12 AND 13, BLOCK 17, HERMAN ERB'S 5<sup>TH</sup> WARD ADDITION, ACCORDING TO THE RECORDED ASSESSOR'S MAP OF THE CITY OF APPLETON;

THENCE WEST 30 FEET ALONG THE SOUTH LINE OF SAID LOT 13 TO THE NORTHEAST CORNER OF LOT 14, BLOCK 17, HERMAN ERB'S 5<sup>TH</sup> WARD ADDITION, ACCORDING TO THE RECORDED ASSESSOR'S MAP OF THE CITY OF APPLETON;

THENCE SOUTH 396 FEET ALONG THE EAST LINE OF LOT'S 13 THRU 18, BLOCK 17, HERMAN ERB'S 5<sup>TH</sup> WARD ADDITION, ACCORDING TO THE RECORDED ASSESSOR'S MAP OF THE CITY OF APPLETON;

THENCE WEST 60 FEET ALONG THE NORTH LINE OF LOT 23, BLOCK 17, HERMAN ERB'S 5<sup>TH</sup> WARD ADDITION, ACCORDING TO THE RECORDED ASSESSOR'S MAP OF THE CITY OF APPLETON TO THE NORTHWEST CORNER THEREOF;

THENCE SOUTH 102 FEET ALONG THE WEST LINE OF SAID LOT 23 TO THE NORTH LINE OF PACKARD STREET;

THENCE WEST 201 FEET M/L TO THE NORTHERLY EXTENSION OF THE EAST LINE OF RICHMOND STREET;

THENCE SOUTH 294.7 FEET ALONG SAID NORTHERLY EXTENSION AND THEN THE EAST LINE THEREOF TO AN ANGLE POINT IN THE EAST LINE THEREOF;

THENCE SOUTH 9°02'12" WEST 37.50 FEET ALONG SAID EAST LINE;

THENCE SOUTH 232.99 FEET ALONG SAID EAST LINE TO AN ANGLE POINT IN SAID EAST LINE;

THENCE EAST 3 FEET ALONG SAID RIGHT OF WAY;

THENCE SOUTH 8°18' EAST 14.14 FEET ALONG SAID RIGHT OF WAY;

THENCE SOUTH 38°42'27" EAST 6.42 FEET ALONG SAID RIGHT OF WAY TO THE NORTH LINE OF FRANKLIN STREET;

THENCE EAST 111 FEET M/L ALONG THE NORTH LINE OF FRANKLIN STREET TO THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 1, BLOCK 28, HERMAN ERB'S 5<sup>TH</sup> WARD ADDITION, ACCORDING TO THE RECORDED ASSESSOR'S MAP OF THE CITY OF APPLETON;

THENCE SOUTH 198 FEET ALONG SAID NORTHERLY EXTENSION AND THEN THE EAST LINE THEREOF;

THENCE EAST 80 FEET TO THE WEST LINE OF FAIR STREET;

THENCE SOUTH 55 FEET ALONG THE WEST LINE OF FAIR STREET;

THENCE WEST 95 FEET ALONG THE NORTH LINE OF LOT 5 OF SAID BLOCK 28;

THENCE SOUTH 55 FEET TO THE SOUTH LINE OF LOT 5 OF SAID BLOCK 28;

THENCE EAST 95 FEET ALONG SAID SOUTH LINE TO THE WEST LINE OF FAIR STREET;



THENCE SOUTH 64.52 FEET TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 7, BLOCK 27, HERMAN ERB'S 5<sup>TH</sup> WARD ADDITION, ACCORDING TO THE RECORDED ASSESSOR'S MAP OF THE CITY OF APPLETON;

THENCE EAST 240 FEET ALONG SAID WESTERLY EXTENSION AND THEN THE SOUTH LINE THEREOF TO THE WEST LINE OF STATE STREET;

THENCE SOUTH 308.36 FEET M/L ALONG THE WEST LINE OF STATE STREET TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF JOHNSTON STREET;

THENCE EAST ALONG SAID WESTERLY EXTENSION OF JOHNSTON STREET AND THEN THE SOUTH LINE OF JOHNSTON STREET TO THE CENTERLINE OF WALNUT STREET;

THENCE SOUTH ALONG THE CENTERLINE OF WALNUT STREET TO THE NORTH LINE OF COLLEGE AVENUE;

THENCE SOUTHWESTERLY TO THE SOUTHWEST CORNER OF WALNUT STREET AND COLLEGE AVENUE;

THENCE SOUTH ALONG THE WEST LINE OF WALNUT STREET TO THE NORTH LINE OF LAWRENCE STREET;

THENCE WEST ALONG THE NORTH LINE OF LAWRENCE STREET TO THE WEST LINE OF STATE STREET;

THENCE SOUTH ALONG THE WEST LINE OF STATE STREET TO THE CENTERLINE OF LAWRENCE STREET;

THENCE WEST ALONG THE CENTERLINE OF LAWRENCE STREET TO THE CENTERLINE OF STORY STREET;

THENCE NORTH ALONG THE CENTERLINE OF STORY STREET TO THE CENTERLINE OF WASHINGTON STREET;

THENCE EAST ALONG THE CENTERLINE OF WASHINGTON STREET, LYING BETWEEN BLOCK 34 AND BLOCK 35 OF THE **FIFTH WARD PLAT**, TO THE CENTERLINE OF BENNETT STREET;

THENCE NORTH ALONG THE CENTERLINE OF BENNETT STREET TO A POINT 30 FEET NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF WASHINGTON STREET AND SAID SOUTH

LINE BEING CONTIGUOUS WITH THE NORTH LINE OF LOTS 4, 5, 15, 14 AND 13 OF BLOCK 32 OF THE **FIFTH WARD PLAT**;

THENCE EAST AND PARALLEL TO THE SOUTH LINE OF SAID WASHINGTON STREET TO THE CENTERLINE OF LOCUST STREET

THENCE NORTH ALONG THE CENTERLINE OF LOCUST STREET TO THE CENTERLINE OF FRANKLIN STREET AND THE POINT OF BEGINNING.

#### ***Section 4: Identification of Parcels to be Added***

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The purpose of this Plan Amendment is to add the parcels identified in the tables below to the District effective January 1, 2021. The figures listed under the “Current Value” column reflect valuations as of January 1, 2020. The actual addition to the District’s base value will be based on January 1, 2021 valuations which are not yet available. The District’s revised base will first be reflected in the valuations certified for January 1, 2022. Any changes in the valuation of the parcels being added to the District that occurs after January 1, 2021 will impact the incremental value of the District.

##### **Parcels Currently Located within TID No. 3**

<b>Parcel Number</b>	<b>Street Address</b>	<b>Base Value (Jan. 1, 1993)</b>	<b>Current Value (Jan. 1, 2021)</b>
5-1138	133 N STATE ST	\$ 97,400	\$ 0
5-1138-1	123 N STATE ST	\$ 0	\$ 0
5-1138-2	139 N STATE ST	SPLIT FROM 5-1138	\$ 0
5-1139	226 N RICHMOND ST	\$119,110	\$ 47,100
5-1144	N RICHMOND ST	\$ 37,710	\$ 66,200
5-1147	208 N RICHMOND ST	\$ 52,800	\$ 95,000
5-1148	200 N RICHMOND ST	\$106,300	\$120,000
5-1148-1	204 N RICHMOND ST	\$ 34,500	\$ 83,600
5-1149	139 N FAIR ST	\$ 32,500	\$ 59,000
5-1158	110 N RICHMOND ST	\$382,670	\$210,000
5-1234	N RICHMOND ST	\$ 93,800	\$169,200
5-1236	N RICHMOND ST	\$ 42,800	\$ 79,200
5-1283	501 N RICHMOND ST	\$ 59,380	\$110,000
<b>TOTAL</b>		<b>\$1,058,970</b>	<b>\$1,039,300</b>

**Additional Parcels to be Added to the District**

<b>Parcel Number</b>	<b>Street Address</b>	<b>Current Value (Jan. 1, 2021)</b>
5-0693	305 N RICHMOND ST	\$ 168,100
5-0694	710 W FRANKLIN ST	\$ 74,400
5-0696	N RICHMOND ST	\$ 51,200
5-0697	N RICHMOND ST	\$ 22,900
5-0698	323 N RICHMOND ST	\$ 118,800
5-0699	711 W HARRIS ST	\$ 131,300
5-1028	604 N RICHMOND ST	\$ 292,000
5-1029	550 N RICHMOND ST	\$ 68,100
5-1031	536 N RICHMOND ST	\$ 772,100
5-1032	532 N RICHMOND ST	\$ 192,500
5-1034	524 N RICHMOND ST	\$ 255,600
5-1038	500 N RICHMOND ST	\$1,089,100
5-1158	110 N RICHMOND ST	\$ 973,800
5-1232	719 W PACKARD ST	\$ 128,600
5-1238	W HARRIS ST	\$ 20,200
5-1278	525 N RICHMOND ST	\$ 127,900
5-1281	509 N RICHMOND ST	\$ 867,000
5-1289	533 N RICHMOND ST	\$ 119,200
5-1290	W LORAIN ST	\$ 17,200
5-1302	709 W ELSIE ST	\$ 77,200
5-1303	545 N RICHMOND ST	\$ 252,600
5-1304	601 N RICHMOND ST	\$ 135,000
5-2226	RAILROAD R/W	\$0
<b>TOTAL</b>		<b>\$5,954,800</b>

**Total of All Parcels to be Added \$6,994,100**

Map Found on Following Page.





## ***Section 6: Equalized Value Test***

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The following calculations demonstrate that the City expects to be in compliance with Wis. Stat. § 66.1105(4)(gm)4.c., which requires that the equalized value of the taxable property proposed to be added to the District, plus the value increment of all existing tax incremental districts, does not exceed 12% of the total equalized value of taxable property within the City.

### **Calculation of City Equalized Value Limit**

City TID IN Equalized Value (Jan. 1, 2020)	\$ 6,200,311,200
<b>TID Valuation Limit @ 12% of Above Value</b>	<b>\$ 744,037,344</b>

### **Calculation of Value Subject to Limit**

Base Value of Territory to be Added to District	\$ 6,994,100
Less: Incremental Value of Overlapped Parcels	\$ -0-
Plus: Incremental Value of Existing Districts (Jan. 1, 2020)	\$ <u>323,544,300</u>
<b>Total Value Subject to 12% Valuation Limit</b>	<b>\$330,538,400</b>

The equalized value of the territory to be added to the District plus the incremental value within all other existing tax incremental districts totals \$330,538,400 which is 5.33% of the City's total equalized value. This value is less than the maximum of \$744,037,344 in equalized value that is permitted for the City.

## ***Section 7: Statement of Kind, Number and Location of Proposed Public Works and Other Projects***

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Project Costs are any expenditure made, estimated to be made, or monetary obligations incurred or estimated to be incurred as outlined in this Plan. Project Costs will be diminished by any income, special assessments or other revenues, including user fees or charges, other than tax increments, received or reasonably expected to be received in connection with the implementation of the Plan. If Project Costs incurred benefit territory outside the District, a proportionate share of the cost is not a Project Cost. Costs identified in this amended Plan are preliminary estimates made prior to design considerations and are



subject to change after planning, design and construction is completed. With all Project Costs, the costs of engineering, design, survey, inspection, materials, construction, restoring property to its original condition, apparatus necessary for public works, legal and other consultant fees, testing, environmental studies, permits, updating City ordinances and plans, judgments or claims for damages and other expenses are included as Project Costs.

As set forth in the District's original Plan approved on August 2, 2017, the following is a list of public works and other tax incremental financing eligible Project Costs that the City expects to make, or may need to make, in conjunction with the implementation of the District's Plan. The map found in Section 8 of this Plan along with the Detailed List of Project Costs found in Section 9 provide additional information as to the kind, number and location of potential Project Costs.

#### **A. Municipal Infrastructure Improvements**

- Construction and/or reconstruction of the streets, bridges, pedestrian connections and parking to facilitate development and rehabilitation projects within the District. Scope of work may include right-of-way acquisition, land assembly, grading, gravel, curb and gutter, asphalt, streetlights, traffic signals, walkways, concrete paving, lighting, signage, and related appurtenances.
- Construction and/or reconstruction of a sanitary sewer collection system to facilitate development and rehabilitation projects within the District. The scope of work may include sewer mains, manholes, laterals, force main, lift stations, and related appurtenances.
- Construction and/or reconstruction of the water distribution system to facilitate development and rehabilitation projects within the District. Projects may include water mains, valves, hydrants, service connections, laterals and other related appurtenances.
- Construction and/or reconstruction of storm water drainage facilities to support development and rehabilitation projects within the District. Projects may include retention or detention basins, biofilters, conveyance systems, storm sewer mains, manholes, inlets, drains and related appurtenances.
- Installation of electric and/or natural gas service or the relocation of existing services to facilitate blight elimination and redevelopment or rehabilitation in the District and provide better service. Acquisition of equipment to service the District.
- Installation of telephone, fiber, and cable or the relocation of existing services to facilitate blight elimination and redevelopment or rehabilitation in the District and provide better service. Acquisition of equipment to service the District.
- The costs associated with the design, implementation, purchase and maintenance of streetscape amenities to improve the aesthetic appearance of this District, including but not limited to, decorative lighting, banners and/or flags, public art, landscaping and/or planters, benches and other pedestrian elements to encourage the viability of the businesses in the district and attract high quality development.

