



City of Appleton

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

Meeting Agenda - Final-revised Common Council

Wednesday, May 20, 2015

7:00 PM

Council Chambers

- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS
- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- F. PUBLIC PARTICIPATION
- G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[15-770](#) Common Council Meeting Minutes from May 6, 2015.

Attachments: [CC Minutes 05-06-2015.pdf](#)

- H. BUSINESS PRESENTED BY THE MAYOR

[15-832](#) Reappointment of Ken Joosten to the Board of Zoning Appeals.

Attachments: [CC 05-20-2015 - COMMITTEE REAPPOINTMENT PFC PLAN ZONING APPE/](#)

[15-833](#) Reappointment of Mark Priddis to the City Plan Commission.

Attachments: [CC 05-20-2015 - COMMITTEE REAPPOINTMENT PFC PLAN ZONING APPE/](#)

[15-834](#) Reappointment of Peter Peregrine and Thomas Werth to the Historic Preservation Commission.

Attachments: [CC 05-20-2015 - COMMITTEE REAPPOINTMENT PFC PLAN ZONING APPE/](#)

[15-836](#) Reappointment of Terry Bergman and John Peterson to the Library Board.

Attachments: [CC 05-20-2015 - COMMITTEE REAPPOINTMENT PFC PLAN ZONING APPE/](#)

[15-837](#) Reappointment of Harvey Samson to the Police and Fire Commission.

Attachments: [CC 05-20-2015 - COMMITTEE REAPPOINTMENT PFC PLAN ZONING APPE/](#)

[15-838](#) Presentation of National Public Works Week Proclamation.

[15-839](#) Vulcan Street Plant Replica Building Dedication Ceremony Announcement.

Attachments: [CC 05-20-2015 - Public Invite for Sign Ded Vulcan Building.pdf](#)

I. PUBLIC HEARINGS

[15-521](#) Public Hearing - Street Vacation - North Douglas Street, Part 2.

Attachments: [CC 05-20-2015 - PH - Street Vacation - Part 2 Douglas Street.pdf](#)

[15-522](#) Public Hearing - Rezoning #1-15.

Attachments: [CC 05-20-2015 - PH - RZ #1-15.pdf](#)

[15-709](#) Public Hearing - Text Amendment - Floodplain Zoning.

Attachments: [CC 05-20-2015 PH Floodplain Zoning.pdf](#)

J. SPECIAL RESOLUTIONS

[15-566](#) Final Resolution - North Douglas Street - Part 2.

Attachments: [CC 05-20-2015 - Final Resolution North Douglas St -Part 2.pdf](#)

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[15-652](#) Request from Appleton Downtown Incorporated for a street occupancy permit for the new banners on College Avenue along with their request to waive the installation fee identified in C.7 of the City of Appleton Banner Policy.

Attachments: [Request from ADI for new banner.pdf](#)

Legislative History

4/28/15 Municipal Services recommended for approval
Committee

15-652 Amend - Strike all of the "waive the installation fee" language.

Vote to approve 15-652 as ammended was 3-1 to approve.

5/6/15 Common Council referred to the Municipal Services
Committee

5/12/15 Municipal Services recommended for approval
Committee

Amendment was made to approve the item as originally requested.

[15-754](#)

Request from Brian & Amanda Jenkins to amend their exception to the Street Terrace Policy relative to the non-front yard portion at 115 N. Green Bay Road to include a 3-foot fence. Contingent upon an updated indemnification agreement.

Attachments: [115 N Green Bay Rd.pdf](#)

Legislative History

5/12/15 Municipal Services recommended for approval
Committee
Amend item 15-754 to add: "Contingent upon an updated indemnification agreement".

[15-755](#)

Request from Christy Vo for a variance to Municipal Code Section 19-91 Front Yard Parking for the property at 1107 E Calumet Street allowing for an 8 foot extension from the original driveway.

Attachments: [1107 E Calumet Street.pdf](#)

Legislative History

5/12/15 Municipal Services recommended for approval
Committee
Item 15-755. Include the language after the words Calumet Street ", allowing for an 8 foot extension from the original driveway".

[15-757](#)

Fair Street:

Fair Street, from Franklin Street to the south end, be reconstructed with asphalt pavement and concrete curb and gutter to a width of 21' from back of curb to back of curb, which is the same width as the existing street. Current on-street parking would remain unchanged.

Legislative History

5/12/15 Municipal Services recommended for approval
Committee

[15-759](#)

Grant Street:

Grant Street, from Nicholas Street to Mason Street, be reconstructed with asphalt pavement and concrete curb and gutter to a width of 31' from back of curb to back of curb, which is two (2') feet narrower than the existing street. Narrowing the street by 2' will save approximately 13 street trees. Current on-street parking would remain unchanged.

Legislative History

5/12/15 Municipal Services recommended for approval
Committee

[15-760](#)

Harriman Street:

Harriman Street, from Atlantic Street to Winnebago Street, be reconstructed with asphalt pavement and concrete curb and gutter to a width of 24' from back of curb to back of curb, which is the same width as the existing street. New 4' wide sidewalk would be constructed to the Right-of-Way line along both sides of Harriman within the project limits. Current on-street parking would remain unchanged.

Legislative History

5/12/15 Municipal Services recommended for approval
 Committee

[15-761](#)

Herbert Street:

Herbert Street, from Pine Street to Rogers Street, be reconstructed with asphalt pavement and concrete curb and gutter to a width of 33' from back of curb to back of curb, which is the same width as the existing street. New sidewalk would be constructed to the Right-of-Way line along the west side of Douglas from Pine Street to Rogers Avenue. Current on-street parking would remain unchanged.

Legislative History

5/12/15 Municipal Services recommended for approval
 Committee

[15-763](#)

Request from Mr. Harold Froehlich to not have a terrace tree planted at 1008 E. Marnie Lane.

Attachments: [1008 E Marnie Lane.pdf](#)

Legislative History

5/12/15 Municipal Services recommended for denial
 Committee

[15-764](#)

Request from Heid Music for a permanent street occupancy permit to install a sign that extends into the College Avenue street right-of-way 5 feet. Guidelines used for administrative approval is a maximum projection of 4 feet into the street right-of-way.

Attachments: [Heid Music.pdf](#)

Legislative History

5/12/15 Municipal Services recommended for approval
 Committee

[15-765](#)

Preliminary Resolution 1-P-15 for Concrete Pavement, Sidewalk Construction and Driveway Aprons be adopted and refer the matter to the Finance Committee to determine the assessment rate.

Attachments: [Preliminary Resolution 1-P-15.pdf](#)

Legislative History

5/12/15 Municipal Services recommended for approval
 Committee

[15-766](#)

Implement the following downtown parking changes in summer 2015:

a. Change on-street meter hours from 9:00 a.m.-9:00 p.m. to 9:00 a.m.-6:00 p.m. Monday through Saturday, with Sundays remaining free.

b. Change on-street meter limit from 2-hours to 12 hours and the rate from \$0.75/hour to \$0.20/hour for all meters north of Washington Street.

Attachments: [Parking meter changes summer 2015.pdf](#)

Legislative History

5/12/15 Municipal Services recommended for approval
Committee

[15-796](#)

Approve the Amended State/Municipal Agreement for the STH 47 (Richmond Street)/CTH OO (Northland Avenue) Intersection Improvement Project.

Attachments: [State-Municipal Agreement STH 47 Cty OO.pdf](#)

Legislative History

5/12/15 Municipal Services recommended for approval
Committee

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[15-667](#)

Operator's License application of Kristie L. Isaacson, 2416 E. Newberry Street.

Legislative History

4/30/15 Safety and Licensing held
Committee
Hold for next meeting.

5/13/15 Safety and Licensing recommended for denial
Committee

[15-745](#)

Taxicab Driver's License application of Peter D. Newton, 2326 W. Prospect Avenue.

Legislative History

5/13/15 Safety and Licensing recommended for approval
Committee

[15-563](#)

License Application Process - Draft of Proposed Amendment

Attachments: [Operator Lic Flowchart.pdf](#)
[L-Denied License Application.pdf](#)

Legislative History

4/9/15 Safety and Licensing held
Committee

4/30/15 Safety and Licensing held
Committee

Hold for next meeting - amend flowchart of application process as discussed and bring back draft of applicant letter.

5/13/15 Safety and Licensing recommended for approval
Committee

Staff directed to soften the introduction of the denial letter mailed to applicant.

[15-697](#)

"Class B" Beer/Liquor License Transfer - Premise to Premise of LaMichoacana Bar & Grill Inc. d/b/a Lindo Michoacan, Pedro Juarez, Agent. Previously at 211 W. College Ave transferring to 207 N. Richmond St., contingent upon approval from all departments.

Legislative History

5/13/15 Safety and Licensing recommended for approval
Committee

[15-684](#) Farm Market Application of Appleton Downtown Incorporated, Wednesday's June 3, 2015 through September 30, 2015, in Houdini Plaza, contingent upon approvals from all departments.

Legislative History

5/13/15 Safety and Licensing recommended for approval
Committee

[15-700](#) "Class B" Beer/Liquor License application of Sebastian LLC, d/b/a Mi Casa Mexican Grill, Michael R. Whiting, Agent, 2190 S. Memorial Dr., contingent upon approvals from all departments.

Legislative History

5/13/15 Safety and Licensing recommended for approval
Committee

[15-701](#) "Class B" Beer/Liquor License of Theadocia, LLC d/b/a Spats, Julie A. Neubert, Agent, 733 W. College Ave - Change of Premise Description for August 6 - 9, 2015 to include parking lot, contingent upon approvals from all departments.

Legislative History

5/13/15 Safety and Licensing recommended for approval
Committee

[15-706](#) Taxicab Company and Limousine Service renewal application of People Movers Inc./Appleton Yellow Taxi, Paul O. Davies, 705 W. Wisconsin Avenue, contingent upon approvals from all departments.

Legislative History

5/13/15 Safety and Licensing recommended for approval
Committee

[15-708](#) Pet Store License Renewal application of Petco #1656, 3829 E. Calumet St., contingent upon approvals from all departments.

Legislative History

5/13/15 Safety and Licensing recommended for approval
Committee

[15-767](#) 4 - "Class B" Beer/Liquor License applications of Appleton Holdings LLC, d/b/a Radisson Paper Valley Hotel, Jay I. Schumerth, Agent, 333 W. College Ave., contingent upon approvals from all departments.

Legislative History

5/13/15 Safety and Licensing recommended for approval
Committee

[15-788](#) "Class B" Beer/Liquor License application of WHW Gastropub LLC, d/b/a Cheyenne's Sports Bar & Grill, Daniel J. Hoff, Sr., Agent, 124 N. Appleton St., contingent upon approvals from all departments.

Legislative History

5/13/15 Safety and Licensing recommended for approval
Committee

3. MINUTES OF THE CITY PLAN COMMISSION

[15-443](#) Request to approve Rezoning #1-15 to rezone the subject vacated North Douglas Street public right-of-way, between N. Badger Avenue and W. Winnebago Street, from R-1B Single-Family District to P-I Public Institutional District as shown on the attached maps

Attachments: [Rezoning #1-15 Staff Review.pdf](#)

Legislative History

3/23/15 City Plan Commission recommended for approval
Proceeds to Council on May 20, 2015.

[15-722](#) Request to approve Special Use Permit #3-15 for a personal storage use located on North Ballard Road, as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report

Attachments: [SUP #3-15 Staff Review.pdf](#)

Legislative History

5/11/15 City Plan Commission recommended for approval

[15-724](#) Request to approve Minor Amendment to Special Use Permit #5-12 for an urban farm and recreation facility located at 1101 S. Oneida Street as shown on the attached maps and per attached urban farm management plan subject to the conditions in the attached staff report (Council action required to satisfy condition of approval from 2012)

Attachments: [StaffReport_RiverviewGardens_SUPMinorAmendment_For05-11-15.pdf](#)

Legislative History

5/11/15 City Plan Commission recommended for approval
The management plan with the minor amendment is brought before Common Council due to this condition of approval from 2012: This Special Use Permit will be reviewed by the Plan Commission and Common Council in the spring of 2015 for the purpose of reviewing the Urban Farm Management Plan and status update of the urban farm operation from Riverview Gardens. At that time, Plan Commission and Common Council may consider modifications to the conditions of approval.

[15-725](#) Request to approve Extraterritorial Final Plat for White Hawk Meadows North 2 located in the Town of Grand Chute as shown on the attached maps

Attachments: [Extra Final Plat White Hawk Meadows Grand Chute.pdf](#)

Legislative History

5/11/15 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE**5. MINUTES OF THE FINANCE COMMITTEE**

[15-859](#) Request for approval of Extension Agreement for Radisson Paper Valley Hotel.

Attachments: [Extension Agreement-Clean. 5-19-2015 \(04127277x9F87B\).pdf](#)

[15-860](#) Request for approval of Estoppel and Consent Agreement with Radisson Paper Valley Hotel.

Attachments: [Estoppel and Consent. 5-19-2015 Clean \(04127271x9F87B\).pdf](#)

[15-713](#) Request to award contract for Municipal Services Building Trench Drain Reconstruction to Wood Sewer & Excavating, Inc. in the amount of \$199,660 with a contingency of \$20,000 for a contract total not to exceed \$219,660.

Attachments: [2015 MSB Trench Drain Bid Recommendation.pdf](#)

Legislative History

5/12/15 Finance Committee recommended for approval

[15-729](#) Request to award contract for Highview Tennis Courts to MCC, Inc. in the amount of \$136,390 with a contingency of \$5,000 for a contract total not to exceed \$141,390 and to reallocate \$35,890 of the positive variance from the Hardscape Infrastructure Improvement/Replacement Project to this project.

Attachments: [2015 Highview Park Tennis Courts.pdf](#)

Legislative History

5/12/15 Finance Committee recommended for approval

[15-733](#) Request to award contract for Pierce Park Site Work to MCC, Inc. in the amount of \$110,191 with a contingency of \$5,000 for a contract total not to exceed \$115,191 and to reallocate \$33,355 of the positive variance from the Hardscape Infrastructure Improvement/Replacement Capital Improvement Project to this project.

Attachments: [2015 Pierce Park Site Redevelopment.pdf](#)

Legislative History

5/12/15 Finance Committee recommended for approval

[15-735](#) CRITICAL TIMING ISSUE
Request approval of the Settlement Agreement between Walgreen Co. and the City of Appleton and the refund of a portion of the 2011 - 2014 property taxes.

Attachments: [2014 claims Walgreens and KFC.pdf](#)
[Walgreens Settlement 2015.pdf](#)

Legislative History

5/12/15 Finance Committee recommended for approval

[15-736](#)**CRITICAL TIMING ISSUE**

Request approval of the Settlement Agreement between H&K Partners, LLC and the City of Appleton and the refund of a portion of the 2014 property taxes.

Attachments: [KFC settlement memo 5-12-15.pdf](#)

Legislative History

5/12/15 Finance Committee recommended for approval

[15-790](#)

Request to approve acceptance of a grant from the Fox Cities Convention & Visitors Bureau for design services related to the proposed exhibition center.

Attachments: [FCCVB Expo Ctr Grant 2015.pdf](#)

Legislative History

5/12/15 Finance Committee recommended for approval

[15-791](#)

Approve Finance Committee Report 1-P-15 for Concrete Pavement, Sidewalk Construction and Driveway Aprons.

Attachments: [Report 1-P-15.pdf](#)

Legislative History

5/12/15 Finance Committee recommended for approval

[15-792](#)

Request to award the Glendale Water Tower Project to Caldwell Tanks in the amount of \$2,467,000 with a 10% contingency in the amount of \$246,700 for a project total not to exceed \$2,713,700.

Attachments: [Glendale Water tower memo - Contract Award Memo 05-06-15.pdf](#)

Legislative History

5/12/15 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[15-727](#)

Request to approve Metropolitan Milwaukee Fair Housing Council (MMFHC), in partnership with their Fair Housing Center of Northeast Wisconsin (FHCNW) satellite office, as the Fair Housing Services Provider for the 2015 CDBG Program Year

Attachments: [Memo to CEDC for fair housing RFP 2015.pdf](#)

[MMFHC Fair Housing Proposal.pdf](#)

Legislative History

5/13/15 Community & Economic recommended for approval
Development Committee

[15-772](#)

****CRITICAL TIMING**** Request to approve Southpoint Commerce Park Farmland Lease

Attachments: [SP Farm Memo 5-7-15.pdf](#)

Legislative History

5/13/15 Community & Economic recommended for approval
Development Committee

7. MINUTES OF THE UTILITIES COMMITTEE

[15-716](#) Request for credit adjustment for water and sewer charges to Shawn O'Brien and Robert Pedersen for 1305 S Lutz Drive for use accrued during the period of 2/2/2012 - 11/4/2013.

Attachments: [1305 S Lutz Drive Adjustment.pdf](#)

Legislative History

5/12/15 Utilities Committee recommended for denial

[15-717](#) Award of Northland Pond Materials Testing Contract to OMNNI Associates, Inc. in an amount not to exceed \$45,000.

Attachments: [Materials Testing OO Pond 2015 Award.pdf](#)

Legislative History

5/12/15 Utilities Committee recommended for approval

[15-783](#) Request to amend Section 20-237 of Chapter 20 of the Municipal Code related to customer classifications for Stormwater Utility charges.

Attachments: [Section 20-237 of Chapter 20.pdf](#)

Legislative History

5/12/15 Utilities Committee recommended for approval

8. MINUTES OF THE HUMAN RESOURCES COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

[15-849](#) Consolidated Action: 1-P-15 - Concrete Pavement.
Finance Committee - Item 15-791
Municipal Services Committee - Item 15-765

[15-702](#) Consolidated Action:
Item 15-612 - City Plan Commission
Item 15-652 - Municipal Services Committee

O. ITEMS HELD

15-612

Request to approve the Appleton Downtown, Inc. request for installation of twenty-one (21) interchangeable banners on light poles, which would hang in the public right-of-way a minimum of eight (8) feet above the sidewalk, along College Avenue between Badger Avenue and Drew Street pending approval by the Municipal Services Committee

Attachments: [StaffReport ADI BannerRequest For04-27-15.pdf](#)

Legislative History

4/27/15	City Plan Commission	approved
5/6/15	Common Council	held

Held at Common Council.

P. ORDINANCES

15-850

Ordinances 37-15 - 50-15.

Attachments: [Ordinances going to 05-20-2015 Council.pdf](#)

Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

R. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

S. OTHER COUNCIL BUSINESS

T. ADJOURN

Dawn A. Collins, City Clerk

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



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, May 6, 2015

7:00 PM

Council Chambers

A. CALL TO ORDER

Meeting was called to order at 7:02 pm.

B. INVOCATION

Offered by Alderperson Konetzke.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 15 - Alderperson Chris Croatt, Alderperson Greg Dannecker, Alderperson Joe Martin, Alderperson Cathy Spears, Mayor Timothy Hanna, Alderperson Polly Dalton, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

Excused: 1 - Alderperson Margret Mann

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

PRESENT: Clerk Collins, City Attorney Walsh, Deputy City Attorney Behrens, Director of Community & Economic Development Harkness, Director of Finance Saucerman, Fire Chief Vander Wyst, Health Officer Eggebrecht, Director of Human Resources Behnke, Police Chief Thomas, Director of Public Works Vandehey, Director of Information Technology Fox, Director of Utilities Shaw.

EXCUSED: Director of Parks, Recreation & Facilities Gazza, Valley Transit General Manager Wetter, Library Director Rortvedt.

F. PUBLIC PARTICIPATION

NAME - ADDRESS - TOPIC

Jenni Eickelberg - 119 Green Way Dr - Weight of the Fox Valley

Melissa Kraemer Badtke - 400 Ahnaip St - Weight of the Fox Valley

Bill Breider - 965 Twelve Oaks - Weight of the Fox Valley

Lee Vogel - N2621 Meade St - Weight of the Fox Valley

Peter Kelly - 1117 Nicolet Blvd - Weight of the Fox Valley

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[15-681](#)

Common Council Meeting Minutes:

April 21, 2015 - Informal Organizational Meeting

April 22, 2015 - Organizational Meeting

April 22, 2015 - Common Council Meeting

Attachments:[CC Minutes 04-21-2015.pdf](#)[CC Minutes 04-22-2015 - Organizational.pdf](#)[CC Minutes 04-22-2015.pdf](#)

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

Aye: 14 - Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Martin, Aldersperson Spears, Aldersperson Dalton, Aldersperson Williams, Aldersperson Meltzer, Aldersperson Plank, Aldersperson Siebers, Aldersperson Konetzke, Aldersperson Baranowski, Aldersperson Coenen, Aldersperson Lobner and Aldersperson Jirschele

Excused: 1 - Aldersperson Mann

Abstained: 1 - Mayor Hanna

H. BUSINESS PRESENTED BY THE MAYOR

[15-707](#)

Appointment of Peter Stueck to the Appleton Redevelopment Authority.

Attachments:[Appointment to ARA Biography Expired Term 050615.pdf](#)

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

Aye: 11 - Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Martin, Aldersperson Spears, Aldersperson Williams, Aldersperson Meltzer, Aldersperson Plank, Aldersperson Siebers, Aldersperson Konetzke, Aldersperson Baranowski and Aldersperson Jirschele

Nay: 3 - Aldersperson Dalton, Aldersperson Coenen and Aldersperson Lobner

Excused: 1 - Aldersperson Mann

Abstained: 1 - Mayor Hanna

[15-618](#)

Presentation of A Week To Celebrate Policing Proclamation.

[15-686](#) Presentation of the following Appleton Police Department Awards:
Officer of the Year - Officer Ryan Condon
Civilian Community Service Award - Samuel P. Langenfeld
Civilian Medal of Gallantry - Ethan B. Jeffers

[15-699](#) Presentation of Public Service Recognition Week Proclamation.

I. PUBLIC HEARINGS

[15-619](#) Public Hearing - Rezoning #3-15 - North Meade Street.

No person spoke for or against the rezoning.

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[15-612](#) Request to approve the Appleton Downtown, Inc. request for installation of twenty-one (21) interchangeable banners on light poles, which would hang in the public right-of-way a minimum of eight (8) feet above the sidewalk, along College Avenue between Badger Avenue and Drew Street pending approval by the Municipal Services Committee

Attachments: [StaffReport ADI BannerRequest For04-27-15.pdf](#)

Held at Common Council.

Aldersperson Croatt moved, seconded by Aldersperson Dannecker, that the Report Action Item be held. Roll Call. Motion carried by the following vote:

Aye: 14 - Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Martin, Aldersperson Spears, Aldersperson Dalton, Aldersperson Williams, Aldersperson Meltzer, Aldersperson Plank, Aldersperson Siebers, Aldersperson Konetzke, Aldersperson Baranowski, Aldersperson Coenen, Aldersperson Lobner and Aldersperson Jirschele

Excused: 1 - Aldersperson Mann

Abstained: 1 - Mayor Hanna

[15-652](#)

Request from Appleton Downtown Incorporated for a street occupancy permit for the new banners on College Avenue. ~~along with their request to waive the installation fee identified in C.7 of the City of Appleton Banner Policy.~~

Attachments: [Request from ADI for new banner.pdf](#)

This Report Action Item was referred to the Municipal Services Committee.

[15-648](#)

Request to approve the Second Addition to Emerald Valley Final Plat subject to the attached conditions

Attachments: [2nd Add Emerald Valley Final Plat Staff Review.pdf](#)

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

Aye: 14 - Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Martin, Aldersperson Spears, Aldersperson Dalton, Aldersperson Williams, Aldersperson Meltzer, Aldersperson Plank, Aldersperson Siebers, Aldersperson Konetzke, Aldersperson Baranowski, Aldersperson Coenen, Aldersperson Lobner and Aldersperson Jirschele

Excused: 1 - Aldersperson Mann

Abstained: 1 - Mayor Hanna

[15-654](#)

Approve placement of bike corral at same location as 2014 (231 E. College Avenue) from May 7, 2015 through September 24, 2015.

Attachments: [Bike Corral at 231 E. College Avenue.pdf](#)

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

Aye: 14 - Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Martin, Aldersperson Spears, Aldersperson Dalton, Aldersperson Williams, Aldersperson Meltzer, Aldersperson Plank, Aldersperson Siebers, Aldersperson Konetzke, Aldersperson Baranowski, Aldersperson Coenen, Aldersperson Lobner and Aldersperson Jirschele

Excused: 1 - Aldersperson Mann

Abstained: 1 - Mayor Hanna

[15-693](#)

Weight of the Fox Valley

Attachments: [WOTFV Resolution.pdf](#)
[WOTFV Appleton Board of Health.pdf](#)
[3222 WOTFV General Infographic FNL.pdf](#)
[ECWRPC - Bicycle and Pedestrian Plan.pdf](#)

Moved by Alderperson Martin, seconded by Alderperson Lobner to call the question. Motion carried. Moved by Alderperson Martin, seconded by Alderperson Konetzke, to amend the resolution language from 'promote' awareness back to the original language 'support' awareness. Roll call vote: Aye - 6 (Dannecker, Martin, Dalton, Williams, Konetzke, Baranowski), Nay - 8 (Croatt, Spears, Meltzer, Plank, Siebers, Coenen, Lobner, Jirschele). Motion failed.

Alderperson Spears moved, seconded by Alderperson Martin, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson Croatt, Alderperson Dannecker, Alderperson Martin, Alderperson Spears, Alderperson Dalton, Alderperson Williams, Alderperson Meltzer, Alderperson Plank, Alderperson Siebers, Alderperson Konetzke, Alderperson Baranowski, Alderperson Coenen and Alderperson Lobner

Nay: 1 - Alderperson Jirschele

Excused: 1 - Alderperson Mann

Abstained: 1 - Mayor Hanna

[15-537](#)

Request to approve Rezoning #3-15 to rezone the subject site located east of North Meade Street and north of East Broadway Drive (part of Parcel #31-1-9310-15) from AG Agricultural District to R-1A Single-Family District as shown on the attached map

Attachments: [StaffReport_KureyProperty_Rezoning_For04-06-15.pdf](#)

Public Hearing held on May 6, 2015.

Alderperson Baranowski moved, seconded by Alderperson Plank, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson Croatt, Alderperson Dannecker, Alderperson Martin, Alderperson Spears, Alderperson Williams, Alderperson Meltzer, Alderperson Plank, Alderperson Siebers, Alderperson Konetzke, Alderperson Baranowski, Alderperson Coenen, Alderperson Lobner and Alderperson Jirschele

Nay: 1 - Alderperson Dalton

Excused: 1 - Alderperson Mann

Abstained: 1 - Mayor Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

A motion was made by Alderperson Ed Baranowski, seconded by Alderperson Kathleen Plank, that the Balance of the Agenda is approved. The motion carried by the following vote:

Aye: 14 - Alderperson Croatt, Alderperson Dannecker, Alderperson Martin, Alderperson Spears, Alderperson Dalton, Alderperson Williams, Alderperson Meltzer, Alderperson Plank, Alderperson Siebers, Alderperson Konetzke, Alderperson Baranowski, Alderperson Coenen, Alderperson Lobner and Alderperson Jirschele

Excused: 1 - Alderperson Mann

Abstained: 1 - Mayor Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[15-477](#)

Request from Tom Purdy for a permanent street occupancy permit to install private subdivision signage in the Apple Hill Boulevard street right-of-way.

Attachments: [Applehill Blvd Private signage.pdf](#)
[Apple Hills Farms call to Service.pdf](#)

This Report Action Item was approved.

[15-651](#)

Request from Appleton Sign for a permanent street occupancy permit to install a sign that extends into the College Avenue street right-of-way 5 feet. Guidelines used for administrative approval is a maximum projection of 4 feet into the street right-of-way. This request to supercede 15-286.

Attachments: [Request Appleton Sign for Permanent Street Occ.pdf](#)

This Report Action Item was approved.

[15-286](#)

Request from Appleton Sign for a permanent street occupancy permit to install a sign that extends into the College Avenue street right-of-way 8.5 feet. Guidelines used for administrative approval is maximum projection of 4 feet into the street right-of-way.

Attachments: [Request from Appleton Sign.pdf](#)

This Report Action Item was approved.

[15-653](#) Request from Appleton Downtown Incorporated for a street occupancy permit to host a Sidewalk Sale on May 9, 2015 from 10:00 a.m. to 3:00 p.m. on the amenity strip from 600 W. College Avenue through 300 E. College Avenue.

Attachments: [Request from ADI for a Street Occ-sidewalk sale.pdf](#)

This Report Action Item was approved.

[15-655](#) Request from Studio 123 for a permanent street occupancy permit to install an entrance awning with the poles within the street right-of-way at 213 E. College Avenue with a minimum clearance of 7 feet.

Attachments: [Request from Studio 123-Awning.pdf](#)

This Report Action Item was approved.

[15-656](#) Install YIELD signs on Whittier Drive at Browning Street.

Attachments: [Install YIELD signs on Whittier Drive at Browning Street.pdf](#)

This Report Action Item was approved.

[15-658](#) Approve parking restrictions on Winslow Avenue between Conkey Street and Progress Drive.

Attachments: [Approve parking restrictions on Winslow Ave..pdf](#)

This Report Action Item was approved.

[15-657](#) Approve parking changes near St. Francis Xavier Middle School and install STOP signs on Morrison Street at McArthur Street.

Attachments: [Approve parking changes near St. Francis Xavier Middle School.pdf](#)
[Pictures St. Francis Xavier Middle School.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[15-625](#) Commercial Solicitation License application of Craig M. Jackowski, 411 E. Franklin Street.

This Report Action Item was approved.

[15-586](#) Commercial Solicitation License application of Danica M. Ebben, 1065 Debra Street, Wrightstown.

This Report Action Item was approved.

[15-587](#) Commercial Solicitation License application of Elijah M. Jewson, 1251 Maloney Road, Kaukauna.

This Report Action Item was approved.

[15-660](#) Operator's Licenses

Attachments: [Operator's Licenses for 04-30-2015.pdf](#)

This Report Action Item was approved.

[15-617](#) Change of Agent, "Class A" Beer/Liquor License of Target Corporation d/b/a Target Store T1248, 1800 S. Kensington Dr., Alexandria L. Blahnik, Agent, contingent upon approval from the Police Department.

This Report Action Item was approved.

[15-582](#) Change of Agent - "Class A" Beer/Liquor License of Walgreen Co., d/b/a Walgreens #12019, 2803 N. Meade St., James B. Douglas, Agent, contingent upon approval from the Police Department.

This Report Action Item was approved.

[15-595](#) Change of Agent - "Class B" Beer/Liquor License for Appleton Yacht Club, Andrew T. Potter, New Agent, 1200 S. Lutz Drive, contingent upon approval from the Police Department.

This Report Action Item was approved.

[15-571](#) Class "A" Beer License application of Kwik Trip Inc., Bryan D. Hartjes, Agent, 730 E. Wisconsin Ave., contingent upon approvals from all departments.

This Report Action Item was approved.

[15-572](#) Class "A" Beer License application of Kwik Trip Inc., Jessica A. Hartjes, Agent, 306 N. Richmond St., contingent upon approvals from all departments.

This Report Action Item was approved.

[15-620](#) Farm Market application for Long Cheng Marketplace, Mai Youa Thao, Fridays, Saturdays and Sundays, May through September, 2015, outside within the fenced in area at 1804 S. Lawe Street.

This Report Action Item was approved.

[15-585](#) Grant Application - Reserve "Class B" Beer/Liquor License of Rye Restaurant, 308 W. College Ave., Ronald C. Schoenfeld, Agent, contingent upon approval from all departments.

This Report Action Item was approved.

[15-622](#) Secondhand Article License application of Side Quest Gaming LLC, John J. Steudel, Applicant, 502 W. College Avenue, contingent upon approvals from all departments.

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[15-639](#) Action: Award contract to C.R. Meyer in the amount of \$18,535 for City Park fountain repairs. In addition, requesting approval of \$2,000 in contingency in the event additional work is determined to be needed. Total contract not to exceed \$20,535.

Attachments: [2015 City Park Fountain Repairs \(4-29-15\).pdf](#)

This Report Action Item was approved.

5. MINUTES OF THE FINANCE COMMITTEE

[15-641](#) Request to approve resolution to terminate Tax Incremental District #5.

Attachments: [TIF 5 Memo 4-22-15.pdf](#)
[TIF 5 - Termination Resolution \(April 2015\).pdf](#)

This Report Action Item was approved.

[15-638](#)

Request to award contract for Wastewater Treatment Plant asphalt roadways to MCC, Inc. in the amount of \$84,613.85 with a contingency of \$8,461.85 for a contract total not to exceed \$93,075.70.

Attachments: [2015 Wastewater Parking Lot Repairs Bid Recommendation.pdf](#)

This Report Action Item was approved.

[15-675](#)

Request to award contract for Water Filtration Plant asphalt roadways to Northeast Asphalt, Inc. in the amount of \$49,270 with a contingency of \$9,854 for a contract total not to exceed \$59,124.

Attachments: [2015 Waster Filtration Asphalt Repairs Bid Recommendation.pdf](#)

This Report Action Item was approved.

[15-643](#)

Request to award Unit D-15 Sidewalk Reconstruction to Fischer-Ulman Construction, Inc. in an amount not to exceed \$203,000

Attachments: [Award of Contract D-15.pdf](#)

This Report Action Item was approved.

[15-644](#)

Request to award Unit W-15 Sewer and Water Reconstruction No. 1 to Van Straten Construction Company, Inc. in the amount of \$2,496,405 with a 4% contingency of \$100,000 for a project total not to exceed \$2,596,405.

Attachments: [Units W-15 and X-15.pdf](#)
 [Award of Contract W-15.pdf](#)

This Report Action Item was approved.

[15-645](#)

Request to award Unit X-15 Sewer and Water Reconstruction No. 2 to Dorner, Inc. in the amount of \$1,841,938 with a 4% contingency of \$73,000 for a project total not to exceed \$1,914,938.

Attachments: [Units W-15 and X-15.pdf](#)
 [Award of Contract X-15.pdf](#)

This Report Action Item was approved.

- [15-673](#) Request to award contract for Appleton Memorial Park Northwest Parking Lot renovation to Northeast Asphalt, Inc. in the amount of \$139,760 with a contingency of \$27,952 for a contract not to exceed \$167,712.

Attachments: [2015 AMP NW Parking Lot Bid Recommendation.pdf](#)

This Report Action Item was approved.

- [15-674](#) Request to reallocate \$15,000 of the positive variance from the Library Movable Partition Wall project toward the replacement of the Library Entrance Door project.

Attachments: [2015 Library Entrance Door Replacement Budget Adjustment.pdf](#)

This Report Action Item was approved.

- [15-646](#) Request to award of Unit J-15 Mini Storm Sewer Construction to Vanco Construction, Inc. in an amount not to exceed \$200,000.

Attachments: [Award of Contract J-15.pdf](#)

This Report Action Item was approved.

- [15-677](#) Request approval of the Mediation Settlement Agreement between Relyco and the City of Appleton in the amount of \$72,500.

Attachments: [Settlement Agrm - Relyco and City of Appleton.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

- [15-647](#) Postpone the Sanders Street watermain replacement project between Seymour Street and Verbrick Street to coincide with the revised street resurfacing project schedule.

Attachments: [Award memo for Units W-15 and X-15.pdf](#)

This Report Action Item was approved.

- [15-663](#) Award Contract to Fiberglass Solutions, Inc. for Hypochlorite Fiberglass Reinforced Plastic Tank Conditions Assessment & Repair Work in the amount of \$28,673 plus a 5% contingency of \$1,434 for a total not to exceed cost of \$30,107.

Attachments: [Fiberglass Tank Conditions Repair.pdf](#)

This Report Action Item was approved.

- [15-679](#) Approval of Engineering Services for Water Plant Softener #3 and #4 Rehabilitation including Field Services to Robert E. Lee and Associates in the amount of \$59,800 and a 5% contingency of \$2,990 for a project total not to exceed \$62,790.

Attachments: [Softener Engineering.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

- [15-690](#) Noise Variance Request - S. Onedia Street Bridge Project

Attachments: [Noise Variance Request - S. Oneida Street Bridge.pdf](#)

This Report Action Item was approved.

- [15-691](#) Noise Variance Request - LU-Aroo Concert at Warch Campus Center

Attachments: [Noise Variance Request - LR-Aroo Concert.pdf](#)

This Report Action Item was approved.

- [15-698](#) Noise Variance Request - John Hoffman, St. Francis Xavier Violinist

Attachments: [Noise Variance Request - John Hoffman, Violinist.pdf](#)

This Report Action Item was approved.

M. CONSOLIDATED ACTION ITEMS

[15-702](#)

Consolidated Action:

Item 15-612 - City Plan Commission

Item 15-652 - Municipal Services Committee

Item 15-612 held at Council. Item 15-652 referred back to the Municipal Services Committee.

O. ITEMS HELD

P. ORDINANCES

[15-683](#)

Ordinances 35-15 and 36-15.

Attachments: [Ordinances going to 05-06-2015 Council.pdf](#)

This Report Action Item was approved.

Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

R. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

S. OTHER COUNCIL BUSINESS

T. ADJOURN

Meeting adjourned at 8:15 pm.

Aldersperson Baranowski moved, seconded by Aldersperson Spears, that the meeting be adjourned. Roll Call. Motion carried by the following vote:

Aye: 15 - Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Martin, Aldersperson Spears, Mayor Hanna, Aldersperson Dalton, Aldersperson Williams, Aldersperson Meltzer, Aldersperson Plank, Aldersperson Siebers, Aldersperson Konetzke, Aldersperson Baranowski, Aldersperson Coenen, Aldersperson Lobner and Aldersperson Jirschele

Excused: 1 - Aldersperson Mann

Dawn A. Collins, City Clerk



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

OFFICE OF THE MAYOR

Timothy M. Hanna
100 North Appleton Street
Appleton, Wisconsin 54911-4799
(920) 832-6400 FAX (920) 832-5962
e-mail: mayor@appleton.org

TO: Members of the Common Council

FROM: Mayor Timothy Hanna

DATE: May 15, 2015

RE: Committee Reappointments

It is with pleasure that I present the following reappointments for your confirmation at the May 20 Common Council meeting:

BOARD OF ZONING APPEALS

Ken Joosten 3-year term

Per Resolution #8-R-14, I am pleased to report that Mr. Joosten's attendance at City Plan Commission meetings during the 12 months prior to the end of his term has been 89%.

CITY PLAN COMMISSION

Mark Priddis 3-year term

Per Resolution #8-R-14, I am pleased to report that Mr. Priddis' attendance at City Plan Commission meetings during the 12 months prior to the end of his term has been 91%.

HISTORIC PRESERVATION COMMISSION

Peter Peregrine 3-year term (Historian or Restoration Craftsperson)
Thomas Werth 3-year term (Alternate)

Per Resolution #8-R-14, I am pleased to report that Mr. Peregrine's attendance at Historic Preservation Commission meetings during the 12 months prior to the end of his term has been 71% (1-absent, 1-excused, 5-present).

LIBRARY BOARD

Terry Bergman	3-year term
John Peterson	3-year term

Per Resolution #8-R-14, I am pleased to report that Mr. Bergman's attendance at Library Board meetings during the 12 months prior to the end of his term has been 88%.

Per Resolution #8-R-14, I am pleased to report that Mr. Peterson's attendance at Library Board meetings during the 12 months prior to the end of his term has been 100%.

POLICE AND FIRE COMMISSION

Harvey Samson	5-year term
---------------	-------------

Per Resolution #8-R-14, I am pleased to report that Mr. Samson's attendance at Police and Fire Commission meetings during the 12 months prior to the end of his term has been 93%.



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

OFFICE OF THE MAYOR

Timothy M. Hanna
100 North Appleton Street
Appleton, Wisconsin 54911-4799
(920) 832-6400 FAX (920) 832-5962
e-mail: mayor@appleton.org

TO: Members of the Common Council

FROM: Mayor Timothy Hanna 

DATE: May 15, 2015

RE: Committee Reappointments

It is with pleasure that I present the following reappointments for your confirmation at the May 20 Common Council meeting:

BOARD OF ZONING APPEALS

Ken Joosten 3-year term

Per Resolution #8-R-14, I am pleased to report that Mr. Joosten's attendance at City Plan Commission meetings during the 12 months prior to the end of his term has been 89%.

CITY PLAN COMMISSION

Mark Priddis 3-year term

Per Resolution #8-R-14, I am pleased to report that Mr. Priddis' attendance at City Plan Commission meetings during the 12 months prior to the end of his term has been 91%.

HISTORIC PRESERVATION COMMISSION

Peter Peregrine 3-year term (Historian or Restoration Craftsperson)
Thomas Werth 3-year term (Alternate)

Per Resolution #8-R-14, I am pleased to report that Mr. Peregrine's attendance at Historic Preservation Commission meetings during the 12 months prior to the end of his term has been 71% (1-absent, 1-excused, 5-present).

LIBRARY BOARD

Terry Bergman	3-year term
John Peterson	3-year term

Per Resolution #8-R-14, I am pleased to report that Mr. Bergman's attendance at Library Board meetings during the 12 months prior to the end of his term has been 88%.

Per Resolution #8-R-14, I am pleased to report that Mr. Peterson's attendance at Library Board meetings during the 12 months prior to the end of his term has been 100%.

POLICE AND FIRE COMMISSION

Harvey Samson	5-year term
---------------	-------------

Per Resolution #8-R-14, I am pleased to report that Mr. Samson's attendance at Police and Fire Commission meetings during the 12 months prior to the end of his term has been 93%.



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

OFFICE OF THE MAYOR

Timothy M. Hanna
100 North Appleton Street
Appleton, Wisconsin 54911-4799
(920) 832-6400 FAX (920) 832-5962
e-mail: mayor@appleton.org

TO: Members of the Common Council

FROM: Mayor Timothy Hanna

DATE: May 15, 2015

RE: Committee Reappointments

It is with pleasure that I present the following reappointments for your confirmation at the May 20 Common Council meeting:

BOARD OF ZONING APPEALS

Ken Joosten 3-year term

Per Resolution #8-R-14, I am pleased to report that Mr. Joosten's attendance at City Plan Commission meetings during the 12 months prior to the end of his term has been 89%.

