



City of Appleton

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

Meeting Agenda - Final-revised Common Council

Wednesday, September 6, 2017

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
[17-1350](#) Common Council Meeting Minutes of August 16, 2017

Attachments: [CC Minutes 8-16-17.pdf](#)

- H. BUSINESS PRESENTED BY THE MAYOR
[17-1353](#) League of Women Voters Introduction

- I. PUBLIC HEARINGS

- J. SPECIAL RESOLUTIONS

[17-1334](#) A Resolution authorizing and providing for the sale and issuance of \$13,885,000 General Obligation Promissory Notes, Series 2017, and all related details

Attachments: [Appleton 2017 G.O. Prom Notes - Award Resolution.pdf](#)

[17-1335](#) A Resolution authorizing and providing for the sale and issuance of \$5,000,000 Storm Water System Revenue Bonds, Series 2017, and all related details

Attachments: [Appleton 2017 Storm Water Revenue Bonds - Award Resolution.pdf](#)

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[17-1317](#) Approve Intergovernmental Agreement with Calumet County for the Lake Park Road Reconstruction Project between Plank Road and Midway Road.

Attachments: [Intergovernmental Agreement with Calumet County.pdf](#)

Legislative History

8/21/17	Municipal Services Committee	recommended for approval
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[17-1319](#) Approve proposed changes to Municipal Code Section 19-93 related to recreational vehicle parking from 2:00 a.m. to 5:00 a.m.

Attachments: [Update Municipal Code 19-93.pdf](#)

Legislative History

8/21/17	Municipal Services Committee	recommended for approval
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[17-1320](#) Approve request for Street Occupancy Permit to place tables and chairs in the Richmond Street right-of-way at 400 N Richmond Street contingent upon maintaining a minimum clearance of 11 feet from back of curb to proposed boundary and 10 feet from all power poles.

Attachments: [400 N Richmond St..pdf](#)

Legislative History

8/21/17	Municipal Services Committee	recommended for approval
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2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

3. MINUTES OF THE CITY PLAN COMMISSION

[17-1288](#) Request to approve Special Use Permit #8-17 for a hotel/restaurant and outdoor patio/common area with alcohol sales and consumption located at 101 S. RiverHeath Way (Tax Id #31-4-0828-09), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote required)

Attachments: [StaffReport_SpecialUsePermit #8-17_Courtyard by Marriott.pdf](#)

Legislative History

8/22/17 City Plan Commission recommended for approval

[17-1293](#)

****CRITICAL TIMING**** Annual review and request to approve the Downtown Appleton Business Improvement District (BID) 2018 Operating Plan

Attachments: [StaffReport_2018BIDOperatingPlan_For08-22-17.pdf](#)
[2018 BID Operational Plan.pdf](#)
[2016 BID Annual Report.pdf](#)
[2016 BID Audit.pdf](#)

Legislative History

8/22/17 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[17-1314](#)

Direct staff to negotiate potential land acquisition.

Legislative History

8/21/17 Parks and Recreation Committee recommended for approval

5. MINUTES OF THE FINANCE COMMITTEE

[17-1284](#)

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

Attachments: [Riverside Cemetery.pdf](#)

Legislative History

8/21/17 Finance Committee recommended for approval

[17-1285](#)

Request to approve the following 2017 Budget adjustment:

Public Safety Capital Projects Fund

Fire Personal Protective Equipment	+\$10,440
Training Tower Project	- \$10,440

to reallocate funds to pay for Fire Department personal protective equipment (2/3 vote required)

Attachments: [Fire PPE Adj 2017.pdf](#)

Legislative History

8/21/17 Finance Committee recommended for approval

- [17-1239](#) Request to adopt the 2018 City of Appleton Policy for Special Assessments.

Attachments: [2018 Assessment Policy - 2018 - Draft 06.28.17.pdf](#)

Legislative History

8/7/17	Finance Committee	held
8/21/17	Finance Committee	recommended for approval

- [17-1294](#) Request to approve resolution amending the May 1, 2010 Foremost Farms financing agreement

Attachments: [Foremost Bonds.pdf](#)

Legislative History

8/21/17	Finance Committee	recommended for approval
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- [17-1295](#) Request to approve the following 2017 Budget adjustment:

Valley Transit

Bus Washer Upgrade Project	+\$110,110
State Grants	+ \$88,088
Depreciation Fund Balance	+ \$22,022

to record the 2017 WISDOT capital fund grant to upgrade the bus washer at the Valley Transit garage (2/3 vote required)

Attachments: [VT Bus Washer Grant 2017.pdf](#)

Legislative History

8/21/17	Finance Committee	recommended for approval
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- [17-1299](#) Request to award the 2017 Wastewater Tunnel painting project to M.V. Klinger Painting Co. Inc for a not-to-exceed contract of \$90,000.

Attachments: [2017 Wastewater Tunnel Painting.pdf](#)

Legislative History

8/21/17	Finance Committee	recommended for approval
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- [17-1310](#) Request to award the Lutz Park Trail and Riverbank improvements contract to Vinton Construction Company in the amount of \$305,868 with a contingency of 7% for a project not to exceed \$327,279.

Attachments: [2017 Lutz Park Trail and Riverbank Project .pdf](#)

Legislative History

8/21/17	Finance Committee	recommended for approval
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- [17-1324](#) Request to award the 2017 Telulah skate Park additions project to Miron Construction Co, Inc. in the amount of \$157,993 with a contingency of \$17,257 for a project total not to exceed \$175,250 and the following related 2017 Budget adjustment:

Facilities Capital Projects Fund

Telulah Park skateboard project	\$60,000
Police Department deck surfacing project	-60,000

To reallocate funds for the Telulah Park skateboard project (2/3 vote required)

Attachments: [2017 Telulah Skate Park Upgrades and Budget adjustment.pdf](#)

Legislative History

8/21/17 Finance Committee recommended for approval

- [17-1328](#) Request to approve the sale of City property to the State for detention pond.

Attachments: [land sale to State.pdf](#)

Legislative History

8/21/17 Finance Committee recommended for approval

- [17-1327](#) Request for Proposals Library project.

Attachments: [July 2017 Board memo.pdf](#)

Legislative History

8/21/17 Finance Committee recommended for approval

- [17-792](#) Resolution introduced by Alderpersons Martin, Croatt and Plank at the May 17, 2017 Common Council meeting related to the City Attorney responsibilities:

Resolution #12-R-17 Martin/Croatt/Plank

Attachments: [#12-R-17 City Attorney.pdf](#)
[Legal Business of the City 8.21.17.pdf](#)

Legislative History

5/22/17	Finance Committee	referred
7/24/17	Finance Committee	recommended for approval
8/2/17	Common Council	referred to the Finance Committee
8/7/17	Finance Committee	held

8/21/17

Finance Committee

recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**7. MINUTES OF THE UTILITIES COMMITTEE**[17-1233](#)

Request for Program Modifications - 2017 Wastewater Capital Improvements (5431)

Attachments: [2017 Wastewater CIP Program Modifications.pdf](#)

Legislative History

8/16/17

Utilities Committee

recommended for approval

[17-1312](#)

Amend Unit K-17 Native Landscape Management Contract with Applied Ecological Services, Inc. in an amount not to exceed \$20,000.

Attachments: [K-17 Amend 1 Memo Util Cmte Memo 08-16-2017 final.pdf](#)

Legislative History

8/22/17

Utilities Committee

recommended for approval

[17-1313](#)

Award sole source purchase of Water Plant High Service Pump #3 & #6 Variable Frequency Drive (VFD) equipment and installation services to Werner Electric in the amount of \$85,813.75.

Attachments: [High Lift Service Pump VFD 08-08.17.pdf](#)

Legislative History

8/22/17

Utilities Committee

recommended for approval

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE**9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION****10. MINUTES OF THE BOARD OF HEALTH****M. CONSOLIDATED ACTION ITEMS****N. ITEMS HELD**[17-1111](#)

CONSOLIDATED ACTION ITEMS:
Municipal Services Item 17-991
City Plan Commission Item 17-1003
Initial Resolution Item 17-1110

Legislative History

7/19/17

Common Council

held

8/2/17

Common Council

held

8/16/17 Common Council held

[17-1110](#) Initial Resolution- South Locust Street Vacation

Attachments: [Locust Street RR Xing - Initial Resolution.pdf](#)

Legislative History

7/19/17 Common Council held

8/2/17 Common Council held

8/16/17 Common Council held

[17-991](#) Approve Discontinuance of Locust Street at the CN Railroad Crossing Number 179 919F.

Attachments: [Discontinuance of Locust St at the CN Railroad crossing.pdf](#)

Legislative History

7/10/17 Municipal Services Committee recommended for approval

7/19/17 Common Council held

8/2/17 Common Council held

8/16/17 Common Council held

[17-1003](#) Request to approve the street discontinuance to vacate a portion of South Locust Street public right-of-way in the 100 block at the CN Railroad Crossing Number 179 919F, as shown on the attached maps and legal description, pending approval by the Municipal Services Committee, and adopt the Initial Resolution

Attachments: [StaffReport StreetVacation SLocustStreet.pdf](#)

Legislative History

7/11/17 City Plan Commission recommended for approval

7/19/17 Common Council held

8/2/17 Common Council held

8/16/17 Common Council held

O. ORDINANCES

[17-1348](#) Ordinances 58-17 and 59-17

Attachments: [Ordinances going to Council 9-6-17.pdf](#)

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

[17-1354](#) Convene into Committee of the Whole

[17-1357](#) Variance to the Declaration of Covenants and Restrictions for the Northeast Business Park PID 1-6510-52, Lightning Office LLC

Attachments: [GLK Variance Memo9-5-17.pdf](#)

[NEBP Covenants-Restrictions.pdf](#)

[GLK variance letter 9-5-17.pdf](#)

[GLK Final Perspective Rendering.pdf](#)

[17-1355](#) Reconvene to Common Council

[17-1356](#) Report of the Committee of the Whole

S. ADJOURN

Kami Lynch, City Clerk

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



City of Appleton

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Meeting Minutes - Final Common Council

Wednesday, August 16, 2017

7:00 PM

Council Chambers

A. CALL TO ORDER

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

B. INVOCATION

The Invocation was offered by Alderperson Croatt.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

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

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

City Clerk Lynch, City Attorney Walsh, Deputy City Attorney Behrens, Director of Finance Saucerman, Health Officer Eggebrecht, Director of Parks, Recreation & Facilities Gazza, Police Chief Thomas, Director of Public Works Vandehey, and Valley Transit General Manager Mc Donald

*The following departments were excused:
Community & Economic Development, Fire, Human Resources,
Information Technology, Utilities, & Library*

F. PUBLIC PARTICIPATION

No one was signed up to speak during Public Participation.

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[17-1279](#)

Common Council Meeting Minutes of August 2, 2017

Attachments: [CC Minutes 8-2-17.pdf](#)

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

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

Abstained: 2 - Aldersperson Matt Reed and Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

[17-1197](#)

Approve Relocation Order for demolition of the Blue Ramp

Attachments: [Relocation Order.pdf](#)

Aldersperson Baranowski moved, seconded by Aldersperson Lobner, that the Relocation Order be approved. Roll Call. Motion carried by the following vote:

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

Abstained: 1 - Mayor Timothy Hanna

[17-1202](#)

Request for Finance Director to sell \$13,885,000 General Obligation Notes

Aldersperson Croatt moved, seconded by Aldersperson Baranowski, that the sale of the General Obligation Notes be approved. Roll Call. Motion carried by the following vote:

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

Abstained: 1 - Mayor Timothy Hanna

[17-1203](#)

Request for Finance Director to sell \$5,000,000 Storm Water Revenue Bonds

Alderperson Croatt moved, seconded by Alderperson Martin, that the sale of the Storm Water Revenue Bonds be approved. Roll Call. Motion carried by the following vote:

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

Abstained: 1 - Mayor Timothy Hanna

[17-1208](#)

Approve Leona Pond Relocation Order

Attachments: [Leona Pond - Relocation Order \(07-31-2017\).pdf](#)

Alderperson Croatt moved, seconded by Alderperson Baranowski, that the Relocation Order be approved. Roll Call. Motion carried by the following vote:

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

Abstained: 1 - Mayor Timothy Hanna

[17-1243](#)

Request to Delay the 2017 Water Revenue Bond Issue.

Attachments: [Water Bond Issue Delay 2017.pdf](#)

Alderperson Croatt moved, seconded by Alderperson Martin, that the delay of the Water Revenue Bond Issue be approved. Roll Call. Motion carried by the following vote:

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

Abstained: 1 - Mayor Timothy Hanna

[17-1247](#)

Resolution #17-R-17

August 2, 2017

Submitted by: Alderperson Meltzer - District 2

Referred to: Municipal Services Committee

WHEREAS the City of Appleton supports and encourages bicycle riding, as evinced by our newly updated comprehensive plan, as well as by earning the distinction of one of the four Silver level Bicycle Friendly Communities in the State of Wisconsin and;

WHEREAS a very common complaint of bicyclists in Appleton is a lack of bike racks at local businesses;

THEREFORE BE IT RESOLVED that if a business is approved for a street occupancy permit for a bicycle rack, the fee be waived, as recognition that additional bike racks are an asset to the community and to surrounding businesses as well.

Alderperson Croatt moved, seconded by Alderperson Dvorachek, that the Resolution be approved. A notwithstanding vote was taken. Roll Call. Motion failed by the following vote and the Resolution was not passed:

Aye: 6 - Alderperson William Siebers, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Vered Meltzer, Alderperson Christine Williams and Alderperson Bob Baker

Nay: 9 - Alderperson Kathleen Plank, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Matt Reed, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Cathy Spears, Alderperson Chris Croatt and Alderperson Keir Dvorachek

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

Balance of the action items on the agenda.

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

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

Abstained: 1 - Mayor Timothy Hanna

[17-1212](#)

Approve a Special Event Parking Fee Rate of \$5 per vehicle.

Attachments: [Special Event parking rate of \\$5.pdf](#)

This Report Action Item was approved.

[17-1213](#)

Request from Appleton Downtown Inc. to install a Pet Waste Station in the flower planter on College Avenue adjacent to Houdini Plaza.

Attachments: [Pet Waste Station.pdf](#)

This Report Action Item was approved.

[17-1214](#)

Request from Appleton Downtown Inc. to install free libraries at the following locations:

1. Valley Transit area
2. 513 W. College (Riverview Gardens)
3. 122 E. College (Hoffman Office)
4. Atlas Mills area

Attachments: [Free Libraries.pdf](#)

This Report Action Item was approved.

[17-1215](#)

Approve revised State/Municipal Agreement for the Oneida Street Reconstruction Project to include \$26,400 in non-participating costs for adjustments of sanitary sewer manholes.

Attachments: [Oneida Street Reconstruction.pdf](#)

This Report Action Item was approved.

[17-1216](#)

Request from Dairy Queen to relocate their sign as part of the S. Oneida Street Reconstruction Project to a location approximately 1 foot within the street right-of-way.

Attachments: [Dairy Queen.pdf](#)

This Report Action Item was approved.

[17-1248](#)

Approve changes to Municipal Code Section 7-100(d)(1) regarding smoking in the city parking ramps.

Attachments: [Changes to Municipal Code Section 7-100\(d\)\(1\).pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[17-1056](#)

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

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

This Report Action Item was approved.

[17-1169](#)

Salvage Dealer's License Renewal application of Appleton Aluminum Recycling Inc., Charles O. Desten, Applicant, 300 N. Kensington Dr., contingent upon approval from all departments.

This Report Action Item was approved.

[17-1176](#)

"Class B" Beer/Liquor License application of H&S Investment Group LLC, Roger W. Hager, Agent, 2639 S. Oneida St., contingent upon approval from all departments.

Attachments: [H&S Investment Group LLC application.pdf](#)

This Report Action Item was approved.

[17-1177](#)

Reserve "Class B" Beer/Liquor License temporary change of premise description of The Fox Cities Performing Arts Center, Maria S. Van Laanen, Agent, August 23, 2017, contingent upon approval from all departments.

Attachments: [Fox Cities PAC temporary amendment.pdf](#)

This Report Action Item was approved.

[17-1192](#)

Salvage Dealer's License Renewal application of Green Meadow Recycling, Inc., Neil D. Novak, Applicant, 2220 W. Everett St., contingent upon approval from all departments.

This Report Action Item was approved.

[17-1193](#) Salvage Dealer's License Renewal application of Golper Supply Co., Inc., David B. Golper, Applicant, 1810 W. Edgewood Dr., contingent upon approval from all departments.

This Report Action Item was approved.

[17-1250](#) Salvage Dealer's License Renewal application of Mach IV Motors, LLC, Kara L. Tullberg, Applicant, 600 E. Hancock St., contingent upon approval from all departments.

This Report Action Item was approved.

[17-1251](#) Operator's Licenses

Attachments: [Operator's Licenses for 08-9-17 S & L.pdf](#)

This Report Action Item was approved.

[17-1252](#) Special Class "B" Beer License application of Pulse Young Professionals Network, Nikki L. Hessel, Applicant, 125 N. Superior St., September 20, 2017, contingent upon approval from all departments.

Attachments: [Pulse Young Professionals Network application.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[17-1224](#) Request to approve Extraterritorial Preliminary Plat for West Integrity Way Plat located in the Town of Grand Chute as shown on the attached maps subject to waiving the policy which requires a minimum of a 14-day waiting period before the Final Plat can be submitted for action pursuant to Resolution #64-R-04 (Associated with Action Item #17-1225)

Attachments: [StaffReport_ExtraPrePlat_IntegrityWay.pdf](#)

This Report Action Item was approved.

[17-1225](#)

Request to approve Extraterritorial Final Plat for West Integrity Way Plat located in the Town of Grand Chute as shown on the attached maps subject to waiving the policy which requires a minimum of a 14-day waiting period before the Final Plat can be submitted for action pursuant to Resolution #64-R-04 (Associated with Action Item #17-1224)

Attachments: [StaffReport_ExtraFinalPlat_IntegrityWay.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[17-1238](#)

Request to sole source contract to Calnin & Goss, Inc for a contract fee of \$34,782 and a contingency of \$3,500 for the removal of the ramp in Jones Park for a contract not to exceed \$38,282.

Attachments: [2017 Jones Park Stair Removal Sole Source.pdf](#)

This Report Action Item was approved.

[17-1241](#)

Request to award the 2017 Wastewater Asbestos removal and remodeling project to Cardinal Construction Co., Inc. in the amount of \$111,415 with a contingency of 10% for a project total not to exceed \$122,556 and approve the following 2017 Budget adjustment:

Wastewater Treatment Plant Capital Projects Funds

Wastewater Water Lateral Replacement Project	- \$68,000
Wastewater Asbestos Removal & Remodeling Project	+\$68,000

to reflect the positive balance transfer from WWTP water lateral replacement project to WWTP asbestos removal & remodeling project.

Attachments: [2017 Wastewater Asbestos Removal and Remodeling Project with Budget Adjustment.pdf](#)

This Report Action Item was approved.

[17-1242](#)

Request to award the 2017 Police Department Parking Deck Re-surfacing project to Ram Construction Services of MI, Inc in the amount of \$143,750 with a contingency of 10% for a project total not to exceed \$158,125.

Attachments: [2017 Police Department Parking Deck Surfacing.pdf](#)

This Report Action Item was approved.

[17-1244](#)

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

Exhibition Center Capital Projects Fund

Consulting Services	+\$570
Debt Proceeds/Room Tax	+\$570

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

Attachments: [vB Invoice PhIII Update 7-21-17.PDF](#)
 [vB Invoice PhIII 6-27-17.pdf](#)

This Report Action Item was approved.

[17-1245](#)

Request to award contract for Unit HH-17 Northland Avenue Frontage Road Sidewalk Construction to Fischer Ulman Construction, Inc in the amount of \$86,609 with a 3.5% contingency of \$3000 for a project total not to exceed \$89,609.

Attachments: [Unit HH-17.pdf](#)

This Report Action Item was approved.

6. **MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**
7. **MINUTES OF THE UTILITIES COMMITTEE**
8. **MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE**
9. **MINUTES OF THE FOX CITIES TRANSIT COMMISSION**
10. **MINUTES OF THE BOARD OF HEALTH**
- M. **CONSOLIDATED ACTION ITEMS**

17-1111

CONSOLIDATED ACTION ITEMS:

Municipal Services Item 17-991

City Plan Commission Item 17-1003

Initial Resolution Item 17-1110

Aldersperson Martin moved, seconded by Aldersperson Baranowski, that the Consolidated Action Items be held. Roll Call. Motion carried by the following vote:

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

Abstained: 1 - Mayor Timothy Hanna

N. ITEMS HELD

17-991

Approve Discontinuance of Locust Street at the CN Railroad Crossing Number 179 919F.

Attachments: [Discontinuance of Locust St at the CN Railroad crossing.pdf](#)

This Report Action Item was held

17-1003

Request to approve the street discontinuance to vacate a portion of South Locust Street public right-of-way in the 100 block at the CN Railroad Crossing Number 179 919F, as shown on the attached maps and legal description, pending approval by the Municipal Services Committee, and adopt the Initial Resolution

Attachments: [StaffReport_StreetVacation_SLocustStreet.pdf](#)

This Report Action Item was held

17-1110

Initial Resolution- South Locust Street Vacation

Attachments: [Locust Street RR Xing - Initial Resolution.pdf](#)

This Report Action Item was held

O. ORDINANCES

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO
COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

[17-1296](#)

Convene into Committee of the Whole

Alderson Plank moved, seconded by Alderson Croatt, that the Common Council convene into Committee of the Whole acting as the Fox Cities Transit Commission. Roll Call. Motion carried by the following vote:

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

Abstained: 1 - Mayor Timothy Hanna

[17-1125](#)

Acceptance of 2016 WISDOT Capital funds transfer to Operating Grant

Attachments: [FCTC Grant acceptance memo WISDOT transfer - 2017.pdf](#)
[2017 5339 Appleton WISDOT transfer.pdf](#)

Alderson Konetzke moved, seconded by Alderson Lobner, that the Operating Grant acceptance be approved. Roll Call. Motion carried by the following vote:

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

Absent: 1 - Mayor Timothy Hanna

[17-1253](#)

Authorization to enter into a Sole Source Radio Procurement

Attachments: [Request for Sole Source Radio Procurement.pdf](#)

Alderson Croatt moved, seconded by Alderson Dvorachek, that the Sole Source Radio Procurement be approved. Roll Call. Motion carried by the following vote:

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

Abstained: 1 - Mayor Timothy Hanna

[17-1297](#)

Reconvene to Common Council

Aldersperson Lobner moved, seconded by Aldersperson Spears, that the Committee of the Whole Reconvene to the Common Council. Roll Call. Motion carried by the following vote:

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

Abstained: 1 - Mayor Timothy Hanna

[17-1298](#)

Report of the Committee of the Whole

Aldersperson Baranowski moved, seconded by Aldersperson Croatt, that the Report of the Committee of the Whole be approved. Roll Call. Motion carried by the following vote:

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

Abstained: 1 - Mayor Timothy Hanna

S. ADJOURN

Aldersperson Baranowski moved, seconded by Aldersperson Croatt, that the meeting be adjourned at 7:35 p.m. Roll Call. Motion carried by the following vote:

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

Kami Lynch, City Clerk

**COMMON COUNCIL
OF THE
CITY OF APPLETON, WISCONSIN**

September 6, 2017

Resolution No.: None

**A Resolution Authorizing and Providing for the Sale and Issuance of
\$14,170,000 General Obligation Promissory Notes, Series 2017,
and All Related Details**

RECITALS

The Common Council (the “**Governing Body**”) of the City of Appleton, Wisconsin (the “**Issuer**”) makes the following findings and determinations:

1. The Issuer needs funds to finance (i) improvements to bridges, streets, street lighting, traffic cameras, and sidewalks; demolition of a parking ramp; improvements to municipal buildings and grounds; equipment upgrades for the fire, technology, and public works departments, and improvements to parks and public grounds (collectively, the “**Project**”), and (ii) the advance refunding of the callable maturities of the Issuer’s \$7,325,000 General Obligation Police Facility Bonds, Series 2008B, dated November 26, 2008 (the “**Refunding**”).