- B. Administrative Costs:** These include, but not limited to, a portion of the salaries of the City employees, professional fees, and others directly involved in the projects for the District over the implementation of the project plan. Audit expenses, state filing fees, and any expenses associated with dissolving the District are also eligible costs.
- C. Organizational Costs:** These include, but are not limited to, publication and printing costs in connection with this Project Plan as well as the fees for the financial consultants, attorney, engineers, planners, surveyors, and other contracted services.
- D. Professional Services:** These include, but are not limited to, those costs incurred for architectural, planning, engineering and legal advice and services.
- E. Financing Costs:** Interest, finance fees, bond discounts, redemption premiums, legal opinions, credit ratings, capitalized interest, insurance and other expenses related to financing. This would also include interest on advances made by the City of Appleton.
- F. Land Assembly, Clearance, and Real Estate Acquisitions:** In order to eliminate blight and promote rehabilitation and redevelopment, it may be necessary to assist developers or for the City to acquire and demolish blighted or underutilized properties within the District. These may include but are not limited to, the cost of acquisitions, clearance/demolition, titles, easements, appraisals, consultant fees, closing costs, surveying and mapping, and the lease and/or the sale of property at or below market price to encourage or make feasible an economic development project that is consistent with the intent of this District.
- G. Relocation Costs:** In the event any property is acquired for the projects, expenses including the cost of the relocation plan, director and staff time, publications, appraisals, land and property acquisition costs and relocation benefits as required by Wisconsin Statutes Section 32 are considered eligible project costs.
- H. Development Incentives (Cash Grants and/or Loans):** As a partner in the future redevelopment and rehabilitation/conservation of this District, the City of Appleton may enter into agreements with property owners, lessees, or developers for the purpose of sharing costs to encourage the desired kind of improvements based on the purpose of this District and assure tax base is generated sufficient to recover project costs. This assistance is regularly needed in rehabilitation and redevelopment projects to offset the additional costs in re-use versus greenfield development. Not every project will demand the same level of funding. These payments would be negotiated on a project basis in order to attract new taxable property or rehabilitate existing property in the District. No cash grants or loans will be provided until the Common Council adopts a development agreement and a copy of such agreement will be retained in the City's official records for the TID.
- I. Environmental Audits and Remediation:** Costs related to all environmental assessments and remediation will be considered eligible project costs.

- J. Promotion and Development:** Promotion and development of the District including professional services or marketing, recruitment, realtor commissions and fees in lieu of commissions, marketing services and materials, advertising costs, administrative costs and support of development organizations.
- K. Project Outside the Tax Increment District:** Pursuant to Wisconsin Statutes Section 66.1105(2)(f)1.n, the city may undertake projects within territory located within one-half (1/2) mile of the boundary of the district provided that (1) the project is located within the City's corporate boundaries, and (2) the projects are approved by the Joint Review Board. The cost of projects completed outside the District pursuant to this section are eligible Project Costs and may include any project cost that would otherwise be eligible if undertaken within the District.
- L. Payments Made at the Discretion of the Common Council:** These payments may include but are not limited to payments which are found to be necessary or convenient to the creation of the District or the implementation of the Project Plan that support the goals of the District as outlined in Section 2.

## ***Section 8: Map Showing Proposed Improvements and Uses***

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Maps Found on Following Page.

The first map depicts the locations where the City may undertake Municipal Infrastructure Improvements as detailed in Section 7. This includes eligible Project Costs to be incurred outside of, but within ½ mile of the District's boundaries. The second map identifies the ½ mile zone of eligibility.

The following types of Project Costs included in Section 7 are generally expected to be incurred within the Development Areas identified on the map.

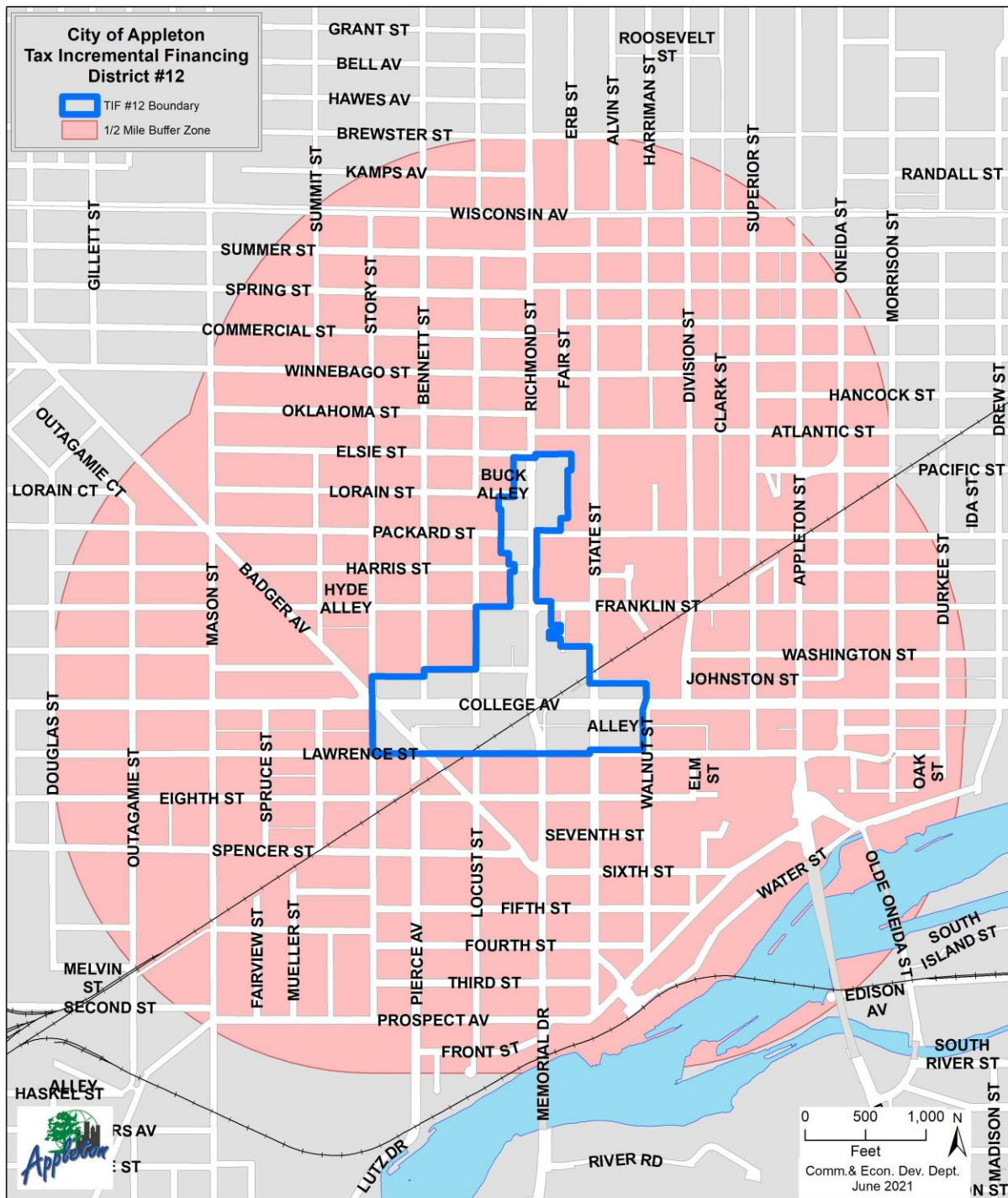
- Municipal Infrastructure Improvements
- Land Assembly, Clearance, and Real Estate Acquisitions
- Relocation Costs
- Development Incentives (Cash Grants and/or Loans)

Other costs identified in Section 7 may be associated with expenditures made for the Municipal Infrastructure Improvements, activities within the Development Areas, or may not relate to a specifically identified geographical location such as District administrative costs.









## Section 9: Detailed List of Project Costs

The following list identifies the Project Costs that the City currently expects to incur in implementing the District's amended Plan. All projects identified and related costs reflect the best estimates available as of the date of preparation of this amended Plan. All costs are preliminary estimates and may increase or decrease. Certain Project Costs listed may become unnecessary, and other Project Costs not currently identified may need to be made. (Section 7 details the general categories of eligible Project Costs). Changes in Project Cost totals or the types of Project Costs to be incurred will not require that this Plan be further amended. This Plan is not meant to be a budget nor an appropriation of funds for specific Project Costs, but a framework within which to manage Project Costs.

Project/Activity	Total Cost (Original Plan Est.)	Cost Added (This Amendment)	Total Revised Cost Estimate	Estimated Timing
• Municipal Infrastructure Improvements**	\$1,107,300	\$90,300	\$1,197,600	2023 - 2025
• Municipal Infrastructure within the ½ Mile Boundary	None	None	None	N/A
• Development Incentives & Property Grants	\$1,679,176	\$4,255,470	\$5,934,646	2017 - 2039
• Other Costs - Administrative, Professional, Environmental, and Promotion Services Costs. Filing fees and fees charged by State.	\$124,750	(\$68,314)	\$56,436	2017 - 2045
• Financing Costs* <ul style="list-style-type: none"> <li>○ General Fund Advance</li> <li>○ Interest Expense</li> <li>○ General Obligation</li> </ul>	\$1,084,472	(\$779,439)	\$305,033	2017 - 2036
<b>SUBTOTAL:</b>	<b>\$3,995,698</b>	<b>\$3,498,017</b>	<b>\$7,493,715</b>	<b>2017 - 2045</b>
• Financing Costs* <ul style="list-style-type: none"> <li>○ Development Incentives</li> </ul>	\$1,152,423	(\$1,152,423)		
<b>TOTAL*</b>	<b>\$5,148,121</b>	<b>\$2,345,594</b>	<b>\$7,493,715</b>	

**\*NOTE:** The original District Plan line item for Development Incentives & Property Grants did not include estimated interest payments on developer financed incentives, although that cost was reflected in projected District cash flows. That total from the original Plan was \$1,152,423. When comparing the estimated total Project Costs from the original Plan to the Amended Plan, it is necessary to include that additional amount. The actual increase in estimated Project Costs from the original Plan to the Amended Plan is the \$2,345,594 figure shown on the total line.

**\*\*NOTE:** The City expects to incur the following Project Costs inside of the District:



Project & Year	Estimated Cost
Fisk Alley <ul style="list-style-type: none"> <li>Paving (2025)</li> </ul>	\$26,000
Washington Street (Bennet to Richmond) <ul style="list-style-type: none"> <li>Underground Utilities (2023)</li> <li>Paving (2024)</li> </ul>	\$214,200 \$421,000
Locust Street (College to Franklin) <ul style="list-style-type: none"> <li>Underground Utilities (2023)</li> <li>Paving (2024)</li> </ul>	\$255,700 \$280,700
TOTAL	\$1,197,600

Refer to Section 8 for a map of proposed improvements and Public Works projects by development area.

## ***Section 10: Economic Feasibility Study, Financing Methods, and the Time When Costs or Monetary Obligations Related are to be Incurred***

This Section includes a forecast of the incremental value increases expected within the District, estimated developer incentive payments, a summary of how municipal infrastructure improvements would be financed, and a projected cash flow demonstrating that the District is economically feasible.

As of January 1, 2020, the District had incremental value of \$3,710,700. The Plan assumes that \$20.8 million in additional incremental value will be created within the District by January 1, 2024 as a result of development projects proceeding within Development Areas #1, #2, and #5 as shown on **Table 1**. The City expects it may need to pay Development Incentives to make these private projects economically feasible. A projection of potential incentive payments is shown on **Table 2**. These payments would be made from tax increment cash (“pay as you go”) generated by the projects.

In addition to payment of incentives, the City has, and will, complete Municipal Infrastructure Improvements within the District. The City has, and will, finance these costs through a combination of tax increment and General Obligation debt. Actual and estimated debt service for paying the cost of the Municipal Infrastructure Projects are identified on **Table 3**.

**Table 4** is a projected cash flow for the District. Based on the incremental value expected to be created (**Table 1**), the District is projected to generate approximately \$13.3 million in tax increment revenue over its twenty-seven-year life. This assumes a tax rate increasing at ½% per year over the actual rate for the 2021 budget year. Considering the projected debt service (**Table 2**) and Development Incentive payments (**Table 3**), the District is projected to run a negative fund balance through the year 2034 before eventually generating a projected \$6.2 million surplus by its required closure date. The City will advance funds to the District as needed to cover the deficit fund balance and will charge the District interest on the advance.

The projected surplus fund balance indicates the District could close prior to the end of its maximum life; however, the City expects that development will occur within other identified Development Areas, and that the City may incur additional associated Project Costs. Additional development and incurrence of costs beyond what is shown in the projections included within this Section could increase or decrease the projected surplus fund balance and hasten or delay District closure. Under all circumstances, the District must make all Project Cost expenditures not later than the year 2039 and must close in 2044 with a final collection of tax increment for the 2045 budget year.

The cash flow exhibit does not include the costs of projects located outside of, but within ½ mile of the District's boundaries. These costs will be paid for initially from other sources. The extent to which the District may be able to offset a portion of these costs will be determined at a future date depending on District financial performance. Any contributions from the District towards these costs would reduce the projected surplus shown in the cash flow exhibit.

Based on the information included within this Section, the City concludes that the District remains economically feasible and that the City has the financial resources available to implement the Plan.