CITY PLAN COMMISSION

Mark Priddis 3-year term

Per Resolution #8-R-14, I am pleased to report that Mr. Priddis' attendance at City Plan Commission meetings during the 12 months prior to the end of his term has been 91%.

HISTORIC PRESERVATION COMMISSION

Peter Peregrine 3-year term (Historian or Restoration Craftsperson)
Thomas Werth 3-year term (Alternate)

Per Resolution #8-R-14, I am pleased to report that Mr. Peregrine's attendance at Historic Preservation Commission meetings during the 12 months prior to the end of his term has been 71% (1-absent, 1-excused, 5-present).

LIBRARY BOARD

Terry Bergman	3-year term
John Peterson	3-year term

Per Resolution #8-R-14, I am pleased to report that Mr. Bergman's attendance at Library Board meetings during the 12 months prior to the end of his term has been 88%.

Per Resolution #8-R-14, I am pleased to report that Mr. Peterson's attendance at Library Board meetings during the 12 months prior to the end of his term has been 100%.

POLICE AND FIRE COMMISSION

Harvey Samson	5-year term
---------------	-------------

Per Resolution #8-R-14, I am pleased to report that Mr. Samson's attendance at Police and Fire Commission meetings during the 12 months prior to the end of his term has been 93%.



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

OFFICE OF THE MAYOR

Timothy M. Hanna
100 North Appleton Street
Appleton, Wisconsin 54911-4799
(920) 832-6400 FAX (920) 832-5962
e-mail: mayor@appleton.org

TO: Members of the Common Council

FROM: Mayor Timothy Hanna

DATE: May 15, 2015

RE: Committee Reappointments

It is with pleasure that I present the following reappointments for your confirmation at the May 20 Common Council meeting:

BOARD OF ZONING APPEALS

Ken Joosten 3-year term

Per Resolution #8-R-14, I am pleased to report that Mr. Joosten's attendance at City Plan Commission meetings during the 12 months prior to the end of his term has been 89%.

CITY PLAN COMMISSION

Mark Priddis 3-year term

Per Resolution #8-R-14, I am pleased to report that Mr. Priddis' attendance at City Plan Commission meetings during the 12 months prior to the end of his term has been 91%.

HISTORIC PRESERVATION COMMISSION

Peter Peregrine 3-year term (Historian or Restoration Craftsperson)
Thomas Werth 3-year term (Alternate)

Per Resolution #8-R-14, I am pleased to report that Mr. Peregrine's attendance at Historic Preservation Commission meetings during the 12 months prior to the end of his term has been 71% (1-absent, 1-excused, 5-present).

LIBRARY BOARD

Terry Bergman	3-year term
John Peterson	3-year term

Per Resolution #8-R-14, I am pleased to report that Mr. Bergman's attendance at Library Board meetings during the 12 months prior to the end of his term has been 88%.

Per Resolution #8-R-14, I am pleased to report that Mr. Peterson's attendance at Library Board meetings during the 12 months prior to the end of his term has been 100%.

POLICE AND FIRE COMMISSION

Harvey Samson	5-year term
---------------	-------------

Per Resolution #8-R-14, I am pleased to report that Mr. Samson's attendance at Police and Fire Commission meetings during the 12 months prior to the end of his term has been 93%.



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

OFFICE OF THE MAYOR

Timothy M. Hanna
100 North Appleton Street
Appleton, Wisconsin 54911-4799
(920) 832-6400 FAX (920) 832-5962
e-mail: mayor@appleton.org

TO: Members of the Common Council

FROM: Mayor Timothy Hanna

DATE: May 15, 2015

RE: Committee Reappointments

It is with pleasure that I present the following reappointments for your confirmation at the May 20 Common Council meeting:

BOARD OF ZONING APPEALS

Ken Joosten 3-year term

Per Resolution #8-R-14, I am pleased to report that Mr. Joosten's attendance at City Plan Commission meetings during the 12 months prior to the end of his term has been 89%.

CITY PLAN COMMISSION

Mark Priddis 3-year term

Per Resolution #8-R-14, I am pleased to report that Mr. Priddis' attendance at City Plan Commission meetings during the 12 months prior to the end of his term has been 91%.

HISTORIC PRESERVATION COMMISSION

Peter Peregrine 3-year term (Historian or Restoration Craftsperson)
Thomas Werth 3-year term (Alternate)

Per Resolution #8-R-14, I am pleased to report that Mr. Peregrine's attendance at Historic Preservation Commission meetings during the 12 months prior to the end of his term has been 71% (1-absent, 1-excused, 5-present).

LIBRARY BOARD

Terry Bergman	3-year term
John Peterson	3-year term

Per Resolution #8-R-14, I am pleased to report that Mr. Bergman's attendance at Library Board meetings during the 12 months prior to the end of his term has been 88%.

Per Resolution #8-R-14, I am pleased to report that Mr. Peterson's attendance at Library Board meetings during the 12 months prior to the end of his term has been 100%.

POLICE AND FIRE COMMISSION

Harvey Samson	5-year term
---------------	-------------

Per Resolution #8-R-14, I am pleased to report that Mr. Samson's attendance at Police and Fire Commission meetings during the 12 months prior to the end of his term has been 93%.

“Vulcan Street Plant Replica Building”

State Historical Marker Will Be Dedicated In Appleton

The City of Appleton Historic Preservation Commission will be hosting a public dedication ceremony for a Wisconsin state historical marker commemorating the Vulcan Street Plant Replica Building as perhaps one of the earliest examples of a hydroelectric plant that sold electricity commercially and provided incandescent lighting service to the public. The dedication ceremony is scheduled for Friday, May 29, 2015. The marker will be dedicated at 5:30 p.m. at the Vulcan Street Plant Replica Building located at 530 Vulcan Street in Appleton. The Vulcan Street Plant Replica Building will be open for public viewing starting at 5:00 p.m.

Historical significance about the Vulcan Street Plant Replica Building is on display in the City Hall 6th floor display case located outside of Council Chambers.

Funding for this State Historic Marker Sign was obtained from the City of Appleton and federal funds from the National Park Service, U.S. Department of the Interior, and administered by the Wisconsin Historical Society.

NOTICE OF PROPOSED STREET VACATION

(Pursuant to Section 66.1003, Wisconsin Statutes-2009-2010)

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

LEGAL DESCRIPTION:

All of a triangular shaped portion of land being a part of Douglas Street, Badger Avenue and or Winnebago Street:

Bounded on the West by Lots 1 and 2, Block 8, Gilmore Addition, according to the recorded Assessor's Plat of the City of Appleton;

Bounded on the Northeast by the Southeasterly extension of Badger Avenue;

Bounded on the South by the Easterly extension of the North line of Winnebago Street, all being located in the NW ¼ of the NW ¼ of Section 27, T.21N., R.17E., City of Appleton, Outagamie County, Wisconsin, containing 3,429 square feet of land m/l, as shown on the map.

EASEMENTS

The City of Appleton hereby retains an easement for *ALL* existing utilities within the entire width of the above-described and vacated street area.

EXISTING LOT LINE PROJECTIONS

It is the intent of the City of Appleton that the adjoining property owner to the south of this vacated street area shall acquire an ownership interest in the entire area being vacated.

COMMON DESCRIPTION:

North Douglas Street – South of Badger and North of Winnebago Street.

Notice is further given that a hearing of said resolution will be held at a regular meeting of the Common Council to be held at 7:00 p.m. or as soon thereafter as can be heard, on Wednesday, May 20, 2015, in the Council Chambers at the City Hall in said City of Appleton.

By Order of the Common Council.

April 2, 2015

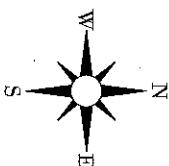
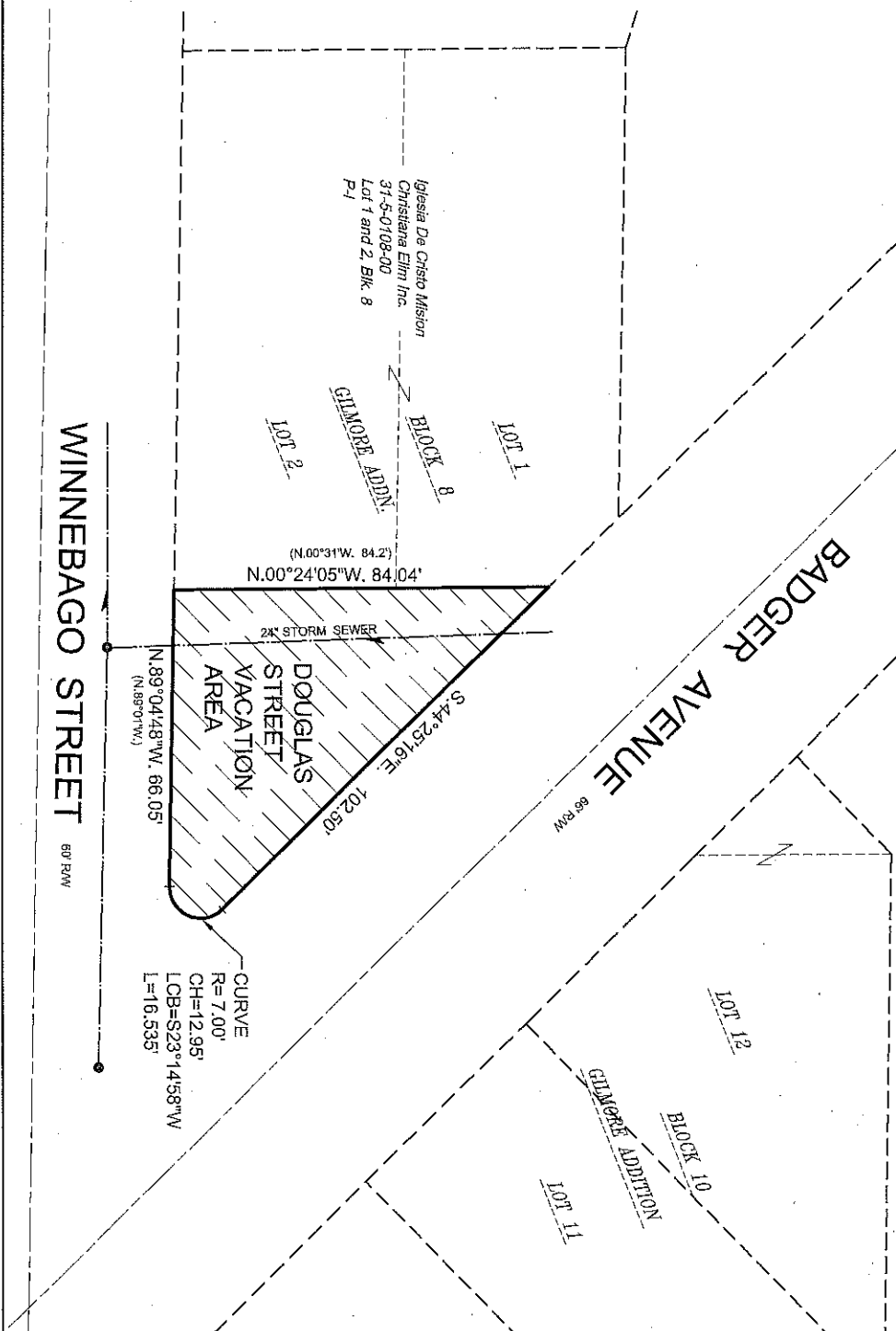
DAWN A. COLLINS
City Clerk

RUN: April 4, 2015
April 11, 2015
April 18, 2015

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

STREET VACATION

PART OF DOUGLAS STREET, BADGER AVENUE AND OR WINNEBAGO STREET LYING ADJACENT TO BLOCKS 8, GILMORE'S ADDITION, ALL ACCORDING TO THE RECORDED ASSESSOR'S PLAT OF THE CITY OF APPLETON, LOCATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 27, T21N, R.17E, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



BEARINGS ARE REFERENCED TO THE
WISCONSIN COUNTY COORDINATE
SYSTEM, OUTAGAMIE COUNTY, NORTH
LINE OF THE NW 1/4 OF SECTION 27-21-17
RECORDED AS S.89°01'30"E.
H:\Vacat\Vacation\Douglas Street 0223_2015

SCALE IN FEET

0 30' 60'

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

NOTICE OF PUBLIC HEARING

#1-15

RE: Proposed Zone Change

A public hearing will be held in the Council Chambers, City Hall, Appleton, Wisconsin, on May 20, 2015, at 7:00 P.M., or as soon thereafter as can be heard, to consider the following proposed zone change:

Rezoning #1-15 – Douglas Street right of way, South of Badger Avenue and North of Winnebago Street, from R-1B Single-Family District to P-I Public Institutional District.

LEGAL DESCRIPTION :

All of a triangular shaped portion of land being a part of Douglas Street, Badger Avenue and or Winnebago Street:

Bounded on the West by Lots 1 and 2, Block 8, Gilmore Addition, according to the recorded Assessor's Plat of the City of Appleton;

Bounded on the Northeast by the Southeasterly extension of Badger Avenue;

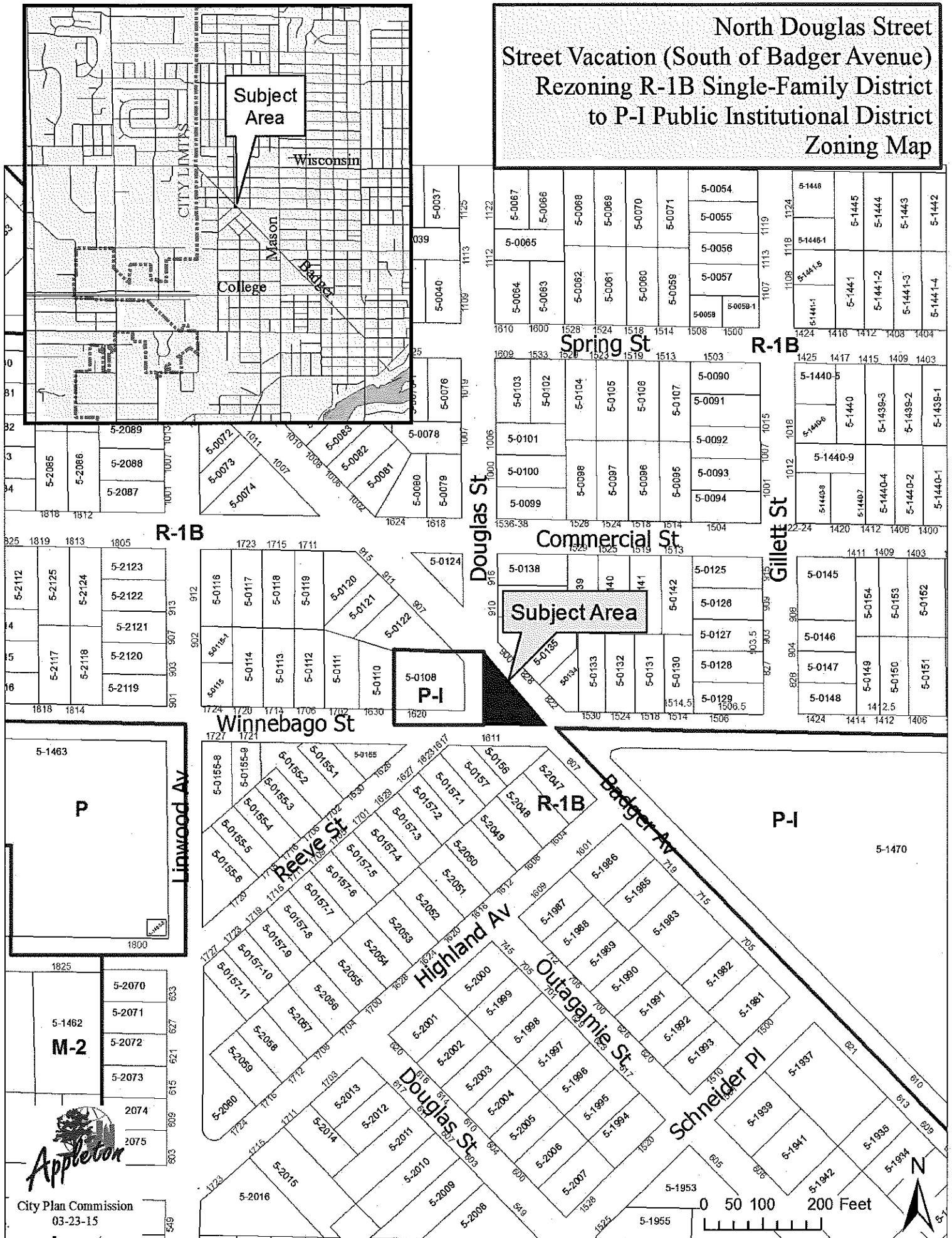
Bounded on the South by the Easterly extension of the North line of Winnebago Street, all being located in the NW ¼ of the NW ¼ of Section 27, T.21N., R.17E., City of Appleton, Outagamie County, Wisconsin, containing 3,429 square feet of land m/l, as shown on the map.

April 2, 2015

DAWN A. COLLINS
City Clerk

RUN: April 4, 2015
April 7, 2015

North Douglas Street Street Vacation (South of Badger Avenue) Rezoning R-1B Single-Family District to P-I Public Institutional District Zoning Map



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN of a Public Hearing to be held before the Common Council, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, on Wednesday, May 20, 2015, at 7:00 P.M., or as soon thereafter as can be heard, for the purpose of considering the map and text amendment to Chapter 23 Zoning Ordinance of the Municipal Code.

Article X. Floodplain Zoning Division 1. Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions. Sec. 23-206. General provisions. (b) Official maps and revisions.

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

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

Any questions regarding the proposed text amendment to Chapter 23 Zoning Ordinance of the Municipal Code should be directed to the Community and Economic Development Department at 832-6468.

May 7, 2015

DAWN A. COLLINS
City Clerk

RUN: May 9, 2015
May 12, 2015

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

FINAL RESOLUTION

WHEREAS, the public interest requires that a portion of North Douglas Street that has not previously been vacated, be vacated and discontinued; and

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

WHEREAS, hearing was had on said Resolution on the 20th day of May, 2015, at City Hall, in and for the City of Appleton, Wisconsin.

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

LEGAL DESCRIPTION:

All of a triangular shaped portion of land being a part of Douglas Street, Badger Avenue and or Winnebago Street:

Bounded on the West by Lots 1 and 2, Block 8, Gilmore Addition, according to the recorded Assessor's Plat of the City of Appleton;

Bounded on the Northeast by the Southeasterly extension of Badger Avenue;

Bounded on the South by the Easterly extension of the North line of Winnebago Street, all being located in the NW ¼ of the NW ¼ of Section 27, T.21N., R.17E., City of Appleton, Outagamie County, Wisconsin, containing 3,429 square feet of land m/l and being further described by:

Commencing at the Southeast corner of Lot 2 of said Block 8 said point also being on the West line of Douglas Street and the North line of Winnebago Street and being the point of beginning;

Thence N.00°24'05"W. 84.04 feet (recorded as 84.2 feet), along the West line of Douglas Street to the Southeasterly line of said Badger Avenue and also being a Northeasterly corner of Lot 1 of said Block 10;

Thence S.44°25'16"E. 102.50 feet, along the Southeasterly extension of the Southwesterly line of said Badger Avenue;

Thence Southeasterly, Southerly and Southwesterly 16.535 feet along the arc of a curve to the right, having a radius of 7.00 feet and the chord of which bears S.23°14'58"W. 12.95 feet, to the Easterly extension of the North line of Winnebago Street;

Thence N.89°04'48"W. 66.05 feet along said extension to the Southeast corner of lot of said Block 8, to the point of beginning.

See also attached Exhibit Map for illustration.

EASEMENTS

The City of Appleton their heirs, successors and or assigns (Grantee) hereby retain an easement for any and all existing utilities and also any future utilities deemed necessary or desirable by Grantee within the vacated right of way, including but not

limited to, storm sewer, drainage, sanitary sewer, watermain, gas, electric, cable and fiber optic within the entire length and width of the above described right of way.

It is further agreed that this easement shall be a permanent easement.

It is further agreed that Grantee shall have the right to install, regrade, replace, relocate, operate, maintain, resize and repair any and all of these utilities and their associated appurtenances. It is further agreed that after installing, regrading, replacing, relocating, operating, maintaining, resizing or repairing of these utilities and their associated appurtenances Grantee shall restore unimproved surfaces such as grass, gravel and dirt on said property, as closely as possible, to the condition previously existing. Grantee shall not be required to restore or compensate for any improvements or improved surfaces such as, but not limited to, curb and gutter, hard pavements, trees, shrubs and landscaping, disturbed as a result of the maintenance activities described herein. Buildings or any other type of permanent structure shall not be placed over Grantees' facilities or in, upon or over said easement area. This easement includes the right to operate any and all equipment deemed necessary by Grantee to perform said activities. Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work.

COMMON DESCRIPTION:

North Douglas Street – South of Badger Avenue and north of Winnebago Street

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

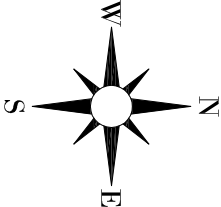
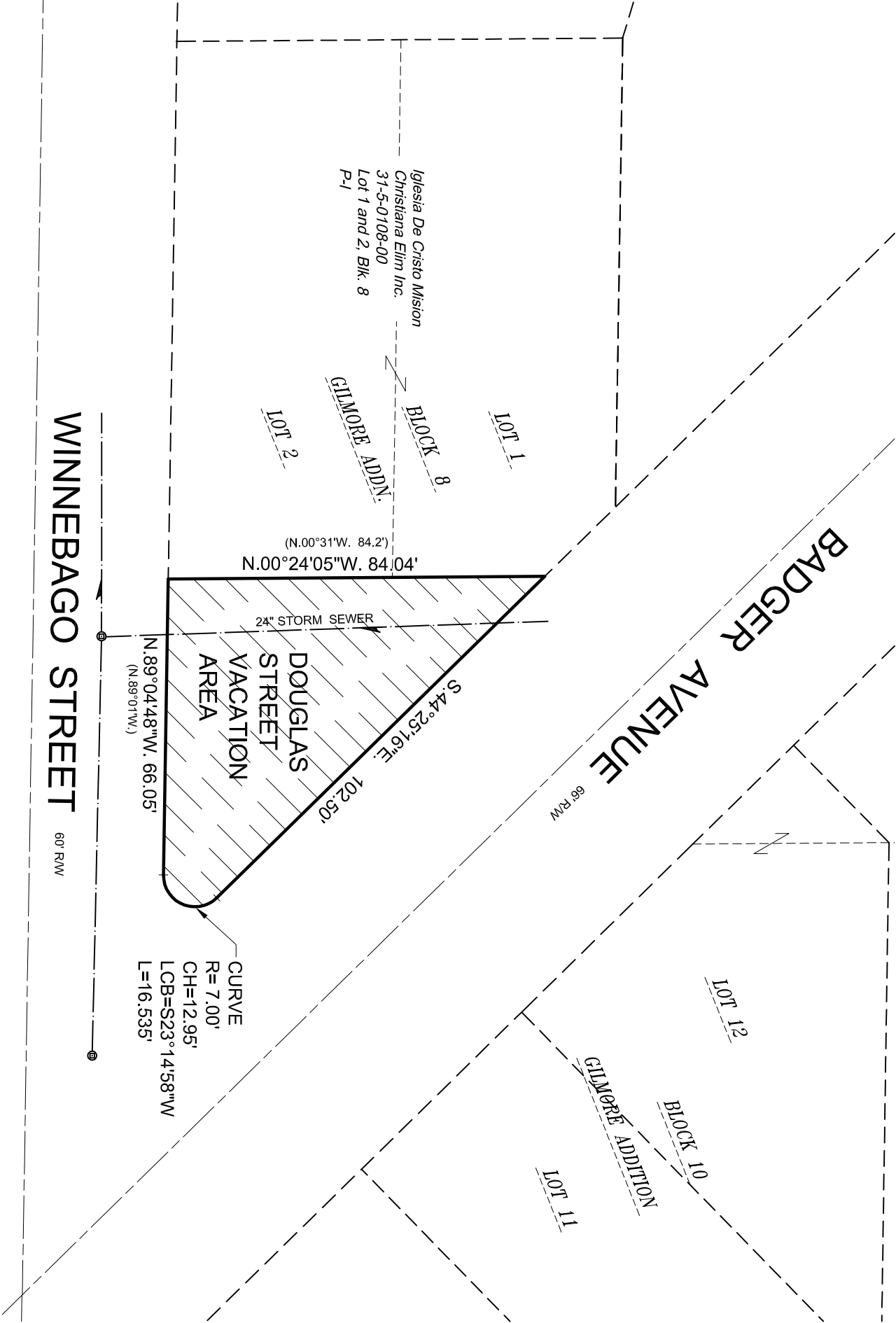
FURTHER RESOLVED, that according to §66.1005, Wisconsin Statutes, upon vacation and discontinuance of said portion of Douglas Street, title to the above-described area shall belong to the adjoining property owners of this vacated street area and shall acquire an ownership interest in the entire area being vacated as shown on attached Exhibit 1.

Date

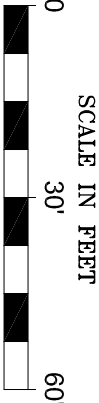
J:\Attorney\WORD\VACATION\Douglas Street (North) 2015\
North Douglas St - Final Resolution - 2015.doc

STREET VACATION

PART OF DOUGLAS STREET, BADGER AVENUE AND OR WINNEBAGO STREET LYING ADJACENT TO BLOCKS 8, **GILMORE'S ADDITION**, ALL ACCORDING TO THE RECORDED ASSESSOR'S PLAT OF THE CITY OF APPLETON, LOCATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 27, T.21N., R.17E., CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, NORTH LINE OF THE NW 1/4 OF SECTION 27-21-17 RECORDED AS S.89°01'30"E. H:\Acad\Vacation\Douglas Street 0223_2015



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



116 N. Appleton Street • P.O. Box 2272 • Appleton, WI 54912-2272 • 920-954-9112 • Fax: 920-954-0219

To: Paula Vandehey, Director Public Works Department

From: Appleton Downtown Inc.

Subject: Request for installation and fee waiver

As you are aware Appleton Downtown Inc. recently worked together with our stakeholders and partners to launch the new *One Great Place* brand image and slogan for the Downtown. Part of the rebrand effort will be replacement of the street pole banners. A graphic of the four new designs is attached. We have ordered the new banners and should have them by the middle of April.

We would like to request the banners be installed by Public Works by May 15th 2015.

We are further requesting the City of Appleton to waive the installation fee associated with putting up the 21 pole banners from State & Badger to Drew St. along College Ave.

We hope you consider being a partner in our rebrand efforts and helping us to infuse the central business district with the new vibrant images and the pride of being One Great Place!

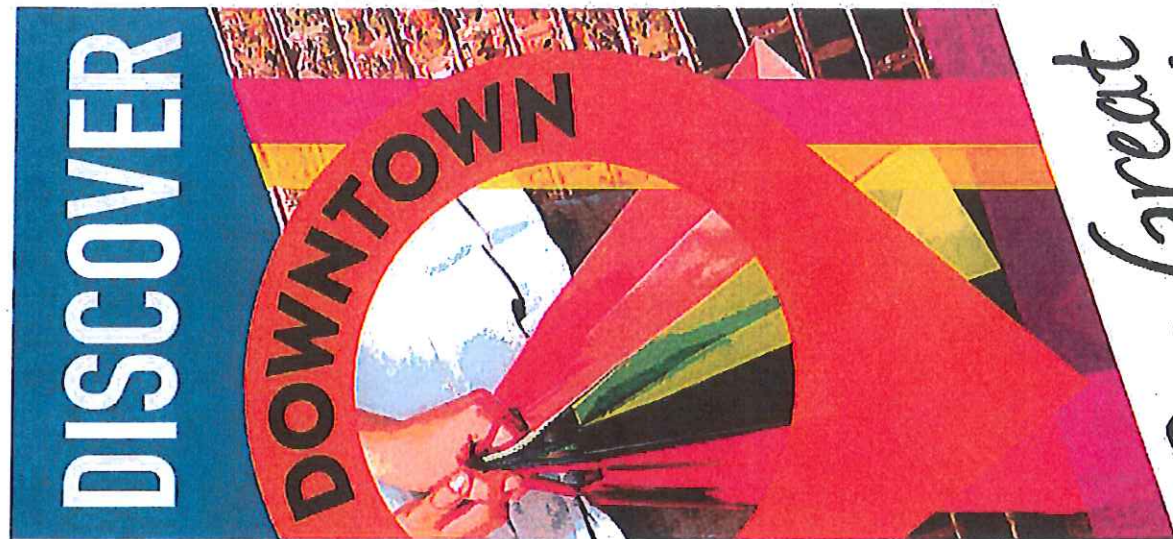
Thank you for your consideration.

Sincerely,

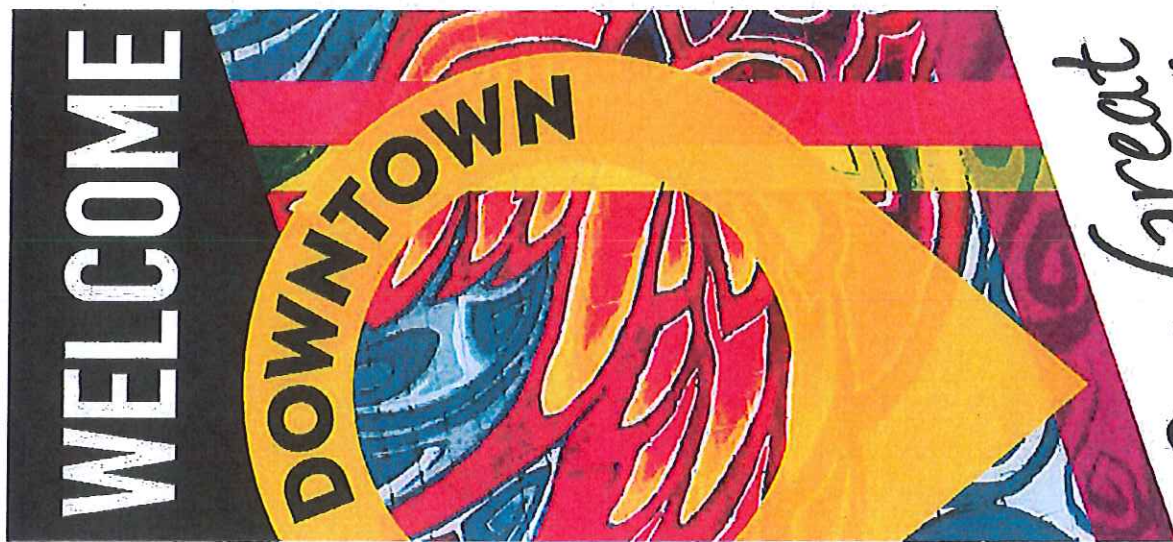
A handwritten signature in black ink, appearing to read "Jennifer Stephany".

Jennifer Stephany

Executive Director



*One Great
One Place.*



*One Great
One Place.*

CREATE

DOWNTOWN



*One Great
One Place.*

ENJOY

DOWNTOWN



*One Great
One Place.*



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

DEPARTMENT OF PUBLIC WORKS
Engineering Division
100 North Appleton Street
Appleton, WI 54911
(920) 832-6474
FAX (920) 832-6489

July 8, 2003

CITY OF APPLETON BANNER POLICY

A. ATTACHED TO SKYWALKS

No banner shall be attached to any skywalk located within City street right-of-way.

B. SUSPENDED ACROSS STREET RIGHT-OF-WAY

No banners shall be suspended across street right-of-way.

C. ATTACHED TO CITY-OWNED STREET LIGHTS

1. Requests for installation of banners must be made either by a recognized agency representing the area or from a two-thirds majority of the properties along the proposed route.
2. Requesting parties must designate an individual to serve as the contact person with the City.
3. Banners may be installed only in areas that are predominantly commercial zoning.
4. Banner installation should be consistent with Planning and Development policies, represent an appropriate theme, and not detract from the aesthetics of an area. Plans for banner installation, including color scheme, theme, and spacing must be approved by the Planning Department and Plan Commission before being forwarded to the Municipal Service Committee for issuance of a permit.
5. Banner materials (including the brackets) must be approved by the Department of Public Works.
6. Banner installation may be done by the Department of Public Works or by private contract. If a private contractor is used, installation plans showing bracket locations and elevations must be provided and approved by the Department of Public Works.
7. If performed by the Department of Public Works, the cost of initial banner and bracket installation will be divided equally between the applicant and the City (exclusive of materials).

8. All banners and necessary brackets (including replacement parts) to be supplied by the requesting agency.
9. Storage of banners to be the responsibility of the requesting party.
10. All costs of repair or replacement of banners done by the Department of Public Works will be charged to the requesting agency or designated individual as they are incurred.
11. The cost of changeover of banners done by the Department of Public Works will be divided equally between the applicant and the City up to a maximum of twice per year after which all costs will be borne by the applicant.
12. Banners will remain the property of the requesting agency.
13. The requesting agency will be given 30 day notice of deteriorated banners (in the judgment of the City) after which they will be removed and the cost of removal will be billed to the requesting agency or designated individual.
14. Installation of items budgeted by the City for installation are exempt from this policy. (angels, flags, etc.)

D. ATTACHED TO WE ENERGIES POLES

The above criteria must be met along with written permission from We Energies. **New attachments to We Energies will not be approved according to their Pole Attachment Request Policy. Existing attachments covered by agreements dated prior to March 2001, may remain on We Energies poles.**



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

MEMO

TO: Municipal Services Committee

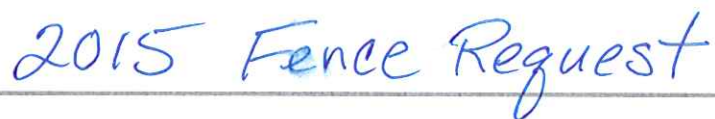
FROM: Paula Vandehey, Director of Public Works *PAV*

DATE: May 7, 2014

SUBJECT: Request from Brian & Amanda Jenkins to amend their exception to the Street Terrace Policy relative to the non-front yard portion at 115 N. Green Bay Road to include a 3-foot fence.

In 2012 the Common Council approved an exception to the Street Terrace Policy to allow for plantings within the street right-of-way at 115 N. Green Bay Road. Attached is a copy of the Municipal Services Committee minutes from March 27, 2012. Also attached is a copy of the Indemnification and Hold Harmless Agreement that was required as part of the Council approval. The Jenkins Family would like to amend their exception in order to install a fence as shown on the attached drawing.

Attachments



2012

Dear City Council Members,

We moved to Appleton last August and purchased the home at 115 N. Green Bay Road intending to update the property. Our family, is requesting you grant us permission to move forward with the plans proposed by Andrew Smith of Lowney's Landscaping Center. Privacy for our family and increased safety for our young daughter are at the heart of the proposed design. The plan would require granting an exception to the guidelines of the Appleton Street Terrace Policy.

We ask that you consider the following factors:

- We purchased the home on Memorial Day Weekend, when many people were out of town. Therefore, we were under the impression that this was a quiet, low traffic location. However, there is constant foot & car traffic on all sides of our house, which drastically impacts our privacy.
- There were large (over grown) groups of "scrubby" plants that were in place along Catherine St. when we purchased the home. We knew that they should be replaced, with healthier, well kept plantings, but were happy to have them since the shrubs provided privacy. Unfortunately, we lost several large trees and much of the shrubs during the storm of Labor Day weekend.
- Cars speeding around the boulevard are common and we would like to create a safe barrier from the road for our young children. In addition to this, the north side of our property is exposed to Washington Street. Our children are at risk of walking into the street, or more concerning, someone else walking into our yard while our children are playing.
- People walking, jogging often look into our home, as the streets and sidewalks are just feet from our windows. As well as cars parking on both sides of Catherine St. steps from our backdoor.
 - We were not aware of the restrictions/ rules that applied to our unique property. Had we known that the existing vegetation could not be replaced or restored without a prolonged process, we may have bought elsewhere. We are simply asking to restore the size of plantings that existed when we bought our home.

The landscaping plan would provide much needed privacy, safety for our family and improve the neighborhood aesthetic. We would like to have the opportunity to present the landscape plan at your next meeting. Please advise us as to when the next council meeting takes place.

Thank You for your consideration in this matter,

Sincerely,

Dr. Brian & Amanda Jenkins
115 N Green Bay Dr.
Appleton, WI 54911

K. Plank asked what the utilities were like in Haskell Street and Cotter Street. J. Brown indicated no utilities within Haskell and Cotter Streets. We will be installing storm sewer to address drainage issues in a portion of this project.

J. Clemons closed the Public Hearing.

ACTION ITEMS:

e. Request from Brian and Amanda Jenkins for an exception to the Street Terrace Policy at 115 North Green Bay Road

Andrew Smith, Lowney's Landscaping, stated the plans for the property is for privacy and security and other improvements. He stated there would be some limitations at the corner of Catherine Street and Green Bay Road. He gave the history of the property and what he has done to comply with the City requirements.

Brian Jenkins, 115 North Green Bay Road, stated he bought the property not realizing the issues he would face to replace the vegetation that was already in place and didn't realize the property line was right in front of his house.

A. Smith stated he proposes privacy screening along Catherine Street. He went over the landscaping plan with the Committee.

P. Vandehey stated her concern is allowing plantings for privacy and safety for one person and not for others. She stated if the Committee allows this request, there would have to be a contingency the City is not liable for damage to any plantings because of snowplowing.

R. Hill stated he remembers when there was a fence around the property, but it wasn't maintained. He stated he doesn't want the City to be responsible for plantings in the right-of-way.

K. Plank asked if the Committee was granting an easement. P. Vandehey stated the Committee is granting an exception to the Street Terrace Policy. K. Plank stated there have been several people requesting to plant, which the City has denied with the reason the plantings cannot be outside the property line.

R. Hill moved, seconded by K. Plank that the request from Brian and Amanda Jenkins for an exception to the Street Terrace Policy at 115 North Green Bay Road, BE APPROVED.

K. Plank stated she wouldn't feel comfortable approving this until we have something in writing that says the City is indemnified from anything, like utility work, reconstruction of the street, etc. Brian Jenkins stated he would have no problem signing a form.

E. Totzke stated the wording would be to approve the request by adding an amendment to be contingent upon a signed indemnification agreement by the property owner to the City regarding the plantings in the right-of-way.

MUNICIPAL SERVICES COMMITTEE MEETING MINUTES

March 27, 2012

PAGE 5

J. Clemons stated the vote is on the amendment. E. Totzke stated the verbage should be to approve contingent upon the execution of an indemnification agreement for the benefit of the City regarding any damage to the plantings due to City work.

Vote on Amendment. (3-0)

P. Vandehey asked about the plantings at the vision corner. A. Smith stated the juniper would be removed and lowering the sight line.

K. Plank moved, seconded by R. Hill to include vision corner language into amendment. (3-0)

The request from Brian & Amanda Jenkins for an exception to the Street Terrace Policy **relative to the non-front yard portion at 115 N. Green Bay Road contingent upon vision corner criteria being met and an execution of an indemnification agreement protecting the interest of the City of Appleton in regards to the plantings in the City right-of-way.**

Vote on Motion to Approve as Amended. (3-0)

- d. **Resolution #8-R-12/Spears – “Connected and strong neighborhoods are vital to the quality of life we experience in Appleton.**

Be it resolved that the neighborhood block party permit requirements and fees be reevaluated and fees be lowered to \$15.00.”

R. Hill moved, seconded by K. Plank that Resolution #8-R-12 be held. (3-0)

- a. **Award 2012 Bridge Inspection Services Contract to Bloom Companies, LLC**
- b. **Staff be directed to develop the Parking Utility 5-Year Capital Improvement Plan based on the Blue (City Center) Ramp being replaced no later than 2020**
- c. **Award 2012 Digital Orthophotography Contract to Aero-Metric, Inc.**

R. Hill moved, seconded by K. Plank that Items a, b and c, BE APPROVED.

P. Vandehey handed out a new chart for Item b regarding the Blue Ramp Estimated End-of-Life Maintenance and Replacement Cost Comparison. She stated all the money is at today's cost.

Vote on Motion to Approve Items a, b and c. (3-0)

INFORMATION ITEMS:

- a. **Director's Update**

No additional information.

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

WHEREAS, Brian and Amanda Jenkins, 115 North Green Bay Road, Appleton, Wisconsin, tax parcel 31-1-0708-00, are desirous of landscaping their lot so as to ensure that a privacy barrier of plantings exist in the non-front yard area of their property;

WHEREAS, based upon the unique shape of the lot, the only practical manner in which they may place such plantings involves encroaching on the street right-of-way;

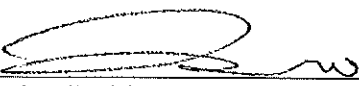
WHEREAS, the City of Appleton Street Terrace Policy would normally not permit such plantings;

WHEREAS, the Municipal Services Committee reviewed and approved an exception to the Street Terrace Policy, based upon the plans presented to the Committee on March 27, 2012 in exchange for the execution of this Indemnification and Hold Harmless Agreement by the Jenkins; and

WHEREAS, said exception was approved by the Appleton Common Council on April 4, 2012,

Brian and Amanda Jenkins agree to indemnify, defend and hold harmless the City of Appleton and its officers, officials, employees and agents from and against any and all liability, loss, damage, expense, costs arising from, deriving during, or resulting in any way from the removal or damage of any such plantings due to any utility work whether the City's or any other utility service located within the street right of way, any road work, or any other necessary work that may need to occur within the street right of way.

Dated this 10 day of April, 2012.