2. The Issuer now wishes to borrow the funds needed for the Project and the Refunding by selling and issuing its \$14,170,000 General Obligation Promissory Notes, Series 2017 (the “**Obligations**”) pursuant to the provisions of Section 67.12 (12) of the Wisconsin Statutes.

3. The Issuer has taken all actions required by law and has the power to sell and issue the Obligations.

4. The Governing Body is adopting this resolution to sell the Obligations and provide for their issuance upon the terms and conditions set forth in this resolution.

RESOLUTIONS

The Governing Body resolves as follows:

Section 1. Definitions.

In this resolution, the following terms have the meanings given in this section, unless the context clearly requires another meaning.

“**Book-Entry System**” means a system in which no physical distribution of certificates representing ownership of the Obligations is made to the owners of the Obligations

but instead all outstanding Obligations are registered in the name of a securities depository appointed by the Issuer, or in the name of such a depository's nominee, and the depository and its participants record beneficial ownership and effect transfers of the Obligations electronically.

"Code" means the Internal Revenue Code of 1986, as amended.

"Continuing Disclosure Agreement" means the Continuing Disclosure Agreement, dated as of the Original Issue Date, to be executed by the Issuer and delivered on the closing date of the Obligations.

"Debt Service Fund" means the fund created by the Issuer pursuant to Section 67.11 of the Wisconsin Statutes to provide for the payment of debt service on its general obligations.

"Debt Service Fund Account" has the meaning given in Section 18 of this resolution.

"Depository" means DTC or any successor appointed by the Issuer and acting as securities depository for the Obligations.

"Director of Finance" means the Issuer's Director of Finance.

"DTC" means The Depository Trust Company.

"Escrow Account" means the escrow account created under the Escrow Agreement.

"Escrow Agent" means Associated Trust Company, National Association.

"Escrow Agreement" means the escrow agreement to be entered into between the Issuer and the Escrow Agent to effect the refunding of the Refunded Bonds

"Financial Officer" means the Issuer's Director of Finance.

"Fiscal Agent" means the Director of Finance, or any successor fiscal agent appointed by the Issuer to act as authentication agent, paying agent, and registrar for the Obligations pursuant to Section 67.10 (2) of the Wisconsin Statutes.

"Governing Body" means the Issuer's Common Council.

"Issuer" means the City of Appleton, Wisconsin.

"Municipal Officers" means the Mayor and the Clerk of the Issuer. These are the officers required by law to execute general obligations on the Issuer's behalf.

"Obligations" means the \$14,170,000 City of Appleton, Wisconsin General Obligation Promissory Notes, Series 2017, which will be issued pursuant to this resolution.

"Original Issue Date" means October 2, 2017.

“**Prior Bonds**” means the Issuer’s \$7,325,000 General Obligation Police Facility Bonds, Series 2008B, dated November 26, 2008.

“**Project**” has the meaning given in the recitals to this resolution.

“**Purchase Price**” means \$_____, plus payment by the Purchaser on behalf of the Issuer of \$_____ for the costs of issuing the Obligations.

“**Purchaser**” means Robert W. Baird & Co. Incorporated, or a group that it leads.

“**Record Date**” means the 15th day (whether or not a business day) of the calendar month just before a regularly scheduled interest payment date for the Obligations.

“**Recording Officer**” means the Issuer’s Clerk.

“**Redemption Date**” means April 1, 2018.

“**Refunded Bonds**” means the 2019 through and including 2028 maturities of the Prior Bonds.

“**Refunding**” means the advance refunding of the Refunded Bonds.

“**Register**” means the register maintained by the Fiscal Agent at its designated office, in which the Fiscal Agent records:

- (i) The name and address of the registered owner of each Obligation.
- (ii) All transfers of each Obligation.

Section 2. Exhibits.

The attached exhibits are also a part of this resolution as though they were fully written out in this resolution:

- (i) *Exhibit A* — Form of Obligation.
- (ii) *Exhibit B* — Notice to Electors of Sale.

Section 3. Purposes of Borrowing; Issuance of Obligations.

The Governing Body authorizes the Obligations and orders that they be prepared, executed, and issued. The Obligations will be fully registered, negotiable, general obligation promissory notes of the Issuer in the principal amount of \$14,170,000. The Obligations will be issued pursuant to the provisions of Section 67.12(12) of the Wisconsin Statutes to pay the costs of the Project and certain costs of issuing the Obligations (including printing costs and fees for financial consultants, bond counsel, fiscal agent, rating agencies, insurance, and registration, as applicable).

Section 4. Terms of Obligations.

The Obligations will be named “City of Appleton, Wisconsin General Obligation Promissory Notes, Series 2017.” The Obligations will be dated the Original Issue Date, even if they are actually issued or executed on another date. Each Obligation will also be dated the date on which it is authenticated by the Fiscal Agent. That date is its registration date.

The face amount of each Obligation will be \$5,000 or any multiple thereof up to the principal amount authorized for that maturity.

The Obligations will bear interest from the Original Issue Date. Interest will be payable semiannually on each April 1 and October 1, beginning on April 1, 2018, until the principal of the Obligations has been paid. Interest on each Obligation will be (i) computed on the basis of a 360-day year of twelve 30-day months and (ii) payable to the person in whose name the Obligation is registered on the Register at the end of the day on the applicable Record Date. The Obligations will be numbered consecutively as may be required to comply with any applicable rules or customs or as determined by the Municipal Officers executing the Obligations. The Issuer and the Fiscal Agent may treat the entity or person in whose name any Obligation is registered on the Register as the absolute owner of the Obligations for all purposes whatsoever under this resolution. The following table shows when the Obligations will mature and the rate of interest each maturity will bear:

<u>Maturity Date</u> <u>(April 1)</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2018	\$ 480,000	_____ %
2019	1,420,000	_____
2020	1,390,000	_____
2021	1,425,000	_____
2022	1,465,000	_____
2023	1,505,000	_____
2024	1,550,000	_____
2025	1,600,000	_____
2026	1,645,000	_____
2027	1,690,000	_____

The principal of, and interest on, the Obligations will be payable in lawful money of the United States of America.

Section 5. Refunding of Refunded Bonds; Escrow Account.

To provide for the payment of the interest on the Refunded Bonds when due on and prior to their applicable Redemption Date, and to effect the redemption of the Refunded Bonds on their Redemption Date, the Municipal Officers are directed to enter into the Escrow Agreement on the Issuer’s behalf and to transfer to the Escrow Account the amounts necessary for this purpose. The amounts deposited in the Escrow Account must be invested and disbursed in the manner described in the Escrow Agreement.

It is necessary to purchase investment securities to be held in the Escrow Account. The Issuer is directed to purchase, or cause to be purchased, appropriate securities to be held in the Escrow Account in the Issuer's name. The securities that are purchased must be deposited in the Escrow Account and held pursuant to the terms of the Escrow Agreement and this resolution.

Section 6. Redemption of Refunded Bonds.

Subject to the delivery of the Obligations and the receipt of the Purchase Price for the Obligations from the Purchaser, the Issuer irrevocably directs that the principal amount of the Refunded Bonds be redeemed and paid in full in advance of their stated maturity dates on the Redemption Date. The appropriate officers of the Issuer are directed to instruct the fiscal agent for the Prior Bonds to take all actions required to call the Refunded Bonds for redemption on the Redemption Date, including giving notice in the manner required by the governing documents for the Prior Bonds; *provided, however*, that no such action may be taken to redeem the Refunded Bonds until after the Obligations are delivered and paid for. Notwithstanding the foregoing, the Issuer ratifies and approves any action that has been taken in connection with the Refunding and the redemption of the Refunded Bonds prior to the date of this resolution.

Section 7. Fiscal Agent.

The Issuer appoints the Fiscal Agent to act as authentication agent, paying agent, and registrar for the Obligations. Among other things, the Fiscal Agent shall maintain the Register.

Section 8. Appointment of Depository.

The Issuer appoints DTC to act as securities depository for the Obligations. An authorized representative of the Issuer has previously executed a blanket issuer letter of representations with DTC on the Issuer's behalf, and the Issuer ratifies and approves that document.

Section 9. Book-Entry System.

On the date of their initial delivery, the Obligations will be registered in the name of DTC or its nominee and maintained in a Book-Entry System. If the Issuer's relationship with DTC is terminated, then the Issuer may appoint another securities depository to maintain the Book-Entry System.

The Issuer may decide at any time not to maintain the Obligations in a Book-Entry System. If the Issuer decides not to maintain a Book-Entry System, then it will do the following:

- (i) At its expense, the Issuer will prepare, authenticate, and deliver to the beneficial owners of the Obligations fully-registered, certificated Obligations in the denomination of \$5,000 or any multiple thereof in the aggregate principal amount then outstanding. The beneficial owners will be those shown on the records of the Depository and its direct and indirect participants.

- (ii) The Issuer will appoint a fiscal agent to act as authentication agent, paying agent, and registrar for the Obligations under Section 67.10 (2) of the Wisconsin Statutes.

Section 10. Redemption.

The Obligations maturing on and after April 1, 2026 are subject to redemption before their stated maturity dates, at the Issuer's option, in whole or in part, in the order of maturity selected by the Issuer, on April 1, 2025 and on any date thereafter. The redemption price will be 100% of the principal amount redeemed, plus accrued interest to the redemption date, and no premium will be paid. If payment of an Obligation called for redemption has been made or provided for, then interest on the Obligation stops accruing on the stated redemption date. If less than all the principal amount of a specific maturity is redeemed, then the Obligations will be redeemed in \$5,000 multiples in accordance with Sections 9 and 10 hereof.

Section 11. Manner of Payment/Transfers/Redemption Notices Under Book-Entry System.

So long as the Issuer maintains the Obligations in a Book-Entry System, the following provisions apply:

Payment. The Fiscal Agent is directed to pay the principal of, and interest on, the Obligations by wire transfer to the Depository or its nominee in accordance with the Depository's rules that are then in effect.

Transfers. The Obligations are transferable, only upon the Register and only if the Depository ceases to act as securities depository for the Obligations and the Issuer appoints a successor securities depository. If that happens, then upon the surrender of the Obligations to the Fiscal Agent, the Issuer will issue new fully registered Obligations in the same aggregate principal amounts to the successor securities depository, and the Obligations will be recorded as transferred to the successor securities depository in the Register.

The Fiscal Agent will not be required to make any transfer of the Obligations (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Obligations, or (ii) with respect to any particular Obligation, after such Obligation has been called for redemption.

Partial Redemption. If less than all the principal amount of a specific maturity is to be redeemed, then the Depository and its direct and indirect participants will select the beneficial owners of the Obligations to be redeemed. If an Obligation has been called for redemption but less than all the principal amount of a specific maturity is redeemed, then on the redemption date and upon surrender to the Fiscal Agent of the Obligation, the Issuer will issue one or more new Obligations in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Obligations will be sent to the Depository, in the manner required by the Depository, not less than 30, and not more than 60, days prior to the proposed redemption date. A notice of redemption may be revoked by

sending notice to the Depository, in the manner required by the Depository, not less than 15 days prior to the proposed redemption date.

Section 12. Manner of Payment/Transfers/Redemption Notices Not Under Book-Entry System.

If on any date the Issuer decides *not* to maintain the Obligations in a Book-Entry System, then the following provisions apply:

Payment. The Fiscal Agent will pay the principal of each Obligation upon its presentation and surrender on or after its maturity or earlier redemption date at the designated office of the Fiscal Agent, and the Fiscal Agent will pay, on each interest payment date, the interest on each Obligation by wire or other electronic money transfer or by check of the Fiscal Agent sent by first class mail to the person in whose name the Obligation is registered on the Register at the end of the day on the applicable Record Date.

Transfers. Each Obligation is transferable, only upon the Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of \$5,000. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Obligation shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Issuer will issue one or more new fully registered Obligations in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Obligations and upon the payment of a charge sufficient to reimburse the Issuer or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Obligations (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Obligations, or (ii) with respect to any particular Obligation, after the Obligation has been called for redemption.

Partial Redemptions. If less than all the principal amount of a specific maturity is to be redeemed, then the Issuer or the Fiscal Agent will randomly select the Obligations to be redeemed. If less than the entire principal amount of a particular Obligation has been called for redemption, then upon surrender to the Fiscal Agent of the Obligation to be redeemed, the Issuer will issue one or more new Obligations in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Obligations shall be sent by first class mail, not less than 30, and not more than 60, days before the redemption date to the registered owners of the Obligations to be redeemed at the addresses set forth in the Register. A notice of redemption may be revoked by sending a notice, by first class mail, not less than 15 days prior to the proposed redemption date to the registered owners of the Obligations which have been called for redemption.

Section 13. Form of Obligations.

The Obligations shall be in substantially the form shown in Exhibit A. Omissions, insertions, or variations are permitted if they are deemed necessary or desirable and are consistent with this resolution or any supplemental resolution. The Issuer may cause the approving opinion of bond counsel to be printed or reproduced on the Obligations.

Section 14. Execution of Obligations.

The Obligations shall be signed by the persons who are the Municipal Officers on the date on which the Obligations are signed. The Obligations shall be sealed with the Issuer's corporate seal (or a facsimile), if the Issuer has one, and they shall also be authenticated by the manual signature of the Fiscal Agent.

The Obligations will be valid and binding even if before they are delivered any person whose signature appears on the Obligations is no longer living or is no longer the person authorized to sign the Obligations. In that event, the Obligations will have the same effect as if the person were living or were still the person authorized to sign the Obligations.

A facsimile signature may be used as long as at least one signature of a Municipal Officer is a manual signature or the Fiscal Agent's certificate of authentication has a manual signature. If a facsimile signature is used, then it will be treated as the officer's own signature.

Section 15. Continuing Disclosure.

The appropriate officers of the Issuer are directed to sign the Continuing Disclosure Agreement, and the Issuer agrees to comply with all its terms.

Section 16. Sale of Obligations.

The Issuer awards the sale of the Obligations to the Purchaser at the Purchase Price, plus any accrued interest from the Original Issue Date to the date of delivery of the Obligations. The Issuer approves and accepts the purchase agreement signed and presented by the Purchaser to evidence the purchase of the Obligations (the "**Purchase Agreement**"). The Municipal Officers are directed (i) to sign the Purchase Agreement in the Issuer's name and (ii) to take any additional actions needed to complete the sale of the Obligations, including arranging for a specific date, time, and location of closing of the sale.

The officers of the Issuer are directed to sign the Obligations and to arrange for delivery of the Obligations to the Purchaser through the facilities of DTC in accordance with the Purchase Agreement and this resolution. The Obligations may be delivered to the Purchaser upon payment by the Purchaser of the Purchase Price, plus any accrued interest, as required by this resolution.

Unless waived by the Purchaser, the delivery of the Obligations is conditioned upon the Issuer furnishing the following items to the Purchaser:

- (i) The Obligations, together with the written, unqualified approving opinion of the law firm of Foley & Lardner LLP, bond counsel, evidencing the legality of the Obligations and that interest on the Obligations will be excluded from gross income for federal income tax purposes.
- (ii) A transcript of the proceedings relating to the issuance of the Obligations.
- (iii) A certificate showing that no litigation has been threatened or is pending that would affect the legality of the Obligations or the right of the Issuer to issue them at the time of their delivery.

Section 17. General Obligation Pledge; Tax Levy.

For the prompt payment of the principal of, and interest on, the Obligations, the Issuer irrevocably pledges its full faith and credit. The Issuer hereby levies upon all taxable property in its territory a direct, annual, and irrevocable tax in an amount sufficient to pay, and for the express purpose of paying, the interest on the Obligations as it falls due and also to pay and discharge the principal of the Obligations on their maturity dates.

This tax shall be carried from year to year into the Issuer's tax roll. It shall be collected in addition to all other taxes and in the same manner and at the same time as all other taxes. The amount of this tax that is carried into the Issuer's tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account available to pay debt service on the Obligations for such year. This tax for each year the levy is made will be in the following amounts:

<u>Levy Year</u>	<u>Debt Service Amount Due in Following Year</u>	<u>Levy Year</u>	<u>Debt Service Amount Due in Following Year</u>
2017	\$_____	2022	\$_____
2018	_____	2023	_____
2019	_____	2024	_____
2020	_____	2025	_____
2021	_____	2026	_____

Section 18. Debt Service Fund Account.

The Issuer shall create a separate account within the Debt Service Fund solely for the Obligations (the "**Debt Service Fund Account**"), which shall be maintained and administered as provided in Section 67.11 of the Wisconsin Statutes. The Director of Finance is directed to keep the proceeds of the taxes levied under this resolution, when they are collected, in

the Debt Service Fund Account. Any accrued interest received on the date of delivery of the Obligations and the premium, if any, paid to the Issuer by the Purchaser in excess of the stated principal amount of the Obligations shall be deposited into the Debt Service Fund Account and used to pay interest on the Obligations. If the money in the Debt Service Fund Account is insufficient to make a payment of principal of, or interest on, the Obligations on a date on which such a payment is due, then the Issuer will promptly provide the necessary funds to make the payment from other available sources.

Section 19. Borrowed Money Fund.

The sale proceeds of the Obligations (not including any accrued interest or premium received) shall be deposited in and kept by the Director of Finance in a separate fund. The fund shall be designated with both the name of the Obligations and the name Borrowed Money Fund (herein referred to as the “**Borrowed Money Fund**”). The Escrow Account will be deemed to be a portion of the Borrowed Money Fund for the Obligations for the purposes of Section 67.10 (3) of the Wisconsin Statutes. Money in the Borrowed Money Fund, including any earnings, shall be (a) used to pay the costs of the Project and issuing the Obligations, or (b) transferred to the Debt Service Fund Account as provided by law.

Section 20. Official Statement.

The Issuer approves and ratifies the preliminary offering document prepared and distributed in connection with the sale of the Obligations, and the Issuer authorizes and approves the final version of such document (the “**Official Statement**”) to be prepared prior to the issuance of the Obligations; *provided, however*, that the Official Statement shall be substantially in the form submitted to this meeting, with such modifications as the Municipal Officers approve. The Municipal Officers are directed to deliver copies of the Official Statement to the Purchaser and, if the Purchaser requests, execute one or more copies on behalf of the Issuer. Execution and delivery of the Official Statement will conclusively evidence the approval of the Municipal Officers.

Section 21. Publication of Notice.

The Recording Officer is directed to publish notice that the Issuer has agreed to sell the Obligations. The notice shall be published in the Issuer’s official newspaper as a class 1 notice under Chapter 985 of the Wisconsin Statutes promptly after the execution of the Purchase Agreement. The notice shall be in substantially the form shown in Exhibit B. The Recording Officer shall obtain proof, in affidavit form, of the publication, and shall compare the notice as published with the attached form to make sure that no mistake was made in publication.

Section 22. Authorization of Officers.

The appropriate officers of the Issuer are directed to prepare and furnish the following items to the Purchaser and the attorneys approving the legality of the Obligations:

- (i) Certified copies of proceedings and records of the Issuer relating to the Obligations and to the financial condition and affairs of the Issuer.

- (ii) Other affidavits, certificates, and information that may be required to show the facts about the legality of the Obligations, as such facts appear on the books and records under the officer's custody or control or as are otherwise known to the officer.

All certified copies, affidavits, certificates, and information furnished for such purpose will be representations of the Issuer as to the facts they present.

Section 23. Tax Law Covenants.

The Issuer covenants that it will comply with all requirements of the Code and the Treasury Regulations promulgated thereunder, that shall be satisfied so that interest on the Obligations will be excluded from gross income for federal income tax purposes.

Section 24. Further Authorization.

The Issuer authorizes its officers, attorneys, and other agents or employees to do all acts required of them to carry out the purposes of this resolution.

Section 25. Conflict with Prior Acts.

In case any part of a prior action of the Governing Body conflicts with this resolution, that part of the prior action is hereby rescinded.

Section 26. Severability of Invalid Provisions.

If a court holds any provision of this resolution to be illegal or invalid, then the illegality or invalidity shall not affect any other provision of this resolution.

Section 27. Effective Date.

This resolution takes effect upon its adoption and approval in the manner provided by law.

* * * * *

Adopted: September 6, 2017

Approved: September __, 2017

Mayor

Clerk

EXHIBIT A

FORM OF OBLIGATION

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation (“DTC”), to the issuer or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

STATE OF WISCONSIN
CITY OF APPLETON

Registered

No. R-____

\$_____

GENERAL OBLIGATION PROMISSORY NOTE, SERIES 2017

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Original Issue Date</u>	<u>CUSIP</u>
_____%	April 1, 20__	October 2, 2017	038105 ____

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

THE CITY OF APPLETON, WISCONSIN (herein called the “**Issuer**”), hereby acknowledges itself to owe and for value received promises to pay the Principal Amount to the Registered Owner on the Maturity Date, and to pay interest on the Principal Amount from the Original Issue Date at the annual rate of the Interest Rate. Interest is payable semiannually on April 1 and October 1, beginning on April 1, 2018, until the Principal Amount has been paid. Interest is computed on the basis of a 360-day year of twelve 30-day months.

This Obligation is one of a duly authorized issue of notes (the “**Obligations**”) of the Issuer of an aggregate principal amount of \$14,170,000, all of like tenor, except as to denomination, interest rate, maturity date, and redemption provisions, issued by the Issuer pursuant to the provisions of Section 67.12(12) of the Wisconsin Statutes, and is authorized by the resolution duly adopted by the governing body of the Issuer on September 6, 2017, entitled: “A Resolution Authorizing and Providing for the Sale and Issuance of \$14,170,000 General Obligation Promissory Notes, Series 2017, and All Related Details” (the “**Resolution**”). The Obligations are issuable only in the form of fully registered notes.

On the date of their initial delivery, the Obligations will be maintained in a system in which no physical distribution of certificates representing ownership of the Obligations is made to the owners of the Obligations but instead all outstanding Obligations are registered in the name of a securities depository appointed by the Issuer (a “**Depository**”), or in the name of the Depository’s nominee, and the Depository and its participants record beneficial ownership and effect transfers of the Obligations electronically (a “**Book-Entry System**”). So long as the Obligations are maintained in a Book-Entry System, then the principal of, and interest on, this Obligation will be paid by wire transfer to the Depository or its nominee in accordance with the Depository’s rules that are then in effect by the Director of Finance of the Issuer, or any successor fiscal agent appointed by the Issuer under Section 67.10 (2) of the Wisconsin Statutes (the “**Fiscal Agent**”), which will act as authentication agent, paying agent, and registrar for the Obligations.

If at any time the Issuer decides *not* to maintain the Obligations in a Book-Entry System, then (i) the principal of this Obligation will be paid by the Fiscal Agent upon its presentation and surrender on or after its maturity date or prior redemption date at the designated office of the Fiscal Agent, and (ii) the interest on this Obligation will be paid, on each interest payment date, by wire or other electronic money transfer or by check of the Fiscal Agent sent by first class mail to the person in whose name this Obligation is registered on the register (the “**Register**”) maintained by the Fiscal Agent at the end of the day on the 15th day (whether or not a business day) of the calendar month just before each regularly scheduled interest payment date (the “**Record Date**”). The Issuer and the Fiscal Agent may treat the entity or person in whose name this Obligation is registered on the Register as the absolute owner of this Obligation for all purposes.

The principal of, and interest on, this Obligation is payable in lawful money of the United States of America. For the prompt payment of the principal of and interest on this Obligation, the Issuer has irrevocably pledged its full faith and credit. The Issuer has levied upon all taxable property in its territory a direct, annual, and irrevocable tax sufficient in amount to pay, and for the express purpose of paying, the interest on this Obligation as it falls due and the principal of this Obligation on the Maturity Date.