**TABLE 1**  
**TAX INCREMENT DISTRICT #12**  
**TAX INCREMENTS BY YEAR**

Valuation Year	TID Revenue Year	TID Value (1)	TID Base Value	TID Increment	Dev Area #1	Dev Area #2	Dev Area #5	Total TID Increment (1)
					Bela Dev LLC	Block 800 LLC	Greywolf Ptnrs	
2017	2018	\$ 22,974,900	\$ 22,974,900	\$ -	\$ -	\$ -	\$ -	\$ -
2018	2019	22,689,200	22,974,900	-	-	-	-	-
2019	2020	24,144,800	22,974,900	1,169,900	-	-	-	1,169,900
2020	2021	26,685,600	22,974,900	3,710,700	-	-	-	3,710,700
2021	2022	26,952,456	22,974,900	3,977,556	-	-	-	3,977,556
2022	2023	34,216,081	(2) 29,969,000	4,247,081	1,700,000	4,575,000	-	10,522,081
2023	2024	-	-	-	-	-	-	10,627,301
2024	2025	-	-	-	-	-	13,762,800	24,496,374
2025	2026	-	-	-	-	-	-	24,741,338
2026	2027	-	-	-	-	-	-	24,988,752
2027	2028	-	-	-	-	-	-	25,238,639
2028	2029	-	-	-	-	-	-	25,491,025
2029	2030	-	-	-	-	-	-	25,745,936
2030	2031	-	-	-	-	-	-	26,003,395
2031	2032	-	-	-	-	-	-	26,263,429
2032	2033	-	-	-	-	-	-	26,526,063
2033	2034	-	-	-	-	-	-	26,791,324
2034	2035	-	-	-	-	-	-	27,059,237
2035	2036	-	-	-	-	-	-	27,329,830
2036	2037	-	-	-	-	-	-	27,603,128
2037	2038	-	-	-	-	-	-	27,879,159
2038	2039	-	-	-	-	-	-	28,157,951
2039	2040	-	-	-	-	-	-	28,439,530
2040	2041	-	-	-	-	-	-	28,723,925
2041	2042	-	-	-	-	-	-	29,011,165
2042	2043	-	-	-	-	-	-	29,301,276
2043	2044	-	-	-	-	-	-	29,594,289
2044	2045	-	-	-	-	-	-	29,890,232
					\$ 1,700,000	\$ 4,575,000	\$ 13,762,800	

(1) TID values for the 2017-2020 valuation years are actual. TID values for valuation years 2021 and beyond projected to increase 1% annually.

(2) Both the TID value and TID base value increased \$6,994,100 due to transfer of parcels to TID #12 in 2021 as part of the TID #12 amendment.

**TABLE 2**  
**TAX INCREMENT DISTRICT #12**  
**ESTIMATED DEVELOPER INCENTIVE PAYMENTS**

Valuation Year	Budget Year	Dev Area #1 Developer TIF Payment McFleshmans	Dev Area #1 Developer TIF Payment Bela Dev LLC	Dev Area #2 Developer TIF Payment Block 800 LLC	Dev Area #5 Developer TIF Payment Greywolf Ptnrs	Total Payments
2016	2017	\$ -	\$ -	\$ -	\$ -	\$ -
2017	2018	-	-	-	-	-
2018	2019	-	-	-	-	-
2019	2020	6,870	-	-	-	6,870
2020	2021	7,180	-	-	-	7,180
2021	2022	7,251	-	-	-	7,251
2022	2023	7,324	30,156	81,156	-	118,636
2023	2024	7,397	30,458	81,967	-	119,822
2024	2025	7,471	30,762	82,787	248,969	369,989
2025	2026	7,546	31,070	83,615	251,459	373,690
2026	2027	7,621	31,381	84,451	253,973	377,426
2027	2028	6,340	31,695	85,296	256,513	379,844
2028	2029	-	32,012	86,149	259,078	377,239
2029	2030	-	32,332	87,010	261,669	381,011
2030	2031	-	32,655	87,880	264,286	384,821
2031	2032	-	32,982	88,759	266,929	388,670
2032	2033	-	33,311	89,647	269,598	392,556
2033	2034	-	33,644	90,543	272,294	396,481
2034	2035	-	33,981	91,449	275,017	400,447
2035	2036	-	34,321	92,363	277,767	404,451
2036	2037	-	3,834	10,318	154,836	168,988
2037	2038	-	-	-	-	-
2038	2039	-	-	-	-	-
2039	2040	-	-	-	-	-
2040	2041	-	-	-	-	-
2041	2042	-	-	-	-	-
2042	2043	-	-	-	-	-
2043	2044	-	-	-	-	-
2044	2045	-	-	-	-	-
		<u>\$ 65,000</u>	<u>\$ 454,594</u>	<u>\$ 1,223,390</u>	<u>\$ 3,312,388</u>	<u>\$ 5,055,372</u>

Note: Actual amounts may differ due to changes in project timing, projected valuations, and equalized tax rates

**TABLE 3**  
**TAX INCREMENT DISTRICT #12**  
**GENERAL OBLIGATION DEBT**

Budget Year	\$450,000		\$600,000		Total Payments
	2023 GO Notes		2024 GO Notes		
	Principal	Interest	Principal	Interest	
2017	\$ -	\$ -	\$ -	\$ -	\$ -
2018	-	-	-	-	-
2019	-	-	-	-	-
2020	-	-	-	-	-
2021	-	-	-	-	-
2022	-	-	-	-	-
2023	-	-	-	-	-
2024	39,179	12,964	-	-	52,143
2025	40,370	11,773	52,238	17,286	121,667
2026	41,598	10,545	53,827	15,697	121,667
2027	42,863	9,279	55,464	14,060	121,666
2028	44,167	7,976	57,151	12,372	121,666
2029	45,510	6,632	58,889	10,634	121,665
2030	46,895	5,248	60,681	8,843	121,667
2031	48,321	3,822	62,526	6,997	121,666
2032	49,791	2,352	64,428	5,096	121,667
2033	51,306	837	66,388	3,136	121,667
2034	-	-	68,408	1,117	69,525
2035	-	-	-	-	-
2036	-	-	-	-	-
2037	-	-	-	-	-
2038	-	-	-	-	-
2039	-	-	-	-	-
2040	-	-	-	-	-
2041	-	-	-	-	-
2042	-	-	-	-	-
2043	-	-	-	-	-
2044	-	-	-	-	-
2045	-	-	-	-	-
	\$ 450,000	\$ 71,428	\$ 600,000	\$ 95,238	\$ 1,216,666



**TABLE 4**  
**TAX INCREMENT DISTRICT #12**  
**CASH FLOW PROFORMA**

Valuation Year	Budget Year	TID Increment	Tax Rate (1)	TIF Revenue	Other Revenues	Debt Proceeds	Admin Expense	General Obligation Debt Service	Project/Other Expenses	Developer Incentive Payments	Interest on General Fund Advance	Annual Surplus/ (Deficit)	Fund Balance
2016	2017	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (1,000)	\$ -	\$ -	\$ -	\$ (25)	\$ (1,025)	\$ (1,025)
2017	2018	-	-	-	131	-	(150)	-	(7,000)	-	(239)	(7,258)	(8,283)
2018	2019	-	-	-	37	-	(1,470)	-	(42,099)	-	(1,576)	(45,108)	(53,391)
2019	2020	1,169,900	21.2190	24,824	38	-	(1,396)	-	(32,175)	(6,870)	(3,793)	(19,372)	(72,763)
2020	2021	3,710,700	20.7044	76,828	343	-	(1,460)	-	(42,000)	(7,180)	(4,233)	22,298	(50,465)
2021	2022	3,977,556	20.8079	82,765	283	-	(1,460)	-	(42,000)	(7,251)	(2,733)	29,604	(20,861)
2022	2023	10,522,081	20.9120	220,037	333	450,000	(1,500)	-	(511,900)	(118,636)	(1,233)	37,101	16,240
2023	2024	10,627,301	21.0165	223,349	412	600,000	(1,500)	(52,143)	(743,700)	(119,822)	(2,983)	(96,386)	(80,147)
2024	2025	24,496,374	21.1216	517,403	475	-	(6,500)	(121,667)	(68,000)	(369,989)	(6,983)	(55,261)	(135,408)
2025	2026	24,741,338	21.2272	525,190	567	-	(1,500)	(121,667)	(42,000)	(373,690)	(9,233)	(22,333)	(157,741)
2026	2027	24,988,752	21.3333	533,094	629	-	(1,500)	(121,666)	(42,000)	(377,426)	(10,483)	(19,352)	(177,093)
2027	2028	25,238,639	21.4400	541,117	673	-	(1,500)	(121,666)	(42,000)	(379,844)	(11,483)	(14,703)	(191,796)
2028	2029	25,491,025	21.5472	549,261	753	-	(1,500)	(121,665)	(42,000)	(377,239)	(12,233)	(4,624)	(196,420)
2029	2030	25,745,936	21.6550	557,527	790	-	(1,500)	(121,667)	(42,000)	(381,011)	(12,483)	(344)	(196,764)
2030	2031	26,003,395	21.7632	565,918	819	-	(1,500)	(121,666)	(42,000)	(384,821)	(12,483)	4,267	(192,497)
2031	2032	26,263,429	21.8720	574,435	918	-	(1,500)	(121,667)	(42,000)	(388,670)	(12,483)	9,033	(183,464)
2032	2033	26,526,063	21.9814	583,080	1,089	-	(1,500)	(121,667)	(42,000)	(392,556)	(12,483)	13,964	(169,500)
2033	2034	26,791,324	22.0913	591,855	1,361	-	(1,500)	(69,525)	(42,000)	(396,481)	(11,233)	72,477	(97,023)
2034	2035	27,059,237	22.2018	600,763	1,910	-	(1,500)	-	(42,000)	(400,447)	(7,483)	151,243	54,220
2035	2036	27,329,830	22.3128	609,804	2,756	-	(1,500)	-	(42,000)	(404,451)	(2,491)	162,118	216,338
2036	2037	27,603,128	22.4243	618,982	6,294	-	(1,500)	-	(42,000)	(168,988)	-	412,788	629,125
2037	2038	27,879,159	22.5365	628,298	13,823	-	(1,500)	-	(42,000)	-	-	598,620	1,227,746
2038	2039	28,157,951	22.6491	637,753	22,873	-	(1,500)	-	(42,000)	-	-	617,127	1,844,872
2039	2040	28,439,530	22.7624	647,352	32,479	-	(6,500)	-	-	-	-	673,331	2,518,203
2040	2041	28,723,925	22.8762	657,094	42,690	-	(1,500)	-	-	-	-	698,284	3,216,488
2041	2042	29,011,165	22.9906	666,984	53,238	-	(1,500)	-	-	-	-	718,722	3,935,210
2042	2043	29,301,276	23.1055	677,022	64,095	-	(1,500)	-	-	-	-	739,616	4,674,826
2043	2044	29,594,289	23.2211	687,211	75,265	-	(1,500)	-	-	-	-	760,976	5,435,802
2044	2045	29,890,232	23.3372	697,553	86,720	-	(6,500)	-	-	-	-	777,773	6,213,575
				<u>13,295,497</u>	<u>411,794</u>	<u>1,050,000</u>	<u>(56,436)</u>	<u>(1,216,666)</u>	<u>(2,076,874)</u>	<u>(5,055,372)</u>	<u>(138,367)</u>	<u>6,213,575</u>	

(1) Tax rate projected to increase 1/2% annually beginning in 2021

## ***Section 11: Annexed Property***

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A tax incremental district cannot include annexed territory unless at least three years have elapsed since the annexation, or certain other requirements are met. None of the territory being added to the District as part of this Plan Amendment was annexed to the City in the preceding three years.

## ***Section 12: Proposed Zoning Ordinance Changes***

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The proposed Plan Amendment is in general conformance with the City's current zoning ordinances. Individual properties may require rezoning at the time of development.

## ***Section 13: Proposed Changes in Master Plan, Map, Building Codes and Ordinances***

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The proposed Plan Amendment is in general conformance with the City's Comprehensive Plan. Development within the District will be required to conform to State Building Codes and will be subject to the City's permitting and inspection procedures. The proposed Plan conforms to all relevant State and local ordinances, plans, and codes. No changes to the existing regulations are proposed or needed.

## ***Section 14: Relocation***

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The City does not expect that the continued implementation of the Plan will cause a need to relocate persons or businesses. In the event relocation becomes necessary at some time during the implementation period, the City will take the following steps and actions as required by Wisconsin Statutes Section 32:

1. Before negotiations begin for the acquisition of property or easements, all property owners will be provided with an informational pamphlet "The Rights of Landowners" prepared by the Wisconsin Department of Administration, and if any person is to be displaced as a result of the acquisition, they will be given a pamphlet on "Relocation Rights" prepared by the Wisconsin Department of Administration.
2. The City will provide each owner a full narrative appraisal, a map showing the owners of all property affected by the proposed project, and a list of all or at least ten neighboring landowners to whom offers are being made.

3. The City will file a relocation plan with the Wisconsin Department of Administration and will keep all records as required in Wisconsin Statutes Section 32.

## ***Section 15: Orderly Development of the City***

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Amendment of the District contributes to the orderly development of the City by providing for the elimination of blighting influences, the rehabilitation and the redevelopment of underutilized properties along the West College Avenue corridor, and by providing for continued growth in residential, office, and retail development. By improving and maintaining an attractive area for private investment along the corridor, the City will ensure a healthy tax base, job growth/creation and a more vibrant economy.