By: 
Brian Jenkins, Owner, 115 North Green Bay Road

By: 
Amanda Jenkins, Owner, 115 North Green Bay Road

Paula Vandehey

From: Kurt Craanen
Sent: Tuesday, May 05, 2015 10:05 AM
To: Paula Vandehey
Subject: FW: Letter from 1107 e calumet st

Paula:

I received this e mail from the owner of 1107 E. Calumet St. regarding the paving of their front yard.

Please put on the next Mun. Services Agenda.

Thanks.

From: anh tran [<mailto:anhcaravelle@yahoo.com>]
Sent: Tuesday, May 05, 2015 10:00 AM
To: Kurt Craanen
Subject: Letter from 1107 e calumet st

Hi my name is Christy Vo I own property on 1107 e calumet st. The reason I right this letter to appleton City because I did the dry way to large 30 by 30 and I would love to keep this dry way beacuse the street to busy I don't have to back up and easy to see the kids walk form befor and after shool.one or two time I almost hit the kid so I feel like to be safe to have big dry way .thanks (my contrac phone number is 920 851 8634)



May 4, 2015

Hon. Greg Dannecker
Alderman City of Appleton
325 W. Pershing Street
Appleton, WI 54911

Dear Alderman Dannecker:

I recently received a letter from Michael Michlig, the City of Appleton Forester, indicating that the City was going to be planting a tree on the terrace of our property. I contacted the forester to object and he informed me that I had no standing to object because this tree was a replacement tree for one removed last year. Additionally, I was informed that the replacement tree would be a Ginkgo tree, which I consider an ugly tree.

I asked how I could stop the planting in as much as he insisted the tree would be planted. He said I needed to contact my Alderman and convince him to introduce a resolution for the City Council of Appleton which would have to be passed to stop the planting of the tree.

Come on now. The City Council has more to do than stop the planting of one tree in the City. There must be another way.

Our property at 1008 E. Marnie Lane has two mature trees in the front yard, four trees in the back yard along with five Rose of Sharon trees along our fence in the back yard. Our neighbor to the east has a tree 8 feet from our lot line in her front yard. Our neighbor to the west has 40 thirty foot cedar trees along our lot line plus a large maple tree ten feet from our lot line.

I believe in our little world the three of us are contributing to the environment and to the city's title of "Tree City".

Marnie Lane is one block long and runs diagonally from East Florida Avenue to North Racine Street. It has nine houses, including four corner houses. The four corner houses have ten terrace trees. The remaining homes have no terrace trees. I see no reason why our home (one of the five) should have a tree on the terrace.

Please just tell the forester to skip our tree.

Thank you.

Harold V. Froehlich
1008 E. Marnie Lane
Appleton, WI 54911

cc: Michael P. Michlig

CONCRETE PAVEMENT, DRIVEWAY APRONS, SIDEWALK CONSTRUCTION

RESOLUTION 1-P-15

PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS UNDER SECTION 66.0703 (7) (a), WISCONSIN STATUTES OF 2011-2012.

RESOLVED, by the Common Council of the City of Appleton, Wisconsin:

1. The Common Council hereby declares its intention to exercise its powers under Section 66.0703, Wisconsin Statutes, to levy special assessments upon property within the following described area for benefits conferred upon such property by improvement of the following area.

CONCRETE PAVEMENT, SIDEWALK CONSTRUCTION AND DRIVEWAY APRONS

Ashbrook Street from Juniper Lane to Shasta Lane
Canvasback Circle from Ashbury Drive to Canvasback Circle
Gullwing Court from Stirling Parkway to Cul-de-Sac
Juniper Lane from Ashbrook Street to Vermillion Street
Palladium Court from Applehill Blvd to Cul-de-Sac
Primrose Lane from Oneida Street to Ashbrook Street
Purdy Parkway from Applehill Blvd to Cul-de-Sac
Shasta Lane from Ashbrook Street to Vermillion Street
Stirling Parkway from Smoketree Pass to Purdy Parkway
Vermillion Street from Juniper Lane to Shasta Lane

2. The total amount assessed against such property shall not exceed the total cost of the improvements. The Common Council determines that such improvements shall be made under the police power and the amount assessed against each parcel shall be on a cost per front foot, area or unit cost basis.

3. The assessments against any parcel may be paid to the Finance Department on receipt of Special Assessment Notice by one of the following:

- a. In cash, or if entered on the Tax Roll;
- b. One installment, if the assessment is \$1000 or less;
- c. In five equal annual installments, if the assessment is greater than \$1000;

Deferred payments shall bear an interest at the rate of 6.25% per annum on the unpaid balance.

4. The Finance Committee is directed to prepare a report consisting of:

- a. Preliminary plans and specifications for said improvements.
- b. An estimate of the entire cost of the proposed street improvements.
- c. A schedule of proposed assessments showing the properties that are benefited by the work or improvements.

Upon completing such report, the Finance Committee is directed to file a copy thereof in the office of the City Clerk for public inspection.

5. Upon receiving the report of the Finance Committee, the City Clerk is directed to give notice of a public hearing on such report as specified in Section 66.0703 (7) (a), Wisconsin Statutes. The hearing shall be held at the Council Chambers in the City Hall at a time set by the City Clerk in accordance with Section 66.0703 (7) (a), Wisconsin Statutes.

Adopted: May 20, 2015

S/TIMOTHY M. HANNA (Mayor)

Attest: DAWN A. COLLINS (City Clerk)

REPORT OF THE FINANCE COMMITTEE

PROJECT LIMITS:

1-P-15

CONCRETE PAVEMENT, SIDEWALK CONSTRUCTION AND DRIVEWAY APRONS

Ashbrook Street from Juniper Lane to Shasta Lane
Canvasback Circle from Ashbury Drive to Canvasback Circle
Gullwing Court from Stirling Parkway to Cul-de-Sac
Juniper Lane from Ashbrook Street to Vermillion Street
Palladium Court from Applehill Blvd to Cul-de-Sac
Primrose Lane from Oneida Street to Ashbrook Street
Purdy Parkway from Applehill Blvd to Cul-de-Sac
Shasta Lane from Ashbrook Street to Vermillion Street
Stirling Parkway from Smoketree Pass to Purdy Parkway
Vermillion Street from Juniper Lane to Shasta Lane

In accordance with the preliminary resolution of the Common Council dated May 20, 2015 we herewith submit our report on the assessment of benefits on the above named construction.

This report consists of the following:

Schedule A - Preliminary plans and specifications on file in the office of the Director of Public Works.

Schedule B - The total cost within the project limits in accordance with the plans and specifications in Schedule A is **\$5,816,103.68.**

Schedule C - Proposed Assessments. The properties included within the project limits are benefited and the work or improvements constitute an exercise of the police power. The total value of assessments is **\$730,134.32.**

Finance Committee



MEMO

TO: Municipal Services Committee

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

DATE: May 7, 2014

SUBJECT: **Approve recommended downtown parking meter changes for implementation in summer 2015.**

The City of Appleton hired Walker Parking Consultants to perform a Downtown Parking Study. The study contained several recommendations to improve customer service through offering choices to our downtown visitors. Public Works staff is developing a 5-Year Implementation Plan that will be included in our 5-Year Capital Improvement Budget for Council's consideration this November.

For 2015, there are two changes that Walker Parking Consultants believe could have a major positive impact on the downtown at a relatively low implementation cost. The changes do, however, have a potential negative impact to our anticipated revenue for 2015. The proposed changes are as follows:

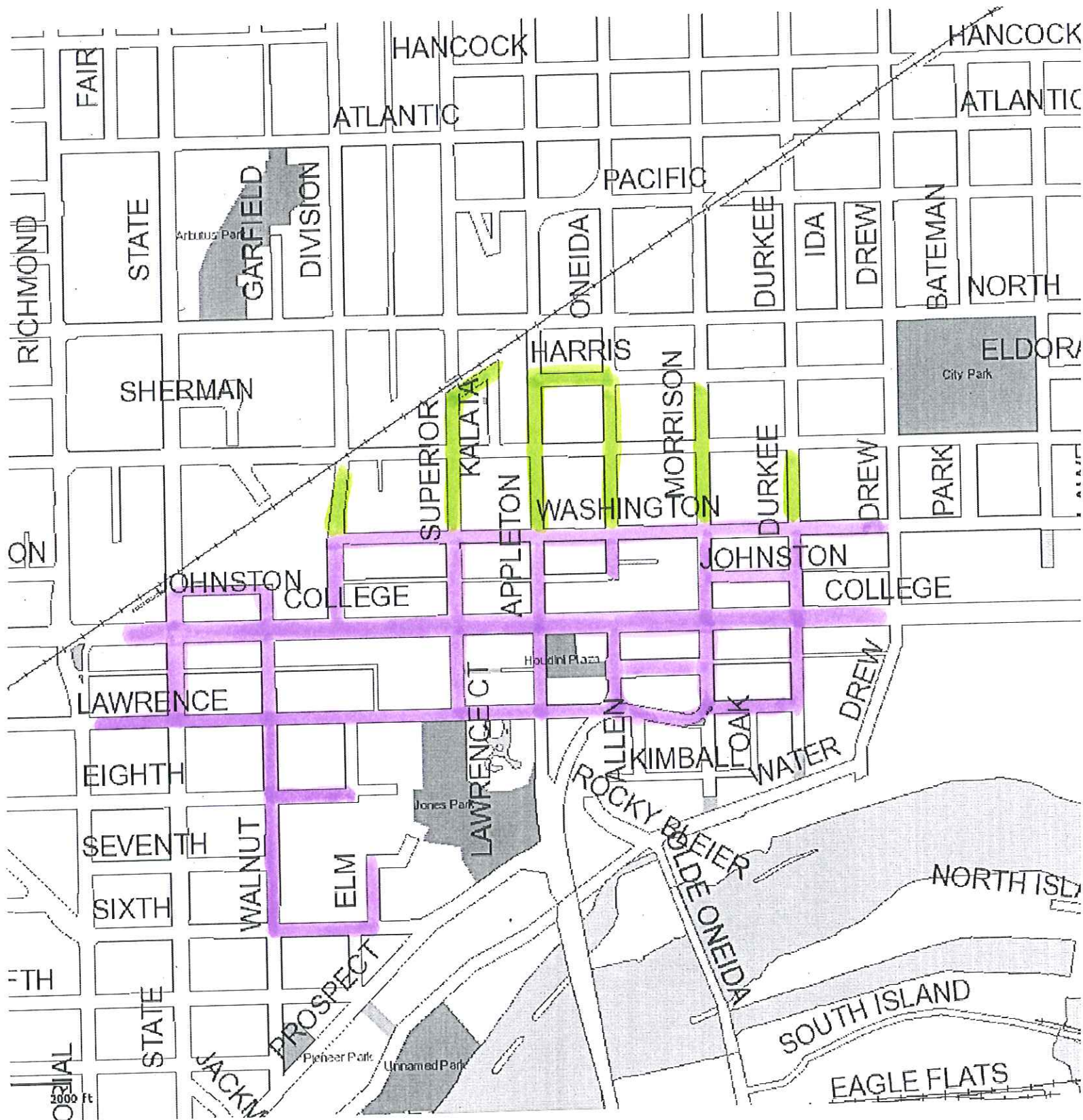
1. Change the on-street meter hours from the current 9:00 am – 9:00 pm to 9:00 am – 6:00 pm Monday through Saturday with Sundays remaining free.
2. Change on-street meter limit from 2-hours to 12-hours and the rate from \$0.75 per hour to \$0.20 per hour for all meters north of Washington Street.

The estimated cost to implement these changes is approximately \$10,000 (compared to the budgeted amount of \$250,000 for “parking study implementation”). The anticipated loss of revenue (meter fees and citations) is estimated to be approximately \$100,000.

Attached for your information is a map depicting the location of the proposed 12-hour meters and a history of parking rates in Appleton dating back to 1961.

Please let me know if you have any questions or need additional information regarding these proposed meter changes.

Attachments



Wed May 6 2015 05:58:39 PM.



2-Hour \$0.75/Hour 9:00 am - 0



12-Hour \$0.20/Hour 9:00 am - 6:00 pm

Appleton Parking Rate History

<u>YEAR</u>	<u>ON-STREET METERS</u>	<u>METER HOURS</u>	<u>PERMITS</u>	<u>RAMPS</u>
1961	\$0.05/hour	9:00 AM - 6:00 PM	N/A	N/A
1979	\$0.10/hour	9:00 AM - 6:00 PM	\$10/month	\$0.10/hour \$0.05/hour exposed levels
1986	\$0.15/hour	9:00 AM - 9:00 PM	\$10/month	\$0.15/hour
1992	\$0.25/hour - prime \$0.15/hour - other	9:00 AM - 5:00 PM	\$18/month - covered \$10/month - exposed	\$0.15/hour
1995	\$0.35/hour - prime \$0.25/hour - other	9:00 AM - 5:00 PM	\$35/month - covered \$30/month - exposed	\$0.25/hour
1996	\$0.50/hour - prime \$0.35/hour - other	9:00 AM - 9:00 PM	\$35/month	\$0.35/hour
1999	\$0.50/hour \$0.35/hour - City Center Ramp	9:00 AM - 5:00 PM \$20,000 Evening Assessment	\$17/month	\$1 per entry
2000	\$0.50/hour \$0.35/hour - City Center Ramp	9:00 AM - 5:00 PM \$20,000 Evening Assessment	\$25/month - deluxe \$20/month - economy	\$1 per entry
2002	\$0.50/hour \$0.35/hour - City Center Ramp	9:00 AM - 5:00 PM Evening Assessment Eliminated	\$30/month - City Center Ramp \$26/month - deluxe \$21/month - economy	\$1 per entry \$2 per entry 9 PM - 1 AM
2004	\$0.60/hour \$0.45/hour - City Center Ramp	9:00 AM - 9:00 PM	\$30/month - City Center Ramp \$26/month - deluxe \$21/month - economy	\$1 per entry \$2 per entry 9 PM - 1 AM
2006	\$0.60/hour \$0.45/hour - City Center Ramp	9:00 AM - 9:00 PM	\$31/month - City Center Ramp \$27/month - deluxe \$22/month - economy	\$1 per entry \$2 per entry 9 PM - 1 AM
2011	\$0.75/hour	9:00 AM - 9:00 PM	\$32/month - City Center Ramp \$28/month - deluxe \$23/month - economy	\$2 per entry
2014	\$0.75/hour	9:00 AM - 9:00 PM	\$33/month - City Center Ramp \$29/month - deluxe \$24/month - economy	\$2 per entry



Original
STATE/MUNICIPAL AGREEMENT
FOR A STATE- LET HIGHWAY
PROJECT

[This agreement supersedes the agreement signed by the Municipality on January 14, 2015.]

Revised Date:

Date: 5/6/2015

I.D.: 6240-26-71

Road Name: STH 47 (Richmond St) City of Appleton

Limits: STH 47/CTH OO

County: Outagamie

Roadway Length: 0.3 miles

The signatory city of Appleton, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and affect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Section 86.25(1), (2), and (3) of the Statutes.

NEEDS AND ESTIMATE SUMMARY:

Existing Facility - Describe and give reason for request:

- 1) On STH 47 (Richmond Street), closely spaced traffic signals (250-ft) between CTH OO (Northland Avenue) and Northland Mall access road contribute to signal timing complications and driver confusion over which signal to respect, which contributes red light violations and angle crashes.
- 2) At the Richmond Street and Northland Avenue intersection, the signal displays are poorly located, there is limited vehicle detection, and signal flashes RED/RED at night on an intersection of roadways posted at 45MPH and 35MPH. The lack of an exclusive right turn lane on northbound Richmond limits the amount of green time for Northland Avenue corridor which seems to be contributing to rear end collisions. In addition, there are issues with business access closely spaced to the intersection.
- 3) On Northland Avenue, at Bennett Street, at W. Frontage Road (Shopko Access) and Mason Street, the signal displays are poorly located and there is no vehicle detection. All signals are pre-timed. At night, all signals flash either RED/RED (Mason) or YELLOW/RED. At Bennett and W. Frontage, the signals flash thru the morning commute due to lack of sufficient vehicle detection.
- 4) On Mason Street, at Northland, the lack of exclusive right turn lanes limits the amount of green time for Northland Avenue corridor which seems to be contributing to rear end collisions.

Proposed Improvement - Nature of work:

- 1) At Richmond Street and Northland, remove the existing signalized intersection control with a multilane roundabout. It is well documented that roundabouts dramatically reduce injury type crashes, and would expect the same in this scenario. This should also reduce rear-end collisions on the Northland Avenue corridor as the progression of traffic through signals can be better managed by removing a traffic signal. Replacing this traffic signal with a roundabout also addresses the close spacing between the controlled access of traffic signals at Northland Avenue and Northland Mall access by removing one of the two signals.
- 2) On Richmond Street, hereto we address the close spacing between the existing controlled

access of traffic signals at Northland Avenue and Northland Mall access by removing the Northland Mall Access signal. A review of crash records revealed a substantial number of crashes on Richmond Street between the two existing signals, which we feel will be cleared up by permanently removing the Northland Mall traffic signal. Removing the signalized access at Northland Mall access will more safely manage access and limit confusion over which signal drivers should pay attention to. A closed median will restrict left turns from the existing Northland Mall access road. Left turns out of Northland Mall will be maintained by performing a U-turn at the new roundabout at Northland Ave and Richmond Street discussed in item #1 above.

- 3) On Richmond Street, at Weiland Avenue, a left turn lane will be added for northbound traffic to optimize the effectiveness of the proposed roundabout in item #1 above. This also includes a closed median that will restrict left turns from the existing business access on Richmond between Northland and Weiland. Left turns will be maintained by accessing Weiland or performing a U-turn at the new roundabout at Northland Ave and Richmond Street discussed in item #1 above.
- 4) On Northland Avenue, at Bennett Street, at W. Frontage Road (Shopko Access) and Mason Street, install monotube signal assemblies to introduce a signal display per lane, introduce flashing yellow arrow operation for permitted left turns, and add vehicle detection to enable fully actuated operation. These improvements will improve driver visibility of signal displays, will aim to improve permitted left turn safety with flashing yellow arrow (at Mason), and allow a more safe and efficient operation with detection to fully actuate the signal (i.e. no more RED/RED or YELLOW/RED flash). Other than the signal improvements, no other layout, marking, or pavement improvements are included in the original scope of the project.
- 5) On Mason Street, at Northland, add an exclusive 80' right turn lane to northbound and an exclusive 90' right turn lane to southbound Mason Street approaches to Northland. This improvement will allow a more safe and efficient operation by reducing the overall delay of the intersection and increasing green time for Northland Avenue.

Describe non-participating work included in the project and other work necessary to finish the project completely which will be undertaken independently by the municipality:

- Design efforts in addition to that which are needed to accomplish the above mentioned improvements.
- Sanitary and Water system adjustments/replacements if needed.

TABLE 1: SUMMARY OF COSTS

Phase	Total Est. Cost	Federal/State Funds	%	City Funds	%	County Funds	%
**Design Engineering: ID 6240-26-00							
Plan Development	\$ 477,868	\$ 477,868	100%		0%		0%
**Real Estate Acquisition: ID 6240-26-21							
Acquisition Priority 1	\$ 25,000		0%	\$ 25,000	CAP		0%
Acquisition Priority 2	\$ 175,000	\$ 175,000	100%		0%		0%
Construction: ID 6240-26-71							
Category 0010 - Roadway Items							
Priority 1	\$ 3,376,000	\$ 3,376,000	100%		0%		0%
Priority 2 - Roadway Items >\$3,376,000	\$ 246,000		TBD		TBD		TBD
Category 0020 - CSS 1.5%							
Priority 1	\$ 58,000	\$ 58,000	CAP		0%		0%
Priority 2 - CSS >1.5% CAP			0%		Balance		0%
Category 0030 - Lighting							
Priority 1 - Standard Lighting	\$ 200,000	\$ 100,000	50%	\$ 100,000	50%		0%
Category 0040 - Non-Participating Items							
Priority 1 - Non-Participating	\$ 200,000		0%		TBD		TBD
SUBTOTAL (Construction):	\$ 4,080,000						
TOTAL COST DISTRIBUTION:	\$ 4,757,868	\$ 4,186,868		\$ 125,000			

Note: ** These cost participation categories have been addressed in a previous SMA.

This request is subject to the terms and conditions that follow (pages [3] – [5]) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State and delivery to the Municipality shall constitute agreement between the Municipality and the State. No term or provision of neither the State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Agreement.

Signed for and in behalf of the **City of Appleton** (please sign in blue ink)

Name	Title	Date
------	-------	------

Signed for and in behalf of the State (please sign in blue ink)

Name	Title	Date
------	-------	------

TERMS AND CONDITIONS:

1. The initiation and accomplishment of the improvement will be subject to the applicable Federal and State regulations.
2. The Municipality shall pay to the State all costs incurred by the State in connection with the improvement that exceed Federal/State financing commitments or are ineligible for Federal/State financing. Local participation shall be limited to the items and percentages set forth in the Summary of Costs table, which shows Municipal funding participation. In order to guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from any moneys otherwise due and payable by the State to the Municipality.
3. Funding of each project Phase is subject to inclusion in an approved program and per the State's Facility Development Manual (FDM) standards. Federal aid and/or state transportation fund financing will be limited to participation in the costs of the following items as specified in the Summary of Costs:
 - (a) Design engineering and state review services.
 - (b) Real Estate necessitated for the improvement.
 - (c) Compensable utility adjustment and railroad force work necessitated for the project.
 - (d) The grading, base, pavement, curb and gutter, and bridge costs to State standards, excluding the cost of parking areas.
 - (e) Storm sewer mains, culverts, laterals, manholes, inlets, catch basins, and connections for surface water drainage of the improvement; including replacement and/or adjustments of existing storm sewer manhole covers and inlet grates as needed.
 - (f) Construction engineering incidental to inspection and supervision of actual construction work, except for inspection, staking, and testing of sanitary sewer and water main.
 - (g) Signing and pavement marking necessitated for the safe and efficient flow of traffic, including detour routes.
 - (h) Replacement of existing sidewalks necessitated by construction and construction of new sidewalk at the time of construction. Sidewalk is considered to be new if it's constructed in a location where it has not existed before.
 - (i) Replacement of existing driveways, in kind, necessitated by the project.
 - (j) New installations or alteration resulting from roadway construction of standard State street lighting and traffic signals or devices. Alteration may include salvaging and replacement of existing components.
4. Work necessary to complete the improvement to be financed entirely by the Municipality or other utility or Facility Owner includes the following items:
 - (a) New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
 - (b) New installation or alteration of signs not necessary for the safe and efficient flow of traffic.
 - (c) Roadway and bridge width in excess of standards.
 - (d) Construction inspection, staking, and material testing and acceptance for construction of sanitary sewer and water main.
 - (e) Parking lane costs.

- (f) Coordinate, clean up, and fund any hazardous materials encountered during construction. All hazardous material cleanup work shall be performed in accordance to state and federal regulations.
 - (g) Damages to abutting property due to change in street or sidewalk widths, grades or drainage.
 - (h) Conditioning, if required and maintenance of detour routes.
 - (i) Repair of damages to roads or streets caused by reason of their use in hauling materials incidental to the improvement.
5. As the work progresses, the Municipality will be billed for work completed which is not chargeable to federal/state funds. Upon completion of the project, a final audit will be made to determine the final division of costs.
 6. If the Municipality should withdraw the project, it shall reimburse the State for any costs incurred by the State in behalf of the project.
 7. The work will be administered by the State and may include items not eligible for federal/state participation.
 8. The Municipality shall at its own cost and expense:
 - (a) Maintain all portions of the project that lie within its jurisdiction for such maintenance through statutory requirements, in a manner satisfactory to the State and shall make ample provision for such maintenance each year. This agreement does not remove the current municipal maintenance responsibility.
 - (b) Maintain and accept responsibility for the energy, operation, maintenance, repair, and replacement of the lighting system.
 - (c) Prohibit angle parking.
 - (d) Regulate parking along the highway. The Municipality will file a parking declaration with the State.
 - (e) Use the WisDOT Utility Accommodation Policy unless the Municipality adopts a policy which has equal or more restrictive controls.
 - (f) Provide complete plans, specifications, and estimates for sanitary sewer and water main work. The Municipality assumes full responsibility for the design, installation, inspection, testing, and operation of the sanitary sewer and water system. This relieves the State and all of its employees from the liability for all suits, actions, or claims resulting from the sanitary sewer and water system construction.
 - (g) Maintain all Community Sensitive Solutions and/or enhancement funded items.
 - (h) In cooperation with the Northeast Region assist with public information and public relations for the project.

9. Basis for local participation:

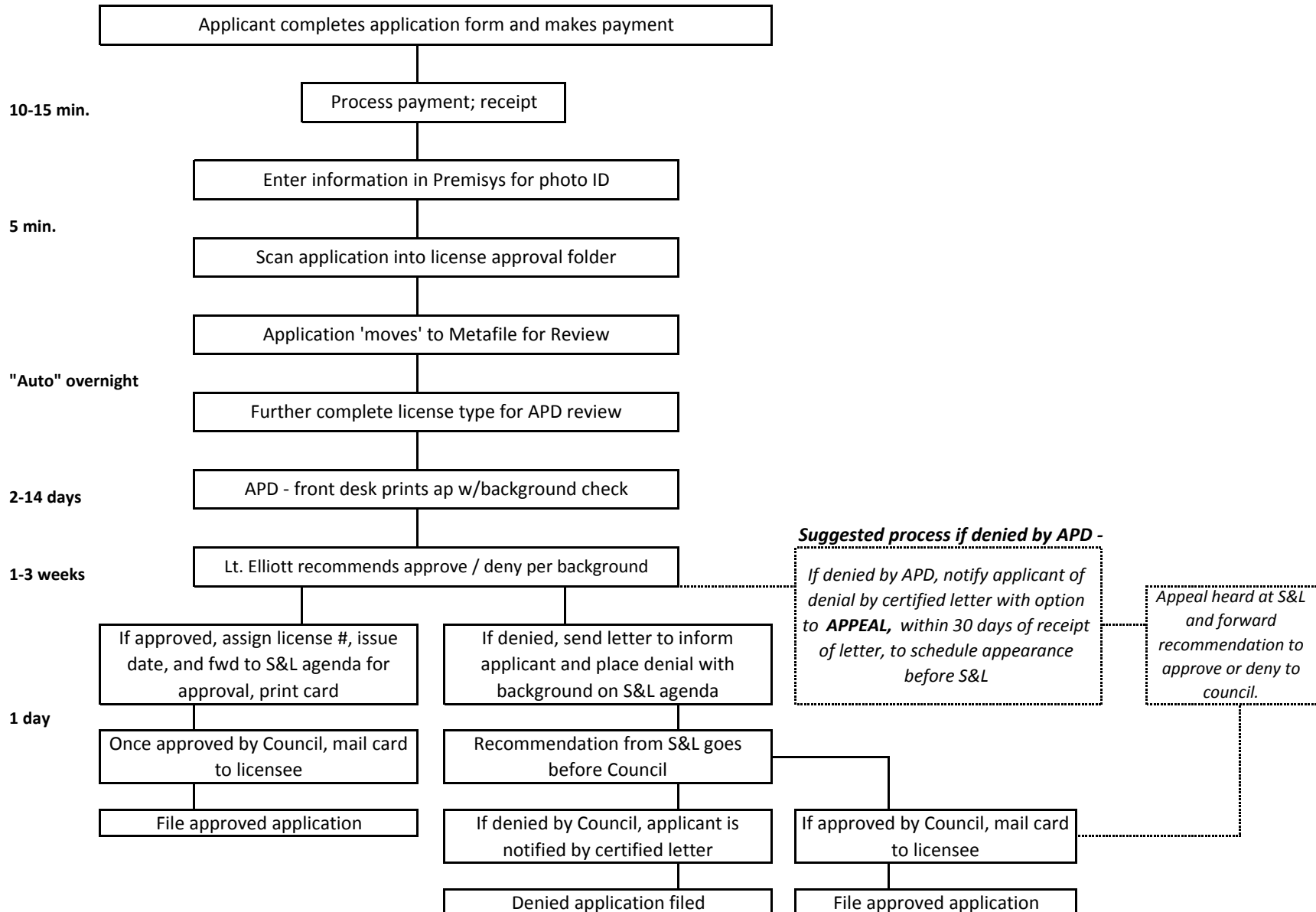
Only the following project cost participation categories will be addressed in this agreement. Terms and Conditions items 3 through 8 will be addressed in a future state/municipal agreement.

Construction – Project ID 6240-26-71

In accordance with Chapter 3 Section 25 Subject 15 of the State's Program Management Manual, it is the State's policy to use a CSS (Community Sensitive Solution) approach to enhance construction projects by integrating them into the community and/or environment. Wis. Stat. 85.0205 limits the State's use of CSS funding to 1.5% of a project's construction cost. All CSS costs over the fixed 1.5% (\$58,000) shall be funded 100% by the City. Costs are estimated and subject to a final audit.

[END]

**CITY OF APPLETON - CLERK'S OFFICE
OPERATOR (BARTENDING) LICENSE PROCESS**





LEGAL SERVICES DEPARTMENT

Office of the City Clerk

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6443

Fax: 920/832-5823

www.appleton.org

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

May 14, 2015

CERTIFIED MAIL

ATTN: license applicant
address

This letter is to notify you that we are in receipt of your application for a (*specific*) License. Upon review of your application, the Police Department has recommended that your application for a (*specific*) License be denied due to your history of civil and/or criminal convictions.

You have the right to appear before the Safety and Licensing Committee to contest this recommendation. To do so, **please contact the City Clerk's Office within 30 days** of receipt of this letter in order to be placed on the Safety and Licensing Committee's Agenda. Failure to contact the City Clerk's Office within 30 days will result in your license being denied.

Regular meetings of the Safety and Licensing Committee take place on the second and fourth Wednesday of each month at 6:00 p.m. in Room “6A” at City Hall, 100 North Appleton Street, Appleton, Wisconsin.

Again, should you choose not to appeal this recommendation, your application will be considered denied and a (*specific*) License will not be issued.

If you have specific questions relating to this matter, please contact Lt. Steve Elliott, APD, at 920-832-5524.

Sincerely,

Dawn A. Collins
City Clerk



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Public Hearing Date: March 23, 2015

Common Council Public Hearing Meeting Date: May 20, 2015

Item: Rezoning #1-15 – North Douglas Street vacated right-of-way south of Badger Avenue and north of Winnebago Street

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: City of Appleton / Tom Kromm, Department of Public Works

Street Name/Location: Portion of North Douglas Street, generally located between North Badger Avenue and West Winnebago Street

Owner/Applicant's Request: The owner/applicant is requesting a zoning change for the subject vacated right-of-way from R-1B Single Family District to P-I Public Institutional District.

BACKGROUND

In 2015, North Badger Avenue is scheduled for reconstruction. As part of the North Badger Avenue reconstruction project, it was determined the existing street improvements (street pavement, curb, and gutter) for this portion of North Douglas Street between North Badger Avenue and West Winnebago Street will be removed and replaced with grass.

The Street Discontinuance to vacate a portion of North Douglas Street between North Badger Avenue and West Commercial Street is also on this March 23, 2015 Plan Commission agenda.

STAFF ANALYSIS

Proposed Zoning Classification: The purpose the rezoning request is to ensure that the zoning classification of the subject vacated right-of way matches the zoning classification of the adjacent property located at 1620 West Winnebago Street (parcel number 31-5-0108-00). The P-I district is intended to provide for public and institutional uses and buildings, utilized by the community, and to provide open space standards where necessary for the protection of adjacent residential properties.

Surrounding Zoning and Land Uses:

North: R-1B, Single Family District – Single-family residential
South: R-1B, Single Family District – Single-family residential
East: R-1B, Single Family District – Single-family residential
West: P-I, Public Institutional District – Place of Worship

Item: Rezoning #1-15 - North Douglas Street vacated right-of-way
March 23, 2015
Page 2

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies this parcel for future single/two family land uses. It is important to note, the *Comprehensive Plan 2010-2030* does not identify specific locations for future public/institutional uses. The following goals set forth in the comprehensive plan are relevant to this rezoning.

OBJECTIVE 10.1 Land Use:

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

Policy 10.1.1 Adopt, and as necessary, amend the Future Land Use Map in the Comprehensive Plan.

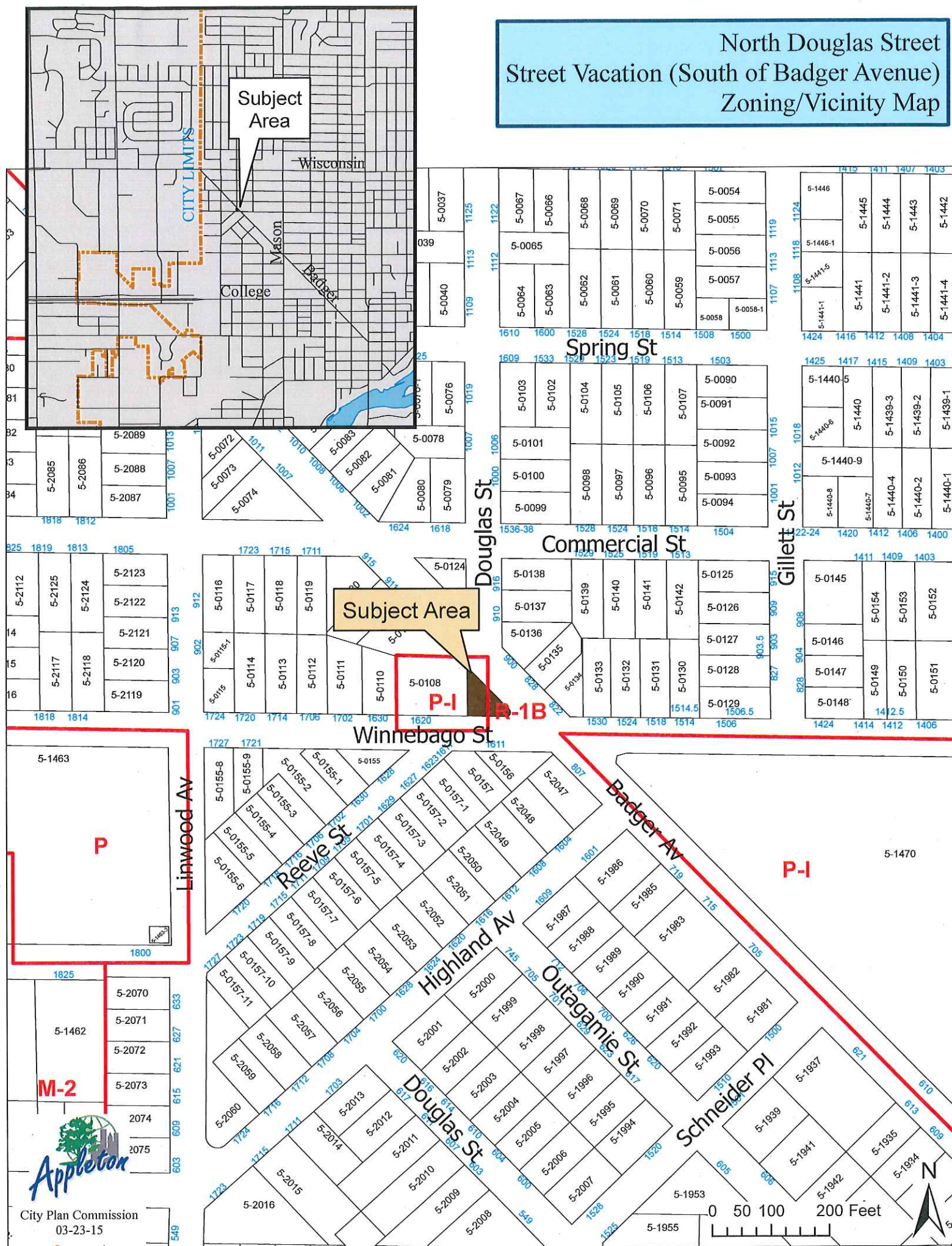
Technical Review Group Report (TRG): This item was discussed at the March 3, 2015 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

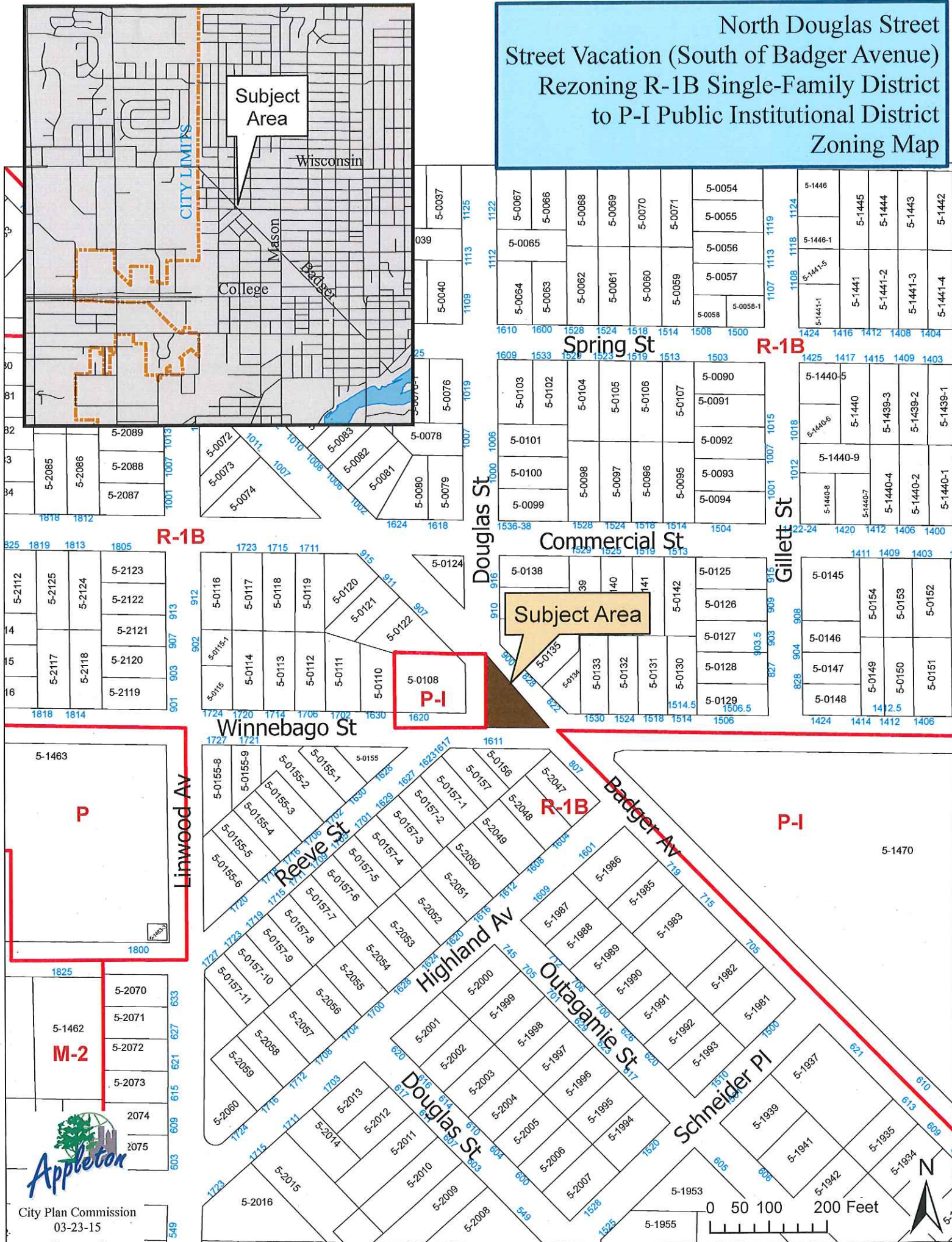
Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #1-15 to rezone the subject vacated right-of-way from R-1B Single Family District to P-I Public Institutional District as shown on the attached maps, **BE APPROVED.**

Note: The public hearing for Rezoning #1-15 will be scheduled for the May 20, 2015 Common Council meeting, same as the North Douglas Street Vacation (South of Badger Avenue).

North Douglas Street
Street Vacation (South of Badger Avenue)
Zoning/Vicinity Map



North Douglas Street Street Vacation (South of Badger Avenue) Rezoning R-1B Single-Family District to P-I Public Institutional District Zoning Map





REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: May 11, 2015

Common Council Meeting Date: May 20, 2015

Item: Special Use Permit #3-15 for Personal Storage

Case Manager: Jeff Towne

GENERAL INFORMATION

Owner/Applicant: CJW Properties, LLC; Chris Winter, agent

Address/Parcel #: North Ballard Road (31-1-6640-02 & 31-1-6726-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for a personal storage use.

BACKGROUND

The subject site is approximately 1.5 acres in size and is currently vacant land. It consists of two landlocked parcels located east of 3000 and 3030 North Ballard Road. The property has a zoning designation of C-2 General Commercial District. A personal storage use requires a Special Use Permit in the C-2 District.

STAFF ANALYSIS

The definition for personal storage, per the Zoning Ordinance, means the primary use of a building containing individual, compartmentalized and controlled access spaces, rooms or lockers that are leased, rented or owned by different individuals for the storage of individual possessions or personal property.

The applicant proposes to construct a personal storage facility as shown on the attached Development and Operation Plans. The approximately 36 individual storage units will be accessed from the exterior of the building, which will be designed to allow tenants to directly access their space. A Certified Survey Map will be completed to combine the subject parcels. Access from Ballard Road to the site will be via easements through the properties to the west. Utility easements will be required in order to serve the site with utilities.

Surrounding zoning and land uses:

North: PD/R-3 Planned Development/Multi-Family Residential – Apartments

South: C-2 General Commercial District – Commercial use

West: C-2 General Commercial District – Commercial use

East: M-1 Industrial Park District – Manufacturing use

2010-2030 Comprehensive Plan: The Community Development staff has reviewed the City's 2010-2030 Comprehensive Plan which designates the northern parcel for future multi-family uses and the southern parcel for business/industrial uses. Staff will recommend that the Future Land Use Map be revised to show the northern parcel being consistent with the historical and expected future commercial and industrial uses in this area. The proposed use is consistent with the purpose and intent of the C-2 General Commercial District which allows for a mix of commercial and residential uses and is consistent with the following goals and objectives of the 2010-2030 Comprehensive Plan:

Overall Community Goals

- **Goal 1 – Community Growth** (Chapter 10 – Land Use)

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

- **Goal 8 – Economic Development** (Chapter 9)

Appleton will pursue economic development that brings good jobs to the area and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under 23-66 (e) (1-6), which were found in the affirmative.