The Obligations maturing on or after April 1, 2026 are subject to redemption before their stated maturity dates, at the Issuer’s option, in whole or in part, in the order of maturity selected by the Issuer, on April 1, 2025 and on any date thereafter. The redemption price will be 100% of the principal amount redeemed, plus accrued interest to the redemption date, and no premium will be paid. If payment of an Obligation called for redemption has been made or provided for, then interest on the Obligation stops accruing on the stated redemption date. If less than all the principal amount of a specific maturity is redeemed, then the Obligations will be redeemed in \$5,000 multiples as set forth below.

So long as the Issuer maintains the Obligations in a Book-Entry System, then the following provisions apply:

Transfers. The Obligations are transferable, only upon the Register and only if the Depository ceases to act as securities depository for the Obligations and the Issuer appoints a successor securities depository. If that happens, then upon the

surrender of the Obligations to the Fiscal Agent, the Issuer will issue new fully registered Obligations in the same aggregate principal amounts to the successor securities depository and the Obligations will be recorded as transferred to the successor securities depository in the Register.

The Fiscal Agent will not be required to make any transfer of the Obligations (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Obligations, or (ii) with respect to any particular Obligation, after such Obligation has been called for redemption.

Partial Redemption. If less than all the principal amount of a specific maturity is to be redeemed, then the Depository and its direct and indirect participants will select the beneficial owners of the Obligations to be redeemed. If an Obligation has been called for redemption but less than all the principal amount of a specific maturity is redeemed, then on the redemption date and upon surrender to the Fiscal Agent of the Obligation, the Issuer will issue one or more new Obligations in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Obligations will be sent to the Depository, in the manner required by the Depository, not less than 30, and not more than 60, days prior to the proposed redemption date. A notice of redemption may be revoked by sending notice to the Depository, in the manner required by the Depository, not less than 15 days prior to the proposed redemption date.

If on any date the Issuer decides *not* to maintain the Obligations in a Book-Entry System, then the following provisions apply:

Transfers. Each Obligation is transferable, only upon the Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of \$5,000. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Obligation shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Issuer will issue one or more new fully registered Obligations, in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Obligations and upon the payment of a charge sufficient to reimburse the Issuer or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Obligations (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Obligations, or (ii) with respect to any particular Obligation, after such Obligation has been called for redemption. If a portion of an Obligation has been called for redemption, then on the redemption date, and

upon surrender of the Obligation, the Issuer will issue one or more new Obligations in the principal amount outstanding after the redemption.

Partial Redemption. If less than all the principal amount of a specific maturity is to be redeemed, then the Issuer or the Fiscal Agent will randomly select the Obligations to be redeemed. If less than the entire principal amount of a particular Obligation has been called for redemption, then upon surrender to the Fiscal Agent of the Obligation to be redeemed, the Issuer will issue one or more new Obligations in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Obligations shall be sent by first class mail, not less than 30, and not more than 60, days before the redemption date to the registered owners of any Obligations to be redeemed. A notice of redemption may be revoked by sending a notice, by first class mail, not less than 15 days prior to the proposed redemption date to the registered owners of the Obligations which have been called for redemption.

The Issuer certifies, recites, and declares that all acts, conditions, and procedures required by law to exist, to have happened, and to be performed, leading up to and in the issuing of this Obligation and of the issue of which it is a part, do exist, have happened, and have been performed in regular and due form, time, and manner as required by law; that the indebtedness of the Issuer, including this Obligation and the issue of which it is a part, does not exceed any limitation, general or special, imposed by law; and that a valid, direct, annual and irrevocable tax has been levied by the Issuer sufficient to pay the interest on this Obligation when it falls due and also to pay and discharge the principal of this Obligation at maturity.

IN WITNESS WHEREOF, the Issuer, by its governing body, has caused this Obligation to be executed in its name and on its behalf by the manual or facsimile signatures of its Mayor and Clerk and to be sealed with its corporate seal (or a facsimile thereof), if any, all as of the Original Issue Date.

CITY OF APPLETON, WISCONSIN

By: _____
Mayor

[SEAL]

And: _____
Clerk

Certificate of Authentication

Dated: October ____, 2017

This Obligation is one of the Obligations
described in the Resolution.

By: _____
Director of Finance,
as Fiscal Agent

ASSIGNMENT

For value received, the undersigned hereby sells, assigns, and transfers unto

PLEASE INSERT SOCIAL SECURITY OR
OTHER IDENTIFYING NUMBER OF ASSIGNEE

(Please Print or Type Name and Address of Assignee)

the within-mentioned Obligation and all rights thereunder and does hereby irrevocably constitute and appoint _____ attorney-in-fact, to transfer the same on the books of the registry in the office of the Fiscal Agent, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed

NOTICE: Signatures must be guaranteed by an “eligible guarantor institution” meeting the requirements of the Fiscal Agent. Those requirements include membership or participation in the Securities Transfer Association Medallion Program (“STAMP”) or such other “signature guarantee program” as may be determined by the Fiscal Agent in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

Note: The signature to this assignment must correspond with the name as written on the face of the within Obligation in every particular, without any alteration or change. When assignment is made by a guardian, trustee, executor or administrator, an officer of a corporation, or anyone in a representative capacity, proof of the person’s authority to act must accompany this Obligation.

EXHIBIT B

NOTICE TO THE ELECTORS OF THE CITY OF APPLETON, WISCONSIN RELATING TO NOTE SALE

On September 6, 2017, pursuant to Section 67.12(12) of the Wisconsin Statutes, a resolution was offered, read, approved, and adopted whereby the City of Appleton, Wisconsin authorized the borrowing of money and entered into a contract to sell general obligation promissory notes in the principal amount of \$14,170,000. It is anticipated that the closing of this note financing will be held on or about October 2, 2017. A copy of all proceedings had to date with respect to the authorization and sale of said notes is on file and may be examined in the office of the City Clerk, at 100 North Appleton Street, Appleton, Wisconsin between the hours of 9:00 a.m. and 4:30 p.m. on weekdays.

This notice is given pursuant to Section 893.77 of the Wisconsin Statutes, which provides that an action or proceeding to contest the validity of such financing, for other than constitutional reasons, must be commenced within 30 days after the date of publication of this notice.

Publication Date: September ____, 2017

/s/ Kami Lynch
City Clerk

CERTIFICATIONS OF CLERK

I, Kami Lynch, certify that I am the duly qualified acting Clerk of the City of Appleton, Wisconsin (the “**Municipality**”), and as such I have in my possession, or have access to, the complete corporate records of the Municipality and of its Common Council (the “**Governing Body**”), and that attached to this certificate is a true, correct, and complete copy of the resolution (the “**Resolution**”) entitled:

A Resolution Authorizing and Providing for the Sale and Issuance of \$14,170,000 General Obligation Promissory Notes, Series 2017, and All Related Details

I further certify as follows:

1. **Meeting Date.** On September 6, 2017, a meeting of the Governing Body was held beginning at _____ p.m.

2. **Posting.** On September ____, 2017 (and not less than 24 hours prior to the meeting), I posted, or caused to be posted, at the Municipality’s offices in Appleton, Wisconsin a notice setting forth the date, time, location, and subject matter of said meeting. The notice specifically referred to the Resolution.

3. **Notification of Media.** On September ____, 2017 (and not less than 24 hours prior to the meeting), I communicated or caused to be communicated, date, time, location, and subject matter of said meeting to those news media who have filed a written request for such notice and to the official newspaper of the Municipality. The communication specifically referred to the Resolution.

4. **Open Meeting Law Compliance.** The meeting was a regular meeting of the Governing Body that was held in open session in compliance with Subchapter V of Chapter 19 of the Wisconsin Statutes and any other applicable local rules and state statutes.

5. **Members Present.** The meeting was duly called to order by the Mayor (the “**Presiding Officer**”), who chaired the meeting. Upon roll call, I noted and recorded that there were ____ members of the Governing Body present at the meeting, such number being a quorum of the Governing Body.

6. **Consideration of and Roll Call Vote on Resolution.** Various matters and business were taken up during the course of the meeting without intervention of any closed session. One of the matters taken up was the Resolution. A proper quorum of the Governing Body was present for the consideration of the Resolution, and each member of the Governing Body had received a copy of the Resolution. All rules of the Governing Body that interfered with the consideration of the Resolution, if any, were suspended by a two-thirds vote of the Governing Body. The Resolution was then introduced, moved, and seconded, and after due consideration, upon roll call, ____ of the Governing Body members voted Aye, ____ voted Nay, and ____ Abstained.

7. **Adoption of Resolution.** The Resolution was supported by the affirmative vote of a majority of a quorum of the members of the Governing Body in attendance. The Presiding Officer then declared that the Resolution was adopted, and I recorded the adoption of the Resolution.

8. **Approval of Presiding Officer.** The Resolution was approved by the Presiding Officer on September ___, 2017, and I have recorded the approval. The approval is evidenced by the signature of the Presiding Officer on the copy of the Resolution to which this certificate is attached.

9. **Publication of Notice.** I have caused the Notice to Electors, in the form of Exhibit B to the Resolution, to be published in the place specified in the Resolution.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of the Municipality, if any, on this certificate on September ___, 2017.

Clerk

[SEAL]

**COMMON COUNCIL
OF THE
CITY OF APPLETON, WISCONSIN**

September 6, 2017

Resolution No. None

**A Resolution Authorizing and Providing for the Sale and Issuance of
\$5,000,000 Storm Water System Revenue Bonds, Series 2017,
and All Related Details**

RECITALS

The Common Council (the “**Governing Body**”) of the City of Appleton, Wisconsin (the “**Municipality**”) makes the following findings and determinations:

1. The Municipality currently owns and operates a municipal storm water system (the “**System**”, as more fully defined below), which is a “public utility” (within the meaning of Section 66.0621 (1) (b) of the Wisconsin Statutes).
2. Under the provisions of Section 66.0621 of the Wisconsin Statutes, as amended (the “**Act**”), the Municipality may, by action of the Governing Body, provide for, among other things, the acquisition, construction, extension, improvement, operation, and management of the System, and the refunding of municipal obligations issued for such purposes, from the proceeds of obligations that are payable only from the income and revenues derived from the operation of the System.
3. On July 21, 1999 the Governing Body adopted a resolution (the “**1999 Resolution**”) authorizing the issuance of the Municipality’s \$3,080,000 Storm Water System Revenue Bonds, Series 1999, dated August 1, 1999 (the “**Series 1999 Bonds**”). The outstanding Series 1999 Bonds were redeemed on April 1, 2009.
4. On August 20, 2008 the Governing Body adopted a resolution (the “**2008 Resolution**”) authorizing the issuance of the Municipality’s \$6,010,000 Storm Water System Revenue Bonds, Series 2008, dated September 10, 2008 (the “**Series 2008 Bonds**”). The 2019 through and including 2028 maturities of the Series 2008 Bonds were refunded on October 4, 2016 and will be redeemed on April 1, 2018 from funds set aside in escrow for that purpose. The unrefunded Series 2008 Bonds are currently outstanding in the aggregate principal amount of \$275,000.
5. On December 16, 2009 the Governing Body adopted a resolution (the “**2009 Resolution**”) authorizing the issuance of the Municipality’s \$10,720,000 Storm Water System Revenue Bonds, Series 2009, dated December 30, 2009 (the “**Series 2009 Bonds**”). The 2020 through and including 2029 maturities of the Series 2009 Bonds were refunded on October 4, 2016 and will be redeemed on April 1, 2019 from funds set aside in escrow for that purpose.

The unrefunded Series 2009 Bonds are currently outstanding in the aggregate principal amount of \$715,000.

6. On July 18, 2012 the Governing Body adopted a resolution (the “**2012 Resolution**”) authorizing the issuance of the Municipality’s \$13,190,000 Storm Water System Revenue Refunding Bonds, Series 2012, dated August 8, 2012 (the “**Series 2012 Bonds**”). The Series 2012 Bonds are currently outstanding in the aggregate principal amount of \$8,865,000.

7. On July 24, 2013 the Governing Body adopted a resolution (the “**2013 Resolution**”) authorizing the issuance of the Municipality’s \$6,440,000 Storm Water System Revenue Bonds, Series 2013, dated August 7, 2013 (the “**Series 2013 Bonds**”). The Series 2013 Bonds are currently outstanding in the aggregate principal amount of \$5,690,000.

8. On August 20, 2014 the Governing Body adopted a resolution (the “**2014 Resolution**”) authorizing the issuance of the Municipality’s \$3,450,000 Storm Water System Revenue Bonds, Series 2014, dated September 10, 2014 (the “**Series 2014 Bonds**”). The Series 2014 Bonds are currently outstanding in the aggregate principal amount of \$3,175,000.

9. On October 7, 2015 the Governing Body adopted a resolution (the “**2015 Resolution**”) authorizing the issuance of the Municipality’s \$9,425,000 Storm Water System Revenue Refunding Bonds, Series 2015, dated October 28, 2015 (the “**Series 2015 Bonds**”). The Series 2015 Bonds are currently outstanding in the aggregate principal amount of \$9,010,000.

10. On September 7, 2016 the Governing Body adopted a resolution (the “**2016 Resolution**”) authorizing the issuance of the Municipality’s \$14,935,000 Storm Water System Revenue Refunding Bonds, Series 2016, dated October 4, 2016 (the “**Series 2016 Bonds**”). The Series 2016 Bonds are currently outstanding in the aggregate principal amount of \$14,935,000.

11. No other outstanding obligations are payable from the income and revenues derived from the operation of the System.

12. The Municipality needs funds to finance certain additions, extensions, and improvements to the System, including, but not limited to, the acquisition of land and rights of way, and the construction of storm sewers, lift stations, pumps, detention ponds, laterals, manholes, and inlets (collectively, the “**Project**”).

13. The Governing Body wishes to finance the costs of the Project by authorizing, selling, and issuing its \$5,000,000 Storm Water System Revenue Bonds, Series 2017 (the “**Bonds**”). The Bonds will be issued pursuant to the Act, on the terms and conditions described in this resolution, and will be secured by and payable from the income and revenues derived and to be derived from the operation of the System. The Bonds will be issued on a parity and equality of rank with the Series 2008 Bonds, the Series 2009 Bonds, the Series 2012 Bonds, the Series 2013 Bonds, the Series 2014 Bonds, the Series 2015 Bonds, and the Series 2016 Bonds (collectively, the “**Outstanding Bonds**”).

14. Section 20 of the 1999 Resolution (the “**Additional Bonds Test**”), which section is continued under each of the resolutions authorizing the issuance of the Outstanding Bonds, authorizes the issuance of additional bonds on a parity and equality of rank with the Outstanding Bonds upon compliance with the conditions set forth under the Additional Bonds Test. All conditions set forth under the Additional Bonds Test have been or will be satisfied prior to the issuance of the Bonds.

15. In accordance with the provisions of Section 66.0621 (4) (a) 2 of the Wisconsin Statutes and this resolution: (i) interest on the Bonds will be payable at least annually, and (ii) payment of principal of the Bonds will commence not later than 3 years after the date of issuance of the Bonds. The requirement each year to pay both principal of, and interest on, the Bonds will be reasonable and in accordance with prudent municipal utility management practices.

16. Robert W. Baird & Co. Incorporated (the “**Bond Purchaser**”), or a group that it represents, has offered to purchase the Bonds for \$_____, plus payment by the Bond Purchaser on behalf of the Municipality of \$_____ for the costs of issuing the Bonds (the “**Purchase Price**”).

17. The Municipality has taken all actions required by law and has the power to sell and issue the Bonds.

18. The Governing Body will adopt this resolution to sell and issue the Bonds.

RESOLUTIONS

The Governing Body resolves as follows:

Section 1. Definitions.

In addition to the capitalized terms defined in the recitals above, capitalized terms not otherwise defined in this resolution shall have the meanings set forth below unless the context requires another meaning.

“**Act**” means Section 66.0621 of the Wisconsin Statutes, as amended.

“**Bond Counsel**” means (i) as of the Original Issue Date, Foley & Lardner LLP, and (ii) after the Original Issue Date, either Foley & Lardner LLP or any other nationally recognized firm of attorneys, employed by the Municipality, experienced in municipal finance, whose legal and tax opinions are generally accepted by purchasers of municipal obligations.

“**Bonds**” means the \$5,000,000 City of Appleton, Wisconsin Storm Water System Revenue Bonds, Series 2017, which will be issued pursuant to this resolution.

“**Bond Purchase Agreement**” means the purchase agreement signed and presented by the Bond Purchaser to evidence the purchase of the Bonds

“**Bond Purchaser**” has the meaning given in the recitals to this resolution.

“**Bond Register**” means the register maintained by the Fiscal Agent at its designated office, in which the Fiscal Agent records:

- (i) the name and address of the owner of each Bond.
- (ii) all transfers of each Bond.

“**Book-Entry System**” means a system in which no physical distribution of certificates representing ownership of the Bonds is made to the owners of the Bonds but instead all outstanding Bonds are registered in the name of a securities depository appointed by the Municipality, or in the name of such a depository’s nominee, and the depository and its participants record beneficial ownership and transfers of the Bonds electronically.

“**Code**” means the Internal Revenue Code of 1986, as amended.

“**Continuing Disclosure Agreement**” means the Continuing Disclosure Agreement, dated as of the Original Issue Date, to be executed by the Municipality and delivered on the closing date of the Bonds.

“**Current Expenses**” means the reasonable and necessary cost of operating, maintaining, administering, insuring, and repairing the System, as determined in accordance with generally accepted accounting principles, including, but not limited to, salaries, premiums for insurance, wages, cost of materials and supplies, insurance, and audits but shall exclude allowances for depreciation, debt service on obligations of the System, tax equivalents, replacements, capital expenditures, and accumulations of reserves.

“**Depository**” means DTC or any successor appointed by the Municipality and acting as securities depository for the Bonds.

“**DTC**” means The Depository Trust Company, New York, New York.

“**Financial Officer**” means the Municipality’s Director of Finance.

“**Fiscal Agent**” means the Municipality’s Director of Finance or any successor fiscal agent appointed by the Municipality to act as authentication agent, paying agent, and registrar for the Bonds pursuant to Section 67.10 (2) of the Wisconsin Statutes.

“**Fiscal Year**” means the twelve-month period beginning on January 1 of each year and ending on December 31 of each year. The Municipality may change the Fiscal Year of the System if the Original Purchasers consent to the change. If the Original Purchasers consent to the change, then the change will not constitute a modification, change, amendment, or alteration of this resolution for purposes of Section 24 of this resolution.

“**Governing Body**” means the Municipality’s Common Council.

“**Gross Revenues**” means the gross revenues of the System from all sources, excluding earnings on the Storm Water System Special Redemption Fund, customer deposits, and collected taxes imposed by other governmental entities.

“Independent Consulting Firm” means a recognized consultant, auditor, or engineer, or firm of auditors, consultants, or engineers, who or which is not an officer or regular employee of the Municipality or the System and who or which is not devoting substantially all his, her, or its time and efforts to the affairs of the System.

“Minimum Reserve Amount” means the least of the following: (i) the maximum annual debt service coming due in any future year on the Bonds and Parity Bonds then outstanding, (ii) 10% of the outstanding principal amount of the Bonds and Parity Bonds, or (iii) 125% of the average annual debt service on the Bonds and Parity Bonds.

“Municipal Officers” means the Mayor and Clerk of the Municipality. These are the officers required by law to execute revenue obligations on the Municipality’s behalf.

“Municipality” means the City of Appleton, Wisconsin.

“Net Revenues” means Gross Revenues after deduction of Current Expenses.

“Original Issue Date” means October 2, 2017.

“Original Purchasers” means the Bond Purchaser and the initial purchaser of each issue of Parity Bonds (including the Outstanding Bonds), so long as the issue of Parity Bonds remains outstanding.

“Outstanding Bonds” has the meaning given in the recitals to this resolution.

“Parity Bonds” means all other obligations payable from the revenues of the System (including the Outstanding Bonds) other than the Bonds, but issued on a parity and equality with the Bonds and the Outstanding Bonds pursuant to the restrictive provisions of the applicable sections of the Prior Resolutions and Section 21 of this resolution.

“Prior Resolutions” means, collectively, the 2009 Resolution, the 2012 Resolution, the 2013 Resolution, the 2014 Resolution, the 2015 Resolution, and the 2016 Resolution, each as defined in the recitals to this resolution.

“Project” has the meaning given in the recitals to this resolution.

“Purchase Price” has the meaning given in the recitals to this resolution.

“Record Date” means the 15th day (whether or not a business day) of the calendar month just before each regularly scheduled interest payment date for the Bonds.

“Recording Officer” means the Municipality’s Clerk.

“Reserve Account” means the Reserve Account of the Special Redemption Fund.

“Special Redemption Fund” means the fund designated as such and described in Section 18 of this Resolution.

“**System**” means the storm water utility of the Municipality, which shall include all property of every nature now or hereafter owned by the Municipality for the collection, storage, treatment, transmission, distribution, metering, and discharge of storm water, or constituting part of, or used or useful in connection with, the storm water utility of the Municipality; and including all improvements and extensions thereto made by the Municipality while any of the Bonds or Parity Bonds remain outstanding and including all appurtenances, contracts, leases, franchises, and other intangibles.

Section 2. Exhibits.

The attached exhibits are also a part of this resolution as though they were fully written out in this resolution:

- (i) *Exhibit A* - Form of Bond.
- (ii) *Exhibit B* - Notice to Electors of Sale.

Section 3. Purposes of Borrowing; Issuance of Bonds.

The Governing Body authorizes the Bonds and orders that they be prepared, executed, and issued. The Bonds will be fully registered, negotiable, storm water system revenue bonds of the Municipality in the aggregate principal amount of \$5,000,000. The Bonds will be issued under the provisions of the Act for the purposes of the Project and to pay the expenses of issuing the Bonds (including, but not limited to, printing costs and fees for financial consultants, bond counsel, rating agencies, bond insurance, and registration, as applicable).

Section 4. Terms of Bonds.

The Bonds will be named “City of Appleton, Wisconsin Storm Water System Revenue Bonds, Series 2017.” The Bonds will be dated the Original Issue Date, even if they are actually issued or executed on another date. Each Bond will also be dated the date on which it is authenticated by the Fiscal Agent. That date is its registration date.

The face amount of each Bond will be \$5,000 or any multiple thereof up to the principal amount authorized for that maturity.

The Bonds will bear interest from the Original Issue Date. Interest on the Bonds will be payable on each April 1 and October 1, beginning on April 1, 2018, until the principal of the Bonds has been paid. Interest on each Bond will be (i) computed on the basis of a 360-day year of twelve 30-day months and (ii) payable to the entity or person in whose name the Bond is registered on the Bond Register at the end of the day on the applicable Record Date. The Municipality and the Fiscal Agent may treat the entity or person in whose name any Bond is registered on the Bond Register as the absolute owner of the Bonds for all purposes whatsoever under this resolution. The Bonds will be numbered consecutively as may be required to comply with any applicable rules or customs or as determined by the Municipal Officers executing the Bonds.

The following table shows when the Bonds will mature and the rate of interest each maturity will bear:

Principal Maturity Date (April 1)	Principal Amount	Interest Rate	Principal Maturity Date (April 1)	Principal Amount	Interest Rate
2020	\$ 50,000	____%	2030	\$ 280,000	____%
2021	185,000	____	2031	290,000	____
2022	200,000	____	2032	300,000	____
2023	210,000	____	2033	310,000	____
2024	215,000	____	2034	325,000	____
2025	225,000	____	2035	335,000	____
2026	235,000	____	2036	345,000	____
2027	245,000	____	2037	360,000	____
2028	255,000	____	2038	370,000	____
2029	265,000	____			

The principal of, and interest on, the Bonds will be payable in lawful money of the United States of America.

Section 5. Fiscal Agent.

The Municipality appoints the Fiscal Agent to act as authentication agent, paying agent, and registrar for the Bonds. Among other things, the Fiscal Agent shall maintain the Bond Register.

Section 6. Appointment of Depository.

The Municipality appoints DTC to act as securities depository for the Bonds. An authorized representative of the Municipality has previously executed a blanket issuer letter of representations with DTC on the Municipality's behalf, and the Municipality ratifies and approves that document.

Section 7. Book-Entry System.