The Amended Plan is complimentary to the adopted City of Appleton's *Comprehensive Plan 2010-2030* (Comprehensive Plan), specifically Chapter 14 Downtown Plan that identifies the corridor of West College Avenue for reinvestment, rehabilitation and redevelopment. The City's recommendations for this corridor and surrounding downtown sites include the following key strategies as adopted on March 15, 2017 in the updated Comprehensive Plan. These key strategies, and the detailed policies to support these efforts, can be found in the Comprehensive Plan – Chapter 14 Downtown Plan Initiatives Section from pages 335 to 362:

- 1.1 *Continue development of entry features on major routes into the downtown.*
- 1.3 *Implement appropriate streetscaping projects throughout the downtown.*
- 1.5 *Continue to encourage quality urban design throughout the downtown through voluntary measures.*
- 2.2 *Pursue opportunities to attract more artists and arts-related businesses to the downtown.*
- 3.1 *Encourage mixed-use and mid-density residential redevelopment on under-utilized or marginal sites on the edge of downtown.*
- 3.3 *Promote development of neighborhood serving businesses and amenities to meet the basic shopping and service needs of downtown and nearby residents.*
- 3.10 *Promote well-designed transitional areas between higher density development downtown and lower density development in adjacent, largely single-family neighborhoods.*
- 4.1 *Sustain and grow the retail niches which have formed downtown.*
- 4.2 *Identify and aggressively recruit target industries.*
- 4.3 *Protect the existing retail blocks on College Avenue.*
- 4.5 *Facilitate and pursue entrepreneurial business development in the downtown.*
- 4.6 *Create opportunities for smaller offices and business services to locate downtown, including north of College Avenue.*
- 4.7 *Maintain an environment favorable to larger employers in the downtown.*
- 4.8 *Support private sector efforts to redevelop and invest in downtown.*

## ***Section 16: List of Estimated Non-Project Costs***

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Non-Project Costs are public works projects which only partly benefit the District. Costs incurred that do not benefit the District may not be paid with tax increments. Examples of non-project costs are:

- A public improvement made within the District that also benefits property outside the District. That portion of the total Project Costs allocable to properties outside of the District would be a nonproject cost.
- A public improvement made outside the District that only partially benefits property within the District. That portion of the total Project Costs allocable to properties outside of the District would be a non-project cost.
- Projects undertaken within the District as part of the implementation of this Project Plan, the costs of which are paid fully or in part by impact fees, grants, special assessments, or revenues other than tax increments.

No improvements to be made within the District will benefit property outside the District. Furthermore, there will be no improvements made outside the District that will only partially benefit the District.

***Section 17: Opinion of Attorney for the City of Appleton Advising Whether the Plan is Complete and Complies with Wisconsin Statutes 66.1105***

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**LEGAL SERVICES DEPARTMENT**

**Office of the City Attorney**

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

June 28, 2021

Mayor Jacob A. Woodford  
City of Appleton  
100 North Appleton Street  
Appleton, WI 54911-4799

Re: Tax Increment Finance Program Plan, City of Appleton  
Tax Incremental District #12

Dear Mayor Woodford:

You have asked me for a legal opinion as to the legal sufficiency and statutory compliance of the proposed Tax Incremental Financing District #12 Project Plan Amendment for the City of Appleton Tax Incremental District #12. I have reviewed the Project Plan Amendment for said District as well as the appendices attached thereto, specifically as to their compliance with the provision of Section 66.1105(4), Wisconsin Statutes. It is my opinion that the Project Plan Amendment is in compliance with all of the provisions of Section 66.1105(4) of the Wisconsin Statutes dealing with the creation of Tax Incremental Financing Districts.

If you have any questions concerning this matter, please contact me at your earliest convenience.

Sincerely,

Christopher R. Behrens  
City Attorney

CRB:jljg

---

Christopher R. Behrens  
*City Attorney*

Amanda Abshire  
*Deputy City Attorney*

Darrin M. Glad  
*Assistant City Attorney*

Nicholas J. Vande Castle  
*Assistant City Attorney*

## ***Section 18: Calculation of the Share of Projected Tax Increments Estimated to be Paid by the Owners of Property in the Overlying Taxing Jurisdictions***

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The following projection is provided to meet the requirements of Wis. Stat. § 66.1105(4)(i)4. Allocation percentages based on 2020 Statement of Taxes.

Budget Year	Tax Increment Revenue	City of Appleton 40.30%	Outagamie County 17.04%	Appleton School District 37.81%	FVTC 4.85%
2020	\$ 24,824	\$ 10,005	\$ 4,230	\$ 9,386	\$ 1,204
2021	\$ 76,828	\$ 30,965	\$ 13,091	\$ 29,047	\$ 3,725
2022	\$ 82,765	\$ 33,358	\$ 14,102	\$ 31,292	\$ 4,013
2023	\$ 220,037	\$ 88,684	\$ 37,492	\$ 83,192	\$ 10,670
2024	\$ 223,349	\$ 90,019	\$ 38,056	\$ 84,444	\$ 10,830
2025	\$ 517,403	\$ 208,534	\$ 88,159	\$ 195,620	\$ 25,089
2026	\$ 525,190	\$ 211,673	\$ 89,486	\$ 198,564	\$ 25,466
2027	\$ 533,094	\$ 214,859	\$ 90,833	\$ 201,553	\$ 25,850
2028	\$ 541,117	\$ 218,092	\$ 92,200	\$ 204,586	\$ 26,239
2029	\$ 549,261	\$ 221,374	\$ 93,588	\$ 207,665	\$ 26,633
2030	\$ 557,527	\$ 224,706	\$ 94,996	\$ 210,791	\$ 27,034
2031	\$ 565,918	\$ 228,088	\$ 96,426	\$ 213,963	\$ 27,441
2032	\$ 574,435	\$ 231,521	\$ 97,877	\$ 217,183	\$ 27,854
2033	\$ 583,080	\$ 235,005	\$ 99,350	\$ 220,452	\$ 28,273
2034	\$ 591,855	\$ 238,542	\$ 100,845	\$ 223,770	\$ 28,699
2035	\$ 600,763	\$ 242,132	\$ 102,363	\$ 227,137	\$ 29,131
2036	\$ 609,804	\$ 245,776	\$ 103,903	\$ 230,556	\$ 29,569
2037	\$ 618,982	\$ 249,475	\$ 105,467	\$ 234,026	\$ 30,014
2038	\$ 628,298	\$ 253,230	\$ 107,055	\$ 237,548	\$ 30,466
2039	\$ 637,753	\$ 257,041	\$ 108,666	\$ 241,123	\$ 30,924
2040	\$ 647,352	\$ 260,909	\$ 110,301	\$ 244,752	\$ 31,390
2041	\$ 657,094	\$ 264,836	\$ 111,961	\$ 248,435	\$ 31,862
2042	\$ 666,984	\$ 268,822	\$ 113,646	\$ 252,174	\$ 32,342
2043	\$ 677,022	\$ 272,867	\$ 115,357	\$ 255,969	\$ 32,829
2044	\$ 687,211	\$ 276,974	\$ 117,093	\$ 259,822	\$ 33,323
2045	\$ 697,553	\$ 281,142	\$ 118,855	\$ 263,732	\$ 33,824
Totals	\$ 13,295,497	\$ 5,358,627	\$ 2,265,396	\$ 5,026,780	\$ 644,693



RESOLUTION NO. \_\_\_\_\_

**RESOLUTION APPROVING AN AMENDMENT TO THE PROJECT PLAN AND  
BOUNDARIES OF TAX INCREMENTAL DISTRICT NO. 12,  
CITY OF APPLETON, WISCONSIN**

WHEREAS, the City of Appleton (the "City") has determined that use of Tax Incremental Financing is required to promote development and redevelopment within the City; and

WHEREAS, Tax Incremental District No. 12 (the "District") was created by the City on August 2, 2017 as a rehabilitation/conservation district; and

WHEREAS, the City now desires to amend the Project Plan and boundaries of the District (the "Amendment") in accordance with the provisions of Wisconsin Statutes Section 66.1105 (the "Tax Increment Law"); and

WHEREAS, such Amendment will:

- a. Add territory to the District as permitted under Wisconsin Statutes Section 66.1105(4)(h)2.
- b. Amend the categories, locations or costs of project costs to be made as permitted under Wisconsin Statutes Section 66.1105(4)(h)1.

WHEREAS, an amended Project Plan for the District has been prepared that includes:

- a. A statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Wisconsin Statutes Sections 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n., outside of the District;
- b. An economic feasibility study;
- c. A detailed list of estimated project costs;
- d. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
- e. A map showing existing uses and conditions of real property in the District;
- f. A map showing proposed improvements and uses in the District;
- g. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
- h. A list of estimated non-project costs;
- i. A statement of the proposed plan for relocation of any persons to be displaced;
- j. A statement indicating how the amendment of the District promotes the orderly development of the City;
- k. An opinion of the City Attorney or of an attorney retained by the City advising that the Project Plan is complete and complies with Wisconsin Statutes Section 66.1105(4)(f).; and

WHEREAS, prior to its publication, a copy of the notice of public hearing was sent to owners of all property in the proposed district, to the chief executive officers of Outagamie County, the Appleton Area School District, and the Fox Valley Technical College District, and any other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Plan Commission, on August 11, 2021 held a public hearing concerning the proposed amendment to the Project Plan and boundaries of the District, providing interested parties a reasonable opportunity to express their views thereon; and

WHEREAS, after said public hearing, the Plan Commission designated the boundaries of the amended district, adopted the Project Plan, and recommended to the Common Council that it amend and adopt the Project Plan and boundaries for the District.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Appleton that:

1. The boundaries of the District named "Tax Incremental District No. 12, City of Appleton", are hereby amended as identified in Exhibit A of this Resolution.
2. The territory being added shall become part of the District effective as of January 1, 2021.
3. The Common Council finds and declares that:
  - (a) Not less than 50% by area of the real property within the District, as amended, is in need of rehabilitation and/or conservation work within the meaning of Wisconsin Statutes Section 66.1337(2m)(a).
  - (b) Based upon the finding stated in 3.a. above, the District was declared to be, and remains, a rehabilitation/conservation district based on the identification and classification of the property included within the District.
  - (c) Project costs relate directly to promoting the rehabilitation and/or conservation of the area consistent with the purpose for which the District is created.
  - (d) The equalized value of the taxable property within the territory to be added to the District plus the value increment of all other existing tax incremental districts within the City, does not exceed 12% of the total equalized value of taxable property within the City.
  - (e) The improvement of such area is likely to enhance significantly the value of substantially all of the other real property in the District.
  - (f) The City estimates that 10% of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Wisconsin Statutes Section 66.1105(5)(b).
  - (g) That there are no parcels to be added to the District that were annexed by the City within the preceding three-year period.

4. The Project Plan for "Tax Incremental District No. 12, City of Appleton" (see Exhibit B), as amended, is approved, and the City further finds the Project Plan is feasible and in conformity with the master plan of the City.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to apply to the Wisconsin Department of Revenue, in such form as may be prescribed, for a "Determination of Tax Incremental Base", as of January 1, 2021, pursuant to the provisions of Wisconsin Statutes Section 66.1105(5)(b).

BE IT FURTHER RESOLVED THAT pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes that the City Assessor is hereby authorized and directed to identify upon the assessment roll returned and examined under Wisconsin Statutes Section 70.45, those parcels of property which are within the District, specifying thereon the name of the said District, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jacob A. Woodford, Mayor

ATTEST:

\_\_\_\_\_  
Kami L. Lynch, City Clerk

**LEGAL BOUNDARY DESCRIPTION OR MAP OF  
TAX INCREMENTAL DISTRICT NO. 12  
CITY OF APPLETON**

[INCLUDED WITHIN PROJECT PLAN]

**PROJECT PLAN AMENDMENT**

[DISTRIBUTED SEPARATELY]



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

# MEMORANDUM

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TO: Community and Economic Development Committee (CEDC)

FROM: Karen Harkness, Director of Community & Economic Development  
Matt Rehbein, Economic Development Specialist

DATE: August 11, 2021

RE: Request Approval of the Development Agreement between the City of Appleton and Merge, LLC in TIF District #11

---

Tax Increment Financing District Number 11 (TIF District #11) was created by the City of Appleton in August 2017 under the authority provided by Wisconsin Statute Section 66.1105 "Tax Increment Law" to eliminate blight and stimulate the redevelopment of this urban corridor. TIF District #11 was created as a "Blighted District" based upon the finding that at least 50%, by area of the real property within the District, is blighted within the meaning of Wisconsin Statute Section 66.1105 and 66.1333. The Project Plan was amended in September 2020.

TIF District #11 is located along East College Avenue from approximately Drew Street to just west of Superior Street, south to Water Street, and north to East Pacific Street.

Merge LLC (Developer) is requesting assistance to support a mixed-use project. The parcel, located on the southeast corner of E. Washington Street and N. Oneida Street is owned by the City of Appleton. The proposed concept is for a 5-story development which would include a mix of 56 residential units and ground floor commercial uses. A concept of proposed improvements is included as Exhibit B of the Development Agreement. This concept shows an anticipated Phase II at the location of the former Blue Ramp which will be brought forward as a separate Development Agreement.

This parcel has been vacant since the City demolished the Conway Hotel in 2013. This development will offer another opportunity for residential living in our Central Business District. This project is targeted to support the City's Comprehensive Plan goal of increasing the quantity and variety of housing product offered in Downtown Appleton.

Based on the analysis of current value of the property, projected value of the property and review of proposed expenses, TIF District #11 would invest the lesser of eighteen percent (18%) or \$1,386,000 of the Tax Increment Value as of January 1, 2024, plus interest thereon to support the construction work for Merge, LLC.

## **Staff Recommendation:**

The Development Agreement between the City of Appleton and Merge LLC **BE APPROVED.**



## TAX INCREMENT DISTRICT NO. 11 DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the "Agreement") is dated as of the \_\_\_\_ day of \_\_\_\_\_, 2021, by and among Merge LLC, an Iowa limited liability company ("Developer") and the City of Appleton, a Wisconsin municipal corporation (the "City").

### RECITALS

Developer and the City acknowledge the following:

A. Developer owns or will acquire the real property located on the southeast corner of E. Washington St. and S. Oneida St., (Parcel 31-2-0281-01) Appleton, WI more particularly described in Exhibit A, attached hereto (hereafter the "Property").

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

C. Subject to obtaining the financial assistance set forth herein, Developer has proposed improvements to the Property to create approximately one floor of commercial/retail space and four floors consisting of approximately fifty-six (56) market rate living units offering studio and one bedrooms with approximate square footage ranging from 385 to 720 per unit (the "Project"). All references to the Project include the Property.

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

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

F. The City, pursuant to Common Council Action dated **DATE, 2021** has approved this Agreement and authorized the execution of this Agreement by the proper City officers on the City's behalf.