Technical Review Group Report (TRG): This item was discussed at the April 21, 2015 Technical Review Group meeting. No negative comments were received.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #3-15 for a personal storage use located on North Ballard Road, as shown on the attached maps and per attached plan of operation **BE APPROVED** to run with the land subject to the following conditions:

1. All applicable Codes, Ordinances and regulations, including but not limited to Fire and Building Codes, shall be complied with.
2. Site Plan review and approval will be required prior to Building Permits being issued.
3. A Certified Survey Map will be required to combine the subject parcels into one lot.

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: CTW Properties, LLC - applicant

Years in operation: New (new operating LLC to be created)

Type of proposed establishment (detailed explanation of business):

1 large storage unit supplemented by mini-storage
units. Heated large unit, cold smaller units.
Truck traffic to be very minimal.

Proposed Hours of Operation: mini-storage during daylight.
Large storage typical business hours.

Day	From	To
Week Day	8:00 Am	5:00 pm
Friday	"	"
Saturday	"	"
Sunday	"	"

Building Capacity and Area:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: _____ persons

Gross floor area of the existing building(s):

0

Gross floor area of the proposed building(s):

Approximately 23,000 SF when fully completed.

Identify location, number, capacity and flammable liquid materials stored in storage tanks or containers:

None

Describe any potential smoke, odors emanating from the proposed use and plans to control them:

None

Describe Any Potential Noise Emanating From the Proposed Use:

Describe the noise levels anticipated from all mechanical equipment:

None

How will the noise be controlled?

N/A

Outdoor Lighting:

Type: _____

Location: Building only, per city code, submitted w/site plan.

Off-Street Parking:

Number of spaces existing: 0

Number of spaces proposed: 0

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Yes, by easement from adjacent properties

fronting Ballard Road.

Outdoor Uses:

Type, location, size of outdoor storage area(s) of business property, goods, or merchandise not intended for customer viewing or immediate sale:

None

Type and height of screening of plantings/fencing/gating for outdoor storage area(s):

None

Type, location, size of outdoor display area(s) of merchandise for sale:

None

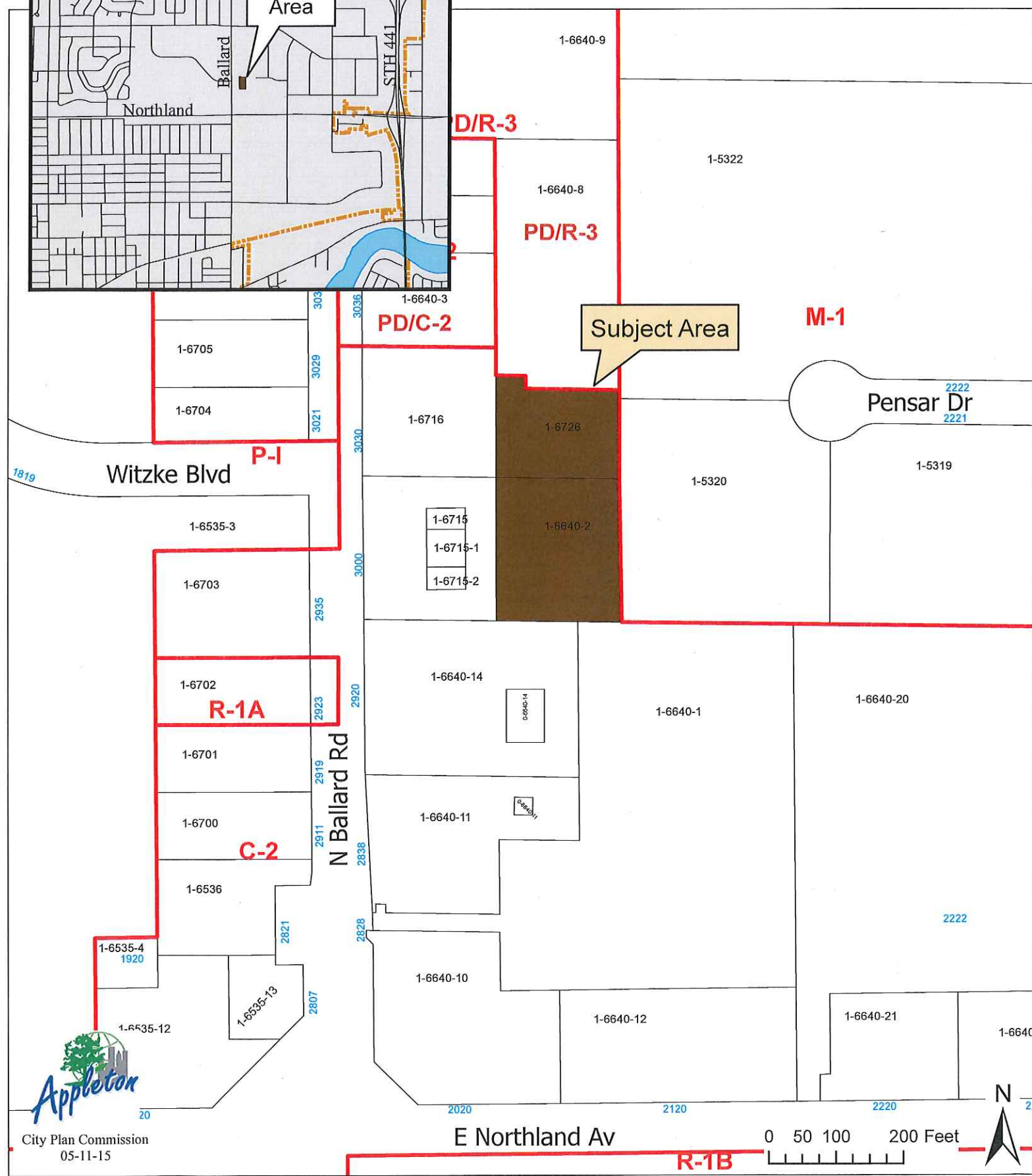
Number of Employees:

Number of existing employees: 0

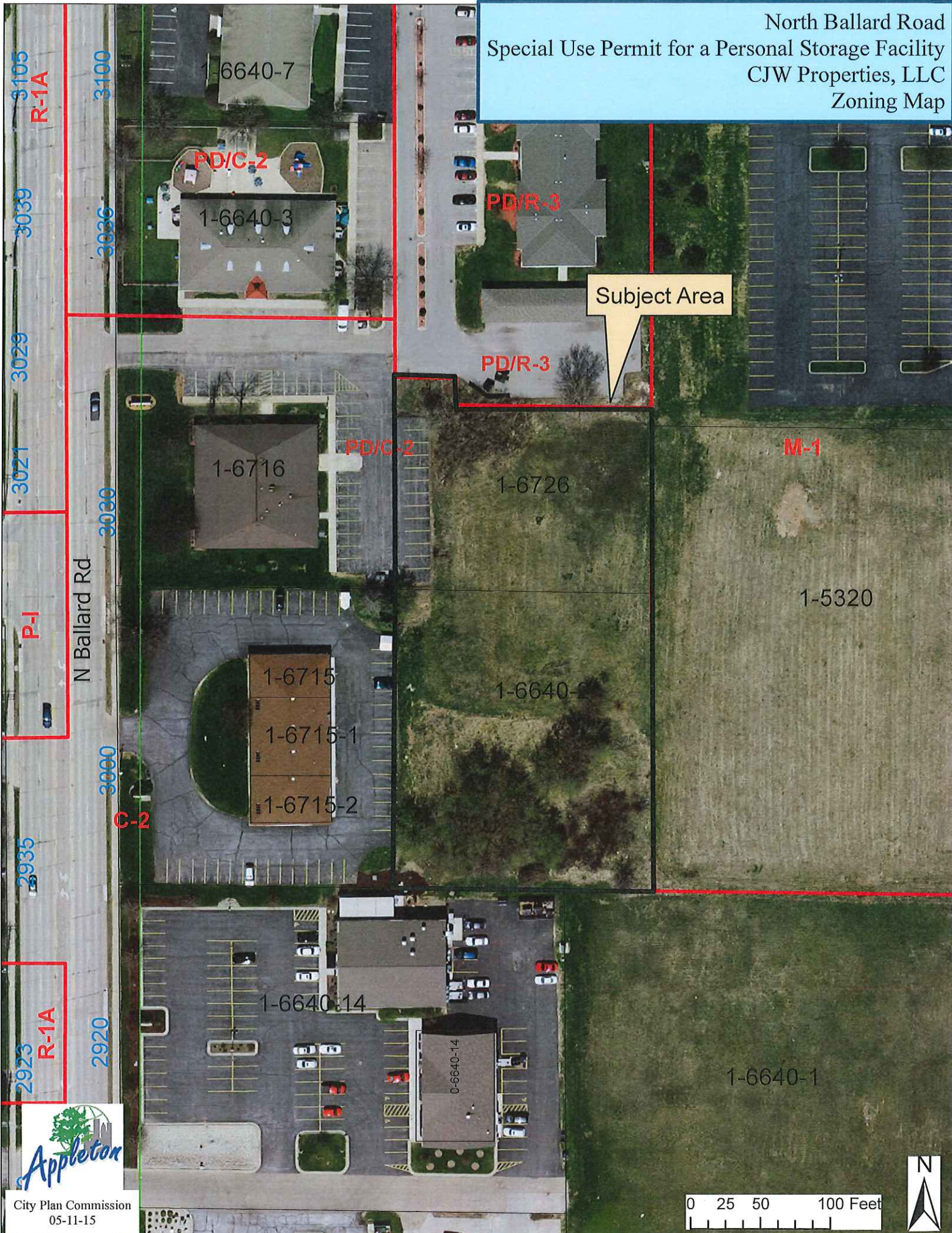
Number of proposed employees: 0

Number of employees scheduled to work on the largest shift: 0

North Ballard Road
Special Use Permit for a Personal Storage Facility
CJW Properties, LLC
Zoning Map



North Ballard Road
Special Use Permit for a Personal Storage Facility
CJW Properties, LLC
Zoning Map







REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: May 11, 2015

Common Council Meeting Date: May 20, 2015

Item: Minor Amendment Special Use Permit #5-12

Case Manager: David Kress

GENERAL INFORMATION

Owner/Applicant: Riverview Gardens, Inc. c/o Jane Van Auken

Address/Parcel #: 1101 South Oneida Street (Tax Id #31-4-0922-00 and #31-4-0534-00)

Petitioner's Request: The applicant is requesting to amend Special Use Permit #5-12, for an urban farm and recreation facility to include a hydroponic greenhouse at this location.

BACKGROUND

Special Use Permit #5-12 for an urban farm and recreation facility, non-profit (public picnic areas and trails) at 1101 South Oneida Street was approved by the Common Council on July 18, 2012. The approval was granted with twenty (20) conditions listed as follows:

1. Retail sales of plants and produce grown on-site and other public use of the urban farm may occur between the hours of 8:00 am and 8:00 pm every day of the week. (see section 1.15.2 of Urban Farm Management Plan)
 - *Ongoing condition. This condition continues to apply at this location. The section to reference from the Urban Farm Management Plan is actually section 1.15.3.*
2. The operating of mechanical equipment or motor vehicle, including but not limited to lawn mowers, roto-tillers, garden tractors, motorized weed trimmers, "farm tractor", "all terrain vehicle" or any similar device, necessary for the maintenance of property shall only take place between the hours of 7:00 am and 8:00 pm standard time or daylight saving time when in effect with the exception of snow removal equipment. (see section 1.15.2 and 1.18.1 of Urban Farm Management Plan)
 - *Ongoing condition. This condition continues to apply at this location.*
3. All seed and fertilizer shall be stored in a secured, rodent-proof container and housed within an enclosed structure.
 - *Ongoing condition. This condition continues to apply at this location.*
4. The urban farm use must comply with Americans with Disabilities Act design standards for accessible entrance routes and accessible routes between its different components and must follow universal design principles whenever possible.

Minor Amendment Special Use Permit #5-12

May 11, 2015

Page 2

- *Ongoing condition. This condition continues to apply at this location.*
5. One identification sign is permitted not exceeding eight (8) feet in height or forty-eight (48) square feet per sign face, and shall be subject to other applicable provisions of ARTICLE XIV - SIGNS including, but not limited to, setback and clearance standards.
- *On August 18, 2014, the Board of Zoning Appeals voted to approve variance requests to remove an existing legal nonconforming sign (for Riverview Country Club) and replace it with a new sign. The new sign would be off-premises and located on a property zoned R-3 Multi-Family District. The new identification sign at the South Oneida Street entrance was completed in August 2014 to display logos for Riverview Gardens and Stone Cellar.*
6. No growing of fruits, vegetables, flowers and other plant and herb products shall occur within twenty-five (25) feet of the property line around the permitted of the subject property.
- *This planting area setback continues to apply for outdoor planting. As stated in section 1.5.1 of the Urban Farm Management Plan, all proposed hoophouse structures will be in excess of 100 feet from any property line. The proposed hydroponic greenhouse, introduced in this request, would be used for growing plants within an enclosed building. It would be built over the existing swimming pool, which is located near the property line shared with the condominium to the east. The proposed hydroponic greenhouse will need to comply with applicable zoning district development standards or pursue a variance, if necessary.*
7. All buildings, including but not limited to, tool sheds, rest-room facilities, composting toilets, and planting preparation houses, hoophouses and greenhouses may have a combined area of all buildings and structures shall not exceed twenty-five (25) percent of the lot area.
- *Ongoing condition. This condition continues to apply at this location. As described in section 1.17.4 of the Urban Farm Management Plan, existing and proposed buildings will have a combined area of approximately 91,178 square feet, or 2.95% of the lot area. This represents an increase of 7,776 square feet (the estimated area of the proposed hydroponic greenhouse) from the Urban Farm Management Plan submitted in 2012.*
8. Composting and waste management must be managed according to the farm management plan. Compost material is limited only to the materials generated on-site and must be maintained on-site. Compost materials from the garden or gardeners shall be stored in a manner that is not visible from adjacent property (shielded from view by shrubbery or an enclosure). Composting shall be conducted in a manner that controls odor, prevents infestation, and minimizes runoff into waterways and onto adjacent properties. (see section 1.20.1 and 1.22.1 thru 1.22.5 of Urban Farm Management Plan)
- *Ongoing condition. This condition continues to apply at this location.*
9. Fences are permitted as regulated in the underlying district unless otherwise authorized and stipulated by the Special Use Permit.
- *Ongoing condition. This condition continues to apply at this location.*

Minor Amendment Special Use Permit #5-12

May 11, 2015

Page 3

10. The site must be designed so that water and fertilizers will not drain onto adjacent property or into the city's waste water system.
 - *Ongoing condition. This condition continues to apply at this location.*
11. The owner shall conduct the urban farm operation in accordance with the Urban Farm Management Plan dated June 21, 2012.
 - *See the attached Urban Farm Management Plan, which was updated April 30, 2015. Changes from the 2012 version are underlined.*
12. The urban farm operation and their owners, lessees, employees, volunteers, and visitors must comply with all federal, state, and local laws and regulations relating to the operation, use, and enjoyment of the urban farm premises. Site users may not use materials such as inappropriate fill that introduce heavy metals or other harmful contaminants to garden or farm sites. Site users may use pesticides only to the extent permitted by law.
 - *Ongoing condition. This condition continues to apply at this location.*
13. The owner/applicant shall apply for and receive approval of a site plan from the Community and Economic Development Department prior to the construction or issuance of a building permit for any hoophouse.
 - *According to the applicant, 20 of the 30 hoophouses have been completed thus far. Site Plan #12-25, for 10 hoophouses, was approved on October 12, 2012, and a corresponding building permit was issued that same month. Another building permit was issued for 11 hoophouses on August 12, 2013. Future hoophouse and greenhouse construction shall follow the process described in the condition above.*
14. The owner/applicant shall apply for and receive a building permit from the Inspections Division prior to the construction of any hoophouse on the subject property.
 - *Ongoing condition. This condition continues to apply at this location.*
15. The owner/applicant shall contact the Police Department to discuss how Crime Prevention Through Environmental Design (CPTED) measures can improve and enhance this use (this includes items such as security measures, outdoor lighting, etc.). Prior to the issuance of an Occupancy Permit from the Inspections Division the owner/applicant shall contact Dennis Weyenberg with the Police Department at (920) 832-5501.
 - *Police Department staff have been and will continue to be involved in the site plan review process as the subject property develops. This presents an opportunity to discuss CPTED measures.*
16. All applicable City of Appleton Fire Codes must be met, and a fire inspection must be conducted prior to issuance of an Occupancy Permit from the Inspections Division.

Minor Amendment Special Use Permit #5-12

May 11, 2015

Page 4

- *Ongoing condition. This condition continues to apply at this location.*
17. All applicable City of Appleton Building and State of Wisconsin Building Codes must be met, and a final inspection must be conducted prior to issuance of an Occupancy Permit from the Inspections Division.
- *Ongoing condition. This condition continues to apply at this location.*
18. All City, State of Wisconsin and Federal laws, regulations and ordinances shall be complied with and all necessary permits and licenses shall be secured by the owner/applicant prior to issuance of an Occupancy Permit from the Inspections Division.
- *Ongoing condition. This condition continues to apply at this location.*
19. The urban farm operation shall be subject to periodic inspections by City staff to assure compliance with conditions of approval and requirements of applicable City Ordinances.
- *Ongoing condition. This condition continues to apply at this location.*
20. This Special Use Permit will be reviewed by the Plan Commission and Common Council in the spring of 2015 for the purpose of reviewing the Urban Farm Management Plan and status update of the urban farm operation from Riverview Gardens. At that time Plan Commission and Common Council may consider modifications to the conditions of approval.
- *Given the timing of the applicant's submittal, the requested minor amendment to Special Use Permit #5-12 will satisfy this condition, as it presents an opportunity to review the updated Urban Farm Management Plan. Plan Commission will review and take action on this item. Although minor amendments to an existing Special Use Permit do not require Common Council action, to satisfy the condition above, this item will appear before Common Council as well.*

STAFF ANALYSIS

Existing Site Conditions: The subject site consists of approximately 72 acres, which were formerly occupied by the Riverview Country Club. Riverview Gardens has operated at this location for nearly three years. Their urban farm includes planting areas and hoopouses used for growing and harvesting of fruits, vegetables, herbs, and nuts, as well as a publicly-accessible trail system and community center.

Operational Information: The applicant's updated Urban Farm Management Plan is attached to the staff report. Changes from the 2012 version are underlined.

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

Minor Amendment Special Use Permit #5-12

May 11, 2015

Page 5

North: R-1B Single-Family District and PD/C-2 Planned Development General Commercial District. The adjacent land uses to the north are currently a mix of single-family residential and private open space, including Fox River Navigational System Authority property.

South: R-1B Single-Family District and P-I Public Institutional District. The adjacent land uses to the south are currently a mix of single-family residential and institutional, including a place of worship and school.

East: R-3 Multi-Family District, C-O Commercial Office District, and C-2 General Commercial District. The adjacent land uses to the east are currently a mix of multi-family residential and commercial uses.

West: R-1B Single-Family District. The adjacent land uses to the west are currently single-family residential.

Comprehensive Plan 2010-2030: Community & Economic Development staff has reviewed this proposal and determined it is compatible with the agricultural and private open space uses shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 8 – Economic Development

Appleton will pursue economic development that brings good jobs to the area and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

OBJECTIVE 6.3 Transportation:

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

OBJECTIVE 8.1 Agricultural, Natural, Historic, and Cultural Resources:

Maintain the viability of the regional agricultural sector that provides locally-grown food for residents and raw materials for Appleton's food processing and other businesses.

Policy 8.1.2 Support programs that connect farmers and consumers to bring locally-grown food into the community through actions such as working with the Community Garden Partnership and other organizations to provide locations for community gardens and education on gardening.

Policy 8.1.3 Pursue economic development initiatives that seek to retain and expand Appleton's existing food processing and agriculture-related businesses, and to attract new ones that provide a market for regional agricultural products.

OBJECTIVE 10.4 Land Use:

Provide leadership in sustainability and continue to strive to incorporate sustainability into City planning and operations.

Ordinance Requirements: This item has been referred to the Plan Commission per Section 23-66(g) of the Zoning Ordinance, which states:

- (1) **Minor change.** Minor changes shall be submitted to and reviewed by the Plan Commission. Minor changes include:

Minor Amendment Special Use Permit #5-12

May 11, 2015

Page 6

- a. Expansions of special uses of less than ten percent (10%).

In 2012, the Urban Farm Management Plan stated that the combined area of all buildings and structures would be 83,402 square feet. This included 30 proposed hoopouses totaling 57,600 square feet and 25,802 square feet of existing buildings.

The updated Urban Farm Management Plan states that the combined area of all buildings and structures will be 91,178 square feet. The change from 2012 accounts for the proposed hydroponic greenhouse at 7,776 square feet, which is an expansion of less than ten percent.

- b. Other changes which keep with the general intent and character of the Special Use Permit previously issued.

This minor amendment request is consistent with the general intent and character of Special Use Permit #5-12, as the subject site will continue to be used for an urban farm and recreation facility.

Note: Although minor amendments to an existing Special Use Permit only require action by Plan Commission, to satisfy a condition of approval from 2012, this item will also appear before Common Council.

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under Section 23-66(e)(1-6) and 23-66(h)(17)(l)(i-vi), which were found in the affirmative.

Technical Review Group (TRG) Report: This item was circulated via email, as the May 5, 2015 Technical Review Group meeting was cancelled.

- Department of Public Works Comments: If the use of the proposed hydroponic greenhouse is “agricultural or farming,” then the facility is exempt from the Wisconsin Building Code. If the facility would be used for public occupancy or open to the general public, then the Wisconsin Building Codes would apply, particularly for life safety requirements.

RECOMMENDATION

Staff recommends, based on the above, that Minor Amendment to Special Use Permit #5-12 for an urban farm and recreation facility located at 1101 South Oneida Street, as shown on the attached maps and per attached urban farm management plan, **BE APPROVED** subject to the following conditions:

1. Retail sales of plants and produce grown on-site and other public use of the urban farm may occur between the hours of 8:00 am and 8:00 pm every day of the week. (see section 1.15.3 of Urban Farm Management Plan)
2. The operating of mechanical equipment or motor vehicle, including but not limited to lawn mowers, roto-tillers, garden tractors, motorized weed trimmers, “farm tractor”, “all-terrain vehicle” or any similar device, necessary for the maintenance of property shall only take place between the hours of 7:00 am and 8:00 pm standard time or daylight saving time when in effect

Minor Amendment Special Use Permit #5-12

May 11, 2015

Page 7

with the exception of snow removal equipment. (see section 1.15.2 and 1.18.1 of Urban Farm Management Plan)

3. All seed and fertilizer shall be stored in a secured, rodent-proof container and housed within an enclosed structure.
4. The urban farm use must comply with Americans with Disabilities Act design standards for accessible entrance routes and accessible routes between its different components and must follow universal design principles whenever possible.
5. One identification sign is permitted not exceeding eight (8) feet in height or forty-eight (48) square feet per sign face, and shall be subject to other applicable provisions of ARTICLE XIV - SIGNS including, but not limited to, setback and clearance standards.
6. No outdoor growing of fruits, vegetables, flowers and other plant and herb products shall occur within twenty-five (25) feet of the property line around the perimeter of the subject property.
7. The proposed hydroponic greenhouse will need to comply with applicable zoning district development standards or pursue a variance, if necessary.
8. The combined area of all buildings and structures, including but not limited to tool sheds, rest-room facilities, composting toilets, and planting preparation houses, hoopouses and greenhouses, shall not exceed twenty-five (25) percent of the lot area.
9. Composting and waste management must be managed according to the farm management plan. Compost material is limited only to the materials generated on-site and must be maintained on-site. Compost materials from the garden or gardeners shall be stored in a manner that is not visible from adjacent property (shielded from view by shrubbery or an enclosure). Composting shall be conducted in a manner that controls odor, prevents infestation, and minimizes runoff into waterways and onto adjacent properties. (see section 1.20.1 and 1.22.1 thru 1.22.5 of Urban Farm Management Plan)
10. Fences are permitted as regulated in the underlying district unless otherwise authorized and stipulated by the Special Use Permit.
11. The site must be designed so that water and fertilizers will not drain onto adjacent property or into the city's waste water system.
12. The owner shall conduct the urban farm operation in accordance with the Urban Farm Management Plan dated April 30, 2015.
13. The urban farm operation and their owners, lessees, employees, volunteers, and visitors must comply with all federal, state, and local laws and regulations relating to the operation, use, and enjoyment of the urban farm premises. Site users may not use materials such as inappropriate fill that introduce heavy metals or other harmful contaminants to garden or farm sites. Site users may use pesticides only to the extent permitted by law.

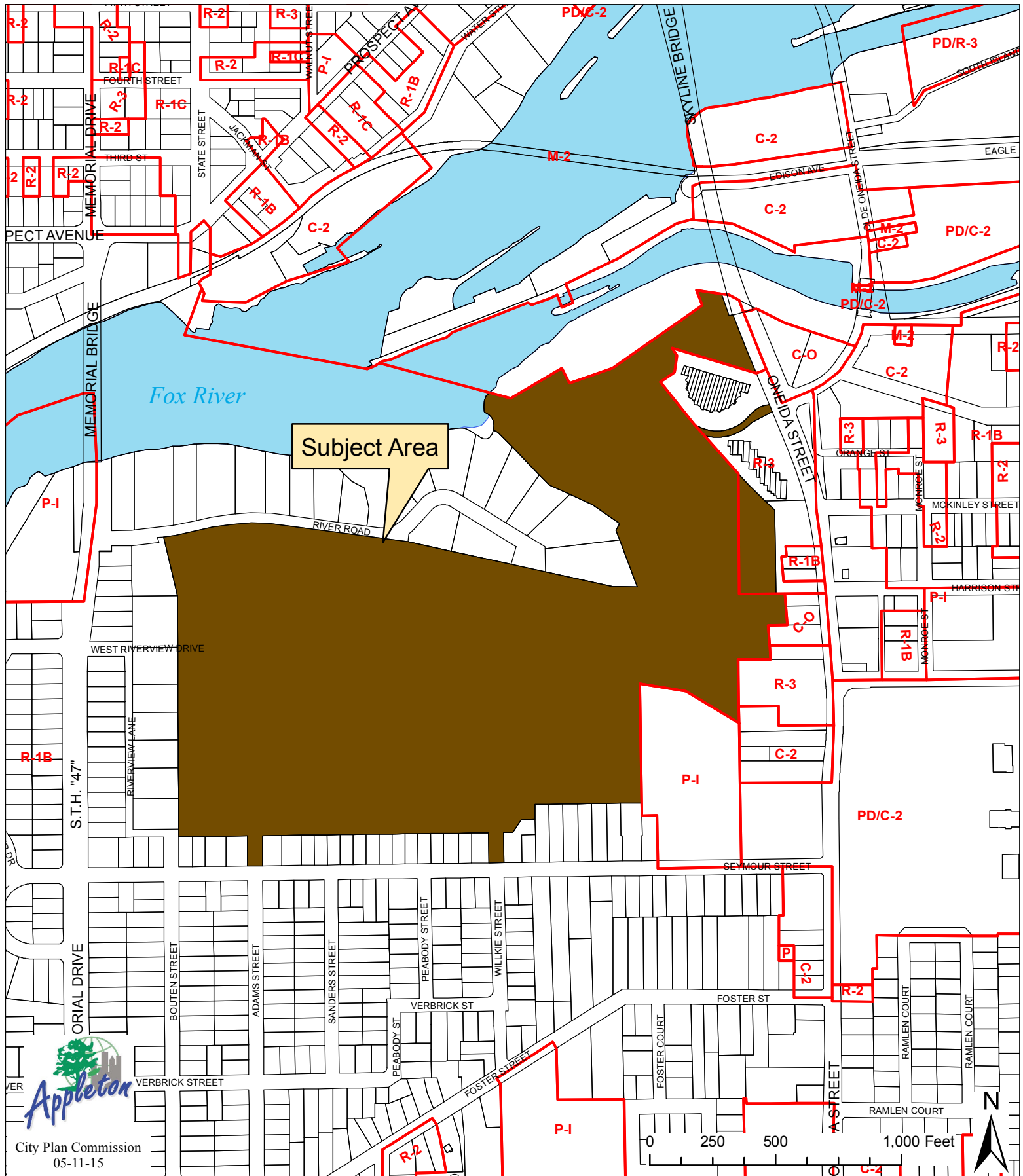
Minor Amendment Special Use Permit #5-12

May 11, 2015

Page 8

14. The owner/applicant shall apply for and receive approval of a site plan from the Community and Economic Development Department prior to the construction or issuance of a building permit for any hoophouse or greenhouse.
15. The owner/applicant shall apply for and receive a building permit from the Inspections Division prior to the construction of any hoophouse or greenhouse on the subject property. If a greenhouse would be used for public occupancy or open to the general public, then the Wisconsin Building Code would apply, particularly for life safety requirements.
16. All applicable City of Appleton Fire Codes must be met, and a fire inspection must be conducted prior to issuance of an Occupancy Permit from the Inspections Division.
17. All applicable City of Appleton Building and State of Wisconsin Building Codes must be met, and a final inspection must be conducted prior to issuance of an Occupancy Permit from the Inspections Division.
18. All City, State of Wisconsin and Federal laws, regulations and ordinances shall be complied with and all necessary permits and licenses shall be secured by the owner/applicant prior to issuance of an Occupancy Permit from the Inspections Division.
19. The urban farm operation shall be subject to periodic inspections by City staff to assure compliance with conditions of approval and requirements of applicable City Ordinances.

1101 South Oneida Street
Minor Amendment to Special Use Permit #5-12
Urban Farm and Recreation Facility
Zoning Map



RECEIVED

APR 30 2015

CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT

Special Use Permit Application

Urban Farm and Non-Profit Recreational Use

Prepared for the City of Appleton, June 2012

Updated: April 30, 2015



RIVERVIEW GARDENS

72 acres with a mission

1101 S. Oneida St.
Appleton, WI 54915
(920) 733-2354

CONTENTS

1. Urban Farm Management Plan
 - 1.1. Overview
 - 1.2. Surrounding Streets, Zoning, Properties, and Structures
 - 1.3. Property Lines and Dimensions
 - 1.4. Existing Buildings
 - 1.5. Yard Setbacks
 - 1.6. Parking
 - 1.7. Existing Trees, Shrubs, and Grasses
 - 1.8. Refuse Containers and Enclosures
 - 1.9. Signage
 - 1.10. Exterior Lighting Fixtures
 - 1.11. Fences and Retaining Walls
 - 1.12. Driveways
 - 1.13. Snow Storage
 - 1.14. General Landscaping Concept
 - 1.15. Proposed Hours of Operation
 - 1.16. Employees
 - 1.17. Proposed Buildings and Structures
 - 1.18. Vehicles, Equipment, Tools, Materials, and Fuel Storage
 - 1.19. Pesticide and Fertilizer Use
 - 1.20. Use of Manure and Agricultural Waste
 - 1.21. Land Disturbing Activity
 - 1.22. Composting and Waste Management
 - 1.23. Public Programs and Public Non-Profit Recreational Use
 - 1.24. Planting Area and Plant Types
 - 1.25. Restrooms and Sanitary Facilities
 - 1.26. Produce Cleaning and Preparation
 - 1.27. Sales Area
 - 1.28. Water Sources
 - 1.29. Security
2. *Survey Map*
3. *Zone Map* and Key
4. Legal Description

1. Urban Farm Management Plan

1.1. Overview

- 1.1.1. Riverview Gardens is a financially self-sustaining social enterprise focused on job training for people in need in a park-like setting in downtown Appleton.
- 1.1.2. Riverview Gardens will undertake sustainable agricultural production on the site of the former Riverview Country Club in Appleton, Wisconsin. Much of the property will be used for biomass production, arbo-forestry, planting beds, and hoophouse agricultural production.
- 1.1.3. Riverview Gardens will use buildings and equipment in a similar manner to Riverview Country Club.
- 1.1.4. The existing trail system will be extended to approximately two miles of trails will include fourteen picnic areas open for public daytime non-profit recreational use.

1.2. Surrounding Streets, Zoning, Properties, and Structures

- 1.2.1. The Riverview Gardens property is bounded primarily by Single Family Residential properties on W. River Rd., S. Riverview Ln., W. Seymour St. and both Single Family and Multi-Family Residential on S. Oneida St. and S. Olde Oneida St. The property is also adjacent to the Fox River, U.S. Government Lock and Dam property, Fox Valley Nursery, ManorCare Health Services, and Riverview Lutheran Church and School. The *Survey Map* offers more detail of the surrounding streets, zoning, and adjacent properties.

1.3. Property Lines and Dimensions

- 1.3.1. 70.98 acres of property are included in this Special Use Permit. Please see the *Survey Map* for detailed property lines, special use delineation, and property dimensions.

1.4. Existing Buildings

- 1.4.1. The Riverview Community Center will be housed in the existing 16,362 sq. ft. Riverview Country Club Clubhouse as seen on the *Zone Map*. The Riverview Community Center will be used for weddings, meetings, recitals, community gatherings, and office space, similar to use during the time of Riverview Country Club. The kitchen will be used both for food processing of produce grown on site and as a restaurant. Applicable State and City licenses will be obtained before the kitchen is used in this manner.
- 1.4.2. The Garden Center will be used for equipment maintenance, produce washing and storage, office space, and employee break room. This 3600 sq. ft. building, located on the southern part of property as seen on the *Zone Map*, was used for similar purposes as the Riverview Country Club Grounds Shop.
- 1.4.3. The other three existing garages and sheds on property are labeled as Storage Buildings A, B, and C on the *Zone Map* and have areas of 960 sq. ft., 864 sq. ft., and 480 sq. ft., respectively. They will be used as they were by the Riverview Country Club to store equipment and tools.
- 1.4.4. As part of Riverview Garden's (RVG) initiative to fully utilize the property and maximize job training opportunities, RVG plans to add a permanent hydroponic greenhouse structure over the existing swimming pool providing a controlled

environment for year round growth. The greenhouse will be connected to the existing bath house which will be updated to serve as a packing area for harvested goods prior to distribution. The increased production will generate additional revenue towards financial sustainability. (see attached model)

The existing bath house is 2088 SF and the cabana is 1224 SF

- 1.4.5. Existing buildings occupy 25,802 sq. ft. of property. Proposed structures are listed in *1.17 Proposed Buildings and Structures*. See *1.17.4* for a summation of total existing and proposed building square footage compared to lot size.

1.5. Yard Setbacks

- 1.5.1. The Riverview Gardens property has limited direct road frontage. As seen on the *Survey Map*, all existing buildings comply with building yard setback limits, as they were with Riverview Country Club. As seen on the *Zone Map*, all proposed hoophouse structures will be in excess of 100 feet from any property line. The pool house deck area has 0 set-back from side yards.
- 1.5.2. Of the front, side, and rear yard agricultural planting setbacks that apply throughout the Riverview Gardens property line, the rear yard 25 foot setback is the most restrictive. No agricultural planting will take place within a uniform buffer zone of 25 feet from the property line, as seen on the *Zone Map*.

1.6. Parking

- 1.6.1. The maximum anticipated number of staff members and volunteers present at once at the Riverview Gardens and Riverview Community Center is 60. Due to the capacity of the Riverview Community Center, a maximum of 260 visitors are expected during special events in the Gardens or the Community Center. There are 138 parking spaces in total at the Riverview Gardens property.
- 1.6.2. The main parking lots are at 1101 S. Oneida St, as seen on the *Zone Map*. The primary lot has 95 parking stalls and the adjacent overflow lot has 38 parking stalls. These are the same lots previously used by staff and guests of Riverview Country Club.
- 1.6.3. Five staff-only parking stalls exist at 242 W. Seymour Street. This location, as seen on the *Zone Map*, is consistent with use by the Riverview Country Club.
- 1.6.4. A designated bicycle parking space exists at 242 W. Seymour St. A 12' metal bike rack is placed on existing asphalt pavement outside the Garden Center.
- 1.6.5. Please see *1.12 Driveways* for parking ingress and egress and *1.13 Snow Storage* for more information on parking area snow removal.

1.7. Existing Trees, Shrubs, and Grasses

- 1.7.1. Existing trees and shrubs from Riverview Country Club will be maintained except where they are in danger of falling and causing damage or they are an invasive species.
- 1.7.2. Existing plant types and future plant types have been categorized into four zones listed in *1.24 Planting Area and Plant Types*. These plant zones and an aerial photograph displaying existing plants are visible on the *Zone Map*.

1.8. Refuse Containers and Enclosures

- 1.8.1. Inorganic waste and recyclable materials will be disposed in their respective dumpsters located at the Riverview Community Center. The existing dumpsters are at

the same location as the former Riverview Country Club, as shown on the *Zone Map*, and are entirely enclosed by an existing privacy fence.

- 1.8.2. The existing enclosure around the Riverview Community Center refuse containers.



1.9. Signage

- 1.9.1. The primary sign for Riverview Gardens will be located at the intersection of S. Oneida St. and S. Olde Oneida St, the same site as the existing sign for Riverview Country Club as seen on the *Zone Map*. The proposed sign will professionally display the Riverview Gardens logo along with Stone Cellar's logo and will not exceed the height or width of the old sign. New sign completed in August of 2014.
- 1.9.3. Old Riverview Country Club main sign at S. Oneida St. and S. Olde Oneida St.



- 1.9.4. Secondary on-site signage will adequately mark the trail system and parking lots and will provide direction throughout the property.

1.10. Exterior Lighting Fixtures

- 1.10.1. The Garden Center, Pump House, and Storage Building B are each lit by one downward-pointing external lighting fixture. The Riverview Community Center main parking lot is lit by two downward-pointing external lighting fixtures. These exterior light fixtures were installed and used by Riverview Country Club. Riverview Gardens presently has no plans for additional external lighting fixtures.

1.11. Fences and Retaining Walls

- 1.11.1. An existing 6' high chain link fence with privacy slats runs 310' surrounding the former Riverview Country Club Pool and Cabana area. A privacy fence surrounds the

dumpster and recycling area outside the Riverview Community Center as seen in photo 1.8.2. There are no proposed future fences. Existing fence to remain.

- 1.11.2. There are no retaining walls on the Riverview Gardens property. There are no proposed future retaining walls.

1.12. Driveways

- 1.12.1. The primary existing entranceway of Riverview Gardens is at the intersection of S. Olde Oneida St. and S Oneida St. As seen on the *Survey Map*, the main driveway runs directly into S. Olde Oneida and provides ingress and egress to and from the primary parking lots and Riverview Community Center. See 1.11.2 for a photo of the main driveway intersection.
- 1.12.2. An existing secondary entrance to Riverview Gardens is located at 242 W. Seymour St. As seen on the *Survey Map*, a short driveway leads from W. Seymour between residential lots and leads to a small staff-only parking lot at the Garden Center.
- 1.12.3. An existing secondary entrance to Riverview Gardens is located on S. Onieda St. through an adjacent property as displayed on the *Survey Map*. This gravel drive has an existing cement driveway apron and goes from S. Oneida St. towards the asphalt path leading to Storage Buildings B and C. The entrance is used for landscape and commercial vehicle deliveries to the Garden Center to reduce the impact of otherwise travelling through residential neighborhoods.
- 1.12.4. Existing secondary entrance and adjacent properties on S. Oneida St.



1.13. Snow Storage

- 1.13.1. Snow storage areas adjacent to all driveways and parking lots will be consistent with previous use by Riverview Country Club to maintain plant health and vehicular circulation. Please see the *Zone Map* for specific snow storage locations.

1.14. General Landscaping Concept

- 1.14.1. See 1.24 *Planting Area and Plant Types* for a description of current and future planting areas related to landscaping.

1.15. Hours of Operation

- 1.15.1. The two mile trail system on property will be open from sunrise to sunset for public daytime use. The trails will open no earlier than Fall of 2012. More information about the trails is included in 1.23.1 *Public Programs* and a full trail map is shown on the *Zone Map*.

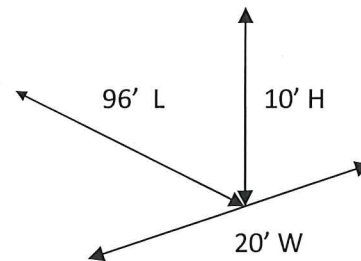
- 1.15.2. Staff and volunteers will operate between 7 am-9 pm, using no mechanical equipment outside the hours of 7 am-8 pm. See 1.18 *Vehicles, Equipment...* for more information on equipment use.
- 1.15.3. Distribution and retail sales of products will occur within the hours of 8 am-8 pm.
- 1.15.4. Riverview Community Center has yet to formalize a business plan, but will be open for events in hours consistent with use by Riverview Country Club.

1.16. Employees

- 1.16.1. Up to 60 staff members and volunteers are expected daily at Riverview Gardens and Riverview Community Center and will be active from 7am -9pm as described in 1.15 *Hours of Operation*.
- 1.16.2. All activities and volunteers on the Riverview site will be supervised by the Riverview Gardens Management.

1.17. Proposed Buildings and Structures

- 1.17.1. Hoophouses are frame structures covered by 6 mil greenhouse plastic membrane. Hoophouses at Riverview Gardens will be 20'W x 96'L x 10'H (1,920 sq. ft. land area, 15,079 cu. ft. interior volume) and will be used solely for agricultural production. Riverview Gardens will apply for appropriate city permits before construction begins.
- 1.17.2. An example of a 20' x 96' x 10' hoophouse structure in Appleton with a 3' compost and mulch pile on the side.