On the date of their initial delivery, the Bonds will be registered in the name of DTC or its nominee and maintained in a Book-Entry System. If the Municipality's relationship with DTC is terminated, then the Municipality may appoint another securities depository to maintain the Book-Entry System.

If at any time the Bonds are not being maintained in a Book-Entry System, then the Municipality will do the following:

- (i) At its expense, the Municipality will prepare, authenticate, and deliver to the beneficial owners of the Bonds fully-registered, certificated Bonds in the denomination of \$5,000 or any multiple thereof in the aggregate

principal amount then outstanding. The beneficial owners will be those shown on the records of the Depository and its direct and indirect participants.

- (ii) The Municipality will appoint a fiscal agent to act as authentication agent, paying agent, and registrar for the Bonds under Section 67.10 (2) of the Wisconsin Statutes.

Section 8. Redemption.

The Bonds maturing on and after April 1, 2028 are subject to redemption before their stated maturity dates, at the Municipality's option, in whole or in part, as selected by the Municipality, on April 1, 2027 and on any date thereafter. The redemption price will be 100% of the principal amount redeemed, plus accrued interest to the redemption date, and no premium will be paid. If payment of a Bond called for redemption has been made or provided for, then interest on the Bond stops accruing on the stated redemption date. If less than all outstanding Bonds are redeemed, then the Bonds will be redeemed in \$5,000 multiples in accordance with Sections 9 and 10 hereof[, and if a portion, but not all, of a maturity that is subject to mandatory partial redemptions by operation of a sinking fund (as described below) is being redeemed, then the Municipality will select the amounts to be redeemed on future Sinking Fund Redemption Dates (as defined below) that are reduced as a result of the partial redemption].

[The Bonds maturing on April 1, 20__ (the "**Term Bonds**") are also subject to mandatory partial redemptions prior to their stated maturity date by operation of a sinking fund. On the following redemption dates (each a "**Sinking Fund Redemption Date**"), the Municipality will redeem the following principal amounts (subject to reduction as provided in the immediately preceding paragraph) of the Term Bonds:

<u>Term Bonds Maturing April 1, 20__</u>	
<u>Sinking Fund Redemption Date (April 1)</u>	<u>Principal Amount To be Redeemed</u>
20__	\$ _____
20__	_____
20__	_____
20__ (Stated Maturity)	_____]

[The redemption price will be 100% of the principal amount redeemed, plus accrued interest thereon to the Sinking Fund Redemption Date, and no premium will be paid. The particular Term Bonds to be redeemed will be selected in accordance with Sections 9 and 10 hereof, and the Municipality will give notice of the redemption in the manner stated in this resolution.]

Section 9. Manner of Payment/Transfers/Redemption Notices Under Book-Entry System.

So long as the Bonds are being maintained in a Book-Entry System, the following provisions apply:

Payment. The Fiscal Agent is directed to pay the principal of, and interest on, the Bonds by wire transfer to the Depository or its nominee in accordance with the Depository's rules that are then in effect.

Transfers. The Bonds are transferable, only upon the Bond Register and only if the Depository ceases to act as securities depository for the Bonds and the Municipality appoints a successor securities depository. If that happens, then upon the surrender of the Bonds to the Fiscal Agent, the Municipality will issue new fully registered Bonds in the same aggregate principal amounts to the successor securities depository, and the Bonds will be recorded as transferred to the successor securities depository in the Bond Register.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after such Bond has been called for redemption.

Partial Redemption. If less than all the principal amount of a specific maturity is to be redeemed, then the Depository and its direct and indirect participants will select the beneficial owners of the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount of a specific maturity is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds will be sent to the Depository, in the manner required by the Depository, not less than 30, and not more than 60, days prior to the proposed redemption date. A notice of redemption may be revoked by sending notice to the Depository, in the manner required by the Depository, not less than 15 days prior to the proposed redemption date.

Section 10. Manner of Payment/Transfers/Redemption Notices Not Under Book-Entry System.

If on any date the Bonds are not being maintained in a Book-Entry System, then the following provisions apply:

Payment. The Fiscal Agent will pay the principal of each Bond upon its presentation and surrender on or after its maturity or earlier redemption date at the designated office of the Fiscal Agent, and the Fiscal Agent will pay, on each interest payment date, the interest on each Bond by wire or other electronic money transfer, or by check of the Fiscal Agent sent by first class mail, to the person in whose name the Bond is registered on the Bond Register at the end of the day on the applicable Record Date.

Transfers. Each Bond is transferable, only upon the Bond Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of \$5,000 or any multiple thereof. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Bond shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Municipality will issue one or more new fully registered Bonds in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Bonds and upon the payment of a charge sufficient to reimburse the Municipality or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after the Bond has been called for redemption.

Partial Redemptions. If less than all the principal amount of a specific maturity is to be redeemed, then the Municipality or the Fiscal Agent will randomly select the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount of a specific maturity is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds shall be sent by first class mail not less than 30, and not more than 60, days before the redemption date to the registered owners of the Bonds to be redeemed at the respective addresses set forth in the Bond Register. A notice of redemption may be revoked by sending a notice by first class mail not less than 15 days prior to the proposed redemption date to the registered owners of the Bonds which have been called for redemption.

Section 11. Form of Bonds.

The Bonds shall be in substantially the form shown in Exhibit A hereto. Omissions, insertions, or variations are permitted if they are deemed necessary or desirable and are consistent with this resolution or any supplemental resolution. The Municipality may cause the approving opinion of bond counsel to be printed or reproduced on the Bonds.

Section 12. Execution of Bonds.

The Bonds shall be signed by the persons who are the Municipal Officers on the date on which the Bonds are signed. The Bonds shall be sealed with the Municipality's corporate seal (or a facsimile thereof), if the Municipality has one, and the Bonds shall also be authenticated by the manual signature of the Fiscal Agent.

The Bonds will be valid and binding even if before they are delivered any person whose signature appears on the Bonds is no longer living or is no longer the person authorized to sign the Bonds. In that event, the Bonds will have the same effect as if the person were living or were still the person authorized to sign the Bonds.

A facsimile signature may be used as long as at least one signature of a Municipal Officer is a manual signature or the Fiscal Agent's certificate of authentication has a manual signature. If a facsimile signature is used, then it will be treated as the officer's own signature.

Section 13. Continuing Disclosure.

The appropriate officers of the Municipality are directed to sign the Continuing Disclosure Agreement, and the Municipality agrees to comply with all of its terms.

Section 14. Payable Only From Special Redemption Fund.

The Bonds and any Parity Bonds, together with interest thereon, will be payable only out of the Special Redemption Fund as provided in the Prior Resolutions and in this resolution. The registered owners of the Bonds and any Parity Bonds will have a valid claim only against the Special Redemption Fund and the revenues pledged to such fund.

Section 15. Pledge.

The Municipality pledges sufficient revenues of the System to the Special Redemption Fund to pay the principal of, and interest on, the Bonds and any Parity Bonds as provided in this resolution. Such revenues will be used for no purpose other than to pay the principal of, and interest on, the Bonds and any Parity Bonds on the dates on which such amounts are due. The Bonds and any Parity Bonds, together with the interest thereon, shall not constitute an indebtedness of the Municipality within the meaning of any constitutional or statutory limitation or provision and shall not constitute a general obligation of the Municipality or a charge against its general credit or taxing power. The Municipality will not be liable for the payment of the principal of, and interest on, the Bonds, except as provided in this resolution.

Section 16. Equality of Lien.

All Bonds and any Parity Bonds, regardless of issue dates, maturity dates, or series designations, will be secured equally by the pledge of the Net Revenues of the System and all amounts in the Special Redemption Fund.

Section 17. Parity Bonds.

Except as permitted by Section 21(a) of this resolution, the Municipality will issue no bonds or other obligations payable from the revenues of the System, or enjoying a lien on the revenues or property of the System, that have a priority over the Outstanding Bonds and the Bonds with respect to their payment or security. The Municipality may issue Parity Bonds on the terms and conditions set forth in the applicable section of each Prior Resolution and Section 21 of this resolution.

Section 18. Funds and Accounts.

The Municipality affirms and continues, or creates, as applicable, the following funds and accounts of the System, some of which were originally created under Section 17 of the

1999 Resolution (collectively, the “**Funds and Accounts**”), to provide for the collection, distribution, and use of the Gross Revenues and the proceeds of the Bonds:

- (a) Storm Water System Revenue Fund (the “**Revenue Fund**”), into which shall be deposited as received the entire Gross Revenues.
- (b) Storm Water System Operation and Maintenance Fund (the “**Operation and Maintenance Fund**”), which shall be used for the payment of the reasonable and necessary expenses of operating and maintaining the System, including salaries, wages, materials, supplies, and insurance, and for the purposes described in Section 19 of this resolution.
- (c) Storm Water System Special Redemption Fund (the “**Special Redemption Fund**”), which shall be divided into three accounts to be known as (i) the **Interest and Principal Account**, (ii) the **Earnings Account**, and (iii) the **Reserve Account**. The Interest and Principal Account and the Earnings Account shall be used solely for the purpose of paying interest on and principal of the Bonds and Parity Bonds in accordance with the provisions of this resolution. The Reserve Account shall be used for the purpose of paying principal of or interest on the Bonds or Parity Bonds at any time when there shall be insufficient money in the Interest and Principal Account.
- (d) Storm Water System Surplus Fund (the “**Surplus Fund**”), which shall be used for the purposes described in Section 19 of this resolution.
- (e) 2017 Storm Water System Construction Fund (the “**2017 Construction Fund**”), which shall be used to pay the costs of issuance of the Bonds, the costs of the Project, or interest on the Bonds at any time when there shall be insufficient money in the Special Redemption Fund. Any balance remaining in the 2017 Construction Fund after the completion of the Project shall be transferred to the Earnings Account of the Special Redemption Fund.

Money in any of the funds or accounts created pursuant to this section may be invested in any manner permitted by the laws of the State of Wisconsin, and invested money shall be secured to the full extent required by the laws of the State of Wisconsin.

The Special Redemption Fund shall be maintained as a separate fund in the treasury of the Municipality, but the other funds herein created may be combined in a single fund or bank account. All income from investments of money in the Special Redemption Fund shall be transferred to the Earnings Account of the Special Redemption Fund. All income from investments of money in the 2017 Construction Fund shall be retained in said fund. All income from investments of money in all other funds and accounts shall be deposited in the Revenue Fund and regarded as revenues of the System. Investments in the foregoing funds shall be liquidated at any time when it shall be necessary to do so to provide money for any of the purposes for which such funds were created.

Notwithstanding any other provision of this resolution, the Municipality hereby covenants and agrees with each and every registered owner of the Bonds that:

- (1) The Municipality will take no action to permit any investment or other use of the proceeds of the Bonds which would cause any Bond to be classified as an “arbitrage bond” within the meaning of Section 148 of the Code, or any proposed, temporary, or final regulations promulgated thereunder; and
- (2) In the event that the Municipality is of the opinion (supported by an opinion of counsel whose legal and tax opinion on municipal bond issues is nationally recognized) that it is necessary or advisable to restrict or limit the yield on the investment of any moneys held in any fund created hereunder in order to avoid the Bonds being considered “arbitrage bonds” within the meaning aforesaid, the Municipality shall take such action as is necessary to do so.
- (3) The Municipality shall take the following actions to provide for any required rebate payments to the United States Treasury pursuant to Section 148(f) of the Internal Revenue Code and any proposed, temporary, or final regulations promulgated thereunder:
 - (i) The Municipality shall cause a determination to be made, by engaging Bond Counsel or another qualified rebate determination provider, of the amount, if any, of rebate required to be paid with respect to the Bonds to the United States Treasury at least every five years (as of the anniversary date of the issuance of the Bonds) and upon the retirement of the last Bond. The Municipality may pay reasonable compensation to the rebate determination provider for the performance of such services.
 - (ii) The Municipality shall make required rebate payments to the United States Treasury with respect to the Bonds at such times and in such amounts and manner as are required by the Code and the related Treasury Regulations.
 - (iii) The Municipality shall keep records of the rebate determinations prepared and rebate payments made until three years after the April 15th following the retirement of the last Bond.

Section 19. Application of Revenues.

From and after the date of issuance of the Bonds, and while any of the Bonds or Parity Bonds shall be outstanding, or until there shall be on deposit in the Special Redemption Fund an amount sufficient to provide for the payment of the principal of all such outstanding

bonds and interest thereon to maturity, the Gross Revenues shall, to the extent permitted by law, be deposited as collected in the Revenue Fund and shall be transferred therefrom and deposited in the Operation and Maintenance Fund, the Special Redemption Fund, and the Surplus Fund in the following order:

- (a) A sum sufficient of the money in the Revenue Fund for the purposes of the Operation and Maintenance Fund shall be deposited in the Operation and Maintenance Fund.
- (b) A sum sufficient of the money in the Revenue Fund for the purposes of the Special Redemption Fund shall be deposited in the Special Redemption Fund.
- (c) The remainder of the money in the Revenue Fund shall be deposited in the Surplus Fund.

Transfers from the Revenue Fund to the Operation and Maintenance Fund, the Special Redemption Fund, and the Surplus Fund shall be made in the order indicated above, at such times as are necessary to carry out the purposes of the respective funds.

It is the express intent and determination of this Governing Body that the amount of money to be deposited in the Special Redemption Fund from all sources shall in any event be sufficient to pay the interest on the Bonds and Parity Bonds as the same becomes due and to retire such bonds at maturity, and to provide any necessary monthly amounts payable into the Reserve Account.

Money allocated to and deposited in the foregoing funds shall be applied only as follows:

- (1) Money transferred to the Operation and Maintenance Fund shall be retained therein in an amount not exceeding the estimated operating and maintenance expenses of the System for the next succeeding sixty days. Any balance thereafter remaining of the amount so transferred to the Operation and Maintenance Fund shall be used first to remedy any deficiency in the Special Redemption Fund; any balance thereafter remaining shall be transferred to the Surplus Fund.
- (2) Money in the Special Redemption Fund shall first be used to deposit on the tenth day of each month into the Interest and Principal Account an amount equal to one-sixth of the next installment of interest on the Bonds and Parity Bonds then outstanding, plus an amount equal to one-twelfth of the next installment of principal of said bonds coming due, until the full amount of such installments shall be on deposit in said Interest and Principal Account. Such deposits shall be made first from the Earnings Account until it is depleted, and all moneys in the Earnings Account shall be deemed to have been used first in

payment of principal of, and interest on, the Bonds and Parity Bonds. Any funds remaining in the Earnings Account after each such transfer shall first be transferred to the Interest and Principal Account until there is on hand in the Interest and Principal Account an amount equal to the full amount of principal of, and interest on, the Bonds and any Parity Bonds then outstanding coming due during the 12 months following the date of such transfer and thereafter forthwith either (i) be used to retire the Bonds or Parity Bonds in advance of maturity by redemption or by purchase of such bonds on the open market or an invitation and receipt of tenders of the lowest dollar price or prices obtainable, but not exceeding the lowest price at which such bonds could be redeemed on the next succeeding redemption date or (ii) be invested so as to restrict the yield thereon to avoid the Bonds or Parity Bonds being classified as “arbitrage bonds” within the meaning of Section 148 of the Code, or any proposed, temporary, or final regulations issued thereunder. Notwithstanding the foregoing, unless the Municipality is provided with an opinion of counsel whose legal and tax opinion on municipal bond issues is nationally recognized that the action specified below will not adversely affect the exclusion of interest on the Bonds or the applicable issue of Parity Bonds from gross income for federal income tax purposes (i) moneys in the Earnings Account that are allocable to “proceeds” of the Bonds or any issue of Parity Bonds (within the meaning of Treas. Reg. §1.148-1(b)) may only be deposited in the Interest and Principal Account if such moneys will be used to pay principal of, and interest on, the issue to which such proceeds are allocable, and (ii) no moneys that are allocable to proceeds of the Bonds or any issue of Parity Bonds may be used to pay principal of, or interest on, obligations that are not part of the issue to which the proceeds are allocable.

- (3) The next available money in the Special Redemption Fund shall be used to make monthly transfers to the Reserve Account until there is on hand in the Reserve Account an amount equal to the Minimum Reserve Amount. Money in the Reserve Account shall be used whenever necessary to pay principal of, or interest on, the Bonds and Parity Bonds whenever the Interest and Principal Account shall be insufficient for that purpose. Any money in the Reserve Account in excess of the Minimum Reserve Amount shall be transferred to the Earnings Account. For the purpose of computing the Minimum Reserve Amount, all investments in the Reserve Account shall be valued semiannually on each interest payment date on the Bonds, at current market value. In the event moneys are withdrawn from the Reserve Account, the Municipality, from revenues of the System, shall restore any moneys so withdrawn so that 12 months following such

withdrawal the amount on deposit in the Reserve Account shall equal the Minimum Reserve Amount.

- (4) If, 12 months following any withdrawal from the Reserve Account, the amount on deposit in the Reserve Account is less than the Minimum Reserve Amount, then the Financial Officer shall certify to the Governing Body the amount necessary to restore the Reserve Account to the Minimum Reserve Amount. Recognizing its moral obligation to do so, the Governing Body hereby expresses its expectation and aspiration that, if presented with such a certification, it shall make an appropriation of funds sufficient to restore the Reserve Account to the Minimum Reserve Amount. The Governing Body determines that the System and any appropriation of funds pursuant to this expression of its moral obligation serves a public purpose by safeguarding the health and welfare of its citizens.
- (5) Money in the Surplus Fund shall first be used whenever necessary to pay principal of, or interest on, the Bonds and any Parity Bonds when the Special Redemption Fund shall be insufficient for that purpose, and thereafter shall be disbursed as follows:
 - (i) to remedy any deficiency in any of the funds or accounts provided above;
 - (ii) to transfer any money thereafter remaining in the Surplus Fund at the end of any Fiscal Year to any of the funds or accounts created by this resolution or to the general fund of the Municipality or, at the option of the Municipality, to retire Bonds and any Parity Bonds by purchase or redemption in the manner hereinbefore provided, or for any other lawful purpose.

All transfers and deposits within any fund or to any other Fund or Account required or permitted by this section shall be made at such times as are necessary to carry out the purposes of the applicable Fund or Account.

Section 20. Covenants Regarding Operation of the System.

The Municipality hereby covenants and agrees with each and every registered owner of the Bonds and Parity Bonds as follows:

- (a) The reasonable cost and value of any service rendered to the Municipality by the System by furnishing storm water services for public purposes shall be charged against the Municipality and shall be paid by it monthly as the service accrues out of the current revenues of the Municipality collected or in process of collection, exclusive of the Gross Revenues, and, if

necessary, out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses.

- (b) The Municipality will faithfully and punctually perform all duties with reference to the System required by the constitution and statutes of the State of Wisconsin, including the making and collecting of reasonable and sufficient rates lawfully established for services rendered by the System, the segregation of the revenues of the System, and the application to the respective Funds and Accounts.
- (c) The Municipality will not sell, lease, or in any manner dispose of the System including any part thereof or any additions or extensions that may be made thereto, until all the Bonds and Parity Bonds shall have been paid in full, both principal and interest, or until provision shall have been made for the payment of said bonds and the interest thereon in full. Notwithstanding the foregoing provision, the Municipality shall have the right to sell, lease, or otherwise dispose of any property of the System found by the Governing Body to be neither necessary nor useful in the operation thereof. The proceeds received from the sale, lease, or disposal of said property shall be paid into the Special Redemption Fund, but shall not be permitted to reduce the amount otherwise required to be paid into said fund.
- (d) The Municipality will: (i) operate and maintain the System in good condition; (ii) charge and collect such lawfully established rates and charges for the service rendered by the System so that the Gross Revenues of the System will be sufficient to make the payments into the Funds and Accounts and provide for Net Revenues at least equal to 1.20 times the highest combined annual interest and principal requirements on all Bonds and Parity Bonds then outstanding; and (iii) promptly take such actions as are necessary to adopt and enforce increased rates whenever such increase shall be necessary to fulfill any covenant of this resolution.
- (e) The Municipality will keep proper books and accounts relating to the System separate from all other records of the Municipality and will cause such books and accounts to be audited annually by a recognized independent firm of certified public accountants, or by the Wisconsin Department of Administration, and will make available to the owners of any of the Bonds or Parity Bonds the latest balance sheet and the profit and loss statement of the System as certified by such accountants or by said department. The registered owners of any of said bonds shall have at all reasonable times the right to inspect the System and the records, accounts and data of the Municipality relating thereto. Each such audit, in addition to whatever matters may be thought proper by the accountants or said department to be included therein, shall include the following: (1) a statement in detail of the revenues and expenditures of the System for the Fiscal Year; (2) a statement of the Net Revenues as herein defined for the

Fiscal Year; (3) a balance sheet as of the end of the Fiscal Year; (4) the accountants' comment regarding the manner in which the Municipality has carried out the requirements of this resolution and the accountants' recommendation for any changes or improvements in the operation of the System; (5) a list of the insurance policies in force at the end of the Fiscal Year setting out as to each policy the amount of the policy, the risks covered, the name of the insurer and the expiration date of the policy; and (6) the number and types of equivalent runoff units at the end of such year.

- (f) The Municipality will carry, for the benefit of the registered owners of the Bonds and Parity Bonds, insurance of a kind and in such amounts as would usually be carried by private companies or other public bodies engaged in operating a similar utility system. All money received for losses under any of such insurance policies, except public liability, shall be used in repairing the damage or in replacing the property destroyed, but in the event that the Governing Body shall find it inadvisable to repair such damage or replace such property, and that the operation of the System shall not have been impaired thereby, such money shall be deposited in the Special Redemption Fund, but in that event such payments shall not reduce the amounts otherwise required to be paid into said fund.
- (g) The Municipality will not enter into any contract with any person or persons which would cause any Outstanding Bonds or Bonds to become private activity bonds, within the meaning of Section 141(a) of the Code or any regulations promulgated thereunder.
- (h) The Municipality will comply with all requirements of the Code that must be satisfied subsequent to the issuance of the Bonds in order that interest thereon be (or continue to be) excluded from gross income for federal income tax purposes.

Section 21. Additional Bonds.

The Municipality will issue no notes, bonds, or any other obligations of any kind or nature payable from or enjoying a lien on the Gross Revenues, the Special Redemption Fund or properties of the System on a parity with or having a priority over the Outstanding Bonds or the Bonds except as hereinafter provided in this Section:

- (a) Notes (including bond anticipation notes) or bonds may hereafter be issued having a priority over the Bonds and Parity Bonds if either (i) such notes or bonds are issued, wholly or in part, for the purpose of paying, and will provide an amount sufficient, together with the earnings thereon and all other funds legally available therefor to pay, the entire principal of, and all interest on, the Bonds and Parity Bonds to their maturity or early redemption; or (ii) immediately upon the issuance of such notes or bonds,

the Municipality has discharged all the Bonds and Parity Bonds in the manner provided in Section 23 of this resolution.