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

H. The base value of the Property for purposes of this Agreement, including calculating increment generated by the Project, is Zero Dollars (\$0). The Developer estimates the project will create up to an additional Seven Million Seven Hundred Thousand Dollars (\$7,700,000) in incremental value.

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

## **AGREEMENT**

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

### **ARTICLE I UNDERTAKINGS OF THE DEVELOPER**

1.1 Developer shall purchase the property for \$283,000 from the City within 30 days of execution of this agreement. Said sale of Property to Developer is contingent upon Developer fulfilling the terms and conditions of this Agreement and the City shall retain a right to repurchase the Property as more particularly set forth in Article IV.

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

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

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

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

### **ARTICLE II UNDERTAKINGS OF THE CITY**

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

2.2 City shall cooperate with Developer throughout the Project and shall promptly review and/or process all submissions and applications in accordance with applicable City ordinances. In addition, the City agrees to work collaboratively with Developer in Developer's pursuit of various grant or similar funding opportunities.

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

Developer's Project Costs. The City's total payment of Tax Increment Revenue to the Developer shall not exceed the lesser of i) \$1,386,000 or ii) Eighteen percent (18%) of the Tax Increment Value as of January 1, 2024, plus interest thereon (the "Contribution").

The Contribution will be paid to Developer as follows:

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

2.3.2 Payments under this Agreement shall be due in annual installments on August 15 of the calendar year following the first tax year after completion of the Project and continuing on each August 15 thereafter for a period of time described in Sec. 4.3.

2.3.3 Interest on the Contribution shall begin to accrue upon completion of the Project. The interest rate on the Contribution shall be lesser of 1) the interest rate paid by the Developer to the primary lender for the Project, as evidenced by the note indicating the loan amount; or, 2) four percent (4%).

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

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

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

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

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

### ARTICLE III PAYMENT OF TAXES

3.1 As long as the District is in existence, the Property and all buildings and improvements thereon shall be owned and taxable for real estate tax and special assessment

purposes. The City may waive any or all of the restrictions upon execution of a payment in lieu of taxes (PILOT) agreement on a form acceptable to the City.

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

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

#### ARTICLE IV CONDITIONS TO PAYMENT; REPURCHASE OF PROPERTY; TERMINATION OF AGREEMENT

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

4.1.1 The Project's completion on or before May 31, 2023 subject to reasonable extensions, not to exceed six (6) months each, for Force Majeure which shall include, but not be limited to, any delays caused by pandemic or other acts beyond the reasonable control of the Developer. Such extensions shall be by mutual written agreement and, in considering any requested extension, the City and Developer agree that each will act in good faith, cooperate in expeditious and timely approvals, and said extensions shall not be unreasonably withheld, conditioned or delayed by City.

4.1.2 The Property's assessed value is no less than Seven Million Seven Hundred Thousand Dollars (\$7,700,000) on or after January 1, 2025.

4.2 The City was induced to sell the real property described in Exhibit A to Developer based on Developer's proposed Project and construction of the same according to the terms of this Agreement. As such, the City shall retain and the Developer shall grant the City a right to repurchase the real property (hereafter "repurchase options"). This repurchase option shall be subject to the following:

4.2.1 The City's repurchase right shall terminate upon Developer obtaining approved buildings plans and a building permit for improvements to the real property consistent with the Project as described in this Agreement, and, commencement of the Project's construction.

4.2.2 The City shall refrain from executing the repurchase right if Developer is making reasonable timely progress toward commencement of the Project's construction in accordance with the terms of the Agreement.

4.2.3 The City shall provide Developer thirty (30) day's written notice of its intent to repurchase the Property unless Developer waives said notice. Thereafter Developer

shall execute all necessary documents and transfer the Property's unencumbered title to the City. In exchange, the City shall pay Developer \$283,000 (or the actual amount paid by Developer to the City) less \$1,000 per calendar month calculated from the first day of the month after this Agreement is executed through the date of sale. The City and Developer agree that each will act in good faith to facilitate a timely repurchase if the City exercises its repurchase right.

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

4.3.1 The conditions in Section 4.1 are not met.

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

#### ARTICLE V CONFLICT OF INTEREST

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

#### ARTICLE VI WRITTEN NOTICES

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

FOR THE CITY:

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

With a copy to:

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

FOR DEVELOPER:

Merge LLC  
25 West Main Street, Suite 500  
Madison, WI 53718  
Email: [info@mergeurbandevelopment.com](mailto:info@mergeurbandevelopment.com)

With a copy to:

Squire Patton & Boggs  
Attn: Steven F. Mount  
41 South High Street, Suite 2000  
Columbus, OH 43215  
Email: [steven.mount@squirepb.com](mailto:steven.mount@squirepb.com)

## ARTICLE VII ASSIGNMENT

7.1 Terms of this Agreement are not transferrable or assignable. No party to this Agreement may assign any of its interest or obligations hereunder without first obtaining the written consent of all other parties.

## ARTICLE VIII NO PARTNERSHIP OR VENTURE

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

## ARTICLE IX MISCELLANEOUS

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

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

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

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

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

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



Chapter 105, Laws of 1975 § 4, which provide that the Blight Elimination and Slum Clearance Law and the Tax Increment Law should be construed liberally to effectuate their purposes.

[Signatures on following pages]

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

CITY OF APPLETON:

By: \_\_\_\_\_  
Jacob A. Woodford, Mayor

ATTEST:

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

STATE OF WISCONSIN     )  
  : ss.  
OUTAGAMIE COUNTY     )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2021, Jacob A. Woodford, Mayor and Kami L. Lynch, City Clerk, of the City of Appleton respectively, to me known to be the persons who executed the foregoing instrument and acknowledged the same in the capacity and for the purposes therein intended.

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

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

\_\_\_\_\_  
Anthony Saucerman, Finance Director

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Christopher R. Behrens, City Attorney  
Dated: July 13, 2021  
By: Christopher R. Behrens  
City Law A21-0312

DEVELOPER:

Merge LLC

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
: ss.  
\_\_\_\_\_ COUNTY )

Personally came, before me this \_\_\_\_ day of \_\_\_\_\_, 2021,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ each  
a member of the LLC, to me known to be the persons who executed the foregoing instrument and  
acknowledged the same in the capacity and for the purposes therein intended.

Printed Name: \_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
My commission is/expires: \_\_\_\_\_

## SCHEDULE OF EXHIBITS

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

## **EXHIBIT A**

### **LEGAL DESCRIPTION OF THE PROPERTY**

The North 97.17 feet of Lots One (1) and Two (2) and the North 97.17 feet of the West 30 feet of Lot Three (3), Block Twenty-eight (28), Appleton Plat, City of Appleton, County of Outagamie, State of Wisconsin, according to the recorded assessor's map of said city.

APN: 312028101

Property Address: 103 East Washington Street  
Appleton, WI 54911

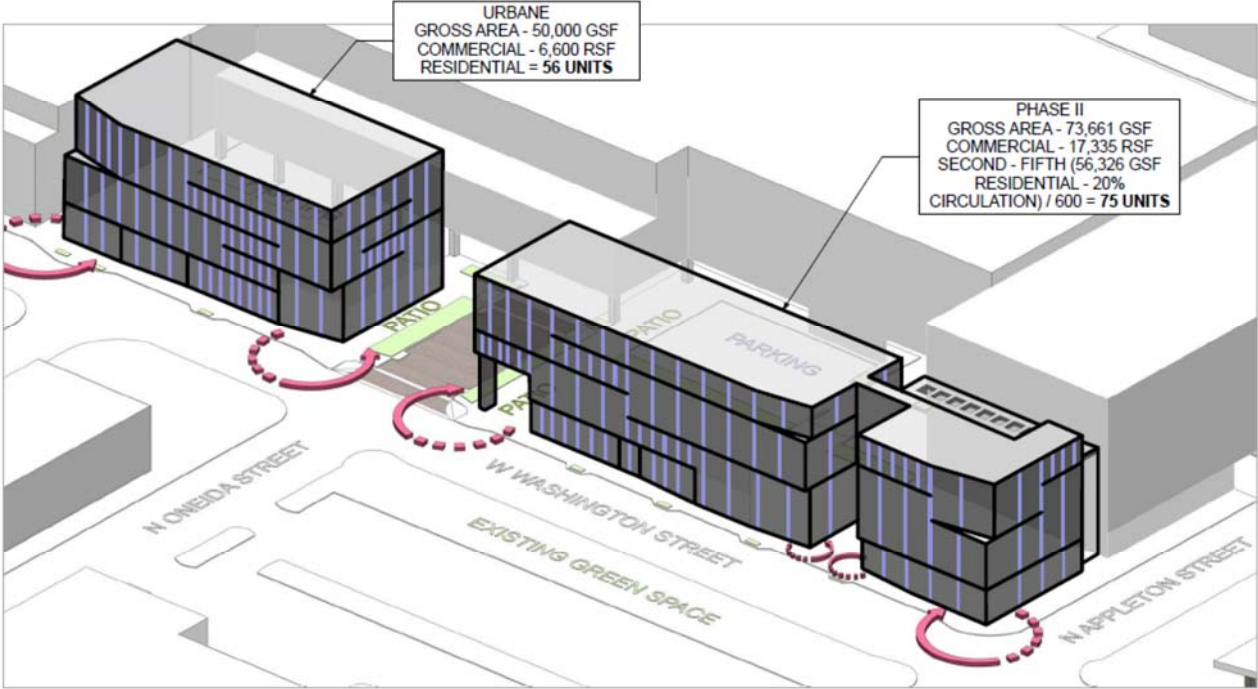
**EXHIBIT B**  
**PROPOSED IMPROVEMENTS**

**(Copy of Plans/Design docs follow)**



# APPLETON MIXED-USE

CONCEPT DIAGRAM



## TYPICAL UNIT DIAGRAM

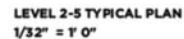
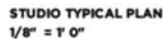


- Walk-in closet
- Full kitchen
- Washer + dryer
- Bedroom with natural lighting
- Living and dining space

## STUDIO UNITS

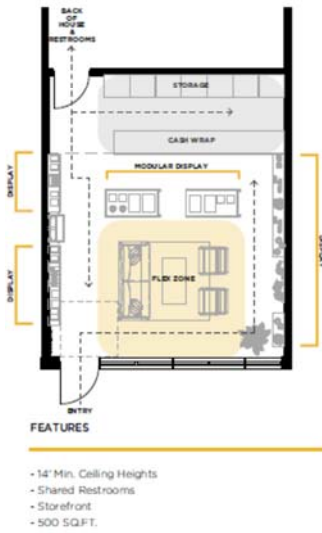
- Living room and dining area
- Built-in Murphy bed and sofa
- Ample cook and prep areas
- Built-in media center and desk work surface
- Dedicated laundry and closet space

**1 BEDROOM TYPICAL PLAN**  
1/8" = 1' 0"



# APPLETON MIXED-USE

## MICRO RETAIL



ONISHOT  
ARCHITECTURE



2020.09.25

# APPLETON MIXED-USE

## VIGNETTE



ONISHOT  
ARCHITECTURE



2020.09.25

# APPLETON MIXED-USE

## VIGNETTE



ONISHOT  
ARCHITECTURE



2020.09.25





**Chief Todd Thomas**  
**Appleton Police Department**

222 South Walnut Street  
Appleton, WI 54911

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To: Alderperson Fenton, Human Resources and IT Committee Chairperson

From: Chief Todd Thomas

Date: July 21, 2021

Subject: Police Department Table of Organization Modification Request

We constantly review processes, programs, and our organizational structure to make sure we are delivering police services in the most efficient way. I am presenting the following three recommendations to you and requesting approval for the modifications to our table of organization.

1. Move one Police Communication Specialist (PCS) position to a Crime Analyst (CA) in the Investigative Services Unit.

This is the culmination of a process we have been undertaking for several years. Our APD Staffing Plan included doing a feasibility study during 2018 and 2019, to evaluate creating a full time Crime Analyst position. Prior to this, we were not able to identify crime patterns, frequent offenders, or habitual nuisance addresses as quickly and effectively as we should because we did not have that specialist. We worked with other local police agencies who have full time crime analyst, mainly Oshkosh, Green Bay and WI DOJ, to develop our program. During the pilot period it has been a part time duty for one of our current PCS employees. We are requesting to make that position a full time Crime Analyst and remove it from the PCS unit. This will not impact the services of our PCS unit at all because we have adjusted the hours and work shifts of the unit members.

It is anticipated that this new position will eventually be at a pay grade above the PCS position, but that would not occur until after the position has been in place for one full year and Human Resources does an analysis. There will be no financial impact at this time.

2. Move the Community Resource Unit under the Downtown District Command.
3. Rename the Operations Coordinator Lieutenant to Professional Development Coordinator and move it under the Northern/Southern District Command.