- 1.17.3. Starting in 2012, Riverview Gardens proposes to build 10 hoophouses per year for the next three years. The location and proposed year of each of these hoophouses is shown on the *Zone Map*. There will be grasses, shrubs, and trees with maturity heights of 3' to 10' to 70' as dense visual screening in Zones 4 and 2 between the proposed hoophouse locations and surrounding properties.
- 1.17.4. Existing buildings occupy 25,802 sq. ft. of the Riverview Gardens property. Completion of 30 hoophouses will add 57,600 sq. ft. of structures to the property. In total, buildings will compose 91,178 sq. ft., or 2.95% of the 3,091,900 sq. ft property. Note: Original calculation included bathhouse and cabana building. The hydroponic greenhouse will add 7776 SF. 20 hoophouses have been completed to date.

1.18. Vehicles, Equipment, Tools, Materials, and Fuel Storage

- 1.18.1. Non-snow removal equipment will not be used outside the hours 7 am-8 pm. The type of equipment used at Riverview Gardens will be consistent with equipment used at Riverview Country Club.

1.18.2. Anticipated use of vehicles and equipment throughout the year.

Equipment	Intended Use
Utility carts	Used daily throughout the year
Lawn mowers	Used daily in the summer
Motorized weed trimmers	Used daily in the summer
Roto-tillers	Used daily in the spring and fall
Small tractor	Used occasionally in spring, summer, and fall
Plows and snow blowers	Used during the winter as necessary

1.18.3. Gardening tools, maintenance tools, utility vehicles, and machinery will be stored in the garages and sheds on property labeled as Storage Buildings A-C on the *Zone Map*. Tool, machine, and fuel will be stored in the maintenance garage in the Garden Center. Plants, planting materials, and produce will be stored in the Garden Center.

1.19. Pesticide and Fertilizer Use

1.19.1. Riverview Gardens will not apply any chemicals or pesticides.

1.20. Use of Manure and Agricultural Waste

1.20.1. All organic waste generated by agricultural use will be composted on-site. Compost will be spread in growing areas on the site. See *1.22 Composting and Waste Management* for more information on composting.

1.21. Land Disturbing Activity

1.21.1. Riverview Gardens will not participate in any land-disturbing activity that will result in increased erosion on the site. Soil will only be disturbed during the planting processes.

1.22. Composting and Waste Management

1.22.1. All organic waste generated by agricultural use will be composted on-site in two locations on the Riverview Gardens property, as displayed on the *Zone Map*. Most composting of large brush, yard waste, and organic material will take place on a concrete pad and dividers used by Riverview Country Club for the same purpose. Composting will also take place between and inside hoopouses.

1.22.2. The original concrete composting site on property is well-screened from all surrounding properties by dense forest. Composting between hoopouses will not exceed 3' high, allowing the compost to be well screened by 3' grasses as well as newly-planted rows of trees and shrubs with maturity heights above 10', as described in *1.17 Proposed Buildings and Structures*.

1.22.3. Concrete divisions at the existing wooded compost site.



- 1.22.4. A ratio of 3 parts brown materials to 1 part green materials will be maintained in order to create an aerobic, nuisance-free and odor-free compost operation. All materials being composted will be covered with mulch in order to avoid attracting animal pests and generating unwanted odors. Compost will be turned as needed in order to maintain an aerobic environment and proper C:N ratios in excess of 20:1.
- 1.22.5. Inorganic waste and recyclable materials will be disposed of in commercial bins located at the Riverview Community Center as described in *1.8 Refuse Containers and Enclosures*.

1.23. Public Programs and Public Non-Profit Recreational Use

- 1.23.1. A trail system and fourteen picnic areas will be open for public, non-profit recreational use throughout the year. The trails will be open from sunrise to sunset. Two miles of trails will connect the east (Oneida St.), south (W. Seymour St.), southwest (Riverview Ln.), and northwest (River Rd.) sides of property as shown on the *Zone Map*. Existing trails on the property are 8' wide asphalt trails. New trails, as shown on *Zone Map*, will be laid as wood mulch until they can be covered in asphalt.
- 1.23.2. Riverview Gardens and Riverview Community Center will host public and community events such as meetings, weddings, recitals, educational programming, and other events onsite. The use of the property and Community Center building will be similar to the previous use by Riverview Country Club.
- 1.23.3. All agricultural utility buildings at Riverview Gardens will be closed to the public.

1.24. Planting Area and Plant Types

- 1.24.1. A majority of the acreage at Riverview Gardens will be used for agricultural activities. The existing and future planting has been divided into four agricultural zones as shown on the *Zone Map*.
 - 1.24.1.1. Zone 1 (green): Native grasses, prairie plantings, existing trees, existing ground cover, deciduous trees, and deciduous bushes.
 - 1.24.1.2. Zone 2 (yellow): Native grasses, prairie plantings, existing trees, existing ground cover, deciduous trees, deciduous bushes *and* fruit and nut producing trees, bushes, ground cover, and perennial herbs.
 - 1.24.1.3. Zone 3 (orange): Native grasses, prairie plantings, existing trees, existing ground cover, deciduous trees, and deciduous bushes. Fruit and nut producing trees, bushes, ground cover, perennial herbs *and* annual fruits, vegetables, and herbs.
 - 1.24.1.4. Zone 4 (red): Native grasses, prairie plantings, existing trees, existing ground cover, deciduous trees, and deciduous bushes. Fruit and nut producing trees, bushes, ground cover, and perennial herbs. Annual fruits, vegetables, and herbs *and* hoopouses.

1.25. Restrooms and Sanitary Facilities

- 1.25.1. The Riverview Community Center (1101 S. Oneida St.) has two sets of male and female restrooms and one unisex single occupancy restroom. The Garden Center contains two unisex single occupancy restrooms. The locker room associated with the pool has one set of male and female restrooms.

1.26. Produce Cleaning and Preparation

- 1.26.1. Produce grown on site will be cleaned in the Riverview Garden Center using City of Appleton water.
- 1.26.2. Produce grown on site will be cleaned and prepared in the kitchen of the Riverview Community Center.

1.27. Sales Area

- 1.27.1. Currently, Riverview Gardens has not finalized plans for sales to the public, although Commercial Zoning for sales will be pursued on adjacent S. Oneida St. properties seen on the *Survey Map* and in the photo in 1.12.4. Sales will also occur at the Riverview Community Center.

1.28. Water Sources

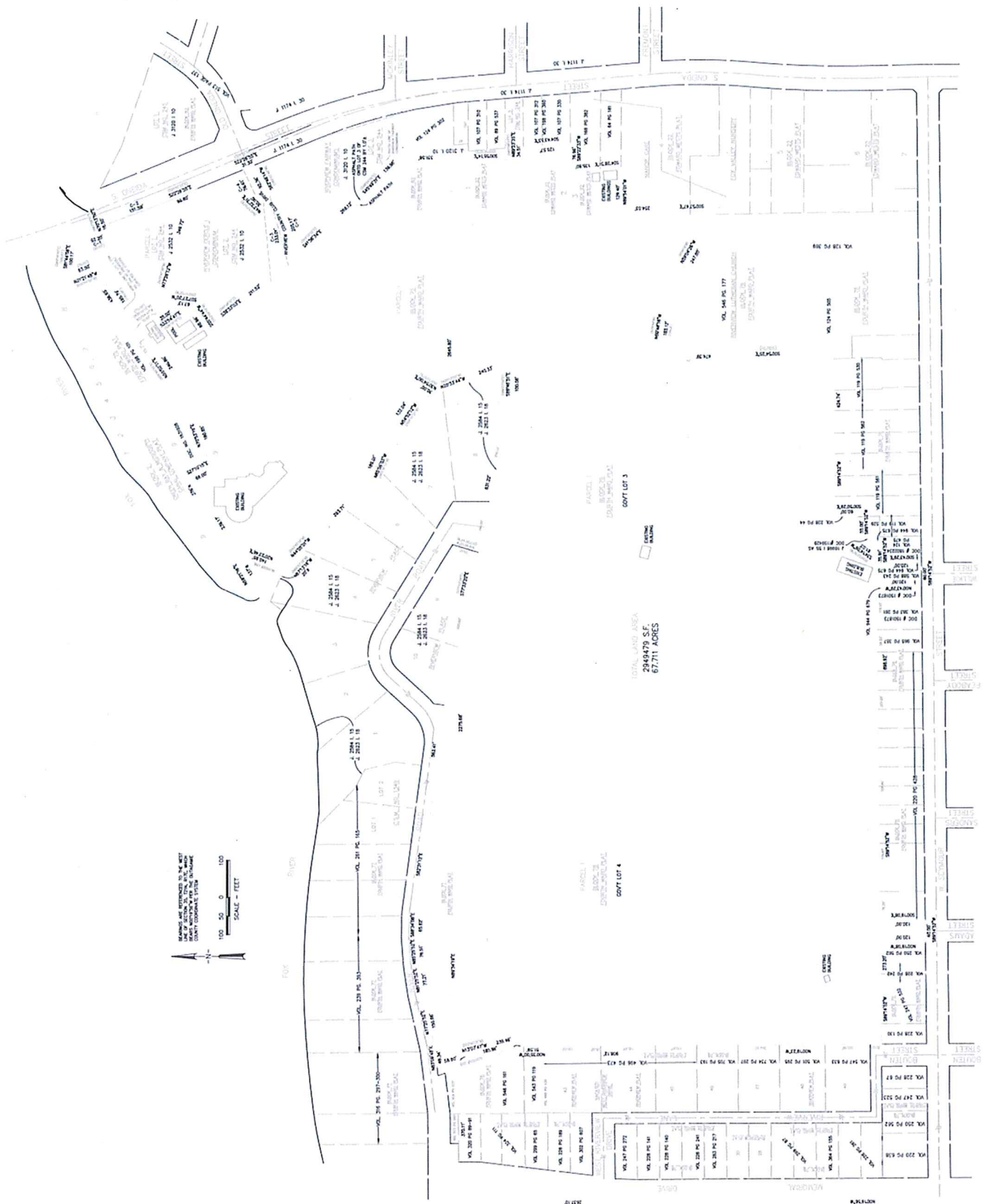
- 1.28.1. Two water sources will be used for agricultural production;
 - 1.28.1.1. City of Appleton water from the Garden Center will be used for washing produce and watering nursery plants.
 - 1.28.1.2. An existing well and pumphouse in the southwest corner of the property feeds an underground irrigation system for Riverview Gardens. The well and pump were installed and used for irrigation by Riverview Country Club. The well water is not certified as potable and will not be used to clean produce.
 - 1.28.1.3. The existing 224 sq. ft. pump house (with well inside) is screened on the back side by 12' evergreens.



1.29. Security

- 1.29.1. Buildings will be locked when not in use. Tools and machinery will be properly stored and locked when not in use. All agricultural utility buildings will be closed to the public.
- 1.29.2. The Riverview Community Center is equipped with an alarmed security system. A similar alarmed security system is proposed for the Garden Center.

11




















3. Zone Map

Note: Hydroponic Greenhouse will be built over the existing pool



3.1. Zone Map Key

	Zone 1 - Native grasses, prairie plantings, existing trees, existing ground cover, deciduous trees, and deciduous bushes.
	Zone 2 - Native grasses, prairie plantings, existing trees, existing ground cover, deciduous trees, deciduous bushes <i>and</i> fruit and nut producing trees, bushes, ground cover, and perennial herbs.
	Zone 3 - Native grasses, prairie plantings, existing trees, existing ground cover, deciduous trees, and deciduous bushes. Fruit and nut producing trees, bushes, ground cover, perennial herbs <i>and</i> annual fruits, vegetables, and herbs.
	Zone 4 - Native grasses, prairie plantings, existing trees, existing ground cover, deciduous trees, and deciduous bushes. Fruit and nut producing trees, bushes, ground cover, and perennial herbs. Annual fruits, vegetables, and herbs <i>and</i> hoophouses.
	Existing Buildings (7) – 1.4 <i>Existing Buildings</i> Riverview Community Center – Public events, community gatherings, office space. Garden Center – Equipment maintenance, produce washing and storage, office space. Storage Buildings (A, B, C) – Machine, equipment, and supplies storage. Well and Pump House – Well-water source. Pool and Cabana – Proposed Hydroponic Greenhouse in 2015
	Proposed Hoophouses 2013 (10) – 1.17 <i>Proposed Buildings and Structures</i> North/East Group
	Proposed Hoophouses 2014 (10) – 1.17 <i>Proposed Buildings and Structures</i> North/West Group
	Proposed Hoophouses (10) hoophouses for future development South Group
	Composting Areas (2) – 1.22 <i>Composting and Waste Management</i> Existing Compost Site, Hoophouse Site
	Driveway/Ingress/Egress (3) – 1.12 <i>Driveways</i> Main Oneida Entrance, Secondary Oneida Entrance, Secondary Seymour Entrance
	Parking (3) – 1.6 <i>Parking</i> Main Parking Lot, Overflow Parking, Staff Parking
	Snow Storage (11) – 1.13 <i>Snow Storage</i> Primary Entrance, Primary Parking Lot, Seymour Entrance, Seymour Staff Parking
	Existing Asphalt Trails – 1.23.1 <i>Public Programs and Non-Profit Recreational Use</i>
	New Trails – 1.23.1 <i>Public Programs and Non-Profit Recreational Use</i>
	Picnic Areas (14) – 1.23.1 <i>Public Programs and Non-Profit Recreational Use</i>
	Fences (2) – 1.11 <i>Fences and Retaining Walls</i> Pool/Cabana, Dumpster Screening
	25' Property Buffer – 1.5 <i>Yard Setbacks</i> No planting zone.

4. Legal Description

4.1. American Land Title Survey, McMahon Group, Neenah, 12-16-2011

All of Block Eighty-three (83), FOURTH WARD PLAT, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City, excepting therefrom the premises described in Volume 124 of Deeds, page 302, Volume 513 of Deeds, page 137, Jacket 1174, Image 30, Jacket 2332, Image 10, Certified Survey Map No. 244, recorded in Volume 2 of Certified Survey Maps on page 244, and Certified Survey Map No. 245 recorded in Volume 2 of Certified Survey Maps on page 245, and Jacket 3120, Image 10.

All that part of Lots Three (3) and Four (4), in Block Twenty-two (22), of EDWARD WEST'S PLAT, City of Appleton, Wisconsin, according to the recorded Assessor's Map of said City, described as follows:

Commencing at the Southwest corner of said Lot 3 and run thence South along the West line of said Lot 4, a distance of 75 feet; thence East to the Southwest corner of the lands as described in Volume 64 of Deeds, page 181; thence North along the West line of the lands as described in Volume 64 of Deeds, page 181 and Volume 168 of Deeds, page 382, to the Northwest corner of said Lot 3; thence West along the North line of said Lot 3, to the Northwest corner of said Lot 3; thence South along the West line of said Lot 3 to the place of beginning.

in Block Twenty-two (22), EDWARD WEST'S PLAT, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City, excepting therefrom the premises described in Volume 107 of Deeds, page 310; Volume 89 of Deeds, page 537 and further excepting the North 40 feet of the East 120 feet of said Lot 1, and less Jacket 1174, image 30 and less Certified Survey Map No. 244 recorded in Volume 2 of Certified Survey Maps on page 244.

Lot Two (2), in Block Twenty-two (22), EDWARD WEST'S PLAT, City of Appleton, Outagamie County, Wisconsin, according to the Recorded Assessor's Map of said City, excepting therefrom the premises described in Volume 107 of Deeds, page 312, Volume 198 of Deeds, page 350 and Volume 107 of Deeds, page 330 and Jacket 1174, Image 30.

All of Block Seventy-five (75), FOURTH WARD PLAT, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City, excepting therefrom the premises described in Volume 198 of Deeds, page 101; Jacket 1174, Image 30; Jacket 2532, Image 10; Jacket 2584, Image 15; Certified Survey Map No. 245; and Certified Survey Map No. 245.

All that part of Lot Nine (9), in Block Two (2), GREEN BAY AND MISSISSIPPI CANAL COMPANY PLAT, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City, as described in Volume 195 of Deeds, page 207.

All of Block Seventy-seven (77), FOURTH WARD PLAT, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City, excepting therefrom the premises described in Volume 239 of Deeds, page 393; Volume 281 of Deeds, page 185; Volume 316 of Deeds, page 297; Volume 320 of Deeds, page 89; Volume 548 of Records, page 161; Volume 912 of Records, page 665; and Jacket 2623, Image 18.

All of Block Seventy-eight (78), FOURTH WARD PLAT, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City, excepting therefrom the premises described in Volume 220 of Deeds, page 428; Volume 247 of Deeds, page 272; Volume 247 of Deeds, page 523; Volume 247 of Deeds, page 532; Volume 221 of Deeds, page 538; Volume 250 of Deeds, page 552; Volume 228 of Deeds, page 67; Volume 228 of Deeds, page 130; Volume 228 of Deeds, page 140; Volume 228 of Deeds, page 141; Volume 228 of Deeds, page 189; Volume 228 of Deeds, page 241; Volume 228 of Deeds, page 242; Volume 228 of Deeds, page 261; Volume 283 of Deeds, page 217; Volume 289 of Deeds, page 65; Volume 299 of Deeds, page 87; Volume 320 of Deeds, page 89; Volume 324 of Deeds, page 111; Volume 354 of Deeds, page 155; Volume 496 of Deeds, page 473; Volume 501 of Deeds, page 295; Volume 543 of Records, page 119; Volume 547 of Records, page 633; Volume 548 of Records, page 191; Volume 705 of Records, page 193; Volume 734 of Records, page 297; Volume 302 of Deeds, page 607; Volume 498 of Deeds, page 435 and as Document No. 1620575, AND ALSO except that portion subdivided as Riverview Plat.

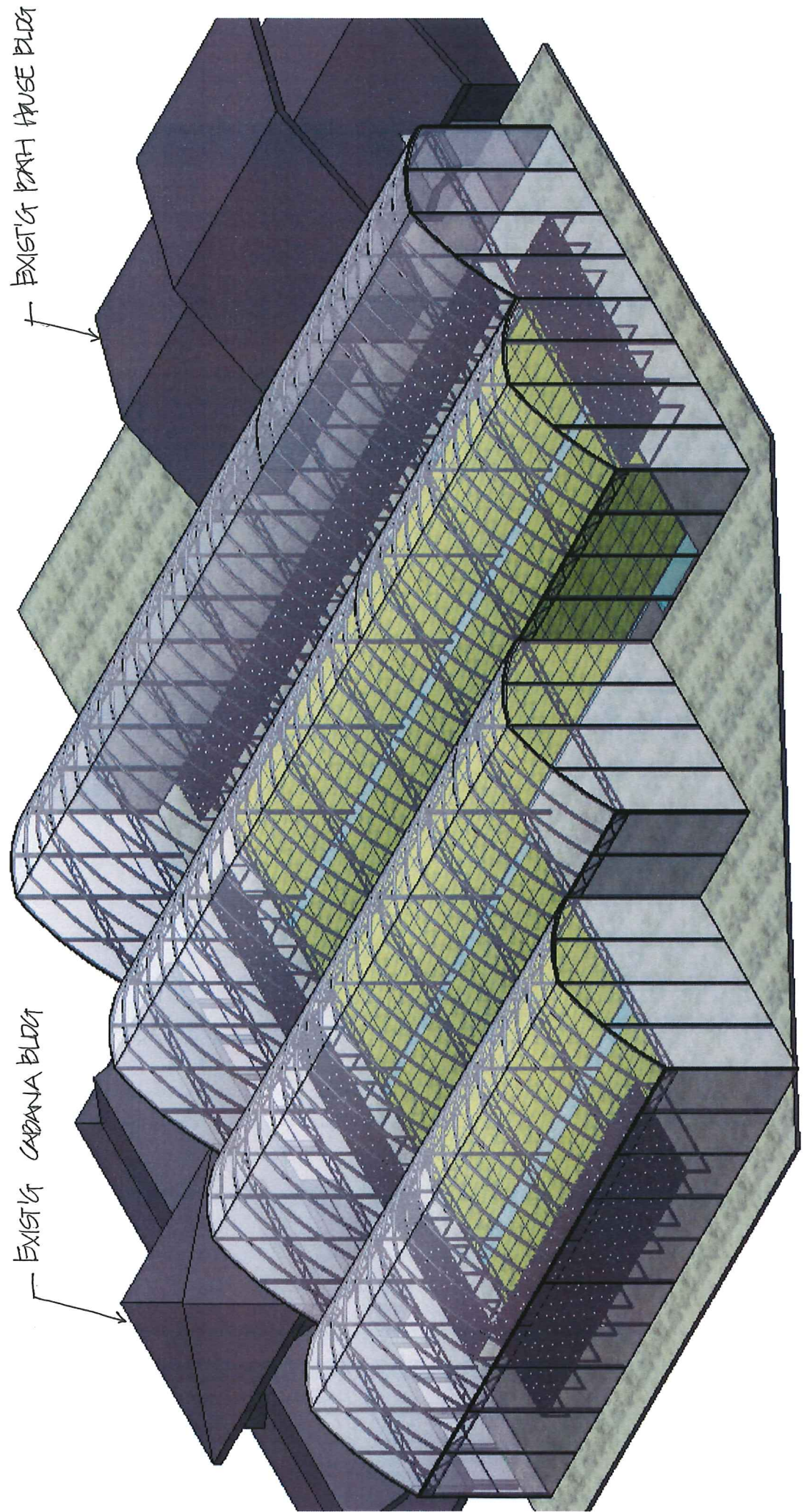
All of Block Seventy-six (76), FOURTH WARD PLAT, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City, excepting therefrom the premises described in Volume 220 of Deeds, page 428; Volume 228 of Deeds, page 44; Volume 383 of Deeds, page 261; Volume 546 of Records, page 177; Volume 124 of Deeds, page 475; Volume 119 of Deeds, page 529; Volume 119 of Deeds, page 561; Volume 119 of Deeds, page 562; Volume 119 of Deeds, page 563; Volume 124 of Deeds, page 505; Volume 128 of Deeds, page 369; Volume 944 of Records, page 679; Volume 944 of Records, page 675; Volume 965 of Records, page 357; Jacket 2623, Image 18 and Jacket 16998, Image 55, as Document No. 159429.

A parcel of land located in Block Seventy-six (76), FOURTH WARD PLAT, City of Appleton, Outagamie County, Wisconsin, according to the Recorded Assessor's Map of said City, more fully described as follows: Commencing at the West 1/4 corner stone of said Section; thence due South along the West line of the Southwest 1/4 of said Section, 1258.67 feet (recorded as 1258.60 feet) to the North line of Seymour Street extended to the West; thence North 89°34' East along the North line of Seymour Street, 1709.20 feet (recorded as 1709.80 feet) to the Southeast corner of lands as described in Volume 588 of Deeds, page 243, the point of beginning; thence North 02°5' West along the East line of said described parcel, 110.00 feet to the Southeast corner of said described lands; thence South 89°34' West along the North line of said described parcel, 60.00 feet to the Northwest corner of said described parcel; thence South 07°26' East, along the West line of said described parcel, 110.00 feet to the Southwest corner of said described parcel and the North line of Seymour Street; thence North 89°34' East along the North line of Seymour Street, 80.00 feet to the Southeast corner of said described parcel, the point of beginning. LESS the East 6.23 feet thereof, being in Section Thirty-five (35), Township Twenty-one (21) North, Range Seventeen (17) East.

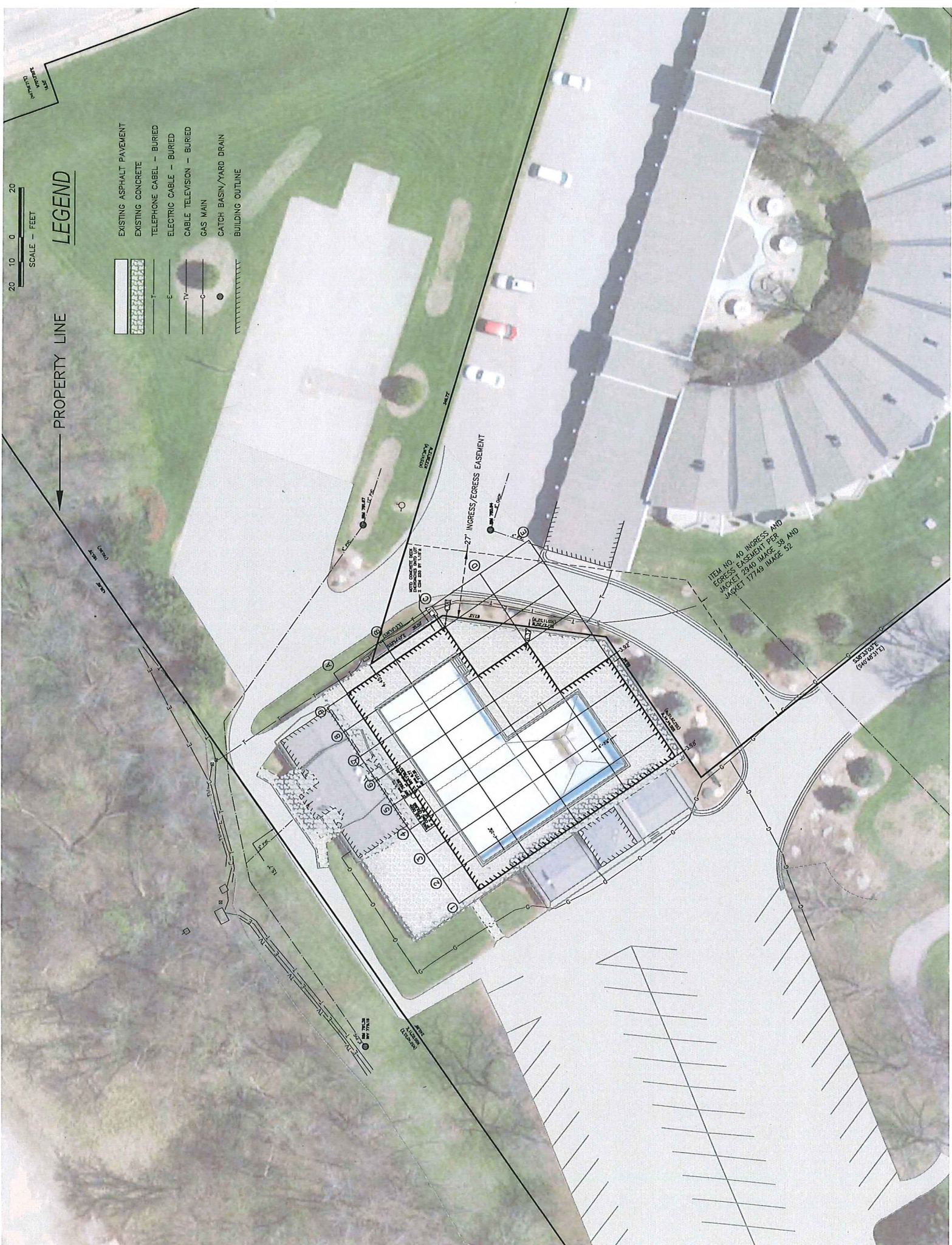
PARCEL 11:

Lot One (1) of Certified Survey Map No. 244, filed in the office of the Register of Deeds for Outagamie County, Wisconsin, in Volume 2 of Certified Survey Maps on page 244, as Document No. 793571, being part of Blocks 75 and 83, Fourth Ward Plat and part of Lot 1, Block 22, Edward West's Plat, located in the Northeast 1/4 and Northwest 1/4 and the Southeast 1/4 of Section Thirty-five (35), Township Twenty-one (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin.

Together with a perpetual easement for ingress and egress as described in Easement recorded in Jacket 2532, Image 12, as Document No. 791226; and together with a non-exclusive easement for ingress and egress over and across that particular ingress and egress easement reserved in Declaration of Condominium for Riverview Circle I Condominium recorded in Jacket 2840, Image 38-48, as Document No. 735897. The exact location of which is more particularly set forth on Exhibit "A" of said Declaration of Condominium.



RVG GREENHOUSE MODEL



SCALE - FEET
20 10 0 20

LEGEND

PROPERTY LINE

- EXISTING ASPHALT PAVEMENT
- EXISTING CONCRETE
- TELEPHONE CABLE - BURIED
- ELECTRIC CABLE - BURIED
- CABLE TELEVISION - BURIED
- GAS MAIN
- CATCH BASIN/YARD DRAIN
- BUILDING OUTLINE



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: May 11, 2015

Common Council Meeting Date: May 20, 2015

Item: Extraterritorial Final Plat / White Hawk Meadows
North 2 - Town of Grand Chute

Case Manager: Jeff Towne

GENERAL INFORMATION

Owner/Applicant: Glen Scherwinski, Rubble Development, LLC - applicant/owner

Address/Parcel #: East of North Lynndale Drive (C.T.H. "A") Town of Grand Chute; 101030600

Petitioner's Request: The applicant is proposing to subdivide property under the Town's RSF zoning district for residential development. The area of this final plat is 14.1181 acres which will be divided into 35 lots.

BACKGROUND

The Final Plat must also be reviewed and approved by the Town of Grand Chute and Outagamie County.

The Preliminary Plat was originally approved by the Plan Commission and the Common Council in 2007. Per the Subdivision Ordinance, if a Final Plat is not approved within 36 months of the Preliminary Plat, the approval is no longer valid, and the process must be repeated. The owner did not complete the process within this timeframe and, subsequently, resubmitted the plat. The resubmitted Preliminary Plat was approved by the Common Council on June 18, 2014. The Common Council approved the Final Plat for the first phase on August 6, 2014.

STAFF ANALYSIS

Existing Conditions: This is undeveloped land located in the Town of Grand Chute, east of North Lynndale Drive (C.T.H. "A").

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the Town of Grand Chute. The uses are generally of a residential nature.

2010-2030 Comprehensive Plan: The Community Development staff has reviewed the City's 2010-2030 Comprehensive Plan and determined this proposed subdivision is outside the City of Appleton's growth area.

Review Criteria: The Community Development staff has reviewed the Extraterritorial Final Plat in accordance with the City of Appleton Zoning Ordinance requirements for single-family residential developments. The lot sizes and lot widths for the lots in this Town of Grand Chute subdivision exceed minimum City of Appleton Zoning Ordinance requirements.

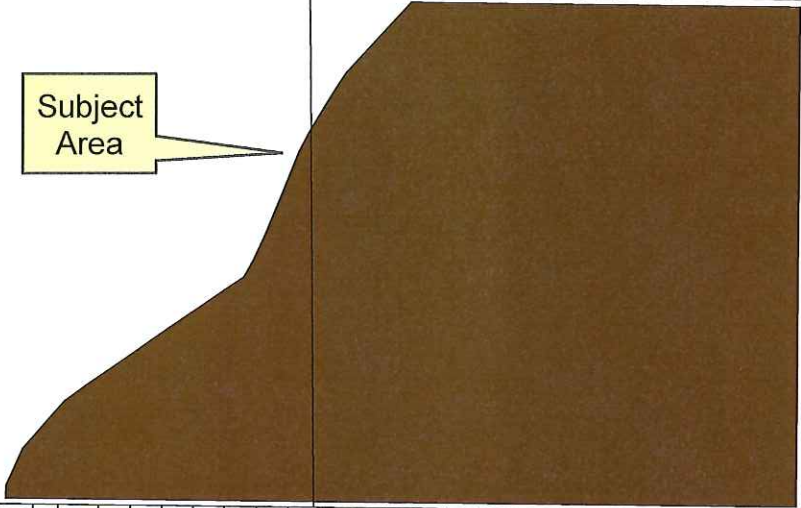
Technical Review Group Report (TRG): This item was reviewed by members of the Technical Review Group. No negative comments were received from participating departments.

RECOMMENDATION

Based on the above, staff recommends that the Extraterritorial Final Plat – White Hawk Meadows North 2 located in the Town of Grand Chute, as shown on the attached maps, **BE APPROVED**.

White Hawk Meadows North
Extraterritorial Final Plat
Town of Grand Chute
Location Map

Subject
Area



Barley Way

Noelle La

Sophia La

Bull Rush Dr

White Hawk Dr

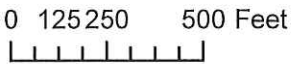
C.T.H. A

Canadian Nat'l RR

Grand Chute Blvd

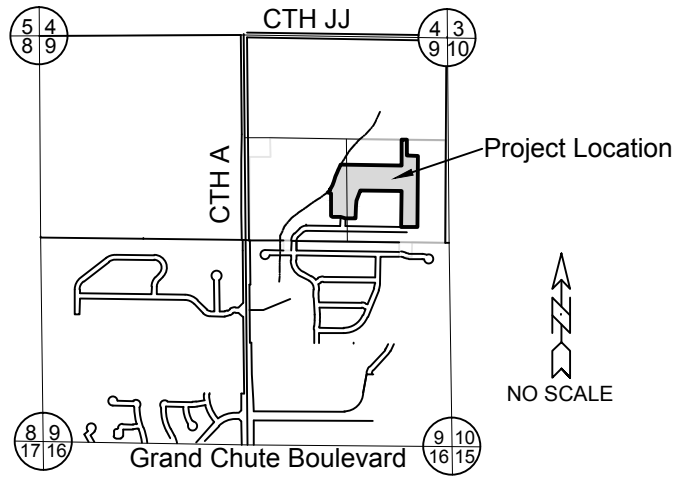


City Plan Commission
5-11-15



LOCATION MAP

NE 1/4 SEC 9, T 21 N, R 17 E,
TOWN OF GRAND CHUTE
OUTAGAMIE COUNTY, WI



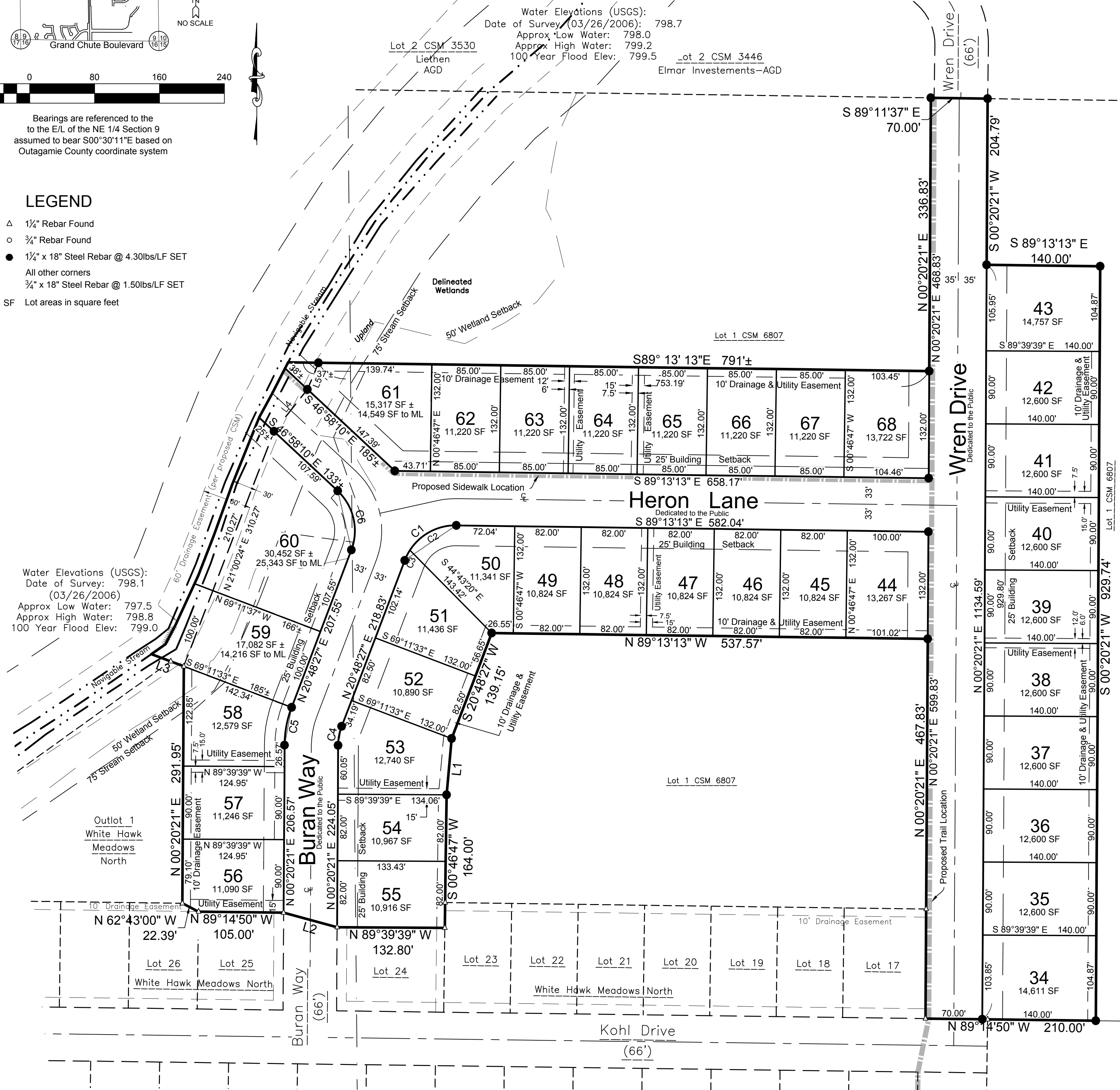
Bearings are referenced to the
to the E/L of the NE 1/4 Section 9
assumed to bear S00°30'11"E based on
Outagamie County coordinate system

LEGEND

- △ 1/4" Rebar Found
- 3/4" Rebar Found
- 1/4" x 18" Steel Rebar @ 4.30lbs/LF SET
- All other corners
- 3/4" x 18" Steel Rebar @ 1.50lbs/LF SET
- SF Lot areas in square feet

White Hawk Meadows North 2

Part of Lot 1, CSM 6807, being part of Part of the Southwest 1/4 of the Northeast 1/4 and part of the Southeast 1/4 of the Northeast 1/4 of Section 9, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin.



Special Town of Grand Chute Restriction

This subdivision Final Plat is subject to all of the requirements of Section 6.16 (E) Municipal Code of the Town of Grand Chute. The subdivider, for himself / itself, and his / its assigns, shall be responsible for all municipal improvements, including graveled and blacktopped streets, graveled road shoulders, sewer and water, curb and gutter if determined necessary by the Town of Grand Chute Board of Supervisors, sewer lift stations when determined necessary by the Town of Grand Chute Board of Supervisors, storm sewers when determined necessary by the Town of Grand Chute Board of Supervisors, dedicated and open clear water drainage easements, landscaping and street lighting. Pursuant to Section 6.16 (E) Municipal Code of the Town of Grand Chute, the Town of Grand Chute reserves the right to withhold building permits for this subdivision if the above stated municipal improvements have not been completed in a timely and orderly fashion by the subdivider / owner, according to the terms and conditions of 6.16 (E). That, in addition, all subdividers and property owners are put on notice that a three hundred dollar (\$350.00) hookup contribution charge for sewer services may be payable by each lot within the platted subdivision to the Town of Grand Chute Sanitary District for sewer services. Furthermore, where decorative street lighting is requested by the owner / subdivider, the difference in cost between regular street lighting and decorative street lighting will be assessed annually to property owners within the subdivided areas, on an annual cost basis as incurred by the Town of Grand Chute, plus the Town of Grand Chute's annual interest charge; the Town of Grand Chute shall be responsible only for base and regular street lighting costs at intersections and cul-de-sacs, with any excess lighting costs as requested by the subdivider or property owners being assessed directly to the abutting property owners.

Impact Fee Note

There is an impact fee due on each lot in accordance with Chapter 330 Impact Fees of the Town Code of Ordinances and as listed on the most current Town of Grand Chute Impact Fee Schedule.

Wetlands Notes

Wetland shown on map are from the Wetlands Determination & Delineation Report, performed by Brian Bates, dated August 29, 2003.

Disturbing or filling of wetland will not be allowed with out state and local permits.

Conservation Easement

The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open or wooded state precluding future or additional development.

Stormwater Facility Maintenance Note

Maintenance of all drainage ways, including easements as indicated on the plat and along side and rear lot lines which convey storm water runoff as indicated on the Drainage Plan, and associated structures within the subdivision or serving the subdivision is the sole responsibility of the property owners of the subdivision unless noted on the plan.

Upon failure of the property owners to perform Maintenance of the drainage ways and associated structures, the township retains the right to perform maintenance and/or repairs and shall be equally assessed to each property of the subdivision.

Unless otherwise noted, a drainage easement exists upon all existing navigable streams between the meander lines as shown.

Outlot 1 Ownership and Maintenance Note

- Lots 25-30 have an 1/10 share of Outlot 1, White Hawk Meadows North. 4/10 share of Outlot 1. The remnant 4/10 share of Outlot 1, White Hawk Meadows North, will be divided equally among proposed Lots 56-59 of White Hawk Meadows North 2.
- Maintenance of Detention Pond on Outlot 1 will be in accordance with the Operation Maintenance Agreement for the Subdivision.

Geotechnical Study Statement

A Report of Geotechnical Exploration, RVT #AG03-205, dated October 27, 2003 is on file. This report makes general recommendations based on site conditions for pavements and foundations.

Access Restriction Note:

Lots 44 and 68 will not be granted access on to Wren Drive.

Notes

- All linear measurements have been made to the nearest one hundredth of a foot.
- All angular measurements have been made to the nearest 20 seconds and computed to the nearest half seconds.
- All homes constructed in the Flood Fringe must meet the County flood proofing standards or a LOMA is obtained from FEMA prior to building permit being issued.
- Lots 50-54, and 56-63 and 27-33, are located within 300 feet of a navigable stream and will require Shoreland Zoning Permit from the Outagamie County planning office.

Northeast Corner
Section 9, T21N, R17E
Masonry Nail Found

James R. Sehloff, PLS 2692

Date

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

Certified _____, 20____

Department of Administration



File: 2968Final-Ph2.dwg
Date: 04/22/2015
Drafted By: Jim
Sheet: 1 of 2



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

White Hawk Meadows North 2

Part of Lot 1, CSM 6807, being part of Part of the Southwest 1/4 of the Northeast 1/4 and part of the Southeast 1/4 of the Northeast 1/4 of Section 9, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin.