- (b) Additional notes (including bond anticipation notes) or bonds may hereafter be issued on a parity with the Bonds and Parity Bonds if such notes or bonds are issued for the purpose of refunding any of the Bonds or Parity Bonds which either (i) shall have matured or (ii) shall mature not later than 90 days after the date of delivery of such refunding notes or bonds and for the payment of which no money shall be available in the Special Redemption Fund.
- (c) Additional notes (including bond anticipation notes) or bonds may also be issued on a parity with the Bonds and Parity Bonds if all of the following conditions have been satisfied:
 - (1) Either (A) the Net Revenues of the System for the last completed Fiscal Year must have been at least 1.20 times the highest combined annual interest and principal requirements on all bonds and notes then outstanding payable from the Gross Revenues of the System (other than bonds being refunded) and the bonds or notes so proposed to be issued for any succeeding Bond Year in which there shall be a principal maturity on such outstanding bonds or notes; *provided, however*, that if, prior to the authorization of such additional bonds or notes, the Municipality shall have adopted and put into effect a revised schedule of rates, then the Net Revenues of the System for the last completed Fiscal Year which would, in the written opinion of an Independent Consulting Firm employed for that purpose, have resulted from such rates had they been in effect for such period, may be used in lieu of the actual net income for the last completed Fiscal Year; or (B) the need for such financing shall be evidenced by a certificate or certificates of an Independent Consulting Firm giving a detailed description of the proposed projects to be financed, an estimate of the cost thereof including proposed capitalized interest, if any, and an estimate of the time of completion thereof, and showing the feasibility of such financing with reference to projected Net Revenues based on rates and charges projected to be in effect upon completion of such projects; *provided*, that such feasibility shall not be deemed shown unless the projected Net Revenues for each of the two full Fiscal Years next succeeding the estimated date of completion of such projects shall be equal to at least equal to 1.20 times the highest combined annual interest and principal requirements on all bonds and notes then outstanding payable from the Gross Revenues of the System (other than bonds being refunded) and the bonds or notes so proposed to be issued for any succeeding Bond Year in which there shall be a principal maturity on such outstanding bonds or notes. “**Bond Year**”, for the purposes of this section, shall mean

the 12-month period commencing on January 2 of any year and ending on and including January 1 of the next succeeding year. Actual Net Revenues for any Fiscal Year shall, for purposes of this subsection, be as defined in Section 1 hereof and be that shown by the audit for such year as provided in Section 20(e) of this resolution.

- (2) The payments required to be made into the various funds and accounts created or continued under Section 18 of this resolution must be current.
- (3) There shall be on hand in the Reserve Account, immediately upon the issuance of such additional bonds or notes, an amount not less than the Minimum Reserve Amount.
- (4) The additional bonds or notes must be payable as to principal on April 1 of each year and as to interest on April 1 and October 1 of each year.
- (5) The proceeds of the additional bonds or notes must be used solely to refund Bonds or Parity Bonds, or for acquiring or constructing additions, extensions, improvements, renewals, or replacements to the System.

In the case of bond anticipation notes, the provisions of the Act shall govern with respect to all matters relating to the lien and sources of payment of such notes.

Section 22. Resolution a Contract; Remedies of Bondholders.

The provisions of this resolution constitute a contract between the Municipality and the registered owners of the Bonds. After the issuance of the Bonds no change or alteration in the provisions of this resolution may be made, except as provided in Section 24 of this resolution and in the definition of "Fiscal Year" in Section 1 of this resolution, until all Bonds have been paid in full as to both principal and interest.

The registered owners of any of the Bonds and any Parity Bonds will have the right, in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce their rights against the Municipality, the Governing Body, and any and all officers and agents thereof, including, but not limited to, the rights to require the Municipality, the Governing Body, and any other authorized body to fix and collect rates and charges fully adequate to carry out all provisions and agreements contained in this resolution, and for the appointment of a receiver for the System in the event of a default in the payment of principal of, or interest on, the Bonds and any Parity Bonds.

Section 23. Discharge and Satisfaction of Bonds and Covenants.

The agreements, covenants, liens, and pledges entered into, created, or imposed pursuant to this resolution may be fully discharged and satisfied with respect to any or all of the Bonds in any one or more of the following ways:

- (a) By paying the Bonds when the same shall become due and payable, or upon their prior redemption in the manner provided in this resolution;
- (b) By depositing with the appropriate fiscal agent(s) for the Bonds funds in the amount necessary, without consideration of any reinvestment thereof, to pay the principal of, and interest on, the Bonds until their maturity or earlier redemption; provided that if the Bonds are to be redeemed prior to their stated maturities, then the Bonds must have been irrevocably called for redemption by the Governing Body, and the required notice of the redemption must have been given in the manner provided in this resolution; or
- (c) By depositing with a trustee or an escrow agent, in trust for such purpose, on or before the date of maturity or redemption, money or direct obligations of, or obligations the principal of, and interest on, which are fully guaranteed by, the United States of America, in such amount as, together with the income or increment to accrue thereon without consideration of any reinvestment thereof, will be fully sufficient to pay or redeem (when redeemable) the Bonds at or before their respective maturity dates; provided, that if a Bond is to be redeemed prior to its stated maturity date, then the Bond must have been irrevocably called for redemption by the Governing Body and the required notice of the redemption must have been given in the manner provided in this resolution or satisfactory arrangements must have been made for the giving of the required notice of redemption; provided, further, that any such deposit can only be made if the deposit will not adversely affect the exclusion of interest on the Bonds from gross income of the owners thereof for federal income tax purposes.

Upon a payment or a deposit of money or investments in the amount and manner required by this section, all liability of the Municipality with respect to the relevant Bonds will cease, determine, and be completely discharged, and the registered owners of any Bonds that are not then retired will be entitled only to payment out of the money and investments deposited as required by this section.

Section 24. Amendment of Resolution.

Amendment Without the Consent of the Owners. This resolution may be amended from time to time without the consent of the registered owners of the Bonds to make any change that does not adversely affect the registered owners of the Bonds, including, without limitation,

to cure any ambiguities, inconsistencies, or typographical errors that may be contained in this resolution.

Amendment With the Consent of the Owners. This resolution may also be amended from time to time with the written consent of the registered owners of not less than two-thirds in outstanding principal amount of the Bonds and any Parity Bonds (not including any Bonds or Parity Bonds that are held or owned by or for the account of the Municipality) if such amendment affects the owners of any Parity Bonds; *however* this resolution may be amended only with the unanimous written consent of:

- (a) The registered owners of the Bonds (not including any Bonds that are held or owned by or for the account of the Municipality):
 - (i) To make any change in the stated maturity date of or interest rate on any Bond; to modify the terms of payment of principal of, or interest on, any Bond; or to impose any conditions with respect to payment of principal of, or interest on, any Bond;
 - (ii) To materially affect the rights of the owners of less than all Bonds then outstanding; or
 - (iii) To reduce the required outstanding principal amount of the Bonds for which consent must be given to effect any future amendments to this resolution; and
- (b) The registered owners of any series of Parity Bonds (not including any Parity Bonds of the series that are held or owned by or for the account of the Municipality):
 - (i) To make any change in the stated maturity date of or interest rate on any Parity Bond of the series; to modify the terms of payment of principal of, or interest on, any Parity Bond of the series; or to impose any conditions with respect to payment of principal of, or interest on, any Parity Bond of the series;
 - (ii) To materially affect the rights of the owners of less than all Parity Bonds of the series then outstanding; or
 - (iii) To reduce the required outstanding principal amount of Parity Bonds of the series for which consent must be given to effect any future amendments to this resolution.

Notice. If the Municipality proposes to amend this resolution under any provision of this section, then the Municipality must cause notice of the proposed amendment (the “**Amendment Notice**”) and, if consent is required, a form of consent to the proposed amendment (the “**Consent**”) to be (i) sent by certified mail to all registered owners of the Bonds and, if appropriate, any Parity Bonds, and (ii) filed with the Bond Purchaser. The Amendment Notice must briefly describe the nature of the proposed amendment and must state that a copy of the

proposed amendment is on file for public inspection in the office of the Recording Officer. The Consent must refer to the proposed amendment, specifically evidence consent to and approval of the proposed amendment, and be dated by the owner of the Bonds and, if appropriate, any Parity Bonds, upon execution of the Consent. The Amendment Notice and Consent may be one instrument.

If on any date prior to one year after the date of the mailing of the Amendment Notice and Consent the Recording Officer receives Consents executed by the registered owners of the Bonds and Parity Bonds owning not less than the required outstanding principal amount to approve the amendment, then the Governing Body may adopt a resolution effecting the proposed amendment and, upon the adoption of the resolution effecting the proposed amendment, the proposed amendment will become effective and binding upon the registered owners of all of the Bonds and Parity Bonds issued after the Bonds.

Any Consent given by the registered owner of a Bond or Parity Bond pursuant to the provisions of this section will be irrevocable for a period of six months from the date of the Consent and will be conclusive and binding upon all future registered owners of the same Bonds or Parity Bonds during the six-month period. A Consent may be revoked on any date after the six-month period by the registered owner who gave the Consent or by a successor in title by filing notice of such revocation with the Recording Officer; *provided* that a revocation will not be effective if the Recording Officer has already received Consents from registered owners of the Bonds and Parity Bonds owning not less than the required outstanding principal amount to approve the amendment, evidencing their consent to and approval of the proposed amendment that was the subject of the Consent.

Section 25. Sale of Bonds.

The Municipality awards the sale of the Bonds to the Bond Purchaser at the Purchase Price, plus any accrued interest from the Original Issue Date to the date of delivery of the Bonds. The Municipality approves and accepts the Bond Purchase Agreement. The Municipal Officers are directed (a) to sign the Bond Purchase Agreement in the Municipality's name and (b) to take any additional actions needed to complete the sale of the Bonds, including arranging for a specific date, time, and location of closing of the sale.

The Municipal Officers are directed to sign the Bonds and to deliver the Bonds to the Bond Purchaser through the facilities of DTC in accordance with the Bond Purchase Agreement and this resolution. The Bonds may be delivered to the Bond Purchaser upon payment by the Bond Purchaser of the Purchase Price, plus any accrued interest, as required by this resolution.

Unless waived by the Bond Purchaser, the delivery of the Bonds is conditioned upon the Municipality furnishing the following items to the Bond Purchaser:

- (i) The Bonds, together with the written, unqualified approving opinion of Bond Counsel, evidencing the legality of the Bonds and that interest on the Bonds will be excluded from gross income for federal income tax purposes.

- (ii) A transcript of the proceedings relating to the issuance of the Bonds.
- (iii) A certificate showing that no litigation has been threatened or is pending that would affect the legality of the Bonds or the right of the Municipality to issue them at the time of their delivery.

Section 26. Disposition of Bond Proceeds.

The proceeds from the sale of the Bonds shall be disbursed as follows:

- (i) Any accrued interest shall be deposited in the Interest and Principal Account of the Special Redemption Fund.
- (ii) \$_____ of the sale proceeds of the Bonds shall be deposited in the Reserve Account.
- (iii) The remaining proceeds of the sale of the Bonds shall be deposited in the 2017 Construction Fund and used as described in Section 18(e) hereof.

Section 27. Official Statement.

The Municipality approves and ratifies the preliminary offering document prepared and distributed in connection with the sale of the Bonds, and the Municipality authorizes and directs the final version of such document (the “**Official Statement**”) to be prepared and distributed prior to the issuance of the Bonds; *provided, however*, that the Official Statement shall be substantially in the form submitted to this meeting, with such modifications as the Municipal Officers approve. The Municipal Officers are directed to deliver copies of the Official Statement to the Bond Purchaser and, if the Bond Purchaser requests, execute one or more copies on behalf of the Municipality. Execution and delivery of the Official Statement will conclusively evidence the approval of the Municipal Officers.

Section 28. Publication of Notice.

The Recording Officer is directed to publish notice that the Municipality has agreed to sell the Bonds. The notice shall be published promptly after the execution of the Bond Purchase Agreement in the Municipality’s official newspaper as a class 1 notice under Chapter 985 of the Wisconsin Statutes. The notice shall be in substantially the form shown in Exhibit B hereto. The Recording Officer shall obtain proof, in affidavit form, of the publication and shall compare the notice as published with the attached form to make sure that no mistake was made in publication.

Section 29. Authorization of Officers

The appropriate officers of the Municipality are directed to prepare and furnish the following items to the Bond Purchaser and the attorneys approving the legality of the Bonds:

- (i) Certified copies of proceedings and records of the Municipality relating to the Bonds and to the financial condition and affairs of the Municipality.
- (ii) Other affidavits, certificates, and information as may be required to show the facts about the legality of the Bonds as such facts appear on the books and records under the officer's custody or control or as are otherwise known to the officer.

All certified copies, affidavits, certificates, and information furnished for such purpose will be representations of the Municipality as to the facts they present.

Section 30. Tax Law Covenants.

The Municipality covenants that it will comply with all requirements of the Code, and the Treasury Regulations promulgated thereunder, that shall be satisfied so that interest on the Bonds will be excluded from gross income for federal income tax purposes.

Section 31. Further Authorization.

The Municipality authorizes its officers, attorneys, and other agents or employees to do all acts required of them to carry out the purposes of this resolution.

Section 32. Conflict with Prior Acts.

In case any part of a prior action of the Governing Body conflicts with this resolution, that part of the prior action is hereby rescinded, except that this section shall not be interpreted as rescinding any part of the Prior Resolutions.

Section 33. Severability of Invalid Provisions.

If a court holds any provision of this resolution to be illegal or invalid, then the illegality or invalidity shall not affect any other provision of this resolution.

Section 34. Effective Date.

 This resolution takes effect upon its adoption and approval in the manner provided by law.

 * * * * *

Adopted: September 6, 2017

Approved: September ____, 2017

Mayor

Clerk

EXHIBIT A

FORM OF BOND

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the issuer or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

STATE OF WISCONSIN
CITY OF APPLETON

No. R-____ Registered
\$ _____

STORM WATER SYSTEM REVENUE BOND, SERIES 2017

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Original Issue Date</u>	<u>CUSIP</u>
_____%	April 1, 20__	October 2, 2017	038137 ____

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

THE CITY OF APPLETON, WISCONSIN (herein called the "**Municipality**") hereby acknowledges itself to owe and for value received promises to pay the Principal Amount to the Registered Owner, only from the income and revenues hereinafter specified, on the Maturity Date, and interest on the Principal Amount from the Original Issue Date at the annual rate of the Interest Rate. Interest is payable on each April 1 and October 1, beginning on April 1, 2018, until the Principal Amount has been paid. Interest is computed on the basis of a 360 day year of twelve 30 day months.

This Bond is one of a duly authorized issue of revenue bonds (the "**Bonds**") of the Municipality of an aggregate principal amount of \$5,000,000, all of like tenor, except as to denomination, interest rate, maturity date, and redemption provisions, issued by the Municipality pursuant to Article XI, Section 3 of the Wisconsin Constitution and Section 66.0621 of the Wisconsin Statutes, and acts supplementary thereto.

This Bond, together with interest hereon, is payable in lawful money of the United States of America, together with the Municipality's (i) \$6,010,000 Storm Water System Revenue Bonds, Series 2008, dated September 10, 2008, (ii) \$10,720,000 Storm Water System

Revenue Bonds, Series 2009, dated December 30, 2009, (iii) \$13,190,000 Storm Water System Revenue Refunding Bonds, Series 2012, dated August 8, 2012, (iv) \$6,440,000 Storm Water System Revenue Bonds, Series 2013, dated August 7, 2013, (v) \$3,450,000 Storm Water Revenue Bonds, Series 2014, dated September 10, 2014, (vi) \$9,425,000 Storm Water Revenue Refunding Bonds, Series 2015, dated October 28, 2015, and (vii) \$14,935,000 Storm Water System Revenue Refunding Bonds, Series 2016 (collectively, the “**Outstanding Bonds**”), only from the income and revenues to be derived from the operation of the Municipality’s storm water utility (the “**System**”) and set aside in the “Storm Water System Special Redemption Fund,” which was created by a resolution adopted by the governing body of the Municipality on July 21, 1999 (the “**1999 Resolution**”) and affirmed and continued by subsequent resolutions, including a resolution adopted by the governing body of the Municipality on September 6, 2017 (the “**2017 Resolution**”). The 2017 Resolution is entitled “A Resolution Authorizing and Providing for the Sale and Issuance of \$5,000,000 Storm Water System Revenue Bonds, Series 2017, and All Related Details”. Reference is hereby made to the 2017 Resolution for a more complete statement of the revenues from which and conditions under which this Bond is payable, the provisions pursuant to which this Bond has been issued, and the conditions under which bonds may hereafter be issued on a parity with this Bond. The Bonds rank on a parity with the Outstanding Bonds. This Bond does not constitute an indebtedness of the Municipality within the meaning of any constitutional or statutory limitation or provision.

This Bond is a valid claim of the registered owner hereof only against the Storm Water System Special Redemption Fund and the revenues of the System pledged to the Storm Water System Special Redemption Fund. Sufficient revenues of the System have been pledged to the Storm Water System Special Redemption Fund and will be used for no other purpose than to pay the principal of, and interest on, the Outstanding Bonds and the Bonds as the same becomes due.

On the date of their initial delivery, the Bonds will be maintained in a system in which no physical distribution of certificates representing ownership of the Bonds is made to the owners of the Bonds but instead all outstanding Bonds are registered in the name of a securities depository appointed by the Municipality (a “**Depository**”), or in the name of the Depository’s nominee, and the Depository and its participants record beneficial ownership and effect transfers of the Bonds electronically (a “**Book-Entry System**”). So long as the Bonds are maintained in a Book-Entry System, the principal of, and interest on, this Bond will be paid by wire transfer to the Depository or its nominee in accordance with the Depository’s rules that are then in effect by the Director of Finance of the Municipality or any successor fiscal agent appointed by the Municipality (hereinafter, the “**Fiscal Agent**”), which will act as authentication agent, paying agent, and registrar for the Bonds.

If on any date the Bonds are not being maintained in a Book-Entry System, then (i) the principal of this Bond will be paid by the Fiscal Agent upon its presentation and surrender on or after its maturity date or prior redemption date at the designated office of the Fiscal Agent, and (ii) the interest on this Bond will be paid by the Fiscal Agent, on each interest payment date, by wire or other electronic money transfer, or by check of the Fiscal Agent sent by first class mail, to the person in whose name this Bond is registered in the register (the “**Register**”) maintained by the Fiscal Agent at the end of the day on the 15th day (whether or not a business day) of the calendar month just before each regularly scheduled interest payment date (the

“**Record Date**”). The Municipality and the Fiscal Agent may treat the entity or person in whose name this Bond is registered on the Register as the absolute owner of this Bond for all purposes.

The Bonds maturing on or after April 1, 2028 are subject to redemption prior to their stated maturity dates, at the Municipality’s option, in whole or in part, as selected by the Municipality, on April 1, 2027 and on any date thereafter. The redemption price will be 100% of the principal amount redeemed plus accrued interest to the redemption date, and no premium will be paid. If payment of a Bond called for redemption has been made or provided for, then interest on the Bond stops accruing on the stated redemption date. If less than all outstanding Bonds are redeemed, then the Bonds will be redeemed in \$5,000 multiples as described below[, and if a portion, but not all, of a maturity that is subject to mandatory partial redemptions by operation of a sinking fund (as described below) is being redeemed, then the Municipality will select the amounts to be redeemed on future Sinking Fund Redemption Dates (as defined below) that are reduced as a result of the partial redemption].

[The Bonds maturing on April 1, 20____ (the “**Term Bonds**”) are also subject to mandatory partial redemptions prior to their stated maturity date, by operation of a sinking fund. On the following redemption dates (each a “**Sinking Fund Redemption Date**”) the Municipality will redeem the following principal amounts (subject to reduction as provided in the immediately preceding paragraph) of the Term Bonds:

<u>Term Bonds Maturing April 1, 20____</u>	
<u>Sinking Fund Redemption Date (April 1)</u>	<u>Principal Amount To be Redeemed</u>
20____	\$ _____
20____	_____
20____	_____
20____ (Stated Maturity)	_____]

[The redemption price will be 100% of the principal amount so redeemed, plus accrued interest thereon to the Sinking Fund Redemption Date, and no premium will be paid. The particular Term Bonds to be redeemed will be selected in the manner described below, and the Municipality will give notice of the redemption in the manner described below.]

So long as the Bonds are being maintained in a Book-Entry System the following provisions apply:

Transfers. The Bonds are transferable, only upon the Register and only if the Depository ceases to act as securities depository for the Bonds and the Municipality appoints a successor securities depository. If that happens, then upon the surrender of the Bonds to the Fiscal Agent, the Municipality will issue new fully registered Bonds in the same aggregate principal amounts to the successor securities depository and the Bonds will be recorded as transferred to the successor securities depository in the Register.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after such Bond has been called for redemption.

Partial Redemption. If less than all the principal amount of a specific maturity is to be redeemed, then the Depository and its direct and indirect participants will select the beneficial owners of the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount of a specific maturity is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Bond, the Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds will be sent to the Depository, in the manner required by the Depository, not less than 30, and not more than 60, days prior to the proposed redemption date. A notice of redemption may be revoked by sending notice to the Depository, in the manner required by the Depository, not less than 15 days prior to the proposed redemption date.

If at any time the Bonds are not being maintained in a Book-Entry System, then the following provisions apply:

Transfers. Each Bond is transferable, only upon the Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of \$5,000 or any multiple thereof. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Bond shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Municipality will issue one or more new fully registered Bonds, in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Bonds and upon the payment of a charge sufficient to reimburse the Municipality or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Bonds (i) during the 15 calendar days before the date of the sending of notice of any proposed redemption of the Bonds, or (ii) with respect to any particular Bond, after such Bond has been called for redemption.

Partial Redemption. If less than all the principal amount of a specific maturity is to be redeemed, then the Municipality or the Fiscal Agent will randomly select the Bonds to be redeemed. If a Bond has been called for redemption but less than all the principal amount of a specific maturity is redeemed, then on or after the redemption date and upon surrender to the Fiscal Agent of the Bond, the

Municipality will issue one or more new Bonds in the principal amount outstanding after the redemption.

Notice of Redemption. Notice of the redemption of any of the Bonds shall be sent by first class mail not less than 30, and not more than 60, days before the redemption date to the registered owners of any Bonds to be redeemed, at the respective addresses set forth in the Register. A notice of redemption may be revoked by sending a notice by first class mail not less than 15 days prior to the proposed redemption date to the registered owners of the Bonds which have been called for redemption.

The Municipality certifies, recites, and declares that all acts, conditions, and procedures required by law to exist, to have happened, and to be performed, leading up to and in the issuing of this Bond and of the issue of which it is a part, do exist, have happened, and have been performed in regular and due form, time, and manner as required by law; and that a sufficient amount of the income and revenue to be received by the Municipality from the operation of the System has been pledged to and will be set aside into a special fund for the payment of the principal of, and interest on, this Bond.

IN WITNESS WHEREOF, the Municipality, by its governing body, has caused this Bond to be executed in its name and on its behalf by the manual or facsimile signatures of its Mayor and Clerk, and to be sealed with its corporate seal (or a facsimile thereof), all as of the Original Issue Date.

CITY OF APPLETON, WISCONSIN

By: _____
Mayor

[SEAL]

And: _____
Clerk

Certificate of Authentication:

Dated: October ____, 2017

This Bond is one of the Bonds described
in the within-mentioned Resolution.

Director of Finance, as Fiscal Agent

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY OR
OTHER IDENTIFYING NUMBER OF ASSIGNEE

--

(Please Print or Type Name and Address of Assignee)

the within-mentioned Bond and all rights thereunder and does hereby irrevocably constitute and appoint _____ attorney-in-fact, to transfer the same on the books of the registry in the office of the Fiscal Agent, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed

NOTICE: Signatures must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Fiscal Agent, which requirements include membership or participation in the Securities Transfer Association Medallion Program ("STAMP") or such other "signature guarantee program" as may be determined by the Fiscal Agent in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

NOTE: The signature to this assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration or enlargement or change whatsoever. When assignment is made by a guardian, trustee, executor or administrator, an officer of a corporation, or anyone in a representative capacity, proof of such person's authority to act must accompany this Bond.

EXHIBIT B

NOTICE TO THE ELECTORS OF THE
CITY OF APPLETON, WISCONSIN
RELATING TO
STORM WATER SYSTEM REVENUE BOND SALE

On September 6, 2017, pursuant to Section 66.0621 of the Wisconsin Statutes, a resolution was offered, read, approved, and adopted whereby the City of Appleton, Wisconsin authorized the borrowing of money and entered into a contract to sell storm water system revenue refunding bonds in the principal amount of \$5,000,000. It is anticipated that the closing of this bond financing will be held on or about October 2, 2017. A copy of all proceedings had to date with respect to the authorization and sale of said bonds is on file and may be examined in the office of the City Clerk at 100 North Appleton Street, Appleton, Wisconsin between the hours of 9:00 a.m. and 4:30 p.m. on weekdays.