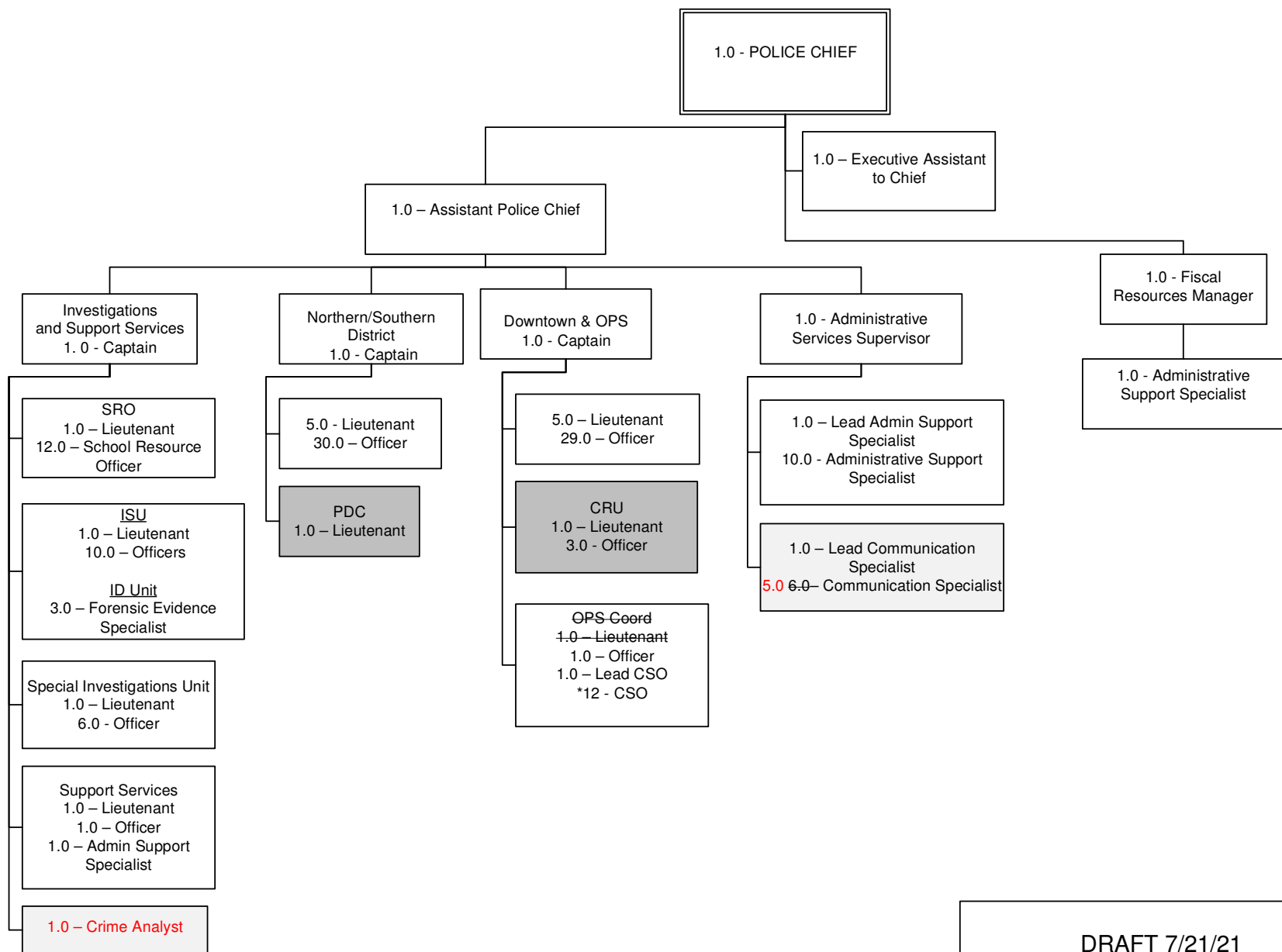
This is switching who these positions report to so that the workload for the District Commander's is balanced and they are supervising the areas that they have more knowledge and experience in. There will be no financial impact, it is a lateral switching of the supervision of units.

We will constantly review programs, processes, and our organizational structure. We also know that it takes time for changes to take hold so that we can truly determine if the anticipated benefits outweigh the unintended consequences. I will review the impact of any change that is approved and report back to the Council if there are any concerns.

Respectfully Submitted,

Chief Todd Thomas





DRAFT 7/21/21



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

**Human Resources Department  
100 N. Appleton Street  
Appleton, WI 54911  
Phone: (920) 832-6455  
Fax: (920) 832-5845**

To: Human Resources/IT Committee and Common Council Members

From: Jay Ratchman, Human Resources Director

Date: August 2, 2021

Re: Recommendation for Health Reimbursement Account (PEHP) Administration

The City of Appleton currently has a health reimbursement account benefit in place where tax-free funds can be used to pay qualified medical expenses after employment ends (e.g. \$10/month contributed by the City and payout of unused sick leave at time of retirement). This benefit is commonly referred to as the Post Employment Health Plan (PEHP).

Our current PEHP administrator is TASC and we have been with TASC since 2019. Since converting to TASC, we have been experiencing a large variety of service issues. For this reason, we requested that AndCo Consulting complete a request for proposal process to find a new plan administrator.

Proposals from AviBen, ICMA-RC, and Mid America were received and reviewed by AndCo Consulting and by the City of Appleton. Based on this review, we are recommending that the City of Appleton switch our plan administration to Mid America. Mid America stood out with public sector experience, valued added services, and by having a straightforward fee structure. The fee charges by TASC and Mid America are both \$2.00/month for an active employee. If approved, the transition to Mid America would start immediately.

Please refer to the letter from AndCo Consulting regarding the request for proposal process and the recommendation to switch to Mid America.

If you have any questions regarding our recommendation, please let me know.

**Clients first.**



## **MEMORANDUM**

**To:** Jay Ratchman, City of Appleton Human Resources  
**From:** Paul Murray, AndCo Consulting  
**Date:** July 30, 2021  
**Subject:** HRA Plan Recordkeeper Recommendation

Following the City of Appleton's engagement of AndCo to provide independent investment consulting services to the City's 457(b) Plan, the City decided to move the Health Reimbursement Account Plans to Voya's HRA plan partner, TASC. TASC has failed to meet the basic needs of administering the plans, so the City asked AndCo to assist with issuing a formal Request for Proposal (RFP) to select a replacement for TASC.

Based on information AndCo gathered from discussions with Human Resources about the objectives and plan requirements, AndCo developed a comprehensive Request for Proposal and distributed it to three qualified vendors that are capable of providing the required services. All three vendors responded with comprehensive proposals, competitive pricing and capabilities - so none of the proposals were rejected.

Based on the review of the questions in the RFP and our previous experience in working with these providers, we think that any of the providers would do a fine job for the City.

**Based on our review and evaluation of the RFP responses and knowledge of the respondents' general administrative and service capabilities, we feel that the best route for the City is to move the HRA Plans to Mid America. The key points of our recommendation include:**

### **AviBen (aka Educators Benefit Consultants) located in Minnesota**

- Prefers use of general Account from The Standard, currently crediting 2.2%
- No other investment requirements – open architecture
- **Small firm / book of business - \$150 million / 80 plans**
- They offer Visa benefit card, replacement card cost \$10
- **Initial set up fee \$1,250**
- **Admin fees of 56 bps, plus 'System Fee' of \$12 once claims eligible**

### **ICMA-RC (rebranding as Mission Square) located in DC**

- 1600 plans / 800 different employers
- They have 7,000 public Defined Contribution plan clients
- Good employee materials
- **Proprietary funds required. S3 share class expenses range from 0.59% to 1.25%. Fund performance is average.**
- **NO DEBIT CARD**

### **Mid America located in Lakeland, FL**

- Very flexible fund offering – see modeling exhibit (all in expenses = 0.57%)
- HRA Plan Admin = 43% of their business
- Partners with AUL for the Fixed Interest Account and Fund platform, crediting 1.8% now
- 1800 Plans in 33 states / 300-500 clients in WI
- 581 HRA Plans / \$ 663 million
- They only serve public sector clients
- Partnered with Groom Law Firm in Washington DC (top notch firm)
- Debit Cards available
- \$2 per month admin fees for participants not yet claims eligible
- \$1 per month platform fees for participants that are claims eligible
- Can convert in 60 days or less
- Best employee materials

Based on our review, we feel that Mid America is the most consultative firm and they offer the most comprehensive services. We would take out ICMA for not offering debit cards, high fees and fund performance. While AviBen offers open investment architecture, they are a significantly smaller firm and just do not have all of the integration that Mid America offers.

AndCo appreciates the opportunity to assist the City with this search and evaluation. We are confident that moving the plans from TASC to Mid America will improve the plan experience for both the plan participants as well as the City's HR staff.

We look forward to continuing to serve the City of Appleton.



**Chief Todd Thomas**  
**Appleton Police Department**

222 South Walnut Street  
Appleton, WI 54911

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To: Alderperson Fenton, Human Resources/IT Committee Chairperson

From: Chief Todd Thomas

Date: July 21, 2021

Subject: Police Department "Over hire" for 2021

I am requesting an "over hire" for 2021. This is not the addition of a new position or a new hire, it is the early promotion of an officer on our current promotional list to the rank of Lieutenant in anticipation of the pending retirement of a current Lieutenant in early 2022.

The Police Department currently operates with a Table of Organization that includes 12 Patrol Operations Lieutenants. This year we have three new Lieutenants who are working the late afternoon or night shift. The Lieutenant who provided his retirement notice is the most senior Lieutenant we have who has extensive supervisory experience and knowledge that we need to transfer to our new supervisors. He provided this unusual early notice because he understands the importance of this over hire. With his retirement, we will have 4 of our 12 Patrol Supervisors with less than a year of experience. This is 33% of our patrol supervisory staff, but more significantly it is 100% of our late afternoon and night shift supervision.

These supervisors are exclusively the only city supervisors working during the evening and overnight hours, the decisions they make impact not only the police department but the services and liability of the entire city.

For us to have a successful transition and development of this new supervisor, and to aid in the mentoring of our other young supervisors, I believe the city would greatly benefit from having this over hire for this position for the remainder of 2021.

The financial impact of this change will be approximately \$7,345. This will be covered from salary savings from the three prior promotions this year. Those promotions replaced senior Lieutenants with Lieutenants paid at a new supervisor rate. This savings was over \$12,000, which covers the \$7,345 cost of this move.

Please contact me with any questions.

Respectfully Submitted,

Chief Todd Thomas

# CITY OF APPLETON

## FIRE DEPARTMENT



700 N. Drew Street  
Appleton, WI 54911



(920) 832-5810



(920) 832-5830



[jeremy.hansen@appleton.org](mailto:jeremy.hansen@appleton.org)

## MEMORANDUM

August 4, 2021

To: Alderperson Fenton and Members of the Human Resources & Information Technology Committee

From: Jeremy Hansen, Fire Chief

Cc: Ryan Weyers, Deputy Chief

Re: Fire Protection Engineer

The Appleton Fire Department's current Table of Organization includes one civilian Fire Protection Engineer. We recently received notification that our Fire Protection Engineer is planning to retire January 3, 2022.

The Fire Protection Engineer position is responsible for several key functions in the Fire Prevention Division. One responsibility is to review fire protection plans. This critical function ensures a high level of customer service for development within the city. The Fire Protection Engineer reviews more than 75 plans annually to ensure compliance with the International Building Code. It is crucial that the transition be seamless to avoid delays or negative impacts on projects throughout the city. Another responsibility is to coordinate school fire drills in the 53 public and parochial schools within the city. This helps to ensure the safety of students during the school day. Finally, a responsibility of this position is to serve on several City committees and boards. Providing 90 days overlap will allow the incumbent to be introduced to these committees and boards with no lapse in service.

In order for us to have a successful transition of the duties and projects, I believe the city would greatly benefit from having the incumbent transfer their significant institutional knowledge over a 90 day period. The financial impact for this proposal is approximately \$30,000. Sufficient 2021 salary dollars will be available to accommodate this overlap based on the lower salary of the new hire.

Job description attached.

Please direct additional questions to Fire Chief Jeremy Hansen 920-832-1710.





# Fire Protection Engineer

Bargaining Unit: Non-Union Exempt

Class Code:  
250-6 (CC-3)

CITY OF APPLETON  
Revision Date: May 28, 2015

## **SALARY RANGE**

\$28.83 - \$43.25 Hourly  
\$59,966.40 - \$89,960.00 Annually

### **NATURE OF WORK:**

This is a professional position responsible for the development, delivery, and administration of Fire Protection engineering issues related to local, state, and national fire and life safety codes and standards in the community. The position requires use of a considerable amount of judgment and includes interpretation and analysis of performance-based fire protection designs and systems within buildings. The work involves ensuring concept, site, architectural and engineering plans submitted for buildings and other development projects are reviewed for compliance with appropriate fire and life safety code requirements. The incumbent works under the direction of the Battalion Chief of Prevention and Public Education.

### **JOB FUNCTIONS:**

#### **ESSENTIAL JOB FUNCTIONS**

- Develops standards and practices for technical fire protection/detection system plan reviews, conducts the reviews and oversees the associated inspection follow-up.
- Conducts routine and special fire inspections of public, commercial, residential, assembly, and target hazard occupancies, i.e., schools, day cares, hospitals, high-rises, nursing homes, care facilities, hazardous processing, storage, etc. ensuring compliance with local and state codes, and nationally recognized good practices and standards.
- Recommends prevention plans and strategies to address general and specific fire and life safety problems in the community based on national standards and state/local fire and building codes.
- Recommends code and ordinance changes to enhance fire and life safety in the community.
- Provides technical assistance to property owners, architects, contractors, and others in interpreting and complying with fire and life safety codes and standards.
- Enforces code requirements and, where necessary, issues corrective notices and/or citations.
- Inspects multifamily residential properties and other public buildings both during construction and after occupancy is granted.
- Prepares position statements regarding variance requests to fire prevention codes and standards for review and approval by the Battalion Chief of Fire Prevention and Public Education.
- Works with other City Department managers on new developments, plats, licenses, ordinances, etc.
- Develops training for department employees to develop and enhance prevention and inspection skills.
- Maintains regular punctual and predictable attendance, works overtime and extra hours as required.

#### **OTHER JOB FUNCTIONS**

- Provides advice, guidance, and direction to fire personnel in maintenance tasks relating to fire and life safety.
- Maintains records and answers correspondence regarding false alarms and fire prevention codes.