Surveyor's Certificate

I, James R. Sehloff, Professional Land Surveyor, hereby certify: That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the Town of Grand Chute and Outagamie County, and under the direction of Rubble Development, LLC, owner of said land, I have surveyed divided and mapped White Hawk Meadows North 2; that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is Part of Lot 1, CSM 6807, being part of Part of the Southwest 1/4 of the Northeast 1/4 and part of the Southeast 1/4 of the Northeast 1/4 of Section 9, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 614,986 Square Feet (14.1181 Acres) of land, more or less, including the lands between the meander line and the centerline of a navigable stream described as follows:

Commencing at the East 1/4 corner of Section 9; thence along the East line of the Northeast 1/4 of said Section 9, N00°30'11"W, 199.05 feet; thence N89°14'50"W, 412.78 feet to the point of beginning; thence, continuing, N89°14'50"W, 210.00 feet, to the Southeast corner of Lot 17 of White Hawk Meadows North; thence, along the East line of said Lot 17 and the extension thereof, N00°20'21"E, 467.83 feet; thence N89°13'13"W, 537.57 feet; thence, S20°48'27"W, 139.15 feet; thence S05°06'32"W, 69.59 feet; thence S00°46'47"W, 164.00 feet to the Northeast corner of Lot 24 of said White Hawk Meadows North; thence, along the North line of said Lot 24, N89°39'39"W, 132.80 feet tot he Easterly right of way line of Buran Way; thence N74°49'38"W, 68.28 feet to the Westerly right of way of said Buran Way; thence, along the North line of Lot 25 of said White Hawk Meadows North, N89°14'50"W, 105.00 feet to a point on the Northerly line of Lot 26 of said White Hawk Meadows North; thence along said Northerly line of Lot 26, N62°43'00"W, 22.39 to the Southeast corner of Outlot 1 of said White Hawk Meadows North; thence, along the East line of said Outlot1, N00°20'21"E, 291.95' to a meander corner being S69°11'33"E, 43 feet more or less from the center line of a navigable stream; thence, along a meander line, N21°00'02"E, 310.27 feet to a meander corner being S46°58'10"E, 25 feet more or less from said centerline; thence, continuing along said meander line N38°38'26"E, 66.19 feet to a meander corner being S46°58'10"E, 38 feet more or less from said centerline; thence, continuing along said meander line N22°26'45"E, 35.40 feet to a meander corner being S89°13'13"E, 37 feet more or less from said centerline; thence, S89°13'13"E, 753.19 feet; thence N00°20'21"E, 336.83 feet to the Southerly right of way line of Wren Drive; thence along the said Southerly right of way line, S89°11'37"E, 70.00 feet; thence S00°20'21"W, 204.79 feet; thence S89°13'13"E, 140.00 feet; thence S00°20'21"W, 929.74 feet to the point of beginning, subject to all easements and restrictions of record.

Given under my hand this ____ day of _____, ____.

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

Owner's Certificate of Dedication

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

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

Outagamie County Planning and Zoning Committee
Town of Grand Chute
City of Appleton
Department of Administration

Dated this ____ day of _____, 20 ____.

In the presence of: Rubble Development, LLC

By _____

print name _____

Title _____

State of Wisconsin)

____ County) ss

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

____ My Commission Expires _____

Notary Public, Wisconsin.

Utility Easement Provisions

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

Rubble Development, LLC, Grantor, to:

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

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

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

Rubble Development, LLC

Glen Scherwinski, Member Date

Town Board Approval Certificate

Resolved, that the plat of White Hawk Meadows North 2 in the Town of Grand Chute, Outagamie County, Rubble Development, LLC, owner, is hereby approved by the Town Board of the Town of Grand Chute.

Chairman Date

I hereby certify that the foregoing is a copy of a resolution adopted by the Town Board of the Town of Grand Chute.

Clerk Date

Treasurer's Certificate

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

Town Treasurer Date

County Treasurer Date

City of Appleton Approval (Extraterritorial)

Resolved, that the plat of White Hawk Meadows North 2 in the Town of Grand Chute, Outagamie County, Rubble Development, LLC, owner, is hereby approved by the Common Council of the City of Appleton.

Mayor Date

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

Clerk Date

County Planning Agency Approval Certificate

Resolved, that the plat of White Hawk Meadows North 2 in the Town of Grand Chute, Outagamie County, Rubble Development, LLC, owner, is hereby approved by Outagamie County.

County Zoning Administrator Date

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

the property owner of record: Rubble Development, LLC Recording Information: Doc No. 1999196 Parcel Number(s): Part of 101-0306-00

LINE TABLE		
Line	Bearing	Length
L1	S 05°06'32" W	69.59'
L2	N 74°49'38" W	68.28'
L3	S 69°11'33" E	43'±
L4	N 38°38'26" E	66.19'
L5	N 22°26'45" E	35.40'

CURVE TABLE							
Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle	Tangent Bearing-in	Tangent Bearing-out
C1	67.00'	N 55°47'37" E	76.83'	81.82'	69°58'19"	N 20°48'28" E	S 89°13'13" E
C2	67.00'	N 61°47'18" E	64.95'	67.80'	57°58'57"	N 32°47'50" E	S 89°13'13" E
C3	67.00'	N 26°48'09" E	13.99'	14.02'	11°59'22"	N 20°48'28" E	N 32°47'50" E
C4	67.00'	N 10°34'24" E	23.81'	23.94'	20°28'06"	N 00°20'21" E	N 20°48'27" E
C5	133.00'	S 10°34'24" W	47.26'	47.51'	20°28'06"	N 20°48'27" E	N 00°20'21" E
C6	67.00'	S 13°04'52" E	74.72'	79.26'	67°46'37"	S 46°58'10" E	S 20°48'27" W

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

Certified _____, 20 ____

Department of Administration



File: 2968Final-Ph2.dwg
Date: 03/26/2015
Drafted By: Jim
Sheet: 2 of 2



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

EXTENSION AGREEMENT

This Extension Agreement is dated as of the ____ day of _____, 2015 (the "Extension Agreement") by and among the City of Appleton, Wisconsin, a Wisconsin municipal corporation (the "City") and Inner Circle Investments, LLC, a Delaware limited liability company ("Inner Circle").

RECITALS:

A. The Paper Valley Hotel and Convention Center, located on the real estate described as Parcel 1 on Exhibit A (the "Hotel"), was developed in accordance with that certain Development Agreement dated December 1, 1992, pursuant to which the certain parking structures and skywalks attached to the Hotel were constructed; and

B. Pursuant to that certain Agreement for Sale and Purchase of Properties ("Purchase Agreement") dated April 22, 2015, GCCFC sold and conveyed the Hotel to Inner Circle (or an affiliated entity owned and/or controlled by it) Inner Circle obtained title to the Hotel and was assigned certain other rights, including those rights described as Parcel 2 on Exhibit A from GCCFC 2007-GG9 Lodging 333, LLC ("GCCFC"), said title and rights having been obtained as a result of the foreclosure judgment obtained foreclosed in Outagamie County Case Number 2012CV000614; and

C. Specifically, GCCFC assigned its rights under the Skywalk Lease (as hereinafter defined) and Memorandum of Agreement (as hereinafter defined) to Inner Circle; and

D. Prior to the closing of the Purchase Agreement, the City consented to the assignment of the Skywalk Lease and the assignment and/or reaffirmation of the Memorandum of Agreement, among other consents.

E. The Hotel is connected to an elevated, enclosed pedestrian passageway which is situated within the air rights legally described in Parcel 2 on Exhibit A attached hereto, and is the subject of that certain Lease between the City and Paper Valley Hotel and Conference Center, Inc. ("Original Developer") dated June 21, 1994 and recorded with the Register of Deeds of Outagamie County, Wisconsin on June 24, 1994 at Jacket 15884, Image 1-39 as Document no. 1127763 (the "Skywalk Lease"), a true and correct copy of the Skywalk Lease is attached hereto as Exhibit B; and

F. Pursuant to Paragraph 2 of the Skywalk Lease, the term of the Skywalk Lease is for a period of twenty-five (25) years terminating on October 31, 2019.

G. In connection with the development of the Hotel and the use of the "Midtown Ramp" (which is now known as the "Red Ramp" pursuant to City Council action on May 4, 2011), the City and Original Developer entered into a Memorandum of Agreement dated November 3, 1997, as amended by the Amendment to Parking Agreements dated January 1, 1999 (collectively the "Memorandum of Agreement") with copies of the 1997 Memorandum of Agreement being recorded with the Register of Deeds of Outagamie County as attachments to that certain Affidavit recorded on January 12, 1998 as Document No. 1254125, and the 1999 Amendment to Parking Agreements was recorded with the Register of Deeds of Outagamie County recorded on June 25, 1999 as Document No. 1332079); and

H. The Memorandum of Agreement provides Inner Circle, as the owner of the Hotel, parking privileges in the Red Ramp, including the non-exclusive use of the entire Red Ramp or, at the option of Inner Circle, the reservation of Levels 3, 4 and 5 (approximately 506 spaces) for guests of the Hotel; and

I. The original term of the Memorandum of Agreement terminated on December 31, 2014, but the Memorandum of the Agreement has been extended on a month to month basis since December 31, 2014; and

J. The City and Inner Circle desire to extend the term of the Skywalk Lease to October 31, 2029 and extend the term of the Memorandum of Agreement for a term of approximately ten (10) years to June 30, 2025.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency being hereby acknowledged, the parties agree as follows:

1. Extension of Term-Skywalk Lease. With respect to Paragraph 2 of the Skywalk Lease, the term set forth therein shall be amended to provide that the term shall expire on October 31, 2029, unless sooner cancelled or terminated as provided in the Skywalk Lease.

2. Extension of Memorandum of Agreement. With respect to Paragraph 3 of the 1997 Memorandum of Agreement, the term set forth therein shall be amended to provide that the term of the Memorandum of Agreement shall terminate on June 30, 2025.

3. Conflict. Except as expressly set forth herein, all of the terms and provisions of the Skywalk Lease and Memorandum of Agreement shall remain in full force and effect. In the event of any conflict between the terms and provisions of this Extension Agreement and the terms and provisions of the Skywalk Agreement or Memorandum of Agreement, the terms and conditions of this Extension Agreement shall control.

4. Effective Date. This Extension Agreement shall be effective upon the sale of the Hotel to Inner Circle.

5. Counterparts and Facsimile. This Extension Agreement may be executed in any number of counterparts, each of which shall be deemed an original. Facsimile signatures on this Extension Agreement shall be valid and binding against the parties.

6. Successors and Assigns. This Extension Agreement shall be binding upon the parties hereto and inure to the benefit of the parties hereto and their respective successors and assigns.

{ Balance of this page intentionally blank; Signatures pages follow }

IN WITNESS WHEREOF, the parties have executed this Extension Agreement on the date first above written.

City of Appleton, Wisconsin

By: _____
Timothy Hanna, Its Mayor

By: _____
Dawn Collins, Its City Clerk

STATE OF WISCONSIN)
)ss.
COUNTY OF OUTAGAMIE)

I, a Notary Public in and for said County, in the State aforesaid, do hereby certify that personally know to be the same person whose name is subscribed to the foregoing instrument as the Mayor for City of Appleton, appeared before me this day in person and acknowledged that (s)he signed and delivered the said instrument as his/her own free and voluntary act, and as the free and voluntary act of said company for the uses and purposes therein set forth.

GIVEN under my hand and Notarial seal this _____ of _____, 2015.

Notary Public State of Wisconsin
My Commission Expires: _____

STATE OF WISCONSIN)
)ss.
COUNTY OF OUTAGAMIE)

I, a Notary Public in and for said County, in the State aforesaid, do hereby certify that personally know to be the same person whose name is subscribed to the foregoing instrument as the City Clerk for City of Appleton, appeared before me this day in person and acknowledged that (s)he signed and delivered the said instrument as his/her own free and voluntary act, and as the free and voluntary act of said company for the uses and purposes therein set forth.

GIVEN under my hand and Notarial seal this _____ of _____, 2015.

Notary Public State of Wisconsin
My Commission Expires: _____

Inner Circle Investments, LLC

By: _____

Its: _____

STATE OF _____)
)ss.
COUNTY OF _____)

I, a Notary Public in and for said County, in the State aforesaid, do hereby certify that personally know to be the same person whose name is subscribed to the foregoing instrument as the _____ for Inner Circle Investments, LLC, appeared before me this day in person and acknowledged that (s)he signed and delivered the said instrument as his/her own free and voluntary act, and as the free and voluntary act of said company for the uses and purposes therein set forth.

GIVEN under my hand and Notarial seal this _____ of _____, 2015.

This document was drafted by and should be returned to:
Attorney William S. Woodward
Davis & Kuelthau, s.c.
318 S. Washington Street
Green Bay, WI 54301
(920)431-2222
wwoodward@dkattorneys.com

Exhibit A
Legal Descriptions

The land referred to in this Policy, situated in the County of Outagamie, City of Appleton, State of Wisconsin, is described as follows:

PARCEL 1:

The North 120 feet of Lot One (1), less the West 36.33 feet thereof, Lot Two (2), less the West 60 feet lying south of the North line of the alley, Lot Three (3), Lot Four (4), Lot Five (5), Lot Six (6), the East 20 feet of Lot Eight (8), Lot Nine (9), Lot Ten (10), Lot Eleven (11) and Lot Twelve (12), and all that part of the vacated alley lying in said lots, lying East of the West line of the West 20 feet of said Lot 2 as corrected by Final Resolution recorded in Jacket 15185, Image 38, as Document No. 11 08789; all in Block Seven (7), Appleton Plat, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City.

The perimeter description of the above parcel is described as:

Beginning at the Northeast corner of Lot Six (6), Block Seven (7), of APPLETON PLAT; thence along the West right-of-way line of South Superior Street, South 00°04'40" West, 329.24 feet; thence along the North right-of-way line of West Lawrence Street, South 89°56'15" West, 339.86 feet; thence North 00°00'50" West, 198.19 feet; thence North 79°29'25" West, 61.47 feet; thence South 89°57'47" West, 38.64 feet; thence North 00°23'38" West, 120.00 feet; thence along the South right-of-way line of West College Avenue, North 89°58'13" East, 440.26 feet to the point of beginning.

PARCEL 2:

Leasehold Estate created by Lease entered into by and between City of Appleton, landlord and Paper Valley Hotel and Conference Center, Inc., tenant dated June 21, 1994 and recorded on June 24, 1994 in Jacket 15884, Image 1, as Document No. 1127763 demising a skywalk described as follows:

Description of the land under a covered Walkway located in the air rights of the City of Appleton above the street now known as. College Avenue; in the air rights of the City of Appleton above the public alley and land owned by the City of Appleton in Block 25, Appleton Plat; and in the air rights of property owned by Stephen M. Evans in said Block 25:

That part of College Avenue, City of Appleton, Outagamie County, Wisconsin as shown on the recorded Assessor's Map of said City lying between Lot Eight (8), Block Twenty-five (25) and Lot Two (2), Block Seven (7) in Appleton Plat; part of the East 49 feet of the South 55 feet of Lot 8 in said Block 25; part of the East 45 feet of the South 101.17 feet of the north 111.17 feet of Lot 8, Block 25; part of the public alley being a part of the North 10 feet of the East 45 feet of Lot 8 and the South 10 feet of the East 45 feet of Lot 2 in said Block 25 and Lot 1 of Certified Survey Map No. 1595, filed in Volume 8 of Certified Survey Maps, page 1595, as Document No. 1076318, Outagamie County Registry.

The Walkway or Skywalk that crosses College Avenue is connected on the North to a building located on the East 49 feet of the South 55 feet of Lot Eight (8), Block Twenty-five (25), Appleton Plat and connected on the South to a building located on part of Lot Two (2), Block Seven (7), in said Appleton Plat; the Walkway or Skywalk that crosses the alley is connected on the North to the Washington Street Parking Ramp located on Lot 1 of Certified Survey Map No. 1595 filed in Volume 8 of Certified Survey Maps, page 1595, as Document No. 1076318 and connected on the South to a building located on part of the East 45 feet of the South 101.17 feet of the North 111.17 feet of Lot 8, Block 25, Appleton Plat.

ESTOPPEL AND CONSENT

This Estoppel and Consent is dated as of this ____ day of _____, 2015 (the "Estoppel and Consent") by the City of Appleton, Wisconsin, a Wisconsin municipal corporation (the "City").

RECITALS REGARDING DEVELOPMENT AGREEMENT:

A. The City of Appleton, Wisconsin ("City"), the Redevelopment Authority of the City of Appleton, a body corporate and politic, Paper Valley Hotel and Conference Center, Inc., a Wisconsin corporation ("Developer") and Bergstrom Corporation, a Wisconsin corporation ("Guarantor") entered into that certain Development Agreement dated December 1, 1992 (the "Development Agreement"), a true and correct copy being attached hereto as Exhibit A, pursuant to which the City agreed, among other things, to construct a parking structure and skywalk adjacent to certain real property owned by the Developer and more particularly described as Parcel 1 on Exhibit B attached hereto and commonly referred to as the Paper Valley Hotel and Conference Center (said real property and any and all improvements thereon are herein referred to as the "Hotel"), and the Developer agreed to use reasonable efforts to construct certain improvements to the Hotel; and

B. The City and Developer intended terms of the Development Agreement to be binding on the Hotel and all successors and assigns of the Developer; and

C. The Developer and its parent corporation, Bergstrom Corporation, subsequently sold and conveyed the Hotel to Oly/Montclair Wisconsin Hotels LLC ("Oly/Montclair") and in connection with such sale assigned to Oly/Montclair all of their rights under the Development Agreement, such assignment having been consented to by the City pursuant to that certain Consent to Assignment of Development Agreement dated January 6, 1998 and recorded with the Register of Deeds of Outagamie County, Wisconsin on January 15, 1998 as Document No. 1254469; and

D. Oly/Montclair, subsequently sold and conveyed the Hotel to Watermark Montclair Wisconsin Properties LLC ("Watermark") and in connection with such sale assigned to Watermark all of their rights under the Development Agreement to Watermark, such assignment having been consented to by the City pursuant to that certain Consent to Assignment of Development Agreement dated November 29, 2006 and recorded with the Register of Deeds of Outagamie County, Wisconsin on December 4, 2006 as Document No. 1733926; and

E. Watermark's interest in the Hotel was foreclosed in Outagamie County Case Number 2012CV000614 (the "Foreclosure Action") and as a result of the foreclosure judgment and being the successful bidder, a Sheriff's Deed was issued to GCCFC 2007-GG9 Lodging 333, LLC and recorded as Document No. 1976446; and

F. Pursuant to that certain Agreement for Sale and Purchase of Properties ("Purchase Agreement") dated April 22, 2015, GCCFC 2007-GG9 Lodging 333, LLC ("GCCFC") will sell and convey the Hotel to Inner Circle Investments, LLC or to an affiliated entity owned and/or controlled by it ("Inner Circle") and as a condition of such sale and conveyance, GCCFC desires to assign its rights under the Development Agreement and Inner Circle Investments, LLC ("Inner Circle") desires to accept all rights of the Developer under the Development Agreement; and

G. Pursuant to the terms of the Development Agreement, the consent of the City is required to assign or otherwise transfer the rights under the Development Agreement, which consent is herein granted by the City; and

H. The City desires Inner Circle to assume the rights of the Developer under the Development Agreement at the closing of the Purchase Agreement.

RECITALS REGARDING SKYWALK LEASE:

A. The Hotel is connected to an elevated, enclosed pedestrian passageway (the "College Avenue Skywalk") owned by the City (either in fee or by virtue of a perpetual, irrevocable easement therefor), which is situated within the air rights legally described in Parcel 2 on Exhibit B attached hereto, which College Avenue Skywalk crosses College Avenue and connects with a commercial office building on the north side of College Avenue known as the Evans Building and which continues through a corridor within the Evans Building the City's parking facility located at West Washington Street; and

B. GCCFC, as successor to the interest of Paper Valley Hotel and Conference Center, Inc. ("Original Tenant"), leases the College Avenue Skywalk from City pursuant to that certain Lease between City and Original Tenant dated June 21, 1994 and recorded with the Register of Deeds of Outagamie County, Wisconsin on June 24, 1994 at Jacket 15584, Image 1-39 as Document no. 1127763 (the "Skywalk Lease"); and

C. In accordance with the terms of the Purchase Agreement and as a condition of closing, GCCFC has agreed to sell and convey the Hotel to Inner Circle Investments, and in connection with such sale intends to assign its rights and interest in the Skywalk Lease to Inner Circle at the closing; and

D. Pursuant to the Paragraph 29(b) of the Skywalk Lease, the assignment of the Skywalk Lease by GCCFC to Inner Circle is subject to City's consent; and

E. The City desires Inner Circle to assume the obligations of the Tenant under Skywalk Lease and, further, consents to the assignment of Skywalk Lease to be effective upon the closing of the Purchase Agreement.

RECITALS REGARDING PARKING AGREEMENTS:

A. The Hotel is connected to a public parking ramp owned by the City and commonly known as the "Red Ramp" by an elevated, enclosed pedestrian passageway (the "Superior Street Skywalk") also owned by the City crossing South Superior Street, which separates the Hotel from the Red Ramp; and

B. By City Council action on May 4, 2011, the name of the parking ramp referred to in the Parking Agreements (as hereinafter defined) was changed from "Midtown Ramp" to "Red Ramp"; and

C. The various rights and obligations of the City and GCCFC, as owner of the Hotel, relating to the Superior Street Skywalk and parking rights within the Red Ramp are governed by the following documents (collectively, the "Parking Agreements"):

D.

1. Agreement to Construct, Operate and Maintain Parking Facility and Skywalk dated May 1, 1981 between the City and Paper Valley Hotel and Conference Center, Inc.;
2. First Amendment to Agreement to Construct, Operate and Maintain Parking Facility and Skywalk dated June 23, 1981 between the City and Paper Valley Hotel and Conference Center, Inc.;
3. Memorandum of Agreement dated January 28, 1994 between the City and Paper Valley Hotel and Conference Center, Inc.;
4. Memorandum of Agreement dated November 3, 1997 between the City and Paper Valley Hotel and Conference Center, Inc.;

5. Minutes from the January 9, 1985 City of Appleton Common Council Meeting, adopting Report of the Parking and Transit Commission;
6. Amendment to Parking Agreements dated as of January 1, 1999 between the City and Oly/Montclair. (Copies of those instruments identified at items 1-5 above were recorded with the Register of Deeds of Outagamie County as attachments to that certain Affidavit recorded on January 12, 1998 as Document No. 1254125, and the instrument identified at item 6 above was recorded with the Register of Deeds of Outagamie County recorded on June 25, 1999 as Document No. 1332079); and
7. Oly/Montclair assigned its interests in the documents identified above to Watermark Montclair Wisconsin Hotels LLC. Such assignment was recorded with the Register of Deeds of Outagamie County on December 4, 2006 as Document No. 1733928.

E. Inner Circle desires to obtain an assurance from the City that at the closing of the Purchase Agreement, it will obtain all rights and obligations previously granted under the Parking Agreements to the Developer and subsequent owners of the Hotel through assignment of any rights held by GCCFC or re-affirmation of said rights from the City; and

F. The City desires Inner Circle to assume all rights and obligations under the Parking Agreements and consents to the assignment and/or re-affirms all rights and obligations set forth therein.

NOW, THEREFORE, with the understanding and intent that the statements being made herein will be relied upon by Inner Circle in connection with its purchase of the Hotel, and by any lender holding a mortgage or other lien on the Hotel ("Lender"), City hereby represents and warrants as follows:

1. Consent-Development Agreement. The City hereby consents to the assignment of the Development Agreement by GCCFC to Inner Circle and/or the re-affirmation of the Development Agreement should GCCFC not have assumed any rights or obligations as a result of the Foreclosure Action.

2. Subordination-Development Agreement. The City hereby agrees that the terms and provisions contained in Paragraph 8 of the Development Agreement, which terms and provisions generally provide that the Development Agreement and any interest that the City may have in and to the Hotel are and at all times shall remain subordinate to certain mortgages and liens affecting the Hotel, has not been amended and remains in full force and effect.

3. Estoppel-Development Agreement. The City hereby represents and warrants that there is no default by GCCFC or any predecessor owner of the Hotel under the Development Agreement, and there is no circumstance which, with the giving of notice and/or the passage of time, would result in such a default.

4. Estoppel-Skywalk Lease. The City hereby represents and warrants that the Skywalk Lease described above is in full force and effect between the City and GCCFC, the Skywalk Lease has not been amended there is no default by GCCFC or any predecessor owner of the Hotel under the Skywalk Lease, and there is no circumstance which, with the giving of notice and/or the passage of time, would result in such a default.

5. Consent-Skywalk Lease. Pursuant to the terms of Section 29(b) of the Skywalk Lease, the City does hereby consent to the assignment of the tenant's interest in the Skywalk Lease by GCCFC to Inner Circle and the assumption thereof by Inner Circle.

6. Estoppel-Parking Agreements. That the Parking Agreements identified in the foregoing recitals are in full force and effect between the City and GCCFC, as owner of the Hotel, and fully and

accurately set forth the obligations and the rights of the City and GCCFC, as owner of the Hotel, regarding the subject matter of the Red Ramp (f/n/a the "Midtown Ramp) and the Superior Street Skywalk and that there is no default by GCCFC under the Parking Agreements, and there is no circumstance which, with the giving of notice and/or the passage of time, would result in such a default.

7. Consent-Parking Agreements. To the extent the consent of the City is required to assign the Parking Agreements or for Inner Circle to assume the rights and obligations thereunder, the City does hereby consent to the assignment of the Hotel owner's interest in the Parking Agreements by GCCFC to Inner Circle and the assumption thereof by Inner Circle.

8. Binding Effect. That the Development Agreement, Skywalk Lease and Parking Agreements are for the benefit of the owner of the Hotel from time to time and such benefits shall inure to Inner Circle upon such date as title to the Hotel is conveyed to it by GCCFC.

9. Consent to Collateral Assignment. The City further hereby consents to the assignment by Inner Circle of Inner Circle's interests under the Development Agreement, Skywalk Lease and/or Parking Agreements to Lender for the purposes of financing the acquisition, construction or operation of the Hotel or any improvements thereto.

10. Conflict. Except as expressly set forth herein, all of the terms and provision of the Development Agreement, Skywalk Lease and Parking Agreements shall remain in full force and effect. In the event of any conflict between the terms and provisions of this Consent and the terms and provisions of the Development Agreement, Skywalk Agreement or Parking Agreements, the terms and conditions of this Consent shall control.

11. Effective Date of Consents. The consents set forth above shall be effective upon the sale of the Hotel to Inner Circle.

12. Counterparts and Facsimile. This Consent may be executed in any number of counterparts, each of which shall be deemed an original. Facsimile signatures on this Consent shall be valid and binding against the parties.

13. Successors and Assigns. This Consent shall be binding upon the City and inure to the benefit of GCCFC, Inner Circle and their respective successors and assigns, including, without limitation, the Lender.

{ Balance of this page intentionally blank; Signatures pages follow }

IN WITNESS WHEREOF, the City has executed this Estoppel and Consent on the date first above written.

City of Appleton, Wisconsin

By: _____
Timothy Hanna, Its Mayor

By: _____
Dawn Collins, Its City Clerk

STATE OF WISCONSIN)
)ss.
COUNTY OF OUTAGAMIE)

I, a Notary Public in and for said County, in the State aforesaid, do hereby certify that I personally know to be the same person whose name is subscribed to the foregoing instrument as the Mayor for the City of Appleton, appeared before me this day in person and acknowledged that (s)he signed and delivered the said instrument as his/her own free and voluntary act, and as the free and voluntary act of said company for the uses and purposes therein set forth.

GIVEN under my hand and Notarial seal this _____ of _____, 2015.

Notary Public State of Wisconsin
My Commission Expires: _____

STATE OF WISCONSIN)
)ss.
COUNTY OF OUTAGAMIE)

I, a Notary Public in and for said County, in the State aforesaid, do hereby certify that I personally know to be the same person whose name is subscribed to the foregoing instrument as the City Clerk for City of Appleton, appeared before me this day in person and acknowledged that (s)he signed and delivered the said instrument as his/her own free and voluntary act, and as the free and voluntary act of said company for the uses and purposes therein set forth.

GIVEN under my hand and Notarial seal this _____ of _____, 2015.

Notary Public State of Wisconsin
My Commission Expires: _____

This consent was drafted by and
should be returned to:
Attorney William S. Woodward
Davis & Kuelthau, s.c.
318 S. Washington Street
Green Bay, WI 54301
(920)431-2222
wwoodward@dkattorneys.com

Exhibit B
Legal Descriptions

The land referred to in this Policy, situated in the County of Outagamie, City of Appleton, State of Wisconsin, is described as follows:

PARCEL 1:

The North 120 feet of Lot One (1), less the West 36.33 feet thereof, Lot Two (2), less the West 60 feet lying south of the North line of the alley, Lot Three (3), Lot Four (4), Lot Five (5), Lot Six (6), the East 20 feet of Lot Eight (8), Lot Nine (9), Lot Ten (10), Lot Eleven (11) and Lot Twelve (12), and all that part of the vacated alley lying in said lots, lying East of the West line of the West 20 feet of said Lot 2 as corrected by Final Resolution recorded in Jacket 15185, Image 38, as Document No. 1108789; all in Block Seven (7), Appleton Plat, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City.

The perimeter description of the above parcel is described as:

Beginning at the Northeast corner of Lot Six (6), Block Seven (7), of APPLETON PLAT; thence along the West right-of-way line of South Superior Street, South $00^{\circ}04'40''$ West, 329.24 feet; thence along the North right-of-way line of West Lawrence Street, South $89^{\circ}56'15''$ West, 339.86 feet; thence North $00^{\circ}00'50''$ West, 198.19 feet; thence North $79^{\circ}29'25''$ West, 61.47 feet; thence South $89^{\circ}57'47''$ West, 38.64 feet; thence North $00^{\circ}23'38''$ West, 120.00 feet; thence along the South right-of-way line of West College Avenue, North $89^{\circ}58'13''$ East, 440.26 feet to the point of beginning.

PARCEL 2:

Leasehold Estate created by Lease entered into by and between City of Appleton, landlord and Paper Valley Hotel and Conference Center, Inc., tenant dated June 21, 1994 and recorded on June 24, 1994 in Jacket 15884, Image 1, as Document No. 1127763 demising a skywalk described as follows:

Description of the land under a covered Walkway located in the air rights of the City of Appleton above the street now known as. College Avenue; in the air rights of the City of Appleton above the public alley and land owned by the City of Appleton in Block 25, Appleton Plat; and in the air rights of property owned by Stephen M. Evans in said Block 25: That part of College Avenue, City of Appleton, Outagamie County, Wisconsin as shown on the recorded Assessor's Map of said City lying between Lot Eight (8), Block Twenty-five (25) and Lot Two (2), Block Seven (7) in Appleton Plat; part of the East 49 feet of the South 55 feet of Lot 8 in said Block 25; part of the East 45 feet of the South 101.17 feet of the north 111.17 feet of Lot 8, Block 25; part of the public alley being a part of the North 10 feet of the East 45 feet of Lot 8 and the South 10 feet of the East 45 feet of Lot 2 in said Block 25 and Lot 1 of Certified Survey Map No. 1595, filed in Volume 8 of Certified Survey Maps, page 1595, as Document No. 1076318, Outagamie County Registry.

The Walkway or Skywalk that crosses College Avenue is connected on the North to a building located on the East 49 feet of the South 55 feet of Lot Eight (8), Block Twenty-five (25), Appleton Plat and connected on the South to a building located on part of Lot Two (2), Block Seven (7), in said Appleton Plat; the Walkway or Skywalk that crosses the alley is connected on the North to the Washington Street Parking Ramp located on Lot 1 of Certified Survey Map No. 1595 filed in Volume 8 of Certified Survey Maps, page 1595, as Document No. 1076318 and connected on the South to a building located on part of the East 45 feet of the South 101.17 feet of the North 111.17 feet of Lot 8, Block 25, Appleton Plat.



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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

1819 East Witzke Boulevard

Appleton, Wisconsin 54911-8401

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

Email - dean.gazza@appleton.org

To: Finance Committee

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

Date: May 12, 2015

Re: Action: Award contract for Municipal Services Building Trench Drain Reconstruction to Wood Sewer & Excavating, Inc. in the amount of \$199,660 with a contingency of \$20,000 for a contract total not to exceed \$219,660.

The bids for the Municipal Services Building Trench Drain Reconstruction Project were opened on Thursday, April 22, 2015. The project includes the removal and installation of the current trench drain that is located throughout the garage areas of the Municipal Services Building. In addition, this project will bring the drains into code compliance by connecting them to the sanitary sewer system.

The Parks, Recreation and Facilities Management Department's Capital Projects Fund includes a budget of \$355,000 for this work to be completed in 2015. Two companies submitted qualified bids for the project. Below are the base bids:

Wood Sewer & Excavating	\$199,660.00
Vinton Construction	\$346,169.44

It is the recommendation of the Parks, Recreation and Facilities Management Department and McMahon Engineering/Architects to accept the bid provided by Wood Sewer & Excavating and to allocate a \$20,000 contingency. This project has the high potential to incur the use of some contingency because of some variables, including underground tunnels that were abandoned and the need to replace certain areas of concrete depending on their condition when excavated. Though every reasonable effort is taken to account for potential circumstances, it is nearly impossible to understand the true conditions until such conditions are exposed.

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



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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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

To: Finance Committee

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

Date: May 12, 2015

Re: Action: Award contract for Highview Tennis Courts to MCC, Inc. in the amount of \$136,390 with a contingency of \$5,000 for a contract total not to exceed \$141,390.

Action: Reallocate \$35,890 of the positive variance from the Hardscape Infrastructure Improvement/Replacement Project to the Highview Tennis Court project.

The bids for the Highview Tennis Court Project were opened on Thursday, May 5, 2015. The project includes the installation of new tennis courts. The amount budgeted was \$120,000. Of the \$120,000 budgeted, \$14,500 was utilized for engineering which leaves a balance of \$105,500 for construction. One company submitted a qualified bid for the project; MCC, Inc. for \$136,390. To cover the shortfall, we are requesting to reallocate \$35,890 of the positive variance from the Hardscape Infrastructure Improvement/Replacement Project to this project.

Contingent on the approval of the reallocation of funds between projects, it is the recommendation of the Parks, Recreation and Facilities Management Department to accept the bid of \$136,390 and award the contract to MCC, Inc. The Department is also recommending a contingency of \$5,000 for a contract total not to exceed \$141,390.

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



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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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

To: Finance Committee

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

Date: May 12, 2015

Re: Action: Award contract for Pierce Park Site Work to MCC, Inc. in the amount of \$110,191 with a contingency of \$5,000 for a contract total not to exceed \$115,191.

Action: Reallocate \$33,355 of the positive variance from the Hardscape Infrastructure Improvement/Replacement Capital Improvement Project to the Pierce Park Site Work Project.

The bids for the Pierce Park Site Work Project were opened on Thursday, May 5, 2015. The project includes the landscaping and hardscape improvements around the stage. The improvements will improve the viewing area and bring the seating area in compliance with the Americans with Disabilities Act. The amount budgeted was \$81,836. Two companies submitted qualified bids for the project. Below are the base bids:

MCC, Inc.	\$110,191
Tom Vanhandel Corp.	\$119,338

To cover the shortfall it will be necessary to reallocate \$33,355 of the positive variance from the Hardscape Infrastructure Improvement/Replacement Capital Project to this project. The award of this contract is contingent on the Finance Committee approving this reallocation.

Contingent on the approval of the reallocation of funds between projects, it is the recommendation of the Parks, Recreation and Facilities Management Department to accept the bid of \$110,191 and award the contract to MCC, Inc. The Department is also recommending a contingency of \$5,000 for a contract total not to exceed \$115,191.

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

MEMO: Walgreen Co. Settlement Agreement
DATE: 05/12/15
TO: Finance Committee
FROM: DeAnn Brosman, City Assessor

Walgreens parcels # 31-5-4253-00, 6-7601-00, 5-1173-00, and 4-6162-01

The City of Appleton is currently in litigation with Walgreens for tax years 2011-2014 regarding the assessed value on four Walgreens stores and an associated parking lot. The stores are located at 729 W. Northland Ave, 2803 N. Meade St., 700 W. College Ave, and 3330 E. Calumet St. Walgreens first filed this court complaint in 2012 following the city's denial of their Excessive Assessment claim under Wis. Stat. 74.37.

In 2013, our court case was "stayed" pending the outcome of Walgreen Co. v. City of Milwaukee and Walgreen Co. v. City of Oshkosh. During 2014, Milwaukee agreed to a settlement with Walgreens at an average assessed value of \$2,400,000. In December 2014, the Oshkosh Appellate Court ruled in favor of Walgreens and reduced the assessed value of two Oshkosh Walgreens to \$2,100,000 each. Also during 2013, the circuit court ruled in favor of Walgreens within the V. of Little Chute where the assessed value was reduced to \$2,000,000.

In their initial claims with the City of Appleton, Walgreens requested an assessed value of between \$1,900,000 to \$2,100,000 on each of the four stores and a total property tax refund of \$564,000. Due to the results of the recent court cases, we are recommending approval of the settlement agreement with Walgreens.

Summary of Proposed Walgreens Settlement – 5/12/15

729 W Northland Ave built 2009 (31-5-4253-00)	2011-2012 assessed value	\$4,401,000
	2013-2014 assessed value	\$5,301,000
	2011-2014 claim amount	\$1,930,000 avg.
	2011-2014 settlement	\$3,000,000
Walgreens parking lot at V2700 N Richmond (31-5-4250-00) (This parcel was included in their 729 W Northland Ave claim)	2011 - 2014 assessed value	\$131,600
	2011 – 2014 claim amount	\$0
	2011 – 2014 settlement	\$131,600
2803 N Meade St built 1996, remodeled 2009 (31-6-7601-00)	2011 – 2014 assessed value	\$3,768,000
	2011 – 2014 claim amount	\$2,029,000 avg.
	2011 – 2014 settlement	\$2,500,000
700 W College built 2000 (31-5-1173-00)	2013 - 2014 assessed value	\$3,600,000
	2013 – 2014 claim amount	\$2,062,000 avg
	2013 – 2014 settlement	\$2,200,000
3330 E Calumet built 2002 (31-4-6162-01)	2013 – 2014 assessed value	\$3,400,000
	2013 - 2014 claim amount	\$2,062,000 avg
	2013 – 2014 settlement	\$2,374,000

The settlement results in a total tax refund of \$385,633.56. The original tax refund request based on the claim amounts was \$564,000 prior to negotiations.

\$252,565.07 of the \$385,633.56 is to be refunded by June 15, 2015 for tax years 2011-2013. \$133,068.49 is to be refunded by January 31, 2016 for tax year 2014. We requested this deferment to assist with budgeting.

The WI DOR will likely approve \$125,463.01 of chargeback to the other taxing jurisdictions for tax years 2011-2013 and \$49,073.75 for tax year 2014. The chargeback typically occurs the year following the refund. If approved, the city's net refund amount will be \$127,102.06 for 2011-2013 and \$83,994.74 for 2014.

MEMO: H & K Partners LLC Settlement Agreement
DATE: 05/12/15
TO: Finance Committee
FROM: DeAnn Brosman, City Assessor

H & K Partners LLC d/b/a KFC located at 111 E. Wisconsin Ave.

A Claim for Excessive Assessment under Wis. Stat. 74.37 was filed with the City Clerk on January 23rd, 2015 for the KFC Restaurant property (parcel #31-6-0327-00). In their claim, H&K Partners LLC (tenant & franchisee) requested a reduction of the 2014 assessed value from \$553,900 to \$254,800 and a property tax refund of \$6,659.

The assessed value was sustained by the 2014 Board of Review and the claim was denied by the Finance Committee on April 8th, 2015. At this time, the Assessor's office is recommending approval of the 2014 settlement agreement with H & K Partners LLC. The recommended revision to the 2014 assessed value and resulting tax refund will provide for equity with other fast food assessed values in the city and other KFC assessed values in NE Wisconsin.



FOX CITIES
GREATER APPLETON WISCONSIN

April 20, 2015

Ms. Karen Harkness
Director of Community & Economic Development
City of Appleton
100 North Appleton St.
Appleton WI 54911

Dear Karen,

Thank you for your final submission for grant funds for the Fox Cities Expo Center Inc. design. We are pleased that all contingencies have been met for this project.

I appreciate your facilitating a discussion with a representative from Boldt regarding the invoicing on this project. The discussion clarified our understanding of the vendors involved in doing the work on this project, specifically that Boldt was asked to provide some services and handle the billing at the request of designel, llc, after those principals left Zeidler partnership.

Given that knowledge, the final grant payout will be \$246,959.93.

Per your request, the grant funds will be paid out electronically. Our contact at Thrivent Trust Company indicated the funds would be transferred by Thursday, April 23, 2015.

Please let me know of any questions,

Regards,
Pam

Pam Seidl
Executive Director

Fox Cities Convention & Visitors Bureau

3433 W. College Ave. • Appleton, WI 54914-3919 • Phone (920) 734-3358 • Fax (920) 734-1080

foxcities.org



The Boldt Company
2525 N Roemer Road
P.O. Box 419
Appleton, WI 54912-0419

920-739-6321 phone
www.boldt.com

April 11, 2015

Ms. Pam Seidl
Executive Director, Fox Cities Convention & Visitors Bureau
3433 West College Avenue
Appleton, WI 54914

Re: Fox Cities Exhibition Center Design Services Review Follow-up

Dear Pam,

Thank you for meeting with Dave Sachs of Boldt on Monday, April 6, 2015 to discuss the Fox Cities Convention & Visitors Bureau Grant for conceptual design services. Dave has asked me to respond to you via this letter to summarize the meeting discussion topics.