This notice is given pursuant to Section 893.77 of the Wisconsin Statutes, which provides that an action or proceeding to contest the validity of such financing, for other than constitutional reasons, must be commenced within 30 days after the date of publication of this notice.

Publication Date: September ____, 2017

/s/ Kami Lynch

City Clerk

CERTIFICATIONS BY CLERK

I, Kami Lynch, certify that I am the duly qualified Clerk of the City of Appleton, Wisconsin (the “**Municipality**”), and as such I have in my possession, or have access to, the complete corporate records of the Municipality and of its Common Council (the “**Governing Body**”), and that attached to this certificate is a true, correct, and complete copy of the resolution (the “**Resolution**”) entitled:

A Resolution Authorizing and Providing for the Sale and Issuance of \$5,000,000 Storm Water System Revenue Bonds, Series 2017, and All Related Details

I further certify as follows:

1. **Meeting Date.** On September 6, 2017, a meeting of the Governing Body was held beginning at ____ p.m.

2. **Posting.** On September ____, 2017 (and not less than 24 hours prior to the meeting), I posted, or caused to be posted, at the Municipality’s offices in Appleton, Wisconsin a notice setting forth the date, time, location, and subject matter of said meeting. The notice specifically referred to the Resolution.

3. **Notification of Media.** On September ____, 2017 (and not less than 24 hours prior to the meeting), I communicated or caused to be communicated, the date, time, location, and subject matter of said meeting to those news media who have filed a written request for such notice and to the official newspaper of the Municipality. The communication specifically referred to the Resolution.

4. **Open Meeting Law Compliance.** The meeting was a regular meeting of the Governing Body that was held in open session in compliance with Subchapter V of Chapter 19 of the Wisconsin Statutes and any other applicable local rules and state statutes.

5. **Members Present.** The meeting was duly called to order by the Mayor (the “**Presiding Officer**”), who chaired the meeting. Upon roll call, I noted and recorded that there were ____ members of the Governing Body present at the meeting, such number being a quorum of the Governing Body.

6. **Consideration of, and Roll Call Vote on, Resolution.** Various matters and business were taken up during the course of the meeting without intervention of any closed session. One of the matters taken up was the Resolution. A proper quorum of the Governing Body was present for the consideration of the Resolution, and each member of the Governing Body had received a copy of the Resolution. All rules of the Governing Body that interfered with the consideration of the Resolution, if any, were suspended by a two-thirds vote of the Governing Body. The Resolution was then introduced, moved, and seconded, and after due consideration, upon roll call, ____ of the Governing Body members voted Aye, ____ voted Nay, and ____ Abstained.

7. **Adoption of Resolution.** The Resolution was supported by the affirmative vote of a majority of a quorum of the members of the Governing Body in attendance. The Presiding Officer then declared that the Resolution was adopted, and I recorded the adoption of the Resolution.

8. **Approval of Presiding Officer.** The Resolution was approved by the Presiding Officer on September __, 2017, and I have recorded the approval. The approval is evidenced by the signature of the Presiding Officer on the copy of the Resolution to which this certificate is attached.

9. **Publication of Notice.** I have caused the Notice to Electors, in the form of Exhibit B to the Resolution, to be published in the place specified in the Resolution.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of the Municipality, if any, on this certificate on September ____, 2017.

Clerk

[SEAL]

CITY OF APPLETON/CALUMET COUNTY INTERGOVERNMENTAL AGREEMENT

WHEREAS, this is an intergovernmental agreement between the City of Appleton (hereinafter "City") and Calumet County (hereinafter "County")) entered into pursuant to Wis. Stats. §66.0301 to cost-share the construction of Lake Park Road from Plank Road to Midway Road.

WHEREAS, the parties agree to cost-share on this project in 2009 as part of an organized approach to traffic planning for the entire region that is in the best interest of both entities and the public;

THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. The cost estimate and participation shall be as follows, with details shown below.

COST ESTIMATE AND PARTICIPATION

	<u>Total Estimate</u>	<u>County (50%)</u>	<u>City (50%)</u>
Sidewalk	126,000	-0-	126,000
Concrete	448,000	224,000	224,000
<u>Eng. & Cont. (15%)</u>	<u>67,000</u>	<u>33,500</u>	<u>33,500</u>
TOTAL ESTIMATE:	\$641,000	\$257,500	\$383,500

2. The projected costs for this construction are estimates. The County will be invoiced a percentage of the costs as set forth above periodically, based on actual costs incurred.
3. The City of Appleton or its agents shall be responsible for performing construction staking and all engineering plans, specifications and estimates, including roadway alignments and coordinates, for construction purposes.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

This request is subject to the terms and conditions listed above, and is made by the undersigned under proper authority to make such request and upon acceptance by Calumet County shall constitute agreement between City of Appleton and Calumet County.

Signed on behalf of
Calumet County

Signed on behalf of
City of Appleton

Todd Romenesko
County Administrator

Date

Timothy Hanna
Mayor

Date

Brian Glaeser
Highway Commissioner

Date

Kami Lynch
City Clerk

Date

Dan DeBonis
Finance Department Head

Date

Tony Saucerman
Finance Director

Date

Kimberly Tenerelli
Corporation Counsel

Date

Jim Walsh
City Attorney

Date



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

DEPARTMENT OF PUBLIC WORKS

100 North Appleton Street
Appleton, WI 54911
Phone (920) 832-6474
Fax (920) 832-6489

TO: Municipal Services Committee

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

SUBJECT: Update to Section 19-93 of the Municipal Code

DATE: August 21, 2017

Currently, Section 19-93 of the Municipal Code prohibits overnight parking on streets or alleys between 2:00 am and 5:00 am. However, unlicensed trailers are not defined as a vehicle. The Police and DPW have encountered several instances recently where trailers are essentially being stored on public streets indefinitely. We currently have no ordinance in the Municipal Code to address this.

In order to address this issue, staff recommends the follow changes to the Municipal Code:

Sec. 19-93. Nighttime parking on street or alley.

No operator of any vehicle or recreational vehicle shall park the vehicle upon any street or alley between 2:00 a.m. and 5:00 a.m. without permission by the Police Department or in cases of construction a permit may be given by the Department of Public Works. Any vehicle or recreational vehicle parked in violation of this section may be towed at the owner's expense.

The Department of Public Works recommends approval the changes to Section 19-93 of the Municipal Code of the City of Appleton.

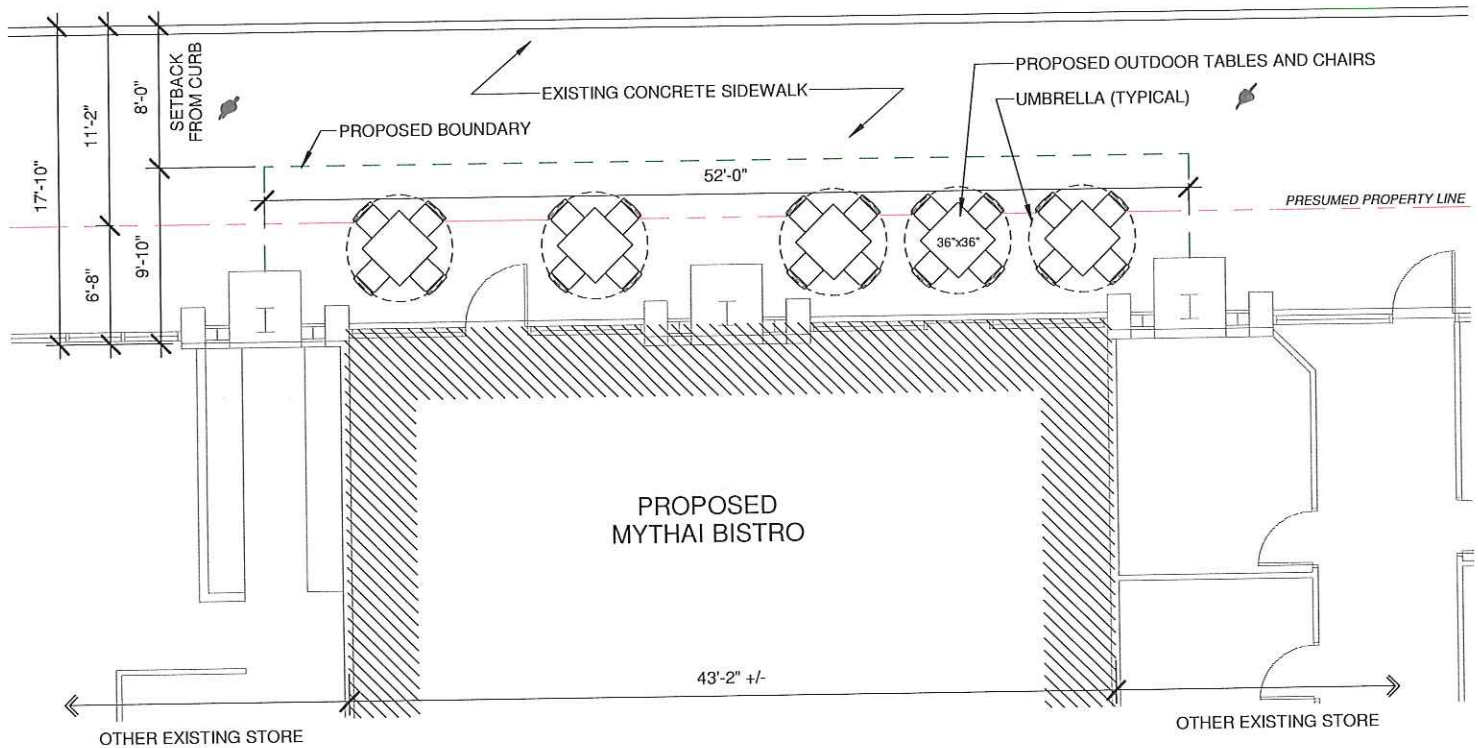
cc: Amanda Abshire

Proposed Exterior Seating for
MyThai Bistro
400 N Richmond St, Appleton, WI 54911





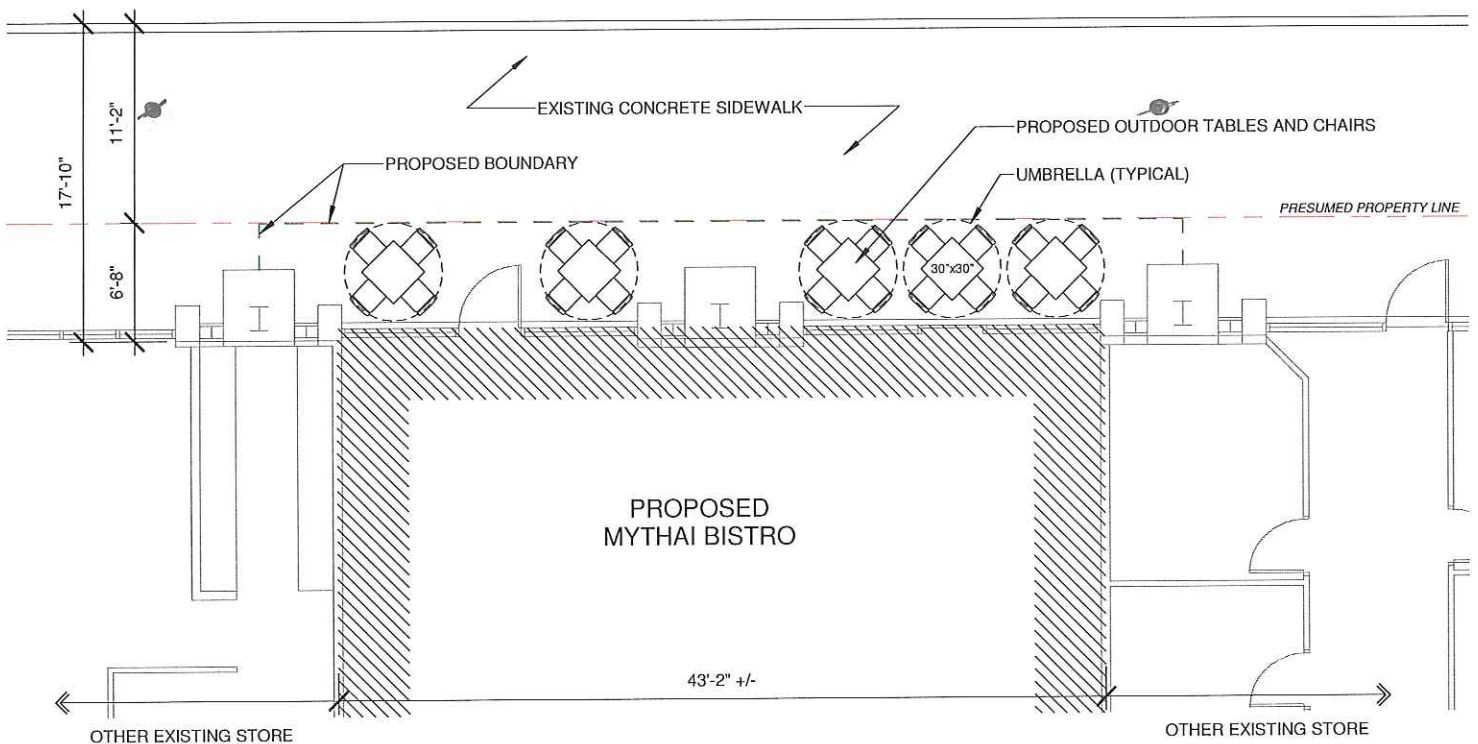
RICHMOND STREET



PROPOSED OUTDOOR SEATING PLAN (A)

SCALE: 1/8" = 1'-0"

RICHMOND STREET



PROPOSED OUTDOOR SEATING PLAN (B)
SCALE: 1/8" = 1'-0"



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: August 22, 2017

Common Council Meeting Date: September 6, 2017

Item: Special Use Permit #8-17 for a hotel/restaurant and outdoor patio/common area with alcohol sales and consumption

Case Manager: Don Harp

GENERAL INFORMATION

Owner: RiverHeath Hospitality, LLC

Applicant: Cindy Evers, Interstate Hotels & Resorts/Courtyard by Marriott Appleton Riverfront

Address/Parcel #: 101 South RiverHeath Way / (Tax Id #31-4-0828-09)

Petitioner's Request: The applicant is requesting a Special Use Permit for a hotel/restaurant and outdoor patio/common area with alcohol sales and consumption.

BACKGROUND

Common Council approved Planned Development (PD) Rezoning #12-08 on August 20, 2008, which rezoned the RiverHeath development from M-2 General Industrial District to PD/C-2 Planned Development General Commercial District. It was subsequently amended per PD Rezoning #1-11, which was approved by Common Council on May 4, 2011.

Site Plan #16-16 for the hotel was approved on August 3, 2016, and construction is nearing completion. However, the applicant recently applied for a Reserve "Class B" Beer/Liquor License which was approved by Common Council on August 2, 2017.

STAFF ANALYSIS

Project Summary: The applicant proposes to establish alcohol sales and service at the hotel/restaurant and outdoor patio/common area on the subject site. The 97 room hotel totals approximately 62,000 square feet. The restaurant occupies approximately 2,000 square feet, and the outdoor patio is approximately 3,000 square feet in size. Off-street parking is provided on the subject site.

Zoning Ordinance Requirements: The subject property has a zoning designation of PD/C-2 Planned Development General Commercial District. Per the Implementation Plan Document for PD #1-11, a restaurant with alcohol sales and service requires a Special Use Permit in this PD/C-2 District. In order to

Special Use Permit #8-17
August 22, 2017
Page 2

permit alcohol sales and service in conjunction with a hotel/restaurant and outdoor patio, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds (2/3) vote of the Common Council is required for approval.

Operational Information: A plan of operation is attached to the Staff Report.

Outdoor Seating Area: The applicant proposes to utilize the existing outdoor patio for alcohol sales and service, as is shown on the development plan and described in the plan of operation. The outdoor patio is located on the north side of the building.

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

North: M-2 General Industrial District. The Fox River is immediately north of the subject property.

South: P-I Public Institutional District. The adjacent land use to the south is Telulah Park.

East: P-I Public Institutional District. The adjacent land use to the east is Telulah Park.

West: PD/C-2 Planned Development General Commercial District. The adjacent land to the west is currently undeveloped.

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Mixed Use designation 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 1 – Community Growth

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

Goal 8 – Economic Development

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

OBJECTIVE 9.5 Economic Development:

Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.

OBJECTIVE 9.6 Economic Development:

Create a vibrant environment that is conducive to attracting and retaining talented people.

Policy 9.6.2 Encourage the creation of vibrant mixed-use urban areas in the downtown and along the Fox River that are both walkable and bicycle-friendly.

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under Sections 23-66(e)(1-6) and 23-66(h)(6) of the Municipal Code, which were found in the affirmative, as long as all stipulations are satisfied.

Technical Review Group (TRG) Report: This item was discussed at the August 1, 2017 Technical Review Group meeting. No negative comments were received from participating departments. Community and Economic Development staff indicated that the Police Department investigation entails review of outdoor facilities per liquor license policy.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #8-17 for a hotel/restaurant and outdoor patio/common area with alcohol sales and consumption at 101 South RiverHeath Way (Tax Id #31-4-0828-09), as shown on the attached maps and per attached plan of operation, along with the attached resolution, **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, Building and Health Codes and the Noise Ordinance, shall be complied with.
2. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
3. Compliance with the plan of operation is required at all times. Changes to the plan of operation shall be submitted to the Community and Economic Development Department for review and approval.
4. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code and the liquor license issued by the City Clerk.

RESOLUTION

CITY OF APPLETON RESOLUTION APPROVING SPECIAL USE PERMIT #8-17

WHEREAS, Interstate Hotels & Resorts, Courtyard by Marriott Appleton Riverfront, has applied for a Special Use Permit for a hotel/restaurant and outdoor patio/common area with alcohol sales and consumption located at 101 South RiverHeath Way, also identified as Parcel Number 31-4-0828-09; and

WHEREAS, the location for the proposed hotel/restaurant and outdoor patio/common area with alcohol sales and consumption is located in the PD/C-2 Planned Development General Commercial District #1-11 and the proposed use is permitted by special use within this zoning district; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on August 22, 2017 on Special Use Permit #8-17 at which all those wishing to be heard were allowed to speak or present written comments and other materials presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission has considered the application, the staff reports, oral and written, the Comprehensive Plan and zoning on the subject property, the testimony, written comments, and other materials presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-6) of the Municipal Code, and forwarded Special Use Permit #8-17 to the City of Appleton Common Council with a favorable or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on _____, 2017 and found it to be acceptable.

NOW, THEREFORE, BE IT RESOLVED, that the City of Appleton Common Council approves Special Use Permit #8-17 for a hotel/restaurant and outdoor patio/common area with alcohol sales and consumption located at 101 South RiverHeath Way, also identified as Parcel Number 31-4-0828-09 and orders as follows:

CONDITIONS OF SPECIAL USE PERMIT #8-17

1. All applicable codes, ordinances and regulations, including but not limited to Fire, Building and Health Codes and the Noise Ordinance, shall be complied with.
2. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.

3. Compliance with the plan of operation is required at all times. Changes to the plan of operation shall be submitted to the Community and Economic Development Department for review and approval.
4. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code and the liquor license issued by the City Clerk.

Adopted this _____ day of _____, 2017.

Timothy M. Hanna, Mayor

ATTEST:

Kami Lynch, City Clerk

**TAVERN AND/OR RESTAURANT WITH ALCOHOL SALES
PLAN OF OPERATION AND LOCATIONAL INFORMATION**

Business Information:

Name of business: RiverHeath Hospitality LLC

Years in operation: 1

Percentage of business derived from restaurant service: 5%

Type of proposed establishment (detailed explanation of business):

The Marriott Courtyard operates a bistro, which is a restaurant and bar in the lobby of the hotel. The bistro serves breakfast, lunch, and dinner. See the attached menu for offerings.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Week Day	9AM	10PM
Friday	9AM	10PM
Saturday	9AM	10PM
Sunday	9AM	10PM

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: Total building capacity is 804 occupants. See Code Conformance Plan on page three of the attached drawings. First floor occupant load is 579.

Gross floor area of the existing building(s): This is new construction.

Gross floor area of the proposed building(s): Gross sf hotel = 62,200sf

Describe Any Potential Noise Emanating From the Proposed Use:

Describe the noise levels anticipated from all equipment or other mechanical sources:

There will be minimal noise from kitchen equipment. The kitchen is located within the hotel building, on the first floor adjacent to the bistro. See Enlarged Public Space Plan, page six of the attached drawings.

Describe how the crowd noise will be controlled inside and outside the building:

Crowd-noise will be controlled by staff both inside and outside the building. The business is a hotel, so quiet hours are important to the functioning of the hotel.

If off-street parking is available for the business, describe how noise from the parking lot will be controlled:

The parking lot sits at a dead end street and is reserved for hotel guests only. Hotel staff will be onsite 24/7 to ensure that parking lot noise is not excessive.

Outdoor Uses:

Location, type, size and design of outdoor facilities:

See both the attached design and the landscaping design.

Type and height of screening of plantings/fencing/gating:

See the attached landscaping design.

Is there any alcohol service incorporated in this outdoor facility proposal? Yes ☒ No ☐

Are there plans for outdoor music/entertainment? Yes ☒ No ☐

If yes, describe how the noise will be controlled:

Outdoor music for weddings and special events will be controlled by the staff, who will be onsite 24/7.

Is there any food service incorporated in this outdoor facility proposal? Yes ☒ No ☐

Proposed Hours of Operation for Outdoor Uses:

Day	From	To
Week Day	9AM	10PM
Friday	9AM	10PM
Saturday	9AM	10PM
Sunday	9AM	10PM

Outdoor Lighting:

Type: There are lights attached to the hotel, bollards, and standing lights.

Location: See the attached landscaping plan.

Off-Street Parking:

Number of spaces existing: 97 parking spots, one for each hotel room.

Number of spaces proposed: This is new construction.

Other Licensed Premises:

The number of licensed premises within the immediate geographic area of the proposed location will be considered in order to avoid an undue concentration that may have the potential of creating public safety problems or deterring neighborhood development.

List nearby licensed premises:

RiverHeath has two other restaurants: Mr. Brews Taphouse, and Tempest Coffee.