- Maintains effective records and documentation of actions and assessments related to fire prevention in new and existing buildings and developments.
- Recommends changes to policies and SOP's as may be necessary to ensure safe and effective operation of the Department.
- Performs various clerical functions including typing, computer entry and communication with the public.
- Performs support functions at emergency and non-emergency incidents as required.
- Other job tasks as assigned.

#### **REQUIREMENTS OF WORK:**

Bachelor's degree in Fire Protection Engineering or related field, one to three years fire prevention and building plan review experience, certified fire inspector, or any combination of experience and training which provides the following knowledge, skills and abilities:

- Considerable knowledge of fire science, fire behavior and fire protection engineering/technology.
- Considerable knowledge of codes, laws and ordinances, Wisconsin Revised Statutes and specific fire conditions of the City.
- Ability to obtain and maintain commercial building inspector certification.
- Thorough knowledge and understanding of departmental and City safety policies, practices and procedures.
- Ability to prioritize and oversee multiple projects and staff.
- Thorough knowledge of departmental and City policies, SOP's and labor agreements.
- Ability to analyze City's fire prevention needs and identify target hazards.
- Ability to read and interpret complex written materials.
- Ability to prepare concise and accurate oral and written presentations and reports.
- Ability to establish and maintain effective working relationships with superiors, co-workers, the public, elected officials, the business community, and other city departments.
- Ability to operate and utilize all personal protection equipment, tools and other equipment associated with the job expectations.
- Ability to conduct thorough site inspections while projects are under construction, climb ladders and stairs, negotiate uneven terrain, and work in a variety of atmospheric conditions that may be encountered.
- Ability to recognize situations that need action and then take appropriate action as necessary.
- Ability to resolve conflict at lowest levels.
- Ability to work with limited supervision.
- Wisconsin P.E. Registration or the ability to obtain it is preferred.
- Valid driver's license and good driving record.

#### **COMPETENCIES**

Communication

Self-directed/Autonomous/Accountable

Problem Solving

Technical/Professional/Strategic Skills

Creative/Innovative

# JOB TASK ANALYSIS:

## JOB ANALYSIS/REQUIREMENTS

**JOB TITLE:** Fire Protection Engineer Supervisor

**REVISION DATE:** July 2006

**REVIEW DATE:** December 2010

N = Never

O = Occasionally: 1 to 33% of the time on job

F = Frequently: 34 to 66% of the time on job

C = Constantly: More than 67% of the time on job

### A. PHYSICAL DEMANDS

	N	O	F	C
1. Standing	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Walking	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Sitting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Lifting: Light - max. 10 lbs.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Lifting: Moderate - max. 25 lbs.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Lifting: Heavy to moderate - max. 45 lbs.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Lifting: Heavy - max. 65 lbs.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Carrying est. wt. 50 lbs.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Pushing est. wt. _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Pulling est. wt. _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Pulling hand over hand	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Climbing stairs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Climbing, use of legs and arms	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Balancing	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Stopping	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Kneeling	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Repeated bending	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Crawling	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Reaching: <input type="checkbox"/> high <input type="checkbox"/> low <input type="checkbox"/> level	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Repetitive finger movement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. May use hands for grasping	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. May use hands for manipulation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23. May use hands for twisting of wrist	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24. May use hands for flex/extend of wrist	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25. May use hands for reaching	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26. May use hands for overhead work	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27. Repetitive twisting or pressure involving wrists or hands	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28. Both hands required	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
29. Both legs required	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30. Ability of rapid mental/muscular coordination simultaneously	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
31. Oral communication: speaks clearly in <input type="checkbox"/> Spanish <input checked="" type="checkbox"/> English <input type="checkbox"/> Hmong <input type="checkbox"/> Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
32. Hearing-conversation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
33. Intense visual concentration	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
34. Specific visual requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
35. Depth perception	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
36. Color vision: Distinguish basic shades	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
37. Color vision: Distinguish basic colors	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
38. Operation of crane, truck or motor vehicle	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
39. Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### B. WORKING CONDITIONS

	N	O	F	C
1. Outside	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Alternating between Outside and Inside	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Heat between: 90 - 100 degrees	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Heat over 100 degrees	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Cold below 55 degrees	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Temperature changes: <input checked="" type="checkbox"/> excessive <input type="checkbox"/> frequent	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Wetness	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Dry atmospheric conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Confined spaces	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Heights (list maximum: 100ft)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Constant noise above 85 decibels	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Intermittent noise above 85 decibels	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Vibration	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Fumes: <input checked="" type="checkbox"/> Irritant <input checked="" type="checkbox"/> Toxic	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Dust: More than nuisance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Gases: Types: smoke by-products at fire scenes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Chemicals: Types: <u>hazardous material incidents</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Grease and oils: Types:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Working with machinery with moving parts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Working with moving vehicles	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Working with ladders/scaffolding	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. Working below ground	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. Working with hands in water	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23. Working alone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24. Work intensity: <input type="checkbox"/> sedentary <input type="checkbox"/> light <input checked="" type="checkbox"/> light/medium <input type="checkbox"/> medium <input type="checkbox"/> heavy Hours/day: 9 Days/week: 5 Days overtime/week: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**#12-R-21**  
**Health Officer Hiring**

***Submitted By:** Alderperson Martin – District 4, Alderperson Reed – District 8, Alderperson Hartzheim – District 13, Alderperson Doran – District 15*

***Date:** 8/4/2021*

***Referred To:** Board of Health*

**WHEREAS**, on August 4, 2021, City of Appleton Mayor Jacob A Woodford put forth new guidance in the City requiring masking in indoor public City facilities; and

**WHEREAS**, the permanent position of Health Officer for the City of Appleton has been vacant since early June, 2021, and the Mayor and city staff were aware of the pending retirement of the previous Health Officer since prior to the first COVID-19 cases in Appleton in early 2020;

**THEREFORE, BE IT RESOLVED** that the Members of the City of Appleton Common Council hereby express their concern that the City has undertaken health initiatives and enacted a public health mandate while the position of Health Officer remains vacant; and

**BE IT FURTHER RESOLVED** that the Members of the City of Appleton Common Council urge the Mayor to prioritize and expedite the hiring of a Health Officer as quickly and as practicably as possible and prior to enacting or implementing any further COVID-19 guidance or mandates in the City.






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

Human Resources Department  
100 N. Appleton Street  
Appleton, WI 54911  
Phone: (920) 832-6455  
Fax: (920) 832-5845

To: Board of Health, Human Resources/IT Committee and Common Council Members

From: Jay Ratchman, Human Resources Director 

Date: August 9, 2021

Re: Health Officer Hiring Process

On August 4, 2021, resolution #12-R-21 Health Officer Hiring was submitted and referred to the Board of Health. To assist you as you consider this resolution, I would like to offer some background information to provide greater context for your upcoming discussion.

On February 4, 2020, then Health Officer Eggebrecht submitted his intent to retire on June 4, 2020. We immediately launched a national search to find a successor. On April 17, 2020, Health Officer Eggebrecht selflessly rescinded his resignation in an effort to assist the City through the looming pandemic. Consequently, the hiring process for the Health Officer position was paused.

We re-opened the hiring process in March 2021, in anticipation of Health Officer Eggebrecht's retirement in June 2021. Subsequent interviews were conducted prior to Health Officer Eggebrecht's retirement; however, we did not find a candidate who met the education, skills, and competencies we expect, particularly for our top-level leadership positions. As has always been our practice, we did not want to sacrifice our goal of finding quality candidates by making quick decisions which may not serve us well for the long-term.

Knowing the pandemic was waning but not departing, we wanted to ensure that we continued our legacy of strong leadership in this critical position. As a result, we proactively reached out to the State of Wisconsin Department of Health Services (DHS) to work through our interim plan to make sure we remained as a Level III health department. As we reviewed/created our interim plan, we discussed the qualifications of our Interim Health Officer and reviewed our ongoing recruitment efforts to find a successor. A memo dated May 24, 2021, from the Mayor which announced the appointment of an Interim Health Officer, was brought to the HR/IT committee and Common Council (see attachment).

Resolution #12-R-21 requests that members of the Common Council urge the Mayor to prioritize and expedite the hiring of a Health Officer as quickly and as practically as possible. I would like to reassure the City of Appleton Common Council that this hiring process has and will remain a priority. Particularly during this critical time in public health, we are committed to moving this process forward as quickly as possible, all while ensuring we are finding the best candidate to lead us through these challenging times and beyond. We won't hesitate to ask if we need additional resources.


As always, we will keep you abreast of the progress of the Health Officer hiring process. Should you have questions in the meanwhile, please let me know.



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

**OFFICE OF THE MAYOR**

Jacob A. Woodford  
100 North Appleton Street  
Appleton, Wisconsin 54911  
Phone: (920) 832-6400  
Email: [Mayor@Appleton.org](mailto:Mayor@Appleton.org)

**TO:** Human Resources & Information Technology Committee  
**FROM:** Mayor Jacob A. Woodford   
**DATE:** May 24, 2021  
**RE:** Interim Health Officer Appointment

---

Health Officer Eggebrecht has announced his retirement from the City of Appleton, effective June 4, 2021. Health Officer Eggebrecht has dedicated 21 years of his career to the City. Identifying a successor has received our full attention and we expect to name a successor shortly as this search nears its conclusion.

Public Health Nurse Supervisor Sonja Jensen joined the City of Appleton in 2013 and has demonstrated her capability in the health field and through her work in helping lead the City through the COVID-19 pandemic. Given the depth of experience and commitment to the City of Appleton, I am pleased to appoint Ms. Jensen as the Interim Health Officer. She will serve in this capacity to ensure there is no vacancy, however brief, in the Health Officer role.



## Melody Rank

---

**From:** Jay Ratchman  
**Sent:** Tuesday, August 10, 2021 12:16 PM  
**To:** Melody Rank  
**Subject:** Fw: [NCI] Health Officer Vacancy  
**Attachments:** Interim Health Officer for HR.pdf; Appleton Health Officer Letter May 11 2021.pdf

---

**From:** Culotta, Christopher D - DHS <ChristopherD.Culotta@dhs.wisconsin.gov>  
**Sent:** Tuesday, August 10, 2021 10:26 AM  
**To:** Jay Ratchman <Jay.Ratchman@Appleton.org>; Jake Woodford <Jake.Woodford@Appleton.org>  
**Cc:** Rombalski, Jennifer J - DHS <jennifer.rombalski@dhs.wisconsin.gov>  
**Subject:** [NCI] Health Officer Vacancy

Mayor Woodford and Mr. Ratchman,

My understanding is there are questions regarding the process to identify an interim health officer at the City of Appleton and the coordination with the Wisconsin Department of Health Services, Division of Public Health. The City of Appleton Leadership has been in communication with the Division of Public Health Northeast Region and has provided updates on the hiring progress.

A little about me and the Division of Public Health Northeast Region – we work with local health departments and tribes in a 17 county area that includes 19 local health departments and 3 tribes.

The pandemic has been difficult for staff and public health leaders and currently of the 85 local health departments in Wisconsin we have 30+ newer or interim health officers statewide.

To put in perspective for the NE Region – there have been 7 new health officers of the 19 local health departments since November 2020.

A review of documentation relating to this situation identifies the following key facts.

Mr. Eggebrecht the former city health officer retired June 4, 2021.

May 11, 2021 I sent the attached letter to the City of Appleton Mayor that discussed the interim appointment and the health officer qualifications under Wisconsin Statute 251.05. Copied on the letter include the State Health Officer and Division of Public Health Administrator and the Office of Policy and Practice Alignment Director.

May 18, 2021, Mr. Ratchman, Mr. Eggebrecht and Mayor Woodford and I had a phone call to discuss health officer qualifications and the hiring process.

Mr. Ratchman on June 4, 2021 provided me the resume and interim health officer appointment letter for the City of Appleton. Ms. Jensen has served as the Appleton Health Department Nursing Supervisor since March 2013 and also leads other regional public health groups.

I have served as the Division of Public Health Northeast Region Director since December 2013 and I have supported/assisted many jurisdictions hiring new health officers and my assessment is the City of Appleton has provided updates on the hiring progress for a full-time health officer and is making a good faith effort to identify and hire the next health officer.

Please contact me with any questions.

Chris



**Christopher Culotta, MPA**

*Northeast Region Director & 140 Review Program Supervisor*

*Office of Policy and Practice Alignment*

*Division of Public Health, Green Bay/Northeast Region*

**Wisconsin Department of Health Services**

[Christopherd.culotta@wisconsin.gov](mailto:Christopherd.culotta@wisconsin.gov) | (920) 448-5220

Cell (920) 450-4578



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Tony Evers  
Governor



Karen E. Timberlake  
Secretary

**State of Wisconsin**  
Department of Health Services

**DIVISION OF PUBLIC HEALTH**  
GREEN BAY/NORTHEASTERN REGIONAL OFFICE  
200 N JEFFERSON ST SUITE 511  
GREEN BAY WI 54301-5123

Fax: 920-448-5265  
TTY: 711 or 800-947-3529

May 11, 2021

Mayor Woodford  
City of Appleton  
100 N Appleton Street  
Appleton WI 54911-4799

Dear Mayor Woodford,

The Division of Public Health has learned that Kurt Eggebrecht will retire June 4 from the position of health officer for your health department. I write to offer the support and assistance of the Northeast Region as your agency works to fill this important position. Please send me the name, qualifications and contact information of the individual who will serve as your agency's interim health officer, so I can work with him or her during this transitional period.