1. When the initial request for design services was made Boldt reviewed conceptual design proposals from three (3) firms. The outcome of this review process was that we felt the proposal of Zeidler best met the professional requirements of this effort. Zeidler's proposed project team was led by Gino Desantis. Gino was the lead Architect on the Fox Cities Performing Arts Center. Based upon this past connection with our community, and Zeidler's professional background with convention centers, we selected Zeidler as our partner for this effort. A contract was then executed with Zeidler. Under this agreement Zeidler would provide conceptual architectural space programming services with Boldt providing drawing design development and technical engineering support for electrical, mechanical and structural design.
2. After execution of the contract with Zeidler we were notified that Gino Desantis and key members of the project team were no longer with Zeidler. The project team was reinitiated as Designel with Gino as a majority partner. Gino Desantis and Designel requested that invoicing for the project team be through Boldt. This invoicing relationship was then maintained from project initiation through completion.
3. The professional services provided, and ultimately invoiced, under this contract were for professional conceptual design services only. The services we provided under this contract included:
 - Space programming and requirements analysis
 - Space programming final study report (88 pages)
 - Food service concept evaluations
 - Circulation analysis
 - User group meetings to obtain requirements and needs
 - Site survey and planning
 - Schematic site plans

- Site soil analysis to determine structural bearing capacity
- Floor plans of the link
- Floor plans of the hotel
- Floor plans of the convention center
- Contour plan
- Facility modeling and option analysis
- Hotel link circulation study
- Infrastructure requirements analysis
- Definition of requirements on a room by room basis
- Utility planning meetings with providers (i.e. WE Energies, etc.)
- Conceptual structural evaluation
- Conceptual electrical evaluation
- Conceptual mechanical/HVAC evaluation
- Exterior elevations
- Final rendering development and presentation

4. When we were given a verbal authorization to proceed we began conceptual design activities to meet project milestone requirements. There was a time delay of a few weeks from the time that the authorization to proceed was given and official contract signing took place. It is not uncommon for us to get started when working with people we trust in order to keep design deliverables on schedule.

Please let me know if there is additional information required. My direct dial office phone is 920-225-6137. We look forward to continuing our close relationship with both the Fox Cities Convention & Visitors Bureau and the City of Appleton on this important project for the Fox Cities area.

Sincerely,



Douglas Haas, AIA
Director, Design Services


Cc: Karen Harkness, Tom Boldt, Walt Rugland, Dave Sachs, John Lawson

Bill of Sale and Assignment of Contract Rights

1. **Sale and Transfer of Assets and Contract Rights.** For good and valuable consideration, the receipt, adequacy and legal sufficiency of which are hereby acknowledged, and as contemplated by that certain Payment of grant funds from the City of Appleton and the Fox Cities Convention and Visitors Bureau to the Fox Cities Exhibition Center, Inc., to be transmitted to Community First Credit Union in satisfaction of the debt of Fox Cities Exhibition Center, Inc., which loan proceeds (the "Payment") were paid to The Boldt Company (the "Assignor"), to which the City of Appleton, a Wisconsin municipality (including the Appleton Redevelopment Authority) (the "Assignee"), is a beneficiary, Assignor hereby sells, transfers, assigns, conveys, grants and delivers to Assignee, all of Assignor's right, title and interest in and to all of the assets (the "Assets") and contract rights ("Rights") described on Schedule A attached hereto (collectively, the Assets and the Rights being referred to as the "Transferred Items").
2. **Further Actions.** Assignor covenants and agrees to warrant and defend the sale, transfer, assignment, conveyance, grant and delivery of the Transferred Items hereby made against all persons whomsoever, to take all steps reasonably necessary to establish the record of Assignee's title to the Transferred Items and, at the request of Assignee, to execute and deliver further instruments of transfer and assignment and take such other action as Assignee may reasonably request to more effectively transfer and assign to and vest in Assignee each of the Transferred Items, all at the sole cost and expense of Assignor.
3. **Assignee's Use.** The Assignee's use of the Transferred Items without Assignor's involvement is at Assignee's sole risk.
4. **Power of Attorney.** Without limiting Section 2 hereof, Assignor hereby constitutes and appoints Assignee the true and lawful agent and attorney in fact of Assignor, with full power of substitution and resubstitution, in whole or in part, in the name and stead of Assignor but on behalf and for the benefit of Assignee and its successors and assigns, from time to time:
 - (a) to demand, receive and collect any and all of the Transferred Items and to give receipts and releases for and with respect to the same, or any part thereof;

of _____, 2015.

ASSIGNOR :

By: 

SCHEDULE A

Description of Assets and Contract Rights

All rights, licenses and any work accomplished, directed, coordinated or provided to The Boldt Company by any third party who performed work related to the Fox Cities Exhibition Center in accordance with the terms, conditions and obligations set forth in the Preliminary Design-Build Agreement Between Owner and Design-Builder entered into on January 9, 2012 by and between Fox Cities Exhibition Center, Inc. and The Boldt Company, the terms, conditions and obligations of which are incorporated herein by reference.

WAIVER OF LIEN

Date: 5/4/15

For Value Received, THE BOLDT COMPANY and its subsidiary, Boldt Technical Services, hereby waive all rights and claims for lien on land and on buildings to be planned, developed, approved, programmed, designed, erected,

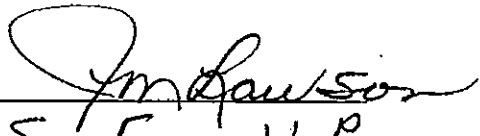
for: City of Appleton, Fox Cities Exhibition Center, Inc., Outagamie County, Appleton Redevelopment Authority and all other parties who have had or will have an interest in the subject property

by: The Boldt Company and its subsidiary, Boldt Technical Services

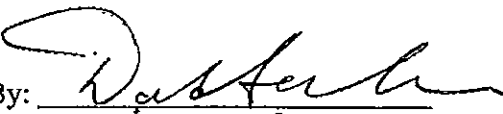
for: design and programming work related to the Fox Cities Exhibition Center, the same being situated in: Outagamie County, State of Wisconsin, and described as the corner of W. Lawrence St. and S. Elm St., Appleton, WI 54911, and shown on the attached tax parcel map, for all labor performed and for all material furnished for the programming, design estimating or any other work related to the property.

The Boldt Company and its subsidiary, Boldt Technical Services, acknowledge and agree that the payment of \$246,959.93 is in full and final satisfaction of all work related to the project known as the Fox Cities Exhibition Center.

THE BOLDT COMPANY

By: 
Title: Sr. Exec. V.P.

BOLDT TECHNICAL SERVICES

By: 
Title: Vice President

Tony Saucerman

From: Pam Seidl [<mailto:pseidl@foxcities.org>]
Sent: Wednesday, March 25, 2015 1:58 PM
To: Karen Harkness
Subject: Re: Grant Payment - Electronic Info Needed

Hi Karen,

I would be fine with the City of Appleton paying the funds directly to CFCU at the request of FCEC.

Pam

Pam Seidl
Executive Director
Fox Cities Convention & Visitors Bureau
(920) 734-3358



On Wed, Mar 25, 2015 at 12:52 PM, Karen Harkness <Karen.Harkness@appleton.org> wrote:

Thanks Pam. I have forwarded the needed information to transfer the funds to Tony Saucerman, Director of Finance.

This morning Walt Rugland asked if the City could send the funds directly to Community First Credit Union who is carrying the 0% \$250,000 loan taken out by the FCEC Board to complete the design work. I confirmed with Tony, from a financial perspective, that if Walt sent an email or letter stating that it was his desire, as chairman of the FCEC Board, that the City could then pay the loan directly to Community First Credit Union (CFCU).

I would also ask the CVB to send an email or letter stating they were fine with the City paying CFCU directly since the grant states a different process. Would you have any concerns with this action?

K*

PROJECT LIMITS:

1-P-15

CONCRETE PAVEMENT, SIDEWALK CONSTRUCTION AND DRIVEWAY APRONS

Ashbrook Street from Juniper Lane to Shasta Lane
Canvasback Circle from Ashbury Drive to Canvasback Circle
Gullwing Court from Stirling Parkway to Cul-de-Sac
Juniper Lane from Ashbrook Street to Vermillion Street
Palladium Court from Applehill Blvd to Cul-de-Sac
Primrose Lane from Oneida Street to Ashbrook Street
Purdy Parkway from Applehill Blvd to Cul-de-Sac
Shasta Lane from Ashbrook Street to Vermillion Street
Stirling Parkway from Smoketree Pass to Purdy Parkway
Vermillion Street from Juniper Lane to Shasta Lane

In accordance with the preliminary resolution of the Common Council dated May 20, 2015 we herewith submit our report on the assessment of benefits on the above named construction.

This report consists of the following:

Schedule A - Preliminary plans and specifications on file in the office of the Director of Public Works.

Schedule B - The total cost within the project limits in accordance with the plans and specifications in Schedule A is **\$5,816,103.68.**

Schedule C - Proposed Assessments. The properties included within the project limits are benefited and the work or improvements constitute an exercise of the police power. The total value of assessments is **\$730,134.32.**

Finance Committee



“...meeting community needs...enhancing quality of life.”

Department of Utilities
Water Treatment Facility
2281 Manitowoc Road
Menasha, WI 54952
920-997-4200 phone
920-997-3240 fax

TO: Chairperson Kathy Plank and Members of the Finance Committee

CC: Chairperson Greg Dannecker and Members of the Utilities Committee

FROM: Utilities Director Chris Shaw

DATE: May 6, 2015

RE: *Award the Glendale Water Tower Project to Caldwell Tanks in the amount of \$2,467,000 with a 10% contingency in the amount of \$246,700 for a project total not to exceed \$2,713,700*

BACKGROUND:

The 1 million gallon Glendale Water Tower Project is currently budgeted and planned for construction during 2015 and 2016. The proposed tower will provide increased fire protection capability and an additional 500,000 gallons of elevated water storage. As reported in a February 29, 2014 memo to Utilities Committee, the Public Works and Utilities Departments had selected the City owned site southwest of the Glendale and Sandra intersection. The site location was selected based on computer hydraulic modeling and a preliminary geotechnical survey of the property which confirmed appropriate subsoil conditions to support the 1 million gallon tower structure.

On July 18, 2014 the Utilities Committee approved an engineering services contract to Strand Associates. Strand Associates completed an initial evaluation of alternative tower styles and construction. From their analysis, the composite style (steel tank storage container atop a reinforced concrete pedestal) of water tower provides the greatest value at the least cost. Strand Associates is also under contract to provide construction management services over the course of the project.

BIDDING PROCESS AND RESULTS:

Bidding documents were finalized in April 2015. The construction costs were estimated to be above the budget of \$2,900,000. Project cost reductions included leaving moderately contaminated soils on site, reducing the coating system containment curtain and removing the City logo from the project. On May 5, 2015 four contractor bids were opened. The following table identifies the contractor bids.

COMPANY	BID
<i>Chicago Bridge and Iron</i>	\$2,673,000
<i>Landmark Structures</i>	\$2,575,000
<i>Phoenix Fabricators</i>	\$2,849,000
<i>Caldwell Tanks</i>	\$2,467,000

All of the submitted bids met project bidding requirements. The quote received from Caldwell Tanks was the least cost quote. Strand Associates completed their review and recommends that the project be awarded to Caldwell Tanks.

RECOMMENDATION:

Award the Glendale Water Tower Project to Caldwell Tanks in the amount of \$2,467,000 with a 10% contingency in the amount of \$246,700 for a project total not to exceed \$2,713,700. If you have questions regarding this project please feel free to contact Chris Shaw at ph: 832-5945.



MEMORANDUM

“...meeting community needs...enhancing quality of life.”

TO: Community and Economic Development Committee
FROM: Roxy Schmidt, Community Development Specialist
DATE: May 20, 2015
RE: Selection of Fair Housing Service Provider for the 2015 CDBG Program Year

In April 2015, the City of Appleton issued a Request For Proposals seeking an organization to provide fair housing services for Appleton residents during the 2015 CDBG Program Year, commencing April 1, 2015 and running through March 31, 2016. The amount allotted for these services totals approximately \$22,000, which derives from the City's CDBG Entitlement funds. [NOTE: the provision of fair housing services is mandated by HUD for all Entitlement Communities.]

With your approval, the Metropolitan Milwaukee Fair Housing Council (MMFHC), in partnership with their Fair Housing Center of Northeast Wisconsin (FHCNW) satellite office, will be chosen to perform the aforementioned services, which include outreach, education, enforcement, and investigation activities.

Specifically, MMFHC/FHCNW will provide:

- Outreach and Education
 - Presentations to Community Organizations
 - Educational Materials (in English, Hmong and Spanish)
 - Training sessions regarding fair housing practices
 - Participation in the Fox Cities Housing Coalition
- Enforcement and Investigation
 - Complaint Intake/Investigative Services
 - Information and Referral Services
 - Testing/Technical Assistance (if needed)

For over a decade, the MMFHC/FHCNW has provided fair housing services for Appleton residents and I look forward to working with their knowledgeable staff persons. Despite soliciting others via the internet, MMFHC/FHCNW was the only organization to submit a proposal to the City of Appleton for fair housing services.

Please contact me at 832-6469 or roxann.schmidt@appleton.org with any questions regarding fair housing services related to the CDBG program. Thank you!



600 East Mason Street,
Suite 401

Milwaukee, WI 53202

phone 414.278.1240
fax 414.278.8033
tty 414.278.0280

fairhousingwisconsin.com

William R. Tisdale
President and CEO

April 30, 2015

Roxann Schmidt
City of Appleton Community Development Specialist
100 N. Appleton Street, 5th Floor
Appleton, WI 54911

Dear Ms. Schmidt:

Please find enclosed a proposal for fair housing services. If you have any questions or concerns, please do not hesitate to call me at 414-315-3771 or email me at esanders@fairhousingwisconsin.com, or to contact Nicole Lemke at 920-560-4620 or nlemke@fairhousingwisconsin.com.

We are looking forward to working with you in the 2015 CDBG Program Year.

Thank you very much.

Sincerely,

A handwritten signature in blue ink that reads "Erika Sanders".

Erika L. Sanders
Director - Program Services

Fair Housing Services Proposal

**Submitted by the
Metropolitan Milwaukee Fair Housing Council
to the City of Appleton CDBG Program for Program Year 2015**

May 1, 2015

Metropolitan Milwaukee Fair Housing Council
William R. Tisdale, President and CEO
600 E. Mason Street, Suite 401
Milwaukee, WI 53202
414-278-1240

Fair Housing Center of Northeast Wisconsin
A satellite office of the Metropolitan Milwaukee Fair Housing Council
4650 W. Spencer Street, Suite 20
Appleton, WI 54914
920-560-4620

I. SUMMARY

The Metropolitan Milwaukee Fair Housing Council (MMFHC) proposes to provide the City of Appleton with fair housing enforcement and education and outreach services as described below. Services will be provided by MMFHC and its staff in its Fox Valley satellite office, the Fair Housing Center of Northeast Wisconsin (FHCNW), and will require funding support of \$26,250, although we are aware that CDBG funding restrictions may prevent this level of support.

II. PROPOSED SCOPE OF WORK

MMFHC proposes to provide the following comprehensive fair housing enforcement, outreach and education and technical assistance services to City of Appleton residents:

- A) MMFHC will make its complaint intake, counseling and investigative services available to persons who believe that they have experienced illegal discrimination. MMFHC staff will advise such persons on the provisions of fair housing law and available sources of remedy. As appropriate, MMFHC staff will conduct investigations utilizing testing and make referrals to attorneys and/or administrative agencies.
- B) MMFHC will provide information and referral services for clients who have non-fair housing inquiries. Such inquiries may include questions on topics such as rent abatement, breaking a lease, repair-related concerns and housing subsidies.
- C) When notified by City of Appleton staff that a fair housing investigation of a CDBG Program funded housing provider may be necessary, MMFHC may conduct an investigation utilizing testing. MMFHC will retain sole control of testing strategy, materials and reporting. MMFHC, its testers and any other interested parties shall retain all rights of remedy enumerated under all applicable fair housing laws.
- D) MMFHC will make available, on a case-by-case basis, reasonable technical assistance to the City of Appleton and its residents, including housing providers and social service agencies that conduct business in the City of Appleton. Technical assistance will include, but not be limited to, clarification on fair housing laws, information on legal and/or administrative interpretation of the laws, information on the nature and extent of housing discrimination, demographic data and compliance issues.
- E) MMFHC will distribute fair housing educational materials for housing providers and consumers in English, Hmong and Spanish. The number of materials printed and distributed is dependent upon receipt of sufficient funding support for fair housing services in the City of Appleton, beyond the \$26,250 that is requested herein.
- F) MMFHC staff will conduct a minimum of four fair housing presentations to community based organizations, social service agencies, civic or neighborhood organizations, faith-based organizations, or academic groups. Such organizations will either be located in Appleton or serve Appleton residents.

- G) MMFHC will conduct one fair housing training seminar for owners and managers of rental housing in Appleton, and one additional fair housing training seminar for owners and managers of rental housing upon request from the Appleton Police Department.
- H) MMFHC staff will conduct up to three fair housing presentations upon request for non-profit agencies that are funded by Appleton's CDBG Program.
- I) MMFHC staff will participate in the Fox Cities Housing Coalition on a regular basis.

III. ORGANIZATIONAL HISTORY, MISSION AND QUALIFICATIONS

FHCNW, which commenced provision of a full range of fair housing services on May 1, 2002, is a satellite office of MMFHC. The FHCNW office is located at 4650 W. Spencer Street, in Appleton, Wisconsin.

Prompted by prevailing patterns of racial and economic segregation and widespread discrimination in the housing market, 40 citizens organized MMFHC in October 1977 and began to operate a full-service fair housing program in 1978. A non-profit, membership-based organization, MMFHC is comprised of men and women who share a desire to create open and inclusive communities throughout the State of Wisconsin.

The purpose of MMFHC is to promote fair housing throughout the State of Wisconsin by combating illegal housing discrimination and by creating and maintaining racially and economically integrated housing patterns. MMFHC fulfills this mission through many local community partnerships and two satellite offices (in addition to FHCNW, there is a satellite office in Dane County).

MMFHC has operated a statewide enforcement program with affiliate and satellite offices throughout Wisconsin since 1984. MMFHC was the first private fair housing organization in the United States to develop and implement a formal worksharing relationship with a state enforcement agency. This public-private partnership with the Wisconsin Equal Rights Division began in 1982 and has been replicated in several other states. In addition, MMFHC has received over 30 Fair Housing Initiatives Program (FHIP) grants from the U.S. Department of Housing and Urban Development. MMFHC's FHIP grants have included numerous multi-year enforcement initiatives, as well as outreach and education contracts that provided fair housing educational services to housing consumers and providers, testers, attorneys and independent living centers across Wisconsin. As part of managing these and other state and local contracts, MMFHC maintains a consistent, uniform record-keeping system.

MMFHC staff provide technical assistance, training, and consultation services to the US Department of Housing and Urban Development, the US Department of Justice, the Federal Reserve Bank of Chicago, the National Fair Housing Alliance and private fair housing agencies throughout the United States, and other local, state and federal organizations. MMFHC has received two Best Practices Awards from the US Department of Housing and Urban Development. In addition, MMFHC was honored with a Trail Blazer Award by the Milwaukee Awards in Neighborhood Development Innovation program for its activities to address predatory lending practices, and MMFHC's President and CEO was honored with the 2008 National Community Reinvestment Coalition's National Community

Reinvestment Award in recognition of his local, regional and national leadership on fair housing.

MMFHC clients experience high levels of success when seeking a legal remedy to discrimination they've faced. Of the thousands of complainants MMFHC has assisted, over 600 have chosen to file lawsuits. Of those lawsuits, MMFHC clients have prevailed in all but 8 cases.

MMFHC operates the following programs:

Enforcement Program

- Intake of fair housing complaints, case management and counseling on options for administrative or judicial remedy.
- Investigative services for persons who allege housing discrimination.
- Referrals to attorneys and government agencies.
- Systemic investigations of institutional discrimination.

Outreach and Education Program

- Presentations to consumers, advocates and the general public.
- Fair housing training for property owners and managers, real estate agents and other members of the housing industry.
- Fair housing technical assistance and professional support to government agencies, civil rights organizations, social service agencies and housing providers.
- Development and dissemination of fair housing educational materials.

Fair Lending Program

- Investigates allegations of predatory lending, mortgage rescue scams and other fair lending violations.
- Monitors financial institutions' fair lending practices and compliance with the federal Community Reinvestment Act.
- Provides information to financial institutions on how to improve service to low and moderate income communities and people of color.
- Provides technical assistance and education on fair lending and foreclosure prevention to lenders, policy makers and the general public.

Inclusive Communities Program

- Technical assistance and professional support to community organizations, developers and local policy makers on inclusionary housing policies and the promotion of racial and economic integration.
- Assistance with consumers' access to pro-integrative housing choices.
- Research, analysis and documentation of fair and affordable housing opportunities and impediments.

KEY STAFF FOR PROPOSED ACTIVITIES

The following staff will contribute their time to the provision of the fair housing services described in Section II.

William R. Tisdale is the President and CEO of MMFHC. Mr. Tisdale has been employed by MMFHC since 1978 and has been its chief executive since 1981. Mr. Tisdale was founding president of the National Fair Housing Alliance. Mr. Tisdale will be responsible for the overall administration and management of the project described in this proposal, including financial responsibilities. Mr. Tisdale will also supply technical assistance to the City of Appleton.

Carla Wertheim is MMFHC's Executive Vice President. Ms. Wertheim has been employed by MMFHC since 1978 and has supervised all MMFHC enforcement activities since 1983. Ms. Wertheim has extensive experience in the areas of rental, sales and insurance testing and has served as a consultant to the US Department of Urban Development and as a trainer for the National Fair Housing Alliance's Fair Housing School programs. Ms. Wertheim will oversee all enforcement activities proposed herein, and will provide technical assistance to the City of Appleton.

Nicole Lemke, Program Services Coordinator, has been employed by MMFHC since 2013 and is based in the FHCNW office. She will be responsible for conducting outreach and education activities under the terms of this contract. She will conduct presentations, coordinate rental industry training, conduct community contacts and distribute educational materials. In addition, Ms. Lemke will perform some test coordination and management of volunteer tester activities.

Margaret Bowitz, Senior Administrator – Case Management Services, has been employed by MMFHC since 1984. Under the contract with the City of Appleton, Ms. Bowitz will conduct intake of housing discrimination complaints and will maintain regular and ongoing communication with complainants, administrative agencies and attorneys after the referral of complaints. Ms. Bowitz will also provide technical assistance to housing providers and advertisers.

Erika Sanders, Director – Program Services, has been employed by MMFHC since 1998. She will provide oversight of all proposed outreach and education activities. She has performed this role in numerous other contracts, including all Appleton CDBG contracts since 2002, when FHCNW began operation.

Deanna Richardson, Senior Administrator – Investigative Services, has been employed by MMFHC since 2001. She will provide oversight and review of all testing conducted as a part of the proposed project. During her tenure with MMFHC, she has coordinated over 1590 tests, personally performed over 585 tests and conducted over 50 tester training sessions.

Megan Wanke, Administrative Services Coordinator, has been employed by MMFHC since 2005. She will conduct some complaint intake activities, including preparation of complaints for referral to attorneys and administrative agencies, and will be conduct training for owners and managers of rental housing.

IV. FEE SCHEDULE

MMFHC requests that the City of Appleton provide \$26,250 to support the full-service fair housing activities listed in Section II. The real cost of the proposed activities is, in fact, significantly higher; MMFHC will supplement funding from the City of Appleton with considerable in-kind resources in order to complete the activities described in foregoing portions of this proposal.

It is not possible to estimate the number of hours to be expended on each of the activities listed in Section II. One cannot predict the number of complaints to be taken during the term of a contract, and as each complaint is unique, it is not possible to pre-determine the amount of time each complaint will require for full intake, investigation and referral. The same may be said for technical assistance services and information and referral services provided to callers with non-fair housing inquiries.

Direct costs for this contract include the salary of FHCNW staff. It is anticipated that the hourly rate of the FHCNW Program Services Coordinator will be \$19.55. Indirect costs include the time of other staff, as well as expenses such as rent, telephone, and reproduction of printed materials.

METROPOLITAN
MILWAUKEE



600 East Mason Street,
Suite 401

Milwaukee, WI 53202

phone 414.278.1240
fax 414.278.8033
tty 414.278.0280

fairhousingwisconsin.com

William R. Tisdale
President and CEO

**METROPOLITAN MILWAUKEE FAIR HOUSING COUNCIL
2015 BOARD OF DIRECTORS**

Michael Vruno, Chairperson

Richard Strode, Vice Chairperson

James Connolly, Secretary

Keith Cowan, Treasurer

William Tisdale, President and CEO

Carol Lobes

Johnny Kimble

Henry Venzant

Mary Yank

United States of America

STATE OF WISCONSIN
Office of Secretary of State

To All to Whom These Presents Shall Come:

The undersigned, as Secretary of State of the State of Wisconsin, hereby certifies that on October 12, 1977 Articles of Incorporation were filed in my office under the provisions of Chapter 181 of the Wisconsin Statutes, for the following corporation formed

WITHOUT STOCK AND NOT FOR PROFIT:

Name: METROPOLITAN MILWAUKEE FAIR HOUSING COUNCIL, INC.

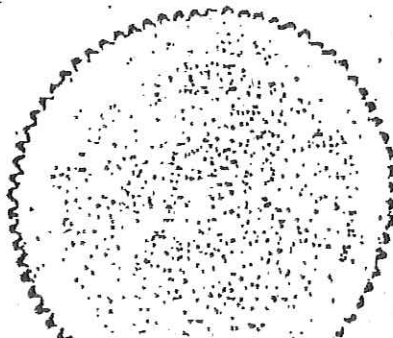
Principal Office: 2917 North 49th Street
Milwaukee, WI 53219

Purposes for which organized: The corporation is organized exclusively for the charitable purpose, within the meaning of 501(c)(3) of the Internal Revenue Code of 1954, of eliminating prejudice and discrimination in the provision of housing in the Milwaukee metropolitan area.

I further certify that a certificate has been filed in my office to the effect that a duplicate of said Articles, bearing my certificate, was recorded in the office of the Register of Deeds of Milwaukee County, Wisconsin, on October 17, 1977.

THEREFORE, The State of Wisconsin does hereby grant unto the said corporation the powers and privileges conferred by the Wisconsin Statutes for the purposes stated and in accordance with said Articles.

In Witness Whereof, I have hereunto set my hand and affixed my official seal, at the Capitol, in the City of Madison, on October 26, 1977.



Douglas LaFollette
DOUGLAS LAFOLLETTE

ARTICLES OF INCORPORATION
OF
METROPOLITAN MILWAUKEE FAIR HOUSING COUNCIL, INC.

Executed by the undersigned for the purpose of forming a Wisconsin corporation under Chapter 181 of the Wisconsin Statutes, WITHOUT STOCK AND NOT FOR PROFIT.

ARTICLE ONE. The name of the corporation is Metropolitan Milwaukee Fair Housing Council, Inc.

ARTICLE TWO. The period of existence of the corporation shall be perpetual.

ARTICLE THREE. This corporation is organized exclusively for the charitable purpose, within the meaning of §501(c)(3) of the Internal Revenue Code of 1954, of eliminating prejudice and discrimination in the provision of housing in the Milwaukee metropolitan area.

ARTICLE FOUR. The location of the principal office of the corporation in Wisconsin is 2917 North 40th Street, Milwaukee, Wisconsin 53210.

ARTICLE FIVE. The name of the initial registered agent is Fred Freiberg.

ARTICLE SIX. The address of the initial registered agent is 2917 North 40th Street, Milwaukee, Wisconsin 53210.

ARTICLE SEVEN. These articles may be amended in the manner authorized by law at the time of amendment.

ARTICLE EIGHT. The number of directors shall be fixed by by-law, but shall be not less than three.

ARTICLE NINE. The names and addresses of the initial Board of Directors are:

Edward Valent
2915 North 40th Street
Milwaukee, Wisconsin

Phyllis Wax
2229 East Newberry Blvd.
Milwaukee, Wisconsin

Ralph Yehle
2489 North Frederick
Milwaukee, Wisconsin

James Richardson
2802 North 55th Street
Milwaukee, Wisconsin

Sue Hoffmann
1936 South 32nd Street
Milwaukee, Wisconsin

Emile Jarreau
1608 North Warren Street, No. 8
Milwaukee, Wisconsin

Brian Binash
1472 South 87th Street
West Allis, Wisconsin

Teresa Valent
2915 North 40th Street
Milwaukee, Wisconsin

ARTICLE TEN. The method of accepting and discharging members, denying or restricting voting rights, and classifying members (including distinguishing features of each class) shall be set forth in the by-laws of the corporation. The

manner of election and appointment of directors shall be set forth in the by-laws of the corporation.

ARTICLE ELEVEN. No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in ARTICLE THREE hereof. No substantial part of the activities of the corporation shall be the carrying on of propoganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these Articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under §501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue law) or (b) by a corporation, contributions to which are deductible under §170(c)(2) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue law).

ARTICLE TWELVE. Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all of the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under §501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue law), as the Board of Directors shall determine. Any such assets not so disposed of shall be disposed of by the County Court of Milwaukee County, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

ARTICLE THIRTEEN. The names and addresses of the incorporators of this corporation are:

Joyce Tanner
524 East Foxdale Court
Fox Point, Wisconsin

Burnette Wade
2341 North 16th Street
Milwaukee, Wisconsin

Ralph Yehle
2489 North Frederick
Milwaukee, Wisconsin

- 2 -
James Richardson
2802 North 55th Street
Milwaukee, Wisconsin

Phyllis Wax
2229 East Newberry Blvd.
Milwaukee, Wisconsin

Lenora Seitz
3553A North Green Bay Avenue
Milwaukee, Wisconsin

Edward Valent
2915 North 40th Street
Milwaukee, Wisconsin

Teresa Valent
2915 North 40th Street
Milwaukee, Wisconsin

Gordon Kacala
2956A North 38th Street
Milwaukee, Wisconsin

Brian Binash
1472 South 87th Street
Milwaukee, Wisconsin

Sue Hoffmann
1936 South 32nd Street
Milwaukee, Wisconsin

Dave Kacala
1963 South 31st Street
Milwaukee, Wisconsin

Executed in duplicate on this 5th day of October,

1977.

Joyce Tanner
Bernette Stader
Carol Kahl
James Richardson
Phyllis Wax
Lenora F. Seitz

Edward Valent
Teresa Valent
Gordon Kacala
Brian Binash
James Richardson
Dave Kacala

STATE OF WISCONSIN
DEPARTMENT OF STATE
FILED
OCT 12 1977
DOUGLAS LAFOLLETTE
SECRETARY OF STATE

STATE OF WISCONSIN }
COUNTY OF MILWAUKEE } ss.

Personally came before me this 5th day of October,
1977, the above-named: Joyce Tanner, Burnette Wade, Ralph Yehle,
James Richardson, Phyllis Wax, Lenora Seitz, Edward Valent,
Teresa Valent, Gordon Kacala, Brian Binash, Sue Hoffmann,
and Dave Kacala,
to me known to be the persons who executed the foregoing
instruments, and acknowledged the same.



James A. Walrath
Notary Public, Milwaukee County, Wis.
My Commission is Permanent.

STATE OF WISCONSIN
DEPARTMENT OF STATE
FILED
OCT 12 1977
DOUGLAS LAFOLLETTE
SECRETARY OF STATE

Return to

This document was drafted by James A. Walrath,
attorney at law, 1409 E. Capitol Drive, Milwaukee, Wisconsin
53211.

ms 143.15-1971

United States of America

State of Wisconsin—Department of State

REGISTER'S OFFICE

Milwaukee County, Wis.

RECORDED AT 3:37 PM

OCT 11 1977 60.7

REEL 1059 IMAGE 608

To All to Whom These Presents Shall Come, Greeting:

I, the undersigned, as Secretary of State of the State of Wisconsin, certifies that

- (X) Articles of Incorporation () Amendment to Articles of Incorporation () Statement of Intent to Dissolve
() Articles of Dissolution () Articles of Merger () Non-Registration of DEEDS
() Articles of Consolidation () Restated Articles () Change of Registered Office and/or Agent OF

Metropolitan Milwaukee Fair Housing Council, Inc.

of which the attached is a duplicate, was on the date hereof, accepted and filed in my office.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal at the Capitol, in the City of Madison, on

OCT 12 1977

THIS MUST BE RECORDED WITH THE REGISTER OF DEEDS

Address any reply to: Federal Building and U. S. Court House, 210 North Robert Street, St. Paul, Minnesota 55101

Department of the Treasury

District Director

Internal Revenue Service

Date:

February 2, 1978

In reply refer to: Mr. A. G. Givens
612-723-7344

SEP:EO:78-1700: MAG:100



Macromedien Milwaukee Fair Housing
Council, Inc.
2315 North 40th Street
Milwaukee, Wisconsin 53210

Dear Applicant:

Accounting Period Ending: December 31
Form 990 Required: ☒ Yes ☐ No
Advance Ruling Period Ends: December 31, 1979

Based on the information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code.

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably be expected to be a publicly supported organization of the type described in section ~~509(a)(1)~~ and 170(b)(1)(A)(vi).

Accordingly, you will be treated as a publicly supported organization, and not as a private foundation, during an advance ruling period. This advance ruling period begins on the date of your inception and ends on the date shown above.

Within 90 days after the end of your advance ruling period, you must submit to us information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, you will be classified as a section 509(a)(1) or 509(a)(2) organization so long as you continue to meet the requirements of the applicable support test. If, however, you do not meet the public support requirements during the advance ruling period, you will be classified as a private foundation for future periods. Also, in the event you are classified as a private foundation, you will be treated as a private foundation from the date of your inception for purposes of sections 507(d) and 4940.

Grantors and donors may rely on the determination that you are not a private foundation until 90 days after the end of your advance ruling period. In addition, if you submit the required information

within the 90 days, grantors and donors may continue to rely on the advance determination until the Service makes a final determination of your foundation status. However, if notice that you will no longer be treated as a section ~~509(a)(1)~~ organization is published in the Internal Revenue Bulletin, grantors and donors may not rely on this determination after the date of such publication. Also, a grantor or donor may not rely on this determination if he was in part responsible for, or was aware of, the act or failure to act that resulted in your loss of section ~~509(a)(1)~~ status, or acquired knowledge that the Internal Revenue Service had given notice that you would be removed from classification as a section ~~509(a)(1)~~ organization.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

You are not liable for social security (FICA) taxes unless you file a waiver of exemption certificate as provided in the Federal Insurance Contributions Act. You are not liable for the taxes imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other Federal excise taxes. If you have any questions concerning these taxes, please let us know.

If your sources of support, or your purposes, character, or method of operation is changed, you should let us know so we can consider the effect of the change on your status. Also, you should inform us of all changes in your name or address.

If the yes box at the top of this letter is checked, you are required to file Form 990, Return of Organization Exempt From Income Tax, only if your gross receipts each year are normally more than ~~\$5,000~~ \$10,000. The return is due by the 15th day of the fifth month after the end of your annual accounting period. The law imposes a penalty of \$10 a day, up to a maximum of \$5,000, for failure to file the return on time.

You are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

Sincerely yours,

C. Shitzer
District Director



MEMORANDUM

TO: Community and Economic Development Committee
FROM: Matt Rehbein, Economic Development Specialist
DATE: May 7, 2015
RE: Approval of Farm Lease – Southpoint Commerce Park

The City of Appleton owns 147 acres of land in Southpoint Commerce Park that we make available for farmland which supports the City's objective in preparing land for future industrial development. Management of the farmland is assigned to the Community and Economic Department and is administered through the Economic Development Specialist. The land has been farmed for several years, since the City has taken ownership.

A Request for Proposals to lease farmland was distributed to approximately 120 farmers in Calumet County on April 29, 2015 and proposals were due May 7, 2015 with a goal to achieve optimal net income while pursuing environmental sustainability and positive local community relations. This item is of critical timing to ensure approval prior to the end of the 2015 planting season. If not approved prior, we would forgo 2015 rent revenue.

Four Proposals were received, with rates ranging from \$153 per acre to \$210 per acre. Per information from UWEX – Calumet County, lease rates for farmland in Calumet County have averaged \$126.00 per Acre. Some requested loss provisions for any crop destroyed due to lot sale, utility work, road work, etc. Leasing this parcel is beneficial to the City in that it limits soil erosion, eliminates the chance of wetlands forming, eliminates the need to cut weeds, and will also generate approximately \$30,870 in revenue annually. The proposed terms from the four submittals are summarized below:

SOUTHPOINT FARM LEASE PROPOSAL SUMMARY

Proposed Lessee	Rate/Acre \$	Loss Prov.	Term (Years)	Total Rent/Yr	Payable
Jonathon Dietzen	153	Y	5	\$22,491	Quarterly
Travis Van De Hey	210	Y	3	\$30,870	2015 -Nov. 15, 2015 then 1/2 June & 1/2 December
Michael Mader	190	N	2	\$27,930	As proposed per City
Vanderlinden Custom Heifer Raising, LLC	210	N	3 to 5	\$30,870	2015 - Nov. 30, 2015 then 1/2 May & 1/2 Nov.

Staff Recommendation:

The Community and Economic Development Department be authorized to enter into a five (5) year lease term with Vanderlinden Custom Heifer Raising, LLC at \$210/Acre. The first payment due of \$5,000 at time of lease execution, and the balance due November 30, 2015 for year 1 of the lease. Payments thereafter due ½ in May and ½ in November. If unable to negotiate these terms, CEDD is authorized to enter into a lease agreement with Michael Mader for a period of two (2) years at \$190/acre, payment terms as proposed in the original RFP.



MEMORANDUM

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

TO: To Whom It May Concern

FROM: Matt Rehbein, Economic Development Specialist

DATE: April 29, 2015

RE: Request For Proposal to lease farmland in the City of Appleton

Attached is a Request for Proposals (RFP) to lease farmland in the City's Southpoint Commerce Park.

The City of Appleton owns 147 acres of farmland which supports the City's objective in preparing land for future industrial development. Management of the farmland is assigned to the Community and Economic Department and is administered through the Economic Development Specialist. The land has been farmed for several years, since the City has taken ownership. The purpose of this RFP is to achieve optimal net income while pursuing environmental sustainability and positive local community relations. A major financial goal of this farmland RFP will be to establish a lease consistent with fair market cash rent

The City of Appleton is seeking proposals to lease approx. 147 Ac. of farmland in the City. Proposals are due by **12:00 Noon, May 7, 2015**. The Common Council will approve final selection on May 20, 2015 and access will be granted immediately upon mutual execution of the lease document, receipt of the first rental installment and proof of insurance.

If you are interested in submitting a proposal, minimum information required and timing is included in the RFP. Should you have any questions, please feel free to call or e-Mail Matt Rehbein at 920-832-6463 or matthew.rehbein@appleton.org.

REQUEST FOR PROPOSALS TO LEASE FARMLAND

The City of Appleton owns 147 acres of farmland which supports the City's objective in preparing land for future industrial development. Management of the farmland is assigned to the Community and Economic Department and is administered through the Economic Development Specialist. The land has been farmed for several years, since the City has taken ownership. The purpose of this RFP is to achieve optimal net income while pursuing environmental sustainability and positive local community relations. A major financial goal of this farmland RFP will be to establish a lease consistent with fair market cash rent.

The City of Appleton is seeking proposals to lease approx. 147 Ac. of farmland in the City of Appleton. Proposals are due by **12:00 Noon, May 7, 2015**. The Common Council will approve final selection on May 20, 2015 and access will be granted immediately upon mutual execution of the lease document, receipt of the first rental installment and proof of insurance.

SITE: The proposed site is located in the City of Appleton and is comprised of approximately 147 Ac. as indicated on Exhibit A.

RESTRICTIONS: Being located in an industrial park, the City has plans for utility and roadway improvements over the coming years as indicated on Exhibit A. These proposed improvements are our "best guess" based on projected lot sales and are not guaranteed.

LEASE DOCUMENT: A copy of the lease document is provided for your review. Please note the terms when preparing your proposal.

REQUIREMENTS: Please provide the following information in your proposal:

1) Proposed rental rate/Acre

2) Proposed term (In years)

3) Proposed Lessee. If Corporation or LLC, please provide Articles of Incorporation and By-Laws.

4)The standard lease document includes rental reimbursement should the City "take back" any pre-paid leased property. If you propose crop reimbursement, please provide the calculation formula in your proposal.

SUBMITTAL: Please submit proposals no later than 12:00 Noon May 7, 2015 to:

City of Appleton
c/o Community and Economic Development
Attn: Matt Rehbein
100 N. Appleton St.
Appleton, WI 54911-4799

Or via E-Mail to:
Matthew.rehbein@appleton.org

Should you have any questions, please contact Matt Rehbein, Economic Development Specialist 920-832-6463 or matthew.rehbein@appleton.org.

LEASE AGREEMENT

This Lease Agreement entered into this ____ day of May, 2015 between the City of Appleton (hereinafter called Landlord) and _____, (hereinafter collectively called Tenant).

Address: Landlord - City of Appleton, 100 North Appleton Street, Appleton, WI 54911

Address: Tenant - _____

Property: Southpoint Commerce Park—Areas Delineated in Exhibit A as “Area to be Farmed” (hereafter referred to as “premises” or “property”)

1. **Rental:** TENANT will pay the LANDLORD the total sum of \$_____ Dollars and 00/100 rent (147± acres x \$____.00 per acre) each year for the term of this lease payable as follows: For 2015, one half shall be paid upon execution of this agreement and the other half shall be paid on or before November 1, 2015; thereafter, on an annual basis, one half of the total shall be paid on or before April 1, and one half of the total shall be paid on or before November 1 and continuing each subsequent year this lease is in effect.