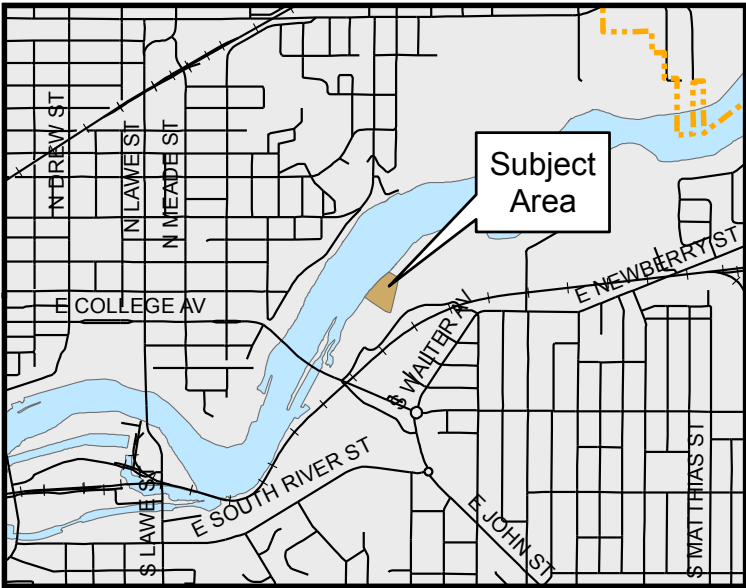
Number of Employees:

Number of existing employees: 10

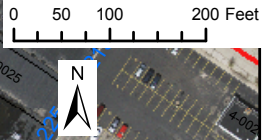
Number of proposed employees: 10

Number of employees scheduled to work on the largest shift: 10

Special Use Permit
Restaurant with Alcohol Sales
Courtyard Marriott - RiverHeath
101 S RiverHeath Way



City Plan Commission
8-22-17

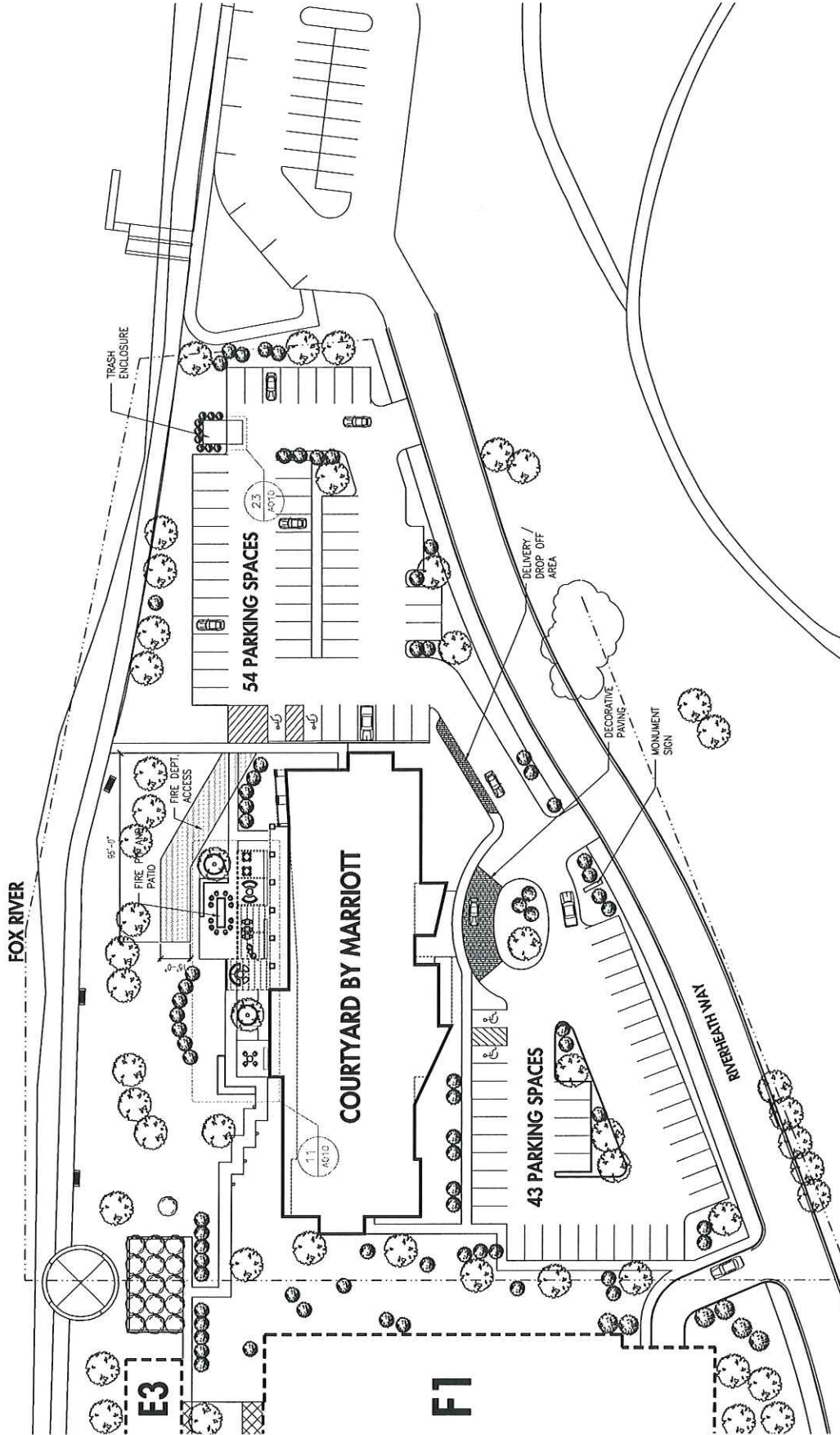


**Courtyard by Marriott -
RiverHeath**
Appleton, Wisconsin
Tanager Development LLC
103 West College Avenue, Suite 103
Appleton, WI 54911
PROJECT NUMBER 07171-16

ISSUED FOR: 04-2016
DESCRIPTION:
REVISION FOR: NO. DESCRIPTION DATE

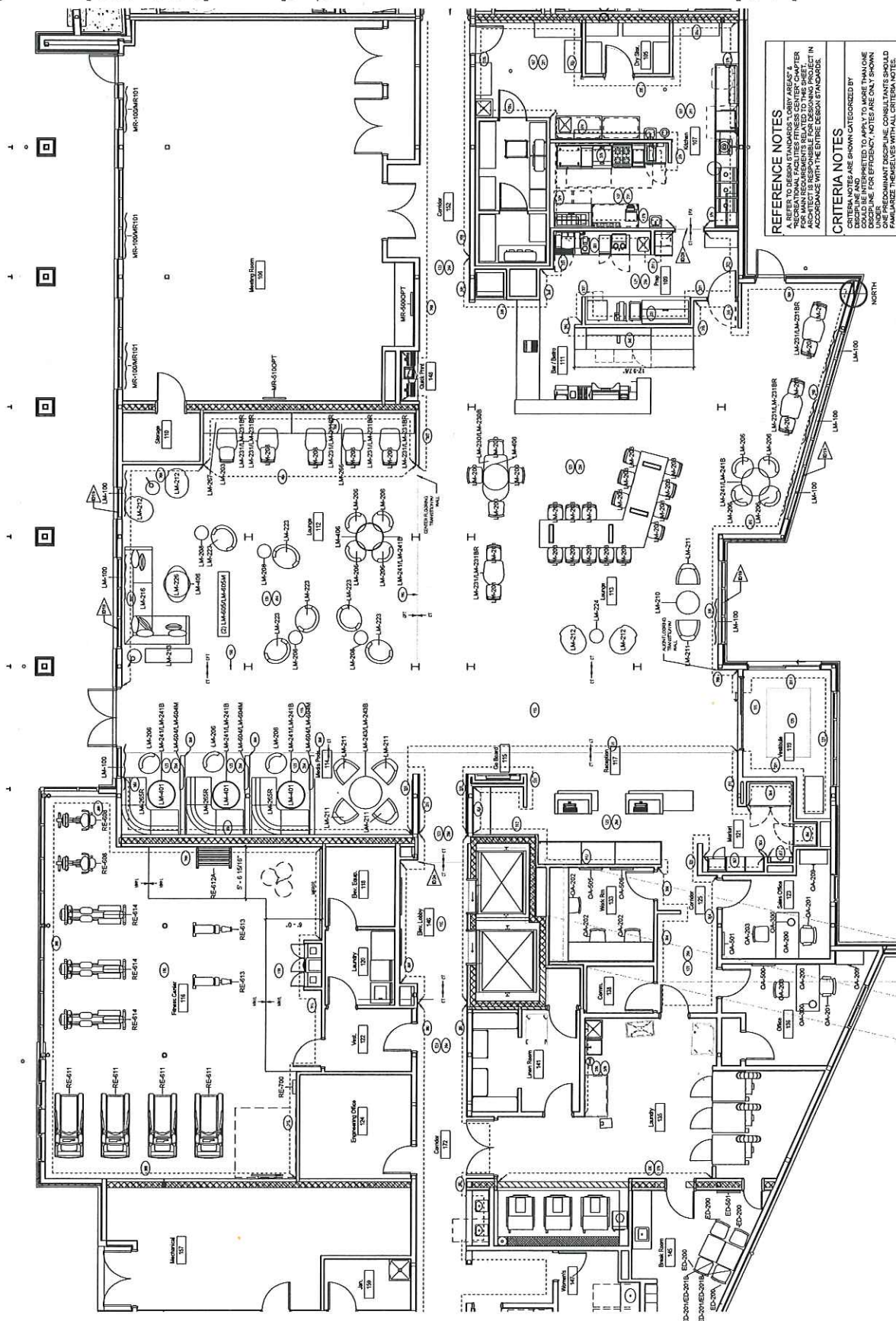
DRAWN BY: Author
CHECKED BY: Checker

**ARCHITECTURAL
SITE PLAN**
C:\Energy GEN 5



ARCHITECTURAL SITE PLAN
1" = 20'-0"

A001



REFERENCE NOTES

CRITERIA NOTES

INTERIOR DESIGN

REFER TO WINDOW TREATMENT & ACCESSORIES PACKAGE FOR OPTIONAL ROLLING SHADES

ALL EXTERIOR CORNERS IN CORRIDORS SHALL HAVE FULL HEIGHT CORNER GUARDS.

PROVIDE SCHLUTER TRANSITION STRIP



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: August 22, 2017 ***Critical Timing***

Common Council Meeting Date: September 6, 2017

Item: Annual Review of the Business Improvement District (BID) 2018 Operating Plan

Case Manager: David Kress

GENERAL INFORMATION

On behalf of Jennifer Stephany, Executive Director of Appleton Downtown Inc., please find the attached 2018 Business Improvement District (BID) Operating Plan for your review and recommendation.

Staff has reviewed the Operating Plan, and it would appear that there are no BID boundary changes proposed.

Business Improvement Districts (BID) are regulated by Section 66.1109 of the Wisconsin State Statutes. These Statutes require that a BID Operating Plan be reviewed and approved by the local legislative body on an annual basis. The Plan Commission is being asked to review and make recommendation to the Common Council in regard to the submitted 2018 Operating Plan.

DOWNTOWN
6146
HOUSEHOLDS
 within one mile

4925
Public Parking Stalls

70
Retail Stores

Months of Farm Market

7500
EMPLOYEES

12
WORLD-CLASS PERFORMING SEAT ARTS CENTER

10 Attractions & Museums

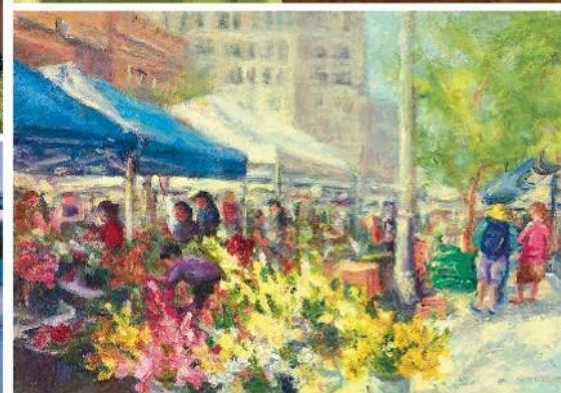
470 HOTEL ROOMS

65 RESTAURANTS
 COFFEE SHOPS
 PUBS & CLUBS

18 Live Music Venues

110+ Community EVENTS

Welcoming 500,000+ Visitors



1530 LAWRENCE UNIVERSITY STUDENTS

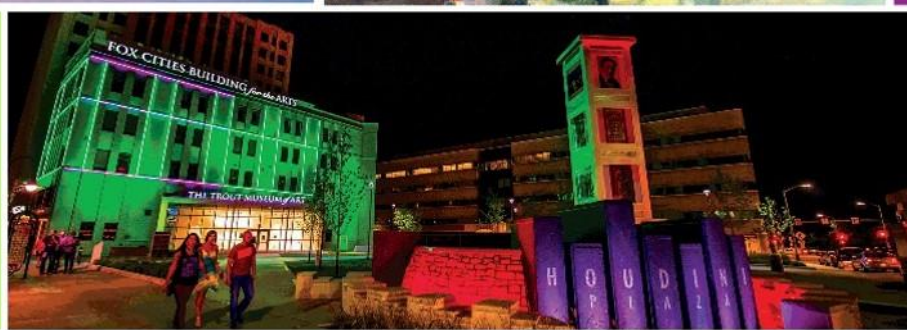
65,000 SQ. FT. EXHIBITION CENTER

COMING SOON

FROM 43 DIFFERENT COUNTRIES

The Perfect Space for Your Business!

ONE GREAT PLACE



2018 Downtown Appleton Business Improvement District Operating Plan

Downtown Appleton Business Improvement District Operating Plan 2018

I. Preface

Wisconsin Act 184, signed into law in 1984, gives Wisconsin municipalities the power to establish business improvement districts (BIDs) within their communities upon petition of at least one property owner within the proposed district. The State Legislature created 66.1109 of the Wisconsin Statutes (the “BID Law”) to provide a mechanism by which business properties within an established district could voluntarily assess themselves to pay for programs aimed at promoting, developing, redeveloping, managing and maintaining the district. In many instances, BIDs are established in downtowns so property owners can jointly attract tenants and increase the value of their properties.

Business improvement district assessments are quite similar to traditional special assessments wherein property owners are assessed for improvements or services that benefit them. Unlike traditional special assessments, however, business improvement district assessments can be used to finance a wide range of activities, services, and improvements. Business improvement districts in Wisconsin have been used to fund a broad scope of activity including business retention and recruitment programs, marketing and promotional activities, environmental enhancement and maintenance programs, and crime prevention and security activities.

Pursuant to the BID Law, this shall be, when adopted, the 2018 Operating Plan for the Downtown Appleton Business Improvement District. This Operating Plan has been prepared by Appleton Downtown Incorporated (ADI).

As used herein, BID shall refer to the business improvement district’s operating and governance mechanism, and “District” shall refer to the property located within the physical boundaries of the business improvement district, as provided herein.

Further development of the District through establishment of the BID is proposed because:

1. The BID law provides a mechanism whereby private property owners can work together in conjunction with the City to develop the district.
2. Existing public funding sources used to maintain and promote the district may not be sufficient. Unified development efforts will have to be financed with new private resources as well as existing public dollars.
3. The District is dynamic, including properties of varying types and sizes. Some form of cost sharing is necessary because it is not feasible for a small group alone or the City of Appleton to support District development efforts. The BID Plan provides a fair and equitable mechanism for cost sharing which will benefit all businesses and properties within the district.
4. Use of the BID mechanism helps to ensure that the entire District will be promoted, programmed and developed as expeditiously as possible.

The property owners advocating the continuation of the BID view it as a method to build on work previously done in the community to improve the downtown. These property owners and the board of directors of Appleton Downtown Inc. have pledged to work cooperatively with other organizations and the City of Appleton to enhance the vibrancy and overall health of downtown Appleton.

This Plan, when adopted by the City Council of the City of Appleton, after public hearing and recommendation of the Plan Commission in the manner required by the BID Law, shall govern the BID for the calendar year of 2017 which shall be the Sixteenth “Plan Year”. However, it is anticipated that the BID shall continue to be so successful that it will be renewed, upon essentially the same terms and conditions for subsequent years, each of which shall be the “Plan Year”. In the manner allowed under Section 66.1109 (3)(b) of the BID Law, although with changes to the budget, work plans and assessment Appendices.

II. Plan Development

This shall be the Business Improvement District Operating Plan for the Downtown Appleton Business Improvement District, for the year 2017.

A. Plan of Action

The Plan of Action was developed by the BID and ADI Board of Directors and Standing Committees with approval from the BID and ADI Board of Directors. Those participating in this process were ever conscious of the need to represent the full membership of the BID and of ADI. The following Primary objectives, goals, initiatives and key performance indicators are identified in the Plan of Action (**Appendix A**)

B. Goals and Objectives

The BID seeks to protect public and private investments in downtown Appleton and to attract new investment to the district. The BID exists to promote the orderly development of the district in cooperation with the City of Appleton, including implementation of the Downtown Plan (Chapter 14 of the Comprehensive Plan) and to develop, redevelop, maintain, operate, and promote the District. The BID shall work to preserve and improve economic, cultural, and social conditions within the District by facilitating partnerships of people and organizations to achieve mutual goals. The BID provides the necessary funding to plan, evaluate, facilitate and implement District development projects, planning activities, and promotional activities that fit within the identified mixed-use strategy for developing viable and sustainable markets that the District in downtown Appleton can serve.

C. Benefits

Money collected by the BID under this plan will be spent within the District or for the benefit of the District, and used to help property owners attract and retain tenants, keep downtown clean, safe and attractive, increase the value of property downtown and expand on a strong brand and marketing campaign for downtown. **Appendix A** outlines the goals, objectives and initiatives for the plan year as they align with Chapter 14 Downtown Plan of the City of Appleton Comprehensive Plan.

D. 2016 Annual Report

The 2016 annual report is attached. The total assessed value of properties for the District for 2016 was \$121,300,200 and experienced a .4% increase over the previous year. The vacancy rate of 19% was calculated based on a total of 227 total BID properties and represents a decrease of two percent over the previous year.

Also included as **Appendix B** is the 2017 Midyear BID review summary

E. 2018 Budget

All of the estimated expenditures of the BID are shown on **Appendix C**, the Budget. All of the expected expenditures will be financed by the collection of BID assessments and with other revenues generated by Appleton Downtown Incorporated and Creative Downtown Appleton Inc. CDA including but not limited to sponsorships and donations, ADI memberships, and by revenues of events and promotional activities. Ownership of all activities, programs, promotions, and events, along with any related revenues shall remain with ADI or CDA respectively but shall be applied to programs and services that further goals of the BID.

It is anticipated that the BID will contract with ADI to carry out the BID's Operational Plan, and that the BID will have no paid staff of its own. Funds collected through BID assessments shall be used to pay for this contract with ADI, and are expected to pay for about 30 percent of the costs projected by Appleton Downtown Inc. (ADI) and CDA to implement a full downtown management program. Additional funds will be raised by ADI from public and private sources to cover the remaining 70 percent, and any other projects not identified herein.

Except as identified herein, all expenditures will be incurred during the Plan Year. Any funds remaining on any line item above may be moved to another budget line item, as determined by the Board of the BID. Any unused funds remaining at the end of the year shall be deposited into a contingency fund for the following Plan Year. If any additional funds are received by the BID, whether from gifts, grants, government programs, or other sources, they shall be expended for the purposes identified herein, and in the manner required by the source of such funds, or, if the funds have no restrictions, in the manner determined by the Board of the BID, in keeping with the objectives of this BID Plan. All physical improvements made with these funds shall be made in the BID District. The location of other expenditures shall be determined by the BID Board, but for the benefit of the District.

F. Powers

The BID, and the Board managing the BID shall have all the powers authorized by law, and by this Plan, and shall have all powers necessary or convenient, to implement the Operating Plan, including, but not limited to, the following powers:

1. To manage the affairs of the District.
2. To promote new investment and appreciation in value of existing investments in the District.
3. To contract with Appleton Downtown Incorporated on behalf of the BID to implement the Operational Plan.
4. To develop, advertise and promote the existing and potential benefits of the District.
5. To acquire, improve, lease and sell properties within the District, and otherwise deal in real estate.
6. To undertake on its own account, public improvements and/or to assist in development, underwriting or guaranteeing public improvements within the District.
7. To apply for, accept, and use grants and gifts for these purposes.
8. To elect officers, and contract out work as necessary to carry out these goals.
9. To add to the security of the district.

10. To elect Officers to carry out the day to day work authorized by the BID Board, including signing checks and contracts on behalf of the Board, and to adopt, if the Board wishes, By-Laws governing the conduct of the Board and its Officers, not inconsistent with this Operating Plan.
11. To adopt by-laws related to the day to day operation of the Board and Board meetings.

G. Relationship to Plans for the Orderly Development of the City

Creation of a business improvement district to facilitate District development is consistent with the City of Appleton's Downtown Plan and will promote the orderly development of the City in general and downtown in particular.

H. Public Review Process

The BID Law establishes a specific process for reviewing and approving the proposed Operating Plan, and the boundaries of the proposed District. All statutory requirements to create the BID were followed.

III. District Boundaries - -- no change has been made to this section from the previous year.

The District is defined as those tax key parcels, which are outlined in pink and indicated by property in blue on **Appendix G**, attached hereto and incorporated herein by this reference, reflecting the parcels as they existed in the City of Appleton Assessor's records as of September 1, 2001. The District is generally bounded on the south by the south right of way line of Lawrence Street, on the north by the north right of way line of Franklin Street, on the east by the right of way line of Drew Street and on the west by the west right of way line of Richmond Street/Memorial Drive, with additional corridors extending north on Richmond Street to Packard Street and west along college Avenue to Badger Avenue. Properties zoned for commercial use by the City of Appleton Assessor on both sides of boundary streets are included in the District. The District includes 202 contributing parcels. Notwithstanding the parcels of property which are not subject to general real estate taxes, shall be excluded from the District by definition, even though they lie within the boundaries of the BID as in the map in **Appendix G**.

IV. Organization – no change has been made to this section from the previous year.

A. Operating Board

The BID Board ("Board") as defined below, shall be appointed by the Mayor of the City of Appleton, with substantial input from ADI and the property owners in the District. Appointments by the Mayor must be confirmed by the City Council and voted in by the BID Board. The appointments and confirmation shall be made before the commencement of the Plan Year for which the Operating Plan was adopted.

This Board's primary responsibility shall be to implement the current year's Operating Plan, to contract for the carrying out of the Operating Plan, contracting for preparation of an annual report and audit on the District, annually considering and making changes to the Operating Plan including suggestions made by Appleton Downtown Incorporated and submitting the Operating Plan for the following Plan Year to the Common Council of

the City of Appleton for approval, and other powers granted in this Plan. This requires the Board to negotiate with providers of service and materials to carry out the Plan; to enter into various contracts; to monitor development activity; and to ensure District compliance with provisions of applicable statutes and regulations.

The BID Board shall be structured as follows:

1. Board size maximum of 9
 2. Composition – A majority (at least 5) members shall be owners or occupants of the property within the District. Any non-owner, non-occupant appointee to the Board shall be a resident of the City of Appleton. At least 2 members shall be representative of each of the 3 identified market sectors, service/retail, hospitality, and office. One member shall be a representative of the Mayor or City Council. Any Board member who because of transfer of ownership of property is no longer eligible to act as a representative for a particular sector, or where such transfer of property shall cause the make-up of the Board to fall out of compliance with this Operational Plan shall be replaced. The Board shall make a recommendation for replacement to the Mayor who shall appoint a new Board member within 30 days of the recommendation.
 3. Term – Appointments to the Board shall be for a period of 3 years-for staggered terms, each ending on December 31 of the applicable year. The Board may remove by majority vote, any BID Board member who is absent for more than 3 meetings, without a valid excuse, and may recommend to the Mayor replacement members, which the Mayor shall act upon within 30 days of the recommendation.
 4. Compensation – None.
 5. Meetings – all Meetings of the Board shall be governed by Wisconsin Open Meetings Law. Minutes will be recorded and submitted to the City and the Board. The Board shall adopt rules of order to govern the conduct of its meetings and meet regularly, at least annually.
 6. Record keeping – Files and records of the Board’s affairs shall be kept pursuant to public records requirements.
 7. Staffing – The Board may employ staff and/or contract for staffing services pursuant to this Plan and subsequent modifications thereof. Unless requested otherwise by the Board, and any staff members or employees of contractors may attend all meetings of the Board, but will not have voting authority.
 8. Officers – The Board shall appoint a Chairman, Treasurer and Secretary, any two of the three of which shall have the authority to execute documents on behalf of the full Board, for the purposes authorized by the full Board, including the writing of checks. Attached Board list
- Appendix D**
9. For purposes of this section “person” means an individual owner of a parcel, or a representative of an entity owner of such parcel. No one individual, and no more than one representative of any entity, may hold more than one Board position. If, during the course of a term, a Board member’s situation changes, so that they no longer fit the definition for that seat, such as by selling their parcel, they shall resign within 10 days of selling their parcel.

B. Amendments

This Operating Plan, when adopted, shall be the governing plan for the Plan Year. However, section 66.1109 (3) (b) of the BID Law requires the Board of the city to annually review and make changes as appropriate to the district Plan, when adopting a new Operating Plan for later Plan Years. Approval by the City’s Common Council of such Plan updates shall be conclusive evidence of compliance of such Plan with the BID Law.

The BID Law allows the BID to annually present amendments to its Plan. The following process for approval of the amended Plan will be followed.

1. A joint strategy session of the BID Board and the ADI Board of Directors will develop the objectives of the Operational Plan for the next Plan Year.
2. The proposed Goals and Objectives for the Plan Year will be drafted by Appleton downtown Incorporated Staff and submitted to the BID Board for review and input.
3. ADI Staff and Board will edit the plan and submit it to the BID Board for approval based on comments by the BID Board.
4. The BID Board will review the proposed BID Plan and submit to Planning Commission for approval.
5. The Common Council will act on the proposed BID Operational Plan for the following Plan Year.
6. The Mayor of Appleton will appoint new members to the BID Board at least 30 days prior to the expiration of outgoing Board members' terms.

It is anticipated that the BID will continue to revise and develop the master Operating Plan for later Plan Years, in response to changing development needs and opportunities in the District, within the purpose and objectives defined herein and therein.

Included in these changes for later Plan years will be changes in the BID budget and assessments.

V. Finance Method - no change has been made to this section from the previous year.

The proposed expenditures contained in Section II (D) above, will be financed with moneys collected from the BID assessment, and will be made, from time to time, throughout the year, in accordance with the BID Budget, attached hereto as Appendix C.

Moneys collected from BID assessments by the City will be used to pay Appleton Downtown Incorporated in accordance with the implementation contract between the BID and ADI

VI. Method of Assessment - no change has been made to this section from the previous year.

A. Parcels Assessed – Appendix E

All tax parcels within the District required to pay real estate taxes, including those taxed by the State as manufacturing, will be assessed with the exception of those parcels used solely for parking and those parcels subject to a recorded condominium declaration, and zoned for commercial use as shown on the City of Appleton Assessors records. Commercial Condominiums shall be assessed as if the entire building in which the Commercial Condominiums are located were not subject to the Condominium act and instead were assessed as one building, and the assessment for that entire building shall be levied against each Commercial Condominium unit in such proportion as the condominium assessments of that condominium are prorated, as defined in the Declaration of Condominium for that building. Real property used exclusively for residential purposes may not be assessed, as required by the BID Law. Property exempt from paying real estate taxes or owned by government agencies will not be assessed.

The Business Improvement District reassessment was completed by the City of Appleton Assessor's Office. The current property assessment list was generated by the Assessor's office and reviewed by the Finance Department and BID Board. As is stated below, the assessment rate of \$2.50 for each \$1000 of assessed value remains for the thirteenth year with no increase recommended. The minimum and maximum also remain with no increase recommended.

B. Levy of Assessments

Special assessments under this Operating Plan are hereby levied, by the adoption of this Operating Plan by the City Council against each tax parcel of property within the District which has a separate tax key number, in the amount shown on the assessment schedule which is attached hereto as **Appendix E**.

The 2018 assessment shown in **Appendix E** was calculated as \$2.50 for each \$1000 of assessed value for each parcel in the District with no parcel assessed more than \$5,000 and no parcel assessed less than \$250, with parcels used solely for parking excluded, with parcels solely used for residences excluded, and with the adjustments for the Commercial Condominiums and adjustments for relocation of the caps and minimums. The assessment was based on the assessed value of that parcel (land and improvements) as shown in the records of the City Assessor's Office except as otherwise identified below. It is understood that some properties within the BID may be re-assessed. The changes in the tax assessment may impact the BID assessment for these properties.

The principal behind the assessment methodology is that each non-exempt parcel's owner should pay for District development in proportion to the benefit derived. Obviously, not every parcel in the District will benefit equally, nor should each parcel, regardless of size or value contribute in exact ratio of property value. It is assumed that a minimum and maximum benefit can be achieved for each parcel, thus, minimum and maximum BID assessments have been established.

For those parcels identified as Commercial Condominiums, the minimum and maximum assessments shall be established for the entire building of which the Commercial Condominium is a part, in the ratios identified above.

C. Schedule of Assessments

The final form of this 2017 Operating Plan has attached as **Appendix E** are schedules of all the tax key numbers within the BID which are being assessed, and their assessment using this formula.

The 2018 BID assessment total is anticipated to be \$196,751.25
Assessment adjustments compared to previous year:

Added	Property Owner	Address	Adjustment amount	
Removed				
31-2-0326-00	Gregory SR Gill	128 Durkee St.	+ 145,500	\$ (363.75)
Increase				
31-2-0004-00	311 COLLEGE AVE LLC	311 W. College Ave.	+ 26,300	\$ 65.75
31-2-0084-00	THEOBALD-APPLETON RENTAL	117 S APPLETON ST	+ 12,300	\$ 30.75
31-2-0238-00	STEPHEN EVANS	330 W COLLEGE AVE	+ 63,200	\$ 20.75
31-2-0243-00	BATRA HOSPITALITY GROUP INC	318 W COLLEGE AVE	+156,800	\$ 392.00
31-2-0340-00	BGO LLC Todd P Heid	308 E COLLEGE AVE	+ 12,800	\$ 32.00
31-3-0986-00	MCFLESHMAN'S COMMONS LLC	115 S STATE ST	+ 41,200	\$ 103.00
31-5-1101-00	400 NORTH LLC	400 N RICHMOND ST Unit 1	+ 115,000	\$ 287.50
31-5-1101-00	400 NORTH LLC	400 N RICHMOND ST Unit 3	+ 81,300	\$ 202.25
Decrease				
31-5-1184-00	CHRISTENSEN LAND CO	137 N RICHMOND ST	(89,000)	\$ (222.50)

D. Assessment Collection and Dispersal

The City of Appleton shall include the special assessment levied herein as a separate line item on the real estate bill for each parcel. The City shall collect such assessments with the taxes as a special assessment, and in the same manner as such taxes, and shall turn over all moneys so collected to the BID Board for distribution in accordance with the BID Plan.

All BID assessments shall be shown on the tax bill as due and owing with the first installment of taxes and shall carry the same penalties and interest if not so paid.

Any money collected by the City of Appleton for BID assessments shall be held by the City in a segregated account.

The City of Appleton Finance Department shall provide to the BID Board by the 15th day of each month or as requested a separate financial statement for the BID along with a list of collections and source of such collections identified by tax parcel number for which the amount was collected.

Any BID assessments collected by the City before or after the Plan Year for which the assessments were made shall be held by the city in a segregated account and are to be used by the BID Board in the manner as if received during the applicable Plan Year. This provision is intended to govern BID assessments prepaid in December prior to the applicable Plan Year, as well as to delinquent and late payments made after the Plan Year.

The BID Board shall prepare and make available to the public and the City Council annual reports describing the current status of the BID, including expenditures and revenues, at the time it submits its amended Plan to the City for the following year. Following the end of the fiscal year an independent certified audit shall be obtained by the Board, and which shall be paid for out of the BID Budget. Copies of the 2014 audit are available in the ADI office and a copy was submitted to the Community Development Department with this plan.

Disbursement of BID funds shall be made in accordance with approved BID Operational Plan and Budget. Disbursements for contracted services such as those provided by Appleton Downtown Incorporated shall be done on a reimbursement basis. Invoices and documentation of services performed shall be submitted on a monthly basis to the BID Board. The BID Board shall forward these invoices for payment to the City of Appleton Finance Department. The Finance Department shall issue payment on the invoice once it has received evidence that the expenditures are eligible for reimbursement in accordance with the BID Operational Plan and Budget. This reimbursement shall be made to the service provider within seven business days of the submittal of the request to the City.

The presentation of the proposed Plan to the City shall deem a standing order of the Board under 66.1109 (4) Wis. Stats. To disburse the BID assessments in the manner provided herein. This section shall be sufficient instruction to the City to disburse the BID assessment, without necessity of an additional disbursement agreement, disbursement method, or accounting method. Other than as specified herein, the disbursement procedures shall follow standard City disbursement policy.

E. Annual Report

The Board shall prepare an annual report as required by section 66.1109 (3) (c) of the Wisconsin Statutes. A copy of the 2015 report is attached.

The report shall include the required audit. The required audit shall be prepared by the auditing firm conducting the annual audit for the City of Appleton. The BID shall be solely responsible for payment of any funds specified for the BID Audit related to BID activities for said BID Audit. **2016 BID Audit DRAFT is attached.**

The City of Appleton Finance Department shall provide an estimate of the cost of said BID audit for the following year to the BID Board no later than September 1 of the previous year.

VII. City Role

The City of Appleton is committed to helping private property owners in the District promote development. To this end, the City intends to play a significant role in the implementation of the Downtown plan. In particular, the City will:

1. Encourage the County and State Governments to support activities of the district.

2. Monitor and when appropriate, apply for outside funds, which could be used in support of the district.
3. Collect assessments and maintain a segregated account.
4. Provide disbursement of BID funds to service providers in accordance with the BID Operational Plan and Budget.
5. Contract with an auditing firm to conduct the Audit. Said firm shall be the same firm that conducts the City of Appleton annual audit.
6. Provide a cost estimate for said audit no later than September 1 for the following year.
7. Provide a separate monthly financial statement to the BID Board.
8. Review annual audits as required per 66.1109 (3) (c) of the BID Law.
9. Provide the BID Board through the Assessor's Office on or before June 1 each Plan Year, with the official City records on assessed value for each tax key number within the District, as of that date in each Plan Year, for purposes of calculating the BID assessment.
10. Adopt this plan in the manner required by the BID Law.
11. Appoint and confirm new BID Board members as required herein.

VIII. Required Statements - no change has been made to this section from the previous year.

The Business Improvement District Law requires the Plan to include several specific statements.

66.1109 (1) (f) (1.m): The District will contain property used exclusively for manufacturing purpose, as well as properties used in part for manufacturing. These properties will be assessed according to the formula contained herein because it is assumed that they will benefit from development in the District.

66.1109 (5) (a) Property known to be used exclusively for residential purposes may not be assessed, and such properties will be identified as BID exempt properties.

66.1109(1)(f)(5): Michael, Best & Friedrich, LLP has previously opined that the Operating Plan complies with the provisions of Wis Stat. sec. 66.1109(1)(f)(1-4). Michael, Best & Friedrich, LLP has confirmed that, because no substantive changes are proposed in this amendment, no additional opinion is required.

IX. Appleton Downtown Incorporated - no change has been made to this section from the previous year.

A. Appleton Downtown Incorporated

The BID shall be a separate entity from Appleton Downtown Incorporated (ADI). ADI shall remain a private not-for-profit organization, not subject to the open meeting law, and not subject to the public records law except for its records generated in connection with its contract with the BID Board, and may, and it is intended, shall contract with the BID to provide services to the BID in accordance with the Plan. Any contracting with ADI to provide services to BID shall be exempt from the requirements of sec. 62.15, Wis. Stats., because such contracts shall not be for the construction of improvements or provision of materials. If the BID does contract for the construction of improvements or provisions of material, it shall follow the requirements of such statutes to the extent applicable to assure open, competitive procurement of contracts and purchases. Further, the annual

accounting required under 66.1109 (3) (c) Wis. Stats. Shall be deemed to fulfill the requirement of 62.15 (14) Wis. Stats. Ownership of assets of Appleton Downtown Incorporated shall remain solely with Appleton Downtown Incorporated.

A. Binding Clause

The adoption of this Operating Plan is subject to the BID Board contracting with Appleton Downtown Incorporated to carry out this Operational Plan, and if such contract is not entered into by the first day of the Plan Year, then the Plan shall be null and void.

X. Severability and Expansion - no change has been made to this section from the previous year.

The Business Improvement District has been created under authority of 66.1109 of the Statutes of the State of Wisconsin.

Should any court find any portion of the BID Law or this Plan invalid or unconstitutional, said decision will not invalidate or terminate the Business Improvement District and this Business Improvement District Operating Plan should be amended by the Common Council of the City of Appleton as and when it conducts its annual budget approval and without necessity to undertake any other act.

All of the above is specifically authorized under 66.1109 (3) (b) of the BID Law.

If it is determined by a court or administrative body that the parcel of property not be subject to general real estate taxes may not be included within the District, then said parcels shall be excluded from the definition of the district.

All appendices are hereby incorporated by this reference.

APPENDIX A

2018 Plan of Action

APPLETON DOWNTOWN INC., BUSINESS IMPROVEMENT DISTRICT and CREATIVE DOWNTOWN APPLETON INC. 2018 Plan of Action

Mission

Our mission to establish a vibrant and accessible destination for business, learning, living and leisure is anchored in our focus to create an environment of success and sustainability for the new exhibition center, a robust employment center and a more liveable Downtown. Our strategic initiatives build support for an exceptional visitor experience, a strong business climate and an attractive, accessible and inclusive downtown where more people want to live.

OUR BRIGHT FUTURE

As the City, ADI and its partners continue to plan and invest in downtown Appleton, they will be guided by the following vision and principles: “Downtown Appleton is a great American urban neighborhood and employment center with world class arts and entertainment.”

1. Fully embrace and leverage the diverse arts, cultural, and educational assets of the community
2. Invest in the growth of downtown neighborhoods with diverse housing options and residential amenities
3. Increase connectivity, trails, and recreation opportunities between the downtown, the Fox River, and the region
4. Foster a culture of walking and biking
5. Promote quality development along the Fox River by embracing the region’s industrial and natural heritage
6. Support diverse partnerships which make downtown more attractive for residents and visitors through: activities and events; public art and place making; on-going maintenance; and promotion and marketing
7. Create a safe, welcoming, inclusive and accessible downtown
8. Grow downtown as an employment center for the region
9. Continue to support events and entertainment which draw visitors to downtown Appleton
10. Support a destination Fox Cities Exhibition Center as a unique attraction and community asset
11. Support unique, independent businesses

MARKET FINDINGS

The recently adopted Appleton Downtown Market Analysis identifies the following key assets and subsequent development and community priorities that reflect the public input and discussion throughout the plan development.

Key Assets

1. Large daytime workforce
2. A thriving arts/entertainment/culture/educational scene
3. The Fox River, an extensive parks system, and growing trail network

4. Diverse events and programs draw thousands of visitors
5. Strong business mix
6. College Avenue, which is walkable and economically vibrant

Development Priorities

- Residential Development - A mix of multifamily, townhouse, and condo housing into downtown, with a focus north of College Avenue.
- Office Development - New office downtown, including north of College Avenue.
- Hospitality - Few deficiencies exist, more restaurants.
- Retail/Commercial - Focus on strategically filling existing spaces.
- City Center Plaza/Public Market - Explore public market concept.

Community Priorities

- Construction and Successful Operation of the Fox Cities Exhibition Center
- Balanced Riverfront Revitalization
- New or Remodeled Appleton Public Library
- Develop Ellen Kort Peace Park & Revitalize Jones Park
- A Walkable Downtown
- Strong Downtown Neighborhoods
- Traffic Flow Improvements
- Maximizing Use of Current Parking Assets
- Enhanced Streetscapes throughout Downtown
- Expand Public Art & Creative Culture
- Continued Partnership with Lawrence University

Key Accomplishments from the Past Year

Over the last 12 months our organization has experienced significant progress through several key initiatives and new projects including:

- Economic Development support including our involvement in the adoption of the Downtown Plan (Chapter 14) rewrite and market study. Development of support pieces including a new lifestyle piece designed to support business and resident attraction, a business recruitment video available to brokers and on our website and a market study summary piece. A state of the Downtown event was hosted in cooperation with the City of Appleton to share findings and announce the new TIF districts. A commercial and residential space open house was hosted to attract tenant interest.
- Expansion of the Downtown CARE (Clean.Assess.Refresh.Enhance) Program in cooperation with Riverview Gardens and the City of Appleton with the addition of a Gumbuster Machine and an afternoon team three days a week. The CARE program is designed to provide employability skills to those experiencing homelessness or other barriers to employment while providing general cleaning service to the public areas of the Downtown district.

- Contributions to the Creative Environment included our partnership on the Acre of Art sculpture project which placed 9 large scale sculptures for a two year period. The program will be an annual project to allow for rotating pieces and acquisition of a piece every two years. Support and coordination for the Neenah Papers mural which will enhance the trail experience along the river. Our partnership on Mile of Music, first steps in our pet friendly campaign, little libraries and continuing to enhance the public space areas with interactive games and art.

The State of Downtown Appleton

The state of Downtown Appleton is strong. Across the nation there is a trend toward urban living amidst vibrant cultural districts. People, especially those without children, are desiring convenient, car-optional neighborhoods where residents can walk to work, shop and access entertainment. Downtown Appleton has benefited from this trend and the ADI and BID boards are optimistic that we are still in the very early stages of that trend.

Downtown Appleton has become the central social district in the area. ADI sponsored programs such as the Saturday Farm Market and Thursday concerts continue to grow in popularity. Special events such as the Mile of Music and Oktoberfest are attended by tens of thousands of people. With the Exhibition Center opening early 2018, Downtown Appleton is poised to see even greater growth in visitors.

The employer base in Downtown Appleton is thriving and demand for office space has increased of late. Opportunities exist to further engage workers to take advantage of what Downtown Appleton has to offer. The market study indicates leakage in grocery and more opportunity for experiential and specialty retail.

Downtown Appleton enjoys many assets, and the opportunity to better leverage these assets is exciting: a riverfront district that is growing in popularity; a highly regarded university that brings world-class entertainment to Downtown Appleton; and historic buildings that are the core of good urban design.

Statistics indicate that Appleton is one of the safest cities in the country. However, as more people come downtown there are more security incidents and a concern about the safety of downtown. More crowds also make it challenging to keep our downtown clean. Today, downtown cleanliness is of utmost importance. Increasing the accountability of the CARE program is expected to improve downtown cleanliness, but we need to do more and ensure that we have a long term solution in place for continued financial support and growth.

In the last 25 years Downtown Appleton has become more diverse racially and ethnically. It is increasingly obvious that we need to be proactive about inclusivity. This is a challenge that ADI is recently recognizing. ADI has much to learn and our goal for this year is to better understand how we can make positive improvements. We look forward to our participation in the formation of a business diversity council under the arm of the Fox Cities Chamber of Commerce and working together with the City's new diversity coordinator. Our goal is a downtown where ALL people feel safe and welcome.

Our work to create One Great Place is also about talent attraction. As the premier arts and entertainment district of the Fox Cities, downtown is a quality of life benefit highlighted by employers throughout the region to attract and retain a talented workforce. Employees are more often making a decision on job selection based on community and quality of life. By adopting a creative placemaking approach to activating public spaces, recruiting a healthy business mix and integrating public art, we position downtown for employment growth and increased residential capacity.

Forward

For the next year, the ADI and BID board will continue to advance the three imperatives for advancing ADI's Mission:

1. ADI needs to continue to play a vital role in the launch of a successful Exhibition Center
2. Advance downtown living to increase the number of downtown residents and the economic diversity of those residents
3. Play a more integrated role in business recruitment and retention efforts in partnership with Downtown property owners

The Chapter 14 Downtown Plan will be implemented through seven initiatives and their associated strategies. The BID/ADI/CDA Plan aligns its work plan within the following initiatives and strategies.

2018 WORK PLAN

The following plan integrates Appleton Downtown Inc., Creative Downtown Appleton Inc. and the Business Improvement District. This work plan is aligned with the Initiatives and Strategies from Chapter 14 of the City of Appleton 2017 Comprehensive Plan – the Downtown chapter.

- **Major Partner** – ADI/BID/CDA is a primary partner, organizer, and contributor.
- **Contributor** – Another stakeholder owns this initiative, but ADI/BID/CDA will have significant execution responsibilities.
- **Support and Promote** – Another stakeholder owns this initiative and there is no apparent ADI/BID/CDA work effort, but ADI/BID/CDA leadership will help promote the effort and be present at key times to help explain how the initiative impacts or benefits downtown and ADI/BID/CDA.

Initiatives	Strategies	ADI/BID/CDA Role	Work Plan	BID Funded	2018	Thru 2020
#1 Urban Form & Design	1.1 Continue development of entry features on major routes into the downtown	Major Partner	Entry Signage for Downtown <ul style="list-style-type: none"> • Develop an entry signage plan for main routes into downtown. • Work with the City and private funding partners to implement entry signage plan. 		X	X
	1.2 Continue to enhance the civic campus south of Lawrence Street	Support and Promote				
	1.3 Implement appropriate streetscaping projects throughout the downtown	Contributor	<ul style="list-style-type: none"> • Develop a vision plan for streetscape improvements for the next three years. • Work with the City and private funding partners to implement. • Continue to fund the flowers in the planters along College Ave. • Re-imagine how to use the College Avenue wayfinding kiosks (e.g., display QR codes for parking app, ADI web site, etc.). 	X	X	X X
	1.4 Install sculpture, murals, and other art in public locations throughout the downtown	Major Partner	<ul style="list-style-type: none"> • Be a partner on the Acre of Art program to support annual temporary sculptures. • Promote and curate additional mural art in the district. 		X	X

Initiatives	Strategies	ADI/BID/CDA Role	Work Plan	BID Funded	2018	Thru 2020
	1.5 Continue to encourage quality urban design throughout the downtown through voluntary measures	Contributor	<ul style="list-style-type: none"> Continue to offer the Façade Grant program for exterior building improvements. Create a set of façade standards to include with the grant and share with all buildings within the CBD. 	X	X	X
	1.6 Add flexible outdoor space throughout the downtown area	Major Partner	<ul style="list-style-type: none"> Add more seating options to public spaces. 		X	X
#2 Tourism, Arts, Entertainment & Education	2.1 Maintain and strengthen the vitality of the arts and entertainment niche	Major Partner	<ul style="list-style-type: none"> Continue to host 100+ events annually. Continue to partner with Mile of Music and Oktoberfest on event coordination. Continue to coordinate brand marketing and promotions. 	X	X	X
	2.2 Pursue opportunities to attract more artists and arts related businesses to the downtown	Contributor	<ul style="list-style-type: none"> Provide exhibit and sales opportunities for local artisans. 			X
	2.3 Create new venues for arts and entertainment activities in the downtown	Contributor	<ul style="list-style-type: none"> Create a “How To” guide for pop up shops and galleries to encourage more activity in underutilized or vacant spaces. Pursue sponsors for Jones Park amphitheater 		X	
	2.4 Continue to support the Fox Cities Exhibition Center as a vital component of the downtown	Contributor	<ul style="list-style-type: none"> Assist the Convention and Visitors Bureau (CVB) and the Radisson with convention and event attraction. One Great Place for your convention promotion brochure and video. Implement the Ambassador program focused on connecting convention visitors to the downtown businesses & attractions. 	X	X	X
				X	X	X
	2.5 Foster an arts education focus downtown	Support and Promote				

Initiatives	Strategies	ADI/BID/CDA Role	Work Plan	BID Funded	2018	Thru 2020
	2.6 Create more Fox River to Downtown tourism opportunities and connections	Contributor	<ul style="list-style-type: none"> • Include riverfront messaging and wayfinding in marketing and promotions. • Collaborate with other stakeholders to plan the provision of riverfront amenities (e.g., hot dog carts, and book sharing). • Continue to fund 40% of the trolley service for Thursday night, Friday night and all-day Saturday. • Promote the Fox Trot Trail app and create additional walking and biking routes to further enhance connectivity to the riverfront. Explore mobile apps as a more convenient alternative to paper maps 		X X X	X X
	2.7 Support creation of a new or remodeled library downtown, which will significantly contribute to the arts and culture of downtown Appleton	Support and Promote				
	2.8 Establish an Arts and Culture Plan for the City	Contributor	<ul style="list-style-type: none"> • CDA to be a lead partner on the development of an arts and culture plan with the City of Appleton • Provide opportunities for multicultural inclusion in events and public art projects 		X X	X
#3 Neighborhood & Residential Development	3.1 Encourage mixed-use and mid-density residential redevelopment on under-utilized sites on the edge downtown	Contributor	<ul style="list-style-type: none"> • Define trends and craft a vision and messaging for residential investment • Encourage second floor residential improvements to increase property values, retain tenants and increase rental rates • Partner with the City and private developers to identify sites for potential housing options and projects • Continue real estate investment club outreach 	X	X X X X	
	3.2 Preserve and enhance historic neighborhoods adjacent to downtown	Support and Promote				

Initiatives	Strategies	ADI/BID/CDA Role	Work Plan	BID Funded	2018	Thru 2020
	3.3 Promote development of neighborhood serving businesses to meet the basic shopping and service needs of downtown and nearby residents	Major Partner	<ul style="list-style-type: none"> In partnership with