Maintaining classification as a Level III local health department under Wis. Stat. § 251.05, requires hiring a candidate who satisfies the requirements for a Level III local health officer set out in Wis. Stat. § 251.06(1)(c) and (d):

(c) A local health officer of a Level III local health department shall have at least one of the following:

1. A master's degree in public health, public administration, health administration or, as defined in rules promulgated by the department, a similar field and 3 years of experience in a full-time administrative position in either a public health agency or public health work.
2. A bachelor's degree and 16 graduate semester credits towards a master's degree in public health, public administration, health administration or, as defined in rules promulgated by the department, a similar field and 5 years of experience in a full-time administrative position in either a public health agency or public health work.
3. A license to practice medicine and surgery under ch. 448 and at least one of the following:
  - a. Three years of experience in a full-time administrative position in either a public health agency or public health work.
  - b. Eligibility for certification by the American board of preventive medicine in public health or general preventive medicine.
  - c. A master's degree in public health, public administration, health administration or, as defined in rules promulgated by the department, a similar field.

(d) Notwithstanding pars. (a) to (c), relevant education, training, instruction, or other experience that an applicant obtained in connection with military service, as defined in s. [111.32 \(12g\)](#), counts toward satisfying the requirements for education, training, instruction, or other experience

Mayor Woodford

Page 2

May 11, 2021

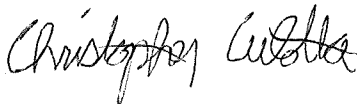
to qualify as a public health officer if the applicant demonstrates to the satisfaction of the department that the education, training, instruction, or other experience that the applicant obtained in connection with his or her military service is substantially equivalent to the education, training, instruction, or other experience that is required to qualify as a public health officer.

I strongly encourage you to hire a health officer who meets the educational requirements for a Level III local health department while considering the demographics of the jurisdiction and using recruitment that reaches qualified candidates from varied backgrounds. The Northeastern Regional Office is available to assist you during the hiring process. When you have narrowed your pool of candidates, you may wish to submit their qualifications to me for a preliminary review. Once you have selected someone for the position, you must submit the individual's qualifications to me for the Division of Public Health formal review prior to completing the hiring and appointment process.

There could be implications to the Level III designation, as well as the funding to your health department if an interim or new health officer is selected that does not meet qualifications as specified in statute.

If you have any questions during the application review or interview process, please feel free to contact me at (920) 448-5220 or [ChristopherD.Culotta@dhs.wisconsin.gov](mailto:ChristopherD.Culotta@dhs.wisconsin.gov). As the regional director for the Division of Public Health Northeastern Region, one of my responsibilities is to support your efforts and advise you on the public health issues you may encounter or questions you may have while filling this vacancy.

Sincerely,



Christopher Culotta  
Regional Director  
Northeastern Region  
Office of Policy and Practice Alignment  
Division of Public Health  
Department of Health Services

C: Julie Willems Van Dijk, State Health Officer, Deputy Secretary  
Chuck Warzecha, Deputy Division Administrator  
Jen Rombalski, Office of Policy and Practice Alignment Director

**#12-R-21**  
**Health Officer Hiring**

**Submitted By:** Alderperson Martin – District 4, Alderperson Reed – District 8, Alderperson Hartzheim – District 13, Alderperson Doran – District 15

**Date:** 8/4/2021

**Referred To:** Board of Health

**WHEREAS**, on August 4, 2021, City of Appleton Mayor Jacob A Woodford, ~~put forth new guidance in the City requiring,~~ in consultation with Interim Health Officer Jensen, affirmed the CDC Guidance on the use of masks and required masking in indoor public City facilities; and

**WHEREAS**, the permanent position of Health Officer for the City of Appleton has been vacant since early June, 2021, and the Mayor and city staff were aware of the pending retirement of the previous Health Officer since prior to the first COVID-19 cases in Appleton in early 2020; resulting in Health Officer Eggebrecht serving the city for an additional year, a nationwide search was initiated in March of 2021 for a Health Officer who meets the City's expectations for quality and qualifications.

**THEREFORE, BE IT RESOLVED** that the Members of the City of Appleton Common Council and Board of Health hereby express their appreciation of the outstanding job that Interim Director Jensen and the Appleton Health Department do as they continue to perform at the high level serving the citizens of Appleton ~~hereby express their concern that the City has undertaken health initiatives and enacted a public health mandate while the position of Health Officer remains vacant;~~ and

**BE IT FURTHER RESOLVED** that the Members of the City of Appleton Common Council and the Board of Health express their support of ~~urge~~ the Mayor to prioritize and expedite the hiring of a Health Officer as quickly and as practicably as possible, who meets the qualifications required to lead a Level III Health Department. ~~and prior to enacting or implementing any further COVID-19 guidance or mandates in the City.~~

**AN ORDINANCE AMENDING SECTION 4-141 OF CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO GARAGES AND ACCESSORY BUILDINGS.**

(Municipal Services Committee – 8/4/2021)

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

**Section 1:** That Section 4-141 of Chapter 4 of the Municipal Code of the City of Appleton, relating to garages and accessory buildings, is hereby amended to read as follows:

**Sec. 4-141. Garages and accessory buildings.**

(a) ***Unattached.*** Unattached one- or 2-family accessory buildings shall be constructed on concrete slabs and shall conform to UDC and American Concrete Institute (ACI) standards. No concrete slab shall be required for accessory buildings where the structure does not exceed one hundred (100) square feet in area and the building is securely anchored. Accessory buildings less than fifty (50) square feet are exempt from permits, however must comply with all zoning ordinance standards. Unattached accessory buildings shall maintain a fire separation distance that meets UDC standards. All one- or 2-family unattached buildings with overhead doors shall have at least one exit door that is a minimum of 32” in width. The overhead door shall not be used as an exit door. Accessory buildings that are 150 square feet or larger are considered a garage for the purposes of this section.

(b) ***Wall brace plans.*** Wall brace plans are required for accessory buildings greater in width or length than twelve (12) feet. Wall brace plans must meet UDC standards. Exterior walls and roofs shall meet UDC standards for design, structural requirements and covering. Stairs or stairways, handrails, guardrails or elevated areas inside and outside of the accessory building shall meet UDC standards.

(c) ***Attached.*** Attached garages, carports and shelters that are connected to a residence shall have footings and foundations to the established frost line. Attached garages with exterior siding shall be framed to meet all general requirements. Floor drains in garages shall not connect to the foundation drain tile or a clear water sump. Attached carports and unheated shelters that are designed to compensate for movement or flexing and meet all other general requirements may be erected or installed on concrete slabs without frost walls and footings, provided that detailed drawings of design and method of construction are submitted with the permit application.

(d) ***Construction time frame.*** Unattached garages or accessory buildings must be completed within one (1) year from the date that the building permit is issued. Failure to complete the construction of garages and accessory buildings will require a new permit. The permit fee for additional permits will be double the original permit fee.



(e) ***Garage door required.*** All attached and detached garages, excluding carports, must have an operating garage door.

(f) ***Prohibited accessory buildings.***

(1) Metal shipping containers are prohibited in residential zoning, except as permitted in Section 23-54(i)(3), Temporary uses and structures.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

## **57-21**

### **AN ORDINANCE AMENDING SECTION 19-5 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO THE ERECTION OF OFFICIAL TRAFFIC SIGNS AND SIGNALS.**

(Municipal Services Committee 8/4/2021)

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

**Section 1:** That Section 19-5 of Chapter 19 of the Municipal Code of the City of Appleton, relating to the erection of official traffic signs and signals, is hereby created as follows:

#### **INSTALL STOP SIGNS ON:**

Gladiolus Place at Cherryvale Avenue

**Section 2:** This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to erect and maintain the appropriate standard traffic signs, signals and markings, giving notice of the provisions of this Ordinance.

**58-21**

**AN ORDINANCE AMENDING SECTION 19-5 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO THE ERECTION OF OFFICIAL TRAFFIC SIGNS AND SIGNALS.**

(Municipal Services Committee 8/4/2021)

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

**Section 1:** That Section 19-5 of Chapter 19 of the Municipal Code of the City of Appleton, relating to the erection of official traffic signs and signals, is hereby created as follows:

**INSTALL STOP SIGNS ON:**

Golden Gate Drive at Cherryvale Avenue

**Section 2:** This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to erect and maintain the appropriate standard traffic signs, signals and markings, giving notice of the provisions of this Ordinance.

**59-21**

**AN ORDINANCE AMENDING SECTION 19-41 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON AND THE OFFICIAL THROUGH STREET MAP WHICH IS A PART THEREOF, BY MAKING THE FOLLOWING CHANGES.**

(Municipal Services Committee 8/4/2021)

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

**Section 1:** That Section 19-41 of Chapter 19 of the Municipal Code of the City of Appleton and the Official Through Street Map, which is a part thereof, is amended by making the following addition:

Cherryvale Drive from Edgewood Dive (CTH “JJ”) south to the City limits

**Section 2:** This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication the traffic engineer is authorized and directed to make the necessary changes to the Official Through Street Map in accordance with this Ordinance.

## **60-21**

### **AN ORDINANCE AMENDING SECTION 19-5 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO THE ERECTION OF OFFICIAL TRAFFIC SIGNS AND SIGNALS.**

(Municipal Services Committee 8/4/2021)

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

**Section 1:** That Section 19-5 of Chapter 19 of the Municipal Code of the City of Appleton, relating to the erection of official traffic signs and signals, is hereby created as follows:

#### **INSTALL STOP SIGNS ON:**

Turquoise Lane at Providence Avenue

**Section 2:** This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed

to erect and maintain the appropriate standard traffic signs, signals and markings, giving notice of the provisions of this Ordinance.

**61-21**

**AN ORDINANCE AMENDING SECTION 19-5 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO THE ERECTION OF OFFICIAL TRAFFIC SIGNS AND SIGNALS.**

(Municipal Services Committee 8/4/2021)

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

**Section 1:** That Section 19-5 of Chapter 19 of the Municipal Code of the City of Appleton, relating to the erection of official traffic signs and signals, is hereby created as follows:

**INSTALL STOP SIGNS ON:**

Sunstone Place at Providence Avenue

**Section 2:** This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to erect and maintain the appropriate standard traffic signs, signals and markings, giving notice of the provisions of this Ordinance.

**62-21**

**AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.**

(Municipal Services Committee 8/4/2021)

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

**Section 1:** That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be prohibited on the west side of Bennett Street from Wisconsin Avenue to a point 70 feet north of Wisconsin Avenue.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

### **63-21**

#### **AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.**

(Municipal Services Committee 8/4/2021)

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

**Section 1:** That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be prohibited on the east side of Bennett Street from Wisconsin Avenue to a point 58 feet south of Wisconsin Avenue.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

**64-21**

**AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.**

(Municipal Services Committee 8/4/2021)

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

**Section 1:** That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be prohibited on the south side of Grant Street from Meade Street to a point 55 feet west of Meade Street.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

**65-21**

**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 8/18/2021)

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

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



To rezone lands located on Ridge Haven Lane (Tax Id No. 31-1-8305-10) included in the "M&J Weyenberg Properties, LLC" Annexation, generally located at the southeast corner of Ballard Road and Ridge Haven Lane, including to the centerline of existing adjacent right-of-way from temporary AG Agricultural District to R-1B Single-Family District. (Rezoning #9-21 – M&J Weyenberg Properties LLC Annexation)

**LEGAL DESCRIPTION:**

ALL OF LOT 2, CERTIFIED SURVEY MAP NO. 8075 AND PART OF RIDGE HAVEN LANE, ALL BEING LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 6; THENCE SOUTH 00 DEGREES 09 MINUTES 08 SECONDS EAST, ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 1144.19 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 04 SECONDS EAST, 50.00 FEET; THENCE NORTH 00 DEGREES 09 MINUTES 08 SECONDS WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF N. BALLARD ROAD (C.T.H. "E"), A DISTANCE OF 119.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 09 MINUTES 08 SECONDS WEST, CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF N. BALLARD ROAD (C.T.H. "E"), A DISTANCE OF 7.44 FEET; THENCE NORTH 05 DEGREES 33 MINUTES 30 SECONDS EAST, CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF N. BALLARD ROAD (C.T.H. "E"), A DISTANCE OF 30.17 FEET; THENCE NORTH 00 DEGREES 09 MINUTES 08 SECONDS WEST, CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF N. BALLARD ROAD (C.T.H. "E"), A DISTANCE OF 40.11 FEET; THENCE NORTH 33 DEGREES 46 MINUTES 42 SECONDS EAST, CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF N. BALLARD ROAD (C.T.H. "E"), A DISTANCE OF 44.77 FEET; THENCE NORTH 00 DEGREES 03 MINUTES 39 SECONDS EAST, 33.00 FEET TO THE CENTERLINE OF RIDGE HAVEN LANE; THENCE SOUTH 89 DEGREES 21 MINUTES 49 SECONDS EAST, ALONG THE CENTERLINE OF RIDGE HAVEN LANE, A DISTANCE OF 324.91 FEET; THENCE SOUTH 00 DEGREES 09 MINUTES 08 SECONDS EAST, ALONG THE EAST LINE OF LOT 2 OF CERTIFIED SURVEY MAP NO. 8075 AND ITS NORTHERLY EXTENSION, A DISTANCE OF 262.98 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES 04 SECONDS WEST, ALONG A SOUTH LINE OF SAID LOT 2, A DISTANCE OF 201.50 FEET; THENCE NORTH 00 DEGREES 09 MINUTES 08 SECONDS WEST, ALONG A WEST LINE OF SAID LOT 2, A DISTANCE OF 119.00 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES 04 SECONDS WEST, ALONG A SOUTH LINE OF SAID LOT

2, A DISTANCE OF 151.50 FEET TO THE POINT OF BEGINNING.  
CONTAINING A TOTAL OF 73,859 SQUARE FEET [1.696 ACRES].

**COMMON DESCRIPTION:**

Ridge Haven Lane (Tax Id No. 31-1-8305-10) included in the “M&J Weyenberg Properties, LLC” Annexation generally located at the southeast corner of Ballard Road and Ridge Haven Lane, including to the centerline of existing adjacent 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.