2. **Term:** The initial lease term shall commence upon execution of this agreement and shall run until April 30, 2016. Thereafter this lease and all obligations herein shall automatically renew for four (4) additional one year periods running from May 1st until April 30th of the subsequent year with the final year concluding on April 30, 2020. Tenant may terminate this lease only upon providing Landlord with written notice **prior to February 28th of the forthcoming renewal year.** The Landlord, at its option, may terminate this lease all is relates to all or a portion of the property at any time and for any reason during its term upon thirty (30) days written notice to the Tenant. In the event the Landlord terminates this lease for a portion of the property, Tenant shall be reimbursed a prorated portion of any rent already paid that year and subsequent rental payments shall be adjusted based on remaining acreage available for Tenant's use. Tenant shall be entitled to no other adjustments or remedies as a result of early lease termination.

3. **Real Estate Taxes and Special Assessments:** Landlord agrees to pay all real estate taxes and special assessments with regard to said property.

4. **Use of Premises:** Tenant may use the premises solely for growing crops, participating in agricultural programs, or use as set aside for agricultural program purposes, as he sees fit. In the event Tenant uses the land as set aside or for conservancy purposes, Tenant will cut all weeds, vegetation, or plant growth at least once during the month of June and once during the month of August.

5. **Indemnification:** Landlord and Tenant shall be liable for their own acts and/or negligence and the acts and/or negligence of their invitees and guests, and each agrees to indemnify, defend and hold harmless the other for any losses, damages, costs or expenses, including litigation expenses (including court costs and attorney's fees) paid or sustained by reason of the act and/or negligence of the other, or the other's invitees and guests or arising in any way out of this agreement.

6. **Insurance:** Tenant shall indemnify and save harmless the Landlord and Landlord's agents or employees against and from any and all damages and costs, and all claims for the same, and any and all penalties, fines, and forfeitures occasioned by or growing out of Tenant's failure to comply with, conform to or obey any Federal, State, or Municipal law, ordinance, rule, regulation, order, or notice as aforesaid. Tenant shall secure insurance consistent with the terms set forth in Exhibit B attached hereto and incorporated herein by reference and shall provide proof of such insurance.

7. **Assignment of Lease:** This lease may not be assigned by Tenant, and in the event Tenant may vacate the premises, the lease shall immediately terminate. This lease may be assigned by Landlord to another party.

8. **Tests; Inspections:** Landlord, its successors, assigns, contractors, agents and/or employees shall at reasonable times have the right to enter upon the premises to conduct any tests, inspections or studies as Landlord may deem desirable; provided, however, that any such tests, inspections or studies shall not materially interfere with Tenant's use of

the premises and provided further that such inspections shall not in any way obligate Landlord to make any repairs or replacements to the premises.

9. **Entry Upon Premises:** Landlord, its successors, assigns, contractors, agents, and/or employees shall at reasonable times have the right to enter upon the premises to install, construct, maintain, repair, replace, and operate sewer, water, gas, and electric lines, cables, poles, substations, and other appurtenant structures; provided that such installation, construction, maintenance, repair, replacement, and operation shall not materially interfere with Tenant's use of the premises. In the event Landlord decides to provide this premise with City sewer and water, it shall do so at its sole expense.

10. **Liens:** Tenant shall not directly or indirectly create, or permit to be created, or permit to remain and will immediately discharge, any lien, encumbrance, or charge on, or pledge of, the premises or any part thereof or the interest of Tenant under this lease.

11. **Holdover:** In the event Tenant holds over or remains in possession or occupancy of the premises after the expiration or earlier termination of this lease, Tenant shall be obligated to pay Landlord fifty dollars (\$50.00) a day as rent for every day said Tenant holds over or remains in possession and Landlord shall have the right to recover from Tenant all reasonable costs of eviction, including court costs and attorney's fees.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this __ day of May, 2015.

CITY OF APPLETON (Landlord)

TENANTS

Timothy M. Hanna, Mayor

Dawn A. Collins, City Clerk

REVIEWED AS TO FORM:

James P. Walsh, City Attorney

Southpoint Commerce Park

- | | | | |
|---|---------------------------------|---|-------------------|
|  | Right of way |  | Area to be Farmed |
|  | Proposed Road/Utilities in 2016 |  | Park Parcels |
|  | Easement |  | ponds |
|  | Proposed Parcels |  | City Limits |

EXHIBIT A


$$1'' = 400'$$

Date: 4/28/2015

"EXHIBIT B"

INSURANCE REQUIREMENTS FOR CITY OF APPLETON "SMALL EXPOSURE JOBS"

It is hereby agreed and understood that the insurance required by the City of Appleton is primary coverage and that any insurance or self insurance maintained by the City of Appleton, its officers, council members, agents, employees or authorized volunteers will not contribute to a loss. All insurance shall be in full force prior to commencing work and remain in force until the entire job is completed or the length of time that is specified in the contract.

1. GENERAL LIABILITY COVERAGE

- A. Commercial General Liability
 - 1) \$1,000,000 general aggregate
 - 2) \$1,000,000 products - completed operations aggregate
 - 3) \$1,000,000 personal injury and advertising injury
 - 4) \$1,000,000 each occurrence limit
- B. Claims made form of coverage is not acceptable.
- C. Insurance must include:
 - 1) Premises and Operations Liability
 - 2) Blanket Contractual Liability including coverage for the joint negligence of the City of Appleton, its officers, council members, agents, employees, authorized volunteers and the named insured
 - 3) Personal Injury
 - 4) Explosion, collapse and underground coverage
 - 5) Products/Completed Operations
 - 6) The general aggregate must apply separately to this project/location

2. BUSINESS AUTOMOBILE COVERAGE

- A. Limits - \$250,000 each person/\$500,000 each accident for Bodily Injury and \$100,00 for Property Damage
OR
\$500,000 Combined Single Limit for Bodily Injury and Property Damage each accident
- B. Must cover liability for "Any Auto" - including Owned, Non-Owned and Hired Automobile Liability

3. **WORKERS COMPENSATION AND EMPLOYERS LIABILITY** - If required by Wisconsin State Statute or any Workers Compensation Statutes of a different state.

- A. Must carry coverage for Statutory Workers Compensation and Employers Liability limit of:
\$100,000 Each Accident
\$500,000 Disease Policy Limit
\$100,000 Disease - Each Employee

4. **BUILDER'S RISK/INSTALLATION FLOATER**

- A. City of Appleton will not assume responsibility for loss, including loss of use, for damage to property, materials, tools, equipment, and items of a similar nature which are being either used in the work being performed by the contractor or are to be installed or erected by the contractor unless coverage is specifically to be purchased by the City of Appleton and specified in the contract documents.

If coverage is desired for this exposure, the contractor may, at his own cost, procure insurance to cover same.

5. **ADDITIONAL PROVISIONS**

- * **Additional Insured –**
On the General Liability Coverage & Business Automobile Coverage. City of Appleton, and its officers, council members, agents, employees, and authorized volunteers shall be Additional Insureds.
- * **Endorsement -**
The Additional Insured Policy endorsement must accompany the Certificate of Insurance.
- * **Certificates of Insurance -**
A copy of the Certificate of Insurance must be on file with the City Clerk.
- * **Notice -**
NOTE: City of Appleton requires 30 day written notice of cancellation, non-renewal or material change in the insurance coverage.
- * **The insurance coverage required must be provided by an insurance carrier with the “Best” rating of “A-VII” or better. All carriers shall be admitted carriers in the State of Wisconsin.**

Chris Shaw, Utilities Director
City of Appleton
Water Treatment Facility
2281 Manitowoc Rd
Menasha WI 54952

Mr. or Ms. Shaw;

This is a formal request to appear before the Utilities Committee to appeal and be reimbursed for very high water bills we paid in 2012 and 2013.

You have received a copy of a letter we received from Kelli Rindt denying our appeal.

Please let me know when the Utilities Committee will be meeting, and when we can present our case.

Thank You,

Handwritten signatures of Shawn O'Brien and Robert Pedersen. The signature of Shawn O'Brien is on the left, and the signature of Robert Pedersen is on the right, overlapping slightly.

Shawn O'Brien and Robert Pedersen

1305 S Lutz Dr
Appleton WI 54914
Phone (920)739-0513
Email sobrien48@new.rr.com

December 4, 2014

City of Appleton
Finance Department
Attn: Billing Department

Billing Department;

Sometime during 2012 we realized that our water bill was way too high. We had water department meter readers at our house three or four times in the ensuing months. Mostly what they would do is look at the water meter and determine that we had no continuous water running. They could not figure out what was causing our high bills.

Finally, the last person to come out decided to change the meter. What a difference that made!

I have totaled our bills for the last three years. I believe the bills run from December of one year through November of the next year.

Here is what we paid yearly for the last three years:

2012	1192.99
2013	1179.83
2014	660.39

It appears to me that in 2012 and 2013 we paid approximately 500.00 over what the charge should have been because of a faulty water meter. **Please see attached document of quarterly payments.**

Because we had meter readers look at it several times before the meter was changed, we believe that you owe us the amount that we overpaid for the years of 2012 and 2013. The amount would be approximately \$1000.00.

We are requesting that you send us a check in that amount. If you would like to discuss this please email or call.

Email address is sobrien48@new.rr.com

Phone 739-0513

Thank you,

Shawn O'Brien & Robert Pedersen
1305 S Lutz Drive
Appleton WI 54914
Account Number: 300-100-100



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

FINANCE DEPARTMENT

100 N Appleton Street
Appleton, WI 54911-4799
Phone: 920-832-6442

January 5, 2015

Shawn O'Brien and Robert Pedersen
1305 S Lutz Drive
Appleton, WI 54914

This letter is in response to your request to issue a credit on the City utility service account 300-100-100 for the property located at 1305 S Lutz Street.

I have had an opportunity to review all documentation and notes as it is related to water use at the above mentioned property, this includes the meter test record of the meter that was removed on December 4th, 2013, consumption history and notes from the account.

The meter test record shows that the meter tested according to Public Service Commission rules, the test did not show any indication of a faulty meter (see enclosed meter test record). The 3-year consumption history does show swings in consumption; these swings could be for a variety of reasons including: outside water use for pools or lawn watering, increase or decrease in number of occupants, vacations, or leaks both known and unknown. Account notes did show that a meter tech was at the property on June 5th 2012 to check for normal consumption as repairs for a leak had been made; a meter tech was also at the property on February 18th 2013 and could not locate any leaks at that time.

Based on the review that I have completed an adjustment cannot be made on this account. If you wish to further appeal the utility charges, you may appear before the Utilities Committee; a written request to appear must be submitted to:

Chris Shaw, Utilities Director
City of Appleton
Water Treatment Facility
2281 Manitowoc Rd
Menasha, WI 54952

A copy of the agenda will be sent to you prior to the scheduled meeting. You are not required to attend the meeting, however this is your opportunity to present any information you may have, and respond to any questions the Committee may have on this issue. If you have further concerns or questions, please feel free to contact me at 832-6316.

Sincerely,

Kelli Rindt
Enterprise Fund Accounting Manager

CC: Judy, Utility Billing Clerk
Chris Shaw, Utilities Director
Enc: Meter Test Record
3-year Consumption History
Timeline for 1305 S Lutz Dr

UTL705R2

CITY OF APPLETON
METER SYSTEM
Test Maintenance

UTL705D

84421618
1305 S LUTZ
5/8" BADGER

DR

25

Test Date: 12/04/13
Tech: SHELDON

Found	Left
99.2	_____
<u>100.6</u>	_____
R	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date (fills with test date)
OUT: 12/04/13
IN: 12/04/13

Cause: 2 TEST & CLEAN

PARTS:
Other _____

F1 - Field Help
ENTER: Update

F3 - Exit

F11 - Delete

CITY OF APPLETON
UTILITY BILLING SYSTEM
Reading/Consumption History Inquiry

Account Number 300-100-100 Property Key 31-3-1661-00
Service Address 1305 S LUTZ DR
Customer Name PEDERSON, ROBERT
Mtr Size-Mfr#-Brnd 5/8" 76407325 SENSUS I-PERL
Remote Location Module# 19145992 Exception Meter(s) NO

Read Date	Reading	Reg/ Est Rdr	Bill Date	Consumption	Wtr Con Billed	Swr Con Billed
11/01/14	237.0	R SN	11/30/14 c	1030	1030	900
			gal	7700		
8/04/14	160.0	R SN	8/31/14 c	1000	1000	900
			gal	7500		
5/01/14	85.0	R SN	5/31/14 c	530	530	530
			gal	4000		
2/03/14	45.0	R SN	2/28/14 c	600	900	900
			gal	4500		
11/04/13		R RR	11/30/13 c	7100	7100	3900
			gal			+
8/05/13	758.0	R RR	8/31/13 c	1000	1000	1000
			gal			
5/01/13	748.0	R RR	5/31/13 c	700	700	700
			gal			
2/05/13	741.0	R RR	2/28/13 c	3900	3900	3900
			gal			
11/01/12	702.0	R RR	11/30/12 c	900	900	900
			gal			
8/01/12	693.0	R RR	8/31/12 c	3300	3300	3300
			gal			+
5/01/12	660.0	R RR	5/31/12 c	7000	7000	7000
			gal			
2/01/12	590.0	R RR	2/29/12 c	900	900	900
			gal			
11/02/11	581.0	R RR	11/30/11 c	1000	1000	1000
			gal			
8/01/11	571.0	R RR	8/31/11 c	4500	4500	1000
			gal			
5/02/11	526.0	R RR	5/31/11 c	1000	1000	1000
			gal			+

F1:Return F2:Addr/Due Inf F4:Desc Inf F6:Charges Assgnd F10:History
F12:Notices F14:Spec1 Inf F16:Notepad F18:Exc Mtr F20:Cons Adj

January 13, 2015

Kelli Rindt
Enterprise Fund Accounting Manager
Finance Department
100 N. Appleton Street
Appleton WI 54911-4799

This letter is in response to your review of our water bills. I want to reply to a couple of points you made.

Although the defective meter, which was removed on December 4, 2013, tested okay in the post-test, we believe that the problem was this meter as it was connected to our water line.

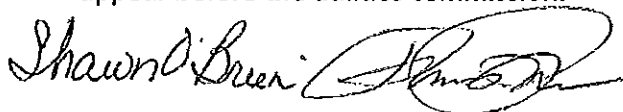
You listed several reasons why we could have used substantially more than the average amounts of water during certain periods of time. We certainly did not take vacation during all the months that the bill was low. We have always been a household of two, with occasional guests for a few days, but never for extended stays. We have never watered our lawn, our gardens and have no pool.

We were extremely thorough in our checks for water leaks. We checked all sources many times ourselves. We also had a representative from the water department come to our house at least two, and maybe three times to check. They could never find anything running.

In the two years previous to the new water meter our annual bills were \$1192.97 in 2012 and \$1179.83 in 2013. After it was changed our annual bill was \$660.39, which is more than \$500.00 less than in the previous two years.

We firmly believe that this was a result of the meter or the billing department and nothing we can be held responsible for.

We're sending a copy of this letter to Chris Shaw to attach to your letter and our request to appear before the utilities commission.

A handwritten signature in black ink, appearing to read "Shawn O'Brien" followed by a stylized signature that likely represents Robert Pedersen.

Shawn O'Brien & Robert Pedersen

Chris Shaw, Utilities Director
City of Appleton
Water Treatment Facility
2281 Manitowoc Rd
Menasha, WI 54952

Please attach this response to Kelli Rindt's letter of January 8, 2015 and our request to appear before the Utilities Committee.

Thank you

The image shows two handwritten signatures in black ink. The first signature, on the left, is 'Shawn O'Brien' written in a cursive style. The second signature, on the right, is 'Robert Pedersen' also in a cursive style, with a large, stylized 'R'.

Shawn O'Brien & Robert Pedersen

Timeline for 1305 S Lutz Dr (300-100-100)

2/1/12 – Meter reads 590 (reading in Hundred Cubic Feet)

5/1/12 – Meter reads 660 (reading in Hundred Cubic Feet) – Consumption for quarterly billing 70 Ccf

5/3/12 – High use letter sent (reading in Hundred Cubic Feet)

6/5/12 – Meter reads 663 – customer request reading to verify repairs made for leak.

8/1/12 – Meter reads 693 (reading in Hundred Cubic Feet) – Consumption for quarterly billing 30 Ccf

11/1/12 – Meter reads 702 (reading in Hundred Cubic Feet) – Consumption for quarterly billing 9 Ccf

2/5/13 – Meter reads 741 (reading in Hundred Cubic Feet) – Consumption for quarterly billing 68 Ccf

2/6/13 – High use letter sent

2/18/13 – Meter Tech could not find any leaks at visit to property

5/1/13 – Meter reads 748 (reading in Hundred Cubic Feet) – Consumption for quarterly billing 7 Ccf

8/5/13 – Meter reads 758 (reading in Hundred Cubic Feet) – Consumption for quarterly billing 10 Ccf

11/4/13 – Meter reads 829 (reading in Hundred Cubic Feet) – Consumption for quarterly billing 71 Ccf

11/5/13 – High use letter sent

12/4/13 – Badger Meter was removed (Meter read 832.94), Installed new Sensus Meter

12/4/13 – Badger Meter was tested for accuracy, passed testing.

2/3/14 – Meter reads 45 (reading in Hundred Gallons) – Consumption for quarterly billing 9 Ccf

5/1/14 – Meter reads 85 (reading in Hundred Gallons) – Consumption for quarterly billing 5.3 Ccf

8/4/14 – Meter reads 160 (reading in Hundred Gallons) – Consumption for quarterly billing 10 Ccf

11/1/14 – Meter reads 237 (reading in Hundred Gallons) – Consumption for quarterly billing 10.3 Ccf

12/6/14 – Letter received from customer in regards to prior consumption.

1/5/15 – Reply sent to customer denying adjustment to account.

1/13/15 – Letter received from customer in response to 1/5/15 letter

1/21/15 – Notice sent to customer to appear at Utilities Committee on February 10, 2015.

1/26/15 – Received call from customer that she was unable to attend meeting of February 10th, and requesting to appear at Utilities Committee later in 2015.

2/1/15 Meter reads 323 (reading in Hundreds Gallons) – Consumption for quarterly billing 11.5 Ccf

4/28/15 Meter reads 369 (reading in Hundreds Gallons)

Department of Public Works – Engineering Division

MEMO

TO: Utilities Committee

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

DATE: May 5, 2015

RE: Award of Northland Pond Materials Testing Contract to OMNNI Associates, Inc. in an amount not to exceed \$45,000.

The Department of Public Works recommends award of the Northland Pond Materials Testing Contract to OMNNI Associates, Inc. in an amount not to exceed \$45,000.

OMNNI began working on the contaminated materials testing for the Northland Pond under Unit M-14, as staff and Brown and Caldwell were evaluating the feasibility of the site on the Northland Avenue for the stormwater pond. The Northland Pond project is moving forward and additional contaminated materials testing and permitting is required as the final design is completed.

The scope of work will include the following:

- Abandoning monitoring wells in multiple phases when they are no longer needed
- Preparing DNR, landfill disposal, and Wastewater Treatment Plant applications
- Groundwater sampling
- Confirmation Soil sampling
- DNR Closure request

It is possible that the DNR requirements for the sampling and permitting may change by the time the pond is constructed (currently scheduled for 2017). The proposed budget includes a contingency to accommodate some modifications. Any significant changes requiring a contract amendment will be brought to the Utilities Committee and Common Council for approval prior to any additional work.

Although OMNNI Associates was successful in receiving the M-15 contract, staff is recommending that the work on the Northland Pond be a separate contract because the timeline to construction is not certain (staff continues to search for disposal sites for the material). This will allow work on the Northland Pond to continue, while materials testing contracts are awarded and closed on a yearly basis.



MEMO

TO: Utilities Committee

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

DATE: May 7, 2014

SUBJECT: Request to amend Section 20-237 of Chapter 20 of the Municipal Code related to customer classifications for Stormwater Utility charges.

In 2011 Section 20-237 of Chapter 20 of the Municipal Code related to customer classifications for Stormwater Utility charges was modified to account for ERU's (Equivalent Runoff Units) associated with private roadways. The format of the Ordinance language was also converted from narrative to chart. As part of this Code amendment, Section 1(j) related to a minimum charge equal to 0.4 ERU's for any Class 5 parcel was inadvertently deleted. We are requesting that the Code be amended to reinstate the minimum ERU language.

Attached for you information is a copy of the Code language from 2008 and 2011.

Attachments

ADOPTED: October 1, 2008
PUBLISHED: October 6, 2008
Office of the City Clerk

136 - 08

AN ORDINANCE AMENDING SECTION 20-237 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO CUSTOMER CLASSIFICATION.

(Utilities Committee 9-17-08)

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

Section 1: That Section 20-237 of Chapter 20 of the Municipal Code of the City of Appleton, relating to customer classification, is hereby amended to read as follows:

Sec. 20-237. Customer classification.

(a) For purposes of imposing the stormwater charges, all lots and parcels within the City are classified into the following six (6) customer classes:

- (1) Residential – Single Family, Manufactured/Mobile Home, Bed and Breakfast with four (4) units or less and detached, individual condominium units located on public roads
- (2) Residential – Duplex, two (2) unit condominiums and Bed and Breakfast with five (5) units or more
- (3) Residential – Multifamily and Condominiums located on public roads
- (4) Residential – Located on private roads
- (5) Non-residential and multi-use
- (6) Undeveloped

(b) The Director shall prepare a list of lots and parcels within the City of Appleton and assign a classification of residential, non-residential or undeveloped to each lot or parcel.

(c) The average square footage of impervious area of ERU is established to be equivalent to 2,368 square feet.

(d) The charges imposed for Class (1) and Class (4) residential properties shall be the rate for one (1) ERU.

(e) The charges imposed for Class (2) residential properties shall be the rate for one-half (½) of one (1) ERU for each individual dwelling unit existing on the property. (ERU rate multiplied by the number of dwelling units.)

(f) The charges imposed for Class (3) residential properties shall be the rate of four-tenths of one ERU (0.4) multiplied by the number of individual dwelling units existing on the property.

(g) The charges imposed for Class (5) properties as defined herein shall be the rate for one (1) ERU, multiplied by the numerical factor obtained by dividing the total impervious area of a non-residential property by the square footage of one (1) ERU. The factor shall be rounded down to the nearest one-tenth (0.1), i.e.

$$\text{ERU rate multiplied by } \frac{\text{impervious area}}{\text{ERU}}$$

(h) The charges imposed for Class (6) properties as defined herein shall be the rate for one (1) ERU multiplied by a factor established by resolution and then divided by the square footage for one (1) ERU established by resolution.

(i) The Director shall be responsible for determining the impervious area based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photography, the property owner, tenant or developer. The Director may require additional information as necessary to make the determination. The billing amount shall be updated by the Director based on the building permit process.


* (j) The minimum charges for any Class 5 parcel shall be equal to the rate for four-tenths (0.4) of one (1) ERU.

(k) All unoccupied developed lots and parcels shall be subject to the stormwater utility charges.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

Dated: October 2, 2008


Timothy M. Hanna, Mayor


Cynthia I. Hesse, City Clerk

ADOPTED: January 5, 2011
PUBLISHED: January 10, 2011
Office of the City Clerk

23 - 11

AN ORDINANCE AMENDING SECTION 20-237 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO CUSTOMER CLASSIFICATION.

(Utilities Committee – 12-15-10)

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

Section 1: That Section 20-237 of Chapter 20 of the Municipal Code of the City of Appleton, relating to customer classification, is hereby amended to read as follows:

Sec. 20-237. Customer classification.

(a) For purposes of imposing the stormwater charges, all lots and parcels within the City are classified as follows:

Classification	ERUs imposed	
	Public Road	Private Road
Single Family	1	1
Detached Individual Condominiums	1	1
Duplex	.5/unit	1/unit
Duplex Condominiums	.5/unit	1/unit
Multifamily Condominiums	.4/unit	1/unit
Mobile Homes	.5/unit	1/unit
Bed & Breakfast (fewer than 5 units)	1	1
Bed & Breakfast (5 units or more)	.5/unit	1/unit
Multifamily rental	.4/unit	1/unit
Non-Residential and Multi-Use	One (1) ERU, multiplied by the numerical factor obtained by dividing the total impervious area of a non-residential property by the square footage of one (1) ERU, rounded down to the nearest one-tenth (0.1), i.e.: ERU rate x $\frac{\text{impervious area}}{\text{ERU}}$	One (1) ERU, multiplied by the numerical factor obtained by dividing the total impervious area of a non-residential property by the square footage of one (1) ERU, rounded down to the nearest one-tenth (0.1), i.e.: ERU rate x $\frac{\text{impervious area}}{\text{ERU}}$
Undeveloped	One (1) ERU multiplied by a factor established by resolution then divided by the square footage for one (1) ERU established by resolution	One (1) ERU multiplied by a factor established by resolution then divided by the square footage for one (1) ERU established by resolution

(b) The Director shall prepare a list of lots and parcels within the City of Appleton and assign a classification to each lot or parcel.

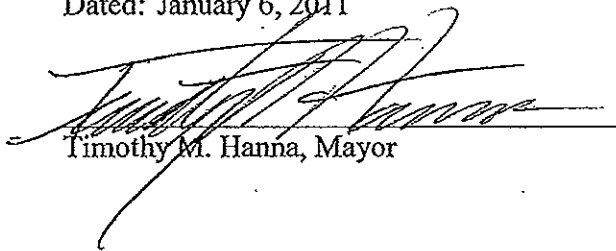
(c) The average square footage of impervious area of ERU is established to be equivalent to 2,368 square feet.

(d) The Director shall be responsible for determining the impervious area based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photography, the property owner, tenant or developer. The Director may require additional information as necessary to make the determination. The billing amount shall be updated by the Director based on the building permit process.

(e) All unoccupied developed lots and parcels shall be subject to the stormwater utility charges.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

Dated: January 6, 2011



Timothy M. Hanna, Mayor



Cynthia I. Hesse, City Clerk



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: April 27, 2015

Municipal Services Committee Meeting Date: April 28, 2015

Common Council Meeting Date: May 6, 2015

Item: Banner Request for Appleton Downtown, Inc.

Case Manager: David Kress

GENERAL INFORMATION

Applicant: Appleton Downtown, Inc. (ADI) c/o Jennifer Stephany

Location: College Avenue between Badger Avenue and Drew Street

Applicant's Request: The applicant is requesting permission to hang twenty-one (21) 30" x 70" interchangeable banners on light poles, utilizing existing brackets that hang in the public right-of-way a minimum of eight (8) feet above the sidewalk, along College Avenue between Badger Avenue and Drew Street.

BACKGROUND

The original request by ADI for placement of banners was reviewed and approved by the City in 2002. These were installed in 2002-2003. In 2005, replacement banners featuring the "Downtown Cool" branding were reviewed and approved. The current request is part of ADI's recent efforts to launch the new "One Great Place" brand image and slogan for the downtown. As proposed, the new banners will replace those that are currently installed.

STAFF ANALYSIS

Staff review is based on the City policy for banners in the right-of-way and Section 23-562 of the Municipal Code.

1. Requests for installation of banners must be made either by a recognized agency representing the area or from a two-thirds majority of the properties along the proposed route.

ADI is a recognized agency representing the Downtown Business Improvement District.

2. All banners and necessary brackets (including replacement parts) to be supplied by the requesting agency.

ADI is providing the new banners. These will replace the current banners and utilize the existing brackets located on light poles.

3. Storage of banners to be the responsibility of the requesting party.

ADI will purchase the new banners and store them until Department of Public Works staff is available to perform the installation. Once removed, the current banners will be returned to ADI.

Banner Request – Appleton Downtown, Inc.

April 27, 2015

Page 2

4. Requesting parties must designate an individual to serve as the contact person with the City.

Jennifer Stephany, Executive Director of ADI, will be the contact person.

5. Banners may be installed only in areas that are predominantly commercial zoning.

The zoning is CBD Central Business District.

6. Banner installation should be consistent with planning and development policies, represent an appropriate theme, and not detract from the aesthetics of an area. Plans for banner installation, including color scheme, theme, and spacing must be approved by the Community and Economic Development Department and Plan Commission before being forwarded to the Municipal Services Committee for issuance of a permit.

This request essentially is an amendment/adjustment to the original request for banner placement, which was approved in 2002. As proposed, the new banners will hang on light poles utilizing the existing brackets, so the spacing will remain as it is currently. The colors, text, and graphics are intended to represent the new "One Great Place" brand image and slogan for the downtown.

7. Banner materials (including the brackets) must be approved by the Department of Public Works.

The Department of Public Works has reviewed and approved the new replacement banners that will utilize existing brackets.

8. Banner installation may be done by the Department of Public Works or by private contract. If a private contractor is used, installation plans showing bracket locations and elevations must be provided and approved by the Department of Public Works.

Installation will be done by the Department of Public Works, with maintenance and upkeep being performed by ADI.

9. If performed by the Department of Public Works, the cost of initial banner and bracket installation will be divided equally between the applicant and the City (exclusive of materials).

Initial banner and bracket installation was done by the Department of Public Works in 2002-2003. Since the existing brackets will be utilized, there will be no cost associated with bracket installation.

10. All costs of repair or replacement of banners done by the Department of Public Works will be charged to the requesting agency or designated individual as they are incurred.

ADI will supply any new or replacement banners.

11. The cost of changeover of banners done by the Department of Public Works will be divided equally between the applicant and the City up to a maximum of twice per year after which all costs will be borne by the applicant.

Banner Request – Appleton Downtown, Inc.

April 27, 2015

Page 3

In 2005, when replacement banners were put up, the cost for banner installation was divided equally between ADI and the City. With this current request, ADI has asked the City to waive the cost for banner installation. The cost waiver request will be discussed at the Municipal Services Committee meeting.

12. Banners will remain the property of the requesting agency.

ADI will retain ownership of the banners.

13. The requesting agency will be given 30-day notice of deteriorated banners (in the judgment of the City) after which they will be removed, and the cost of removal will be billed to the requesting agency or designated individual.

If this is needed, it will be done.

14. Installation of items budgeted by the City for installation is exempt from this policy (angels, flags, etc.).

This does not apply.

Review Criteria: Based upon the above analysis, it would appear the criteria established by the City policy for banners in the right-of-way and Section 23-562 has been satisfied.

Appleton Comprehensive Plan 2010-2030: Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Chapter 14 Downtown Plan, Initiative 1 Urban Design:

Strategy 1.4 – Implement streetscaping projects to create downtown “identity streets.”

- *Continue streetscaping efforts on College Avenue, Richmond Street, and Appleton Street.*
- *Provide continued maintenance and replacement of streetscaping elements.*

Technical Review Group (TRG) Report: This item was discussed at the April 21, 2015 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Based on the above, staff recommends that the Appleton Downtown, Inc. request to have twenty-one (21) interchangeable banners on light poles, which would hang in the public right-of-way a minimum of eight (8) feet above the sidewalk, along College Avenue between Badger Avenue and Drew Street, **BE APPROVED** and forwarded to the Municipal Services Committee.



116 N. Appleton Street • P.O. Box 2272 • Appleton, WI 54912-2272 • 920-954-9112 • Fax: 920-954-0219

RECEIVED

To: Paula Vandehey, Director Public Works Department

APR 1 2015

From: Appleton Downtown Inc.

Subject: Request for installation and fee waiver

CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT

As you are aware Appleton Downtown Inc. recently worked together with our stakeholders and partners to launch the new *One Great Place* brand image and slogan for the Downtown. Part of the rebrand effort will be replacement of the street pole banners. A graphic of the four new designs is attached. We have ordered the new banners and should have them by the middle of April.

We would like to request the banners be installed by Public Works by May 15th 2015.

We are further requesting the City of Appleton to waive the installation fee associated with putting up the 21 pole banners from State & Badger to Drew St. along College Ave.

We hope you consider being a partner in our rebrand efforts and helping us to infuse the central business district with the new vibrant images and the pride of being One Great Place!

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer Stephany".

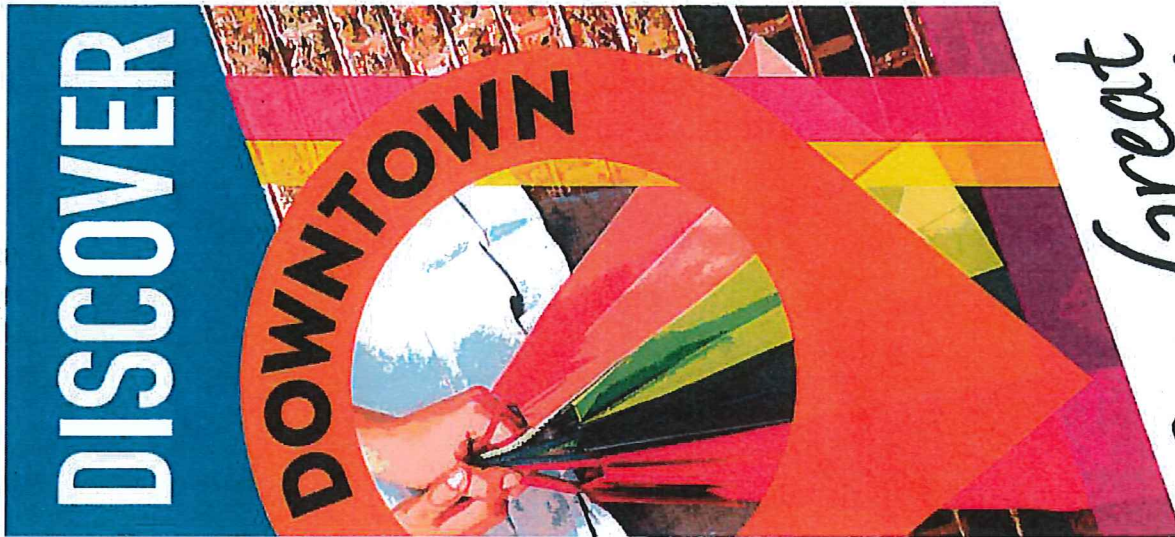
Jennifer Stephany

Executive Director

RECEIVED

APR 1 2015

CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT



*One Great
One Place.*

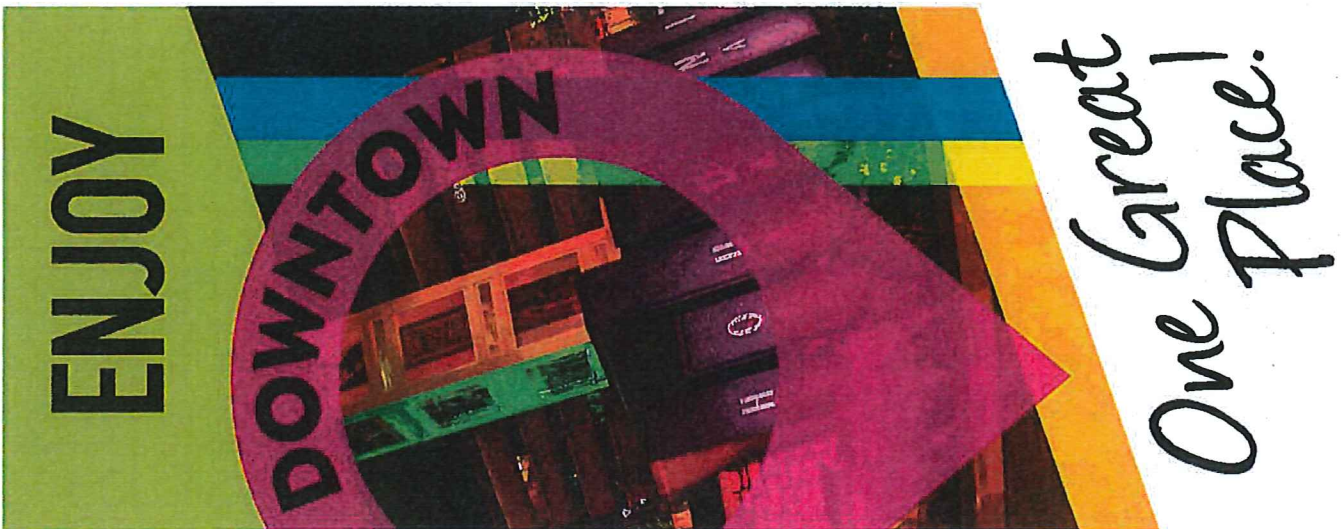


*One Great
One Place.*

RECEIVED

APR 1 2015

CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT



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 4-1-15)

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 Douglas Street right-of-way, south of Badger Avenue and north of Winnebago Street from R-1B Single-Family District to P-I Public Institutional District. (Rezoning #1-15 – City of Appleton)

LEGAL DESCRIPTION:

All of a triangular shaped portion of land being a part of Douglas Street, Badger Avenue and or Winnebago Street:

Bounded on the West by Lots 1 and 2, Block 8, Gilmore Addition, according to the recorded Assessor's Plat of the City of Appleton;

Bounded on the Northeast by the Southeasterly extension of Badger Avenue;

Bounded on the South by the Easterly extension of the North line of Winnebago Street, all being located in the NW ¼ of the NW ¼ of Section 27, T.21N., R.17E., City of Appleton, Outagamie County, Wisconsin, containing 3,429 square feet of land m/l and being further described by:

Commencing at the Southeast corner of Lot 2 of said Block 8 said point also being on the West line of Douglas Street and the North line of Winnebago Street and being the point of beginning;

Thence N.00°24'05"W. 84.04 feet (recorded as 84.2 feet), along the West line of Douglas Street to the Southeasterly line of said Badger Avenue and also being a Northeasterly corner of Lot 1 of said Block 10;

Thence S.44°25'16"E. 102.50 feet, along the Southeasterly extension of the Southwesterly line of said Badger Avenue;

Thence Southeasterly, Southerly and Southwesterly 16.535 feet along the arc of a curve to the right, having a radius of 7.00 feet and the chord of which bears S.23°14'58"W. 12.95 feet, to the Easterly extension of the North line of Winnebago Street;

Thence N.89°04'48"W. 66.05 feet along said extension to the Southeast corner of lot of said Block 8, to the point of beginning.

COMMON DESCRIPTION:

Douglas Street right-of-way – south of Badger Avenue and north of Winnebago 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 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.

38-15

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 5-6-15)

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 at east of North Meade Street (part of parcel #31-1-9310-15) from AG Agricultural District to R-1A Single Family District. (Rezoning #3-15 – Kurey)

LEGAL DESCRIPTION:

PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, SECTION 36, TOWNSHIP 22 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 36; THENCE SOUTH 00 DEGREES 08 MINUTES 12 SECONDS WEST, ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 876.70 FEET; THENCE SOUTH 89 DEGREES 34 MINUTES 20 SECONDS EAST, ALONG THE SOUTH LINE OF CERTIFIED SURVEY MAP NO. 3357, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 34 MINUTES 20 SECONDS EAST, CONTINUING ALONG THE SOUTH LINE OF CERTIFIED SURVEY MAP NO. 3357, A DISTANCE OF 475.82 FEET; THENCE SOUTH 00 DEGREES 25 MINUTES 40 SECONDS WEST, 438.78 FEET; THENCE NORTH 89 DEGREES 31 MINUTES 24 SECONDS WEST, ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 473.59 FEET; THENCE NORTH 00 DEGREES 08 MINUTES 12 SECONDS EAST, ALONG THE EAST RIGHT-OF-WAY LINE OF MEADE STREET, A DISTANCE OF 438.38 FEET TO THE POINT OF BEGINNING. CONTAINING 208,194 SQUARE FEET [4.779 ACRES].

COMMON DESCRIPTION:

East of North 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 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.

39-15

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 5-6-15)

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 YIELD SIGNS ON:

Whittier Drive at Browning 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 erect and maintain the appropriate standard traffic signs, signals and markings, giving notice of the provisions of this Ordinance.

40-15

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 5-6-15)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be prohibited on the north side of Winslow Avenue from a point 195 feet west of Progress Drive to a point 300 feet west of Progress Drive.

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.

41-15

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 5-6-15)

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 repealed:

Ord. 87-91-A: “Parking be prohibited during school hours on both sides of North Morrison Street from McArthur Street to Greenfield 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.

42-15

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 5-6-15)

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.

Stopping, standing and parking be prohibited, on school days from 11:00 a.m. to 4:00 p.m., on the north side of Greenfield Street from Morrison Street to a point 25 feet east of Morrison 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.

43-15

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 5-6-15)

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.

Stopping, standing and parking be prohibited, on school days from 11:00 a.m. to 4:00 p.m., on the south side of Greenfield Street from Morrison Street to Drew 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.

44-15

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 5-6-15)

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.

Stopping, standing and parking be prohibited, on school days from 11:00 a.m. to 4:00 p.m., on the west side of Morrison Street from Greenfield Street to a point 20 feet south of Greenfield 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.

45-15

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 5-6-15)

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.

Stopping, standing and parking be prohibited, on school days from 11:00 a.m. to 4:00 p.m., on the west side of Morrison Street from a point 20 feet north of McArthur Street to a point 25 feet south of McArthur 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.

46-15

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 5-6-15)

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.

Stopping, standing and parking be prohibited, on school days from 11:00 a.m. to 4:00 p.m., on the east side of Morrison Street from McArthur Street to Greenfield 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.

47-15

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 5-6-15)

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.

Stopping, standing and parking be prohibited, on school days from 11:00 a.m. to 4:00 p.m., on the east side of Morrison Street from Pershing Street to McArthur 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.

48-15

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 5-6-15)

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.

Stopping, standing and parking be prohibited, on school days from 11:00 a.m. to 4:00 p.m., on the north side of McArthur Street from a point 25 feet east of Morrison Street to a point 25 feet west of Morrison 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.

49-15

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 5-6-15)

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.

Stopping, standing and parking be prohibited, on school days from 11:00 a.m. to 4:00 p.m., on the south side of McArthur Street from Oneida Street to Morrison 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.

50-15

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 5-6-15)

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.

Stopping, standing and parking be prohibited, on school days from 11:00 a.m. to 4:00 p.m., on the south side of McArthur Street from Morrison Street to a point 275 feet east of Morrison 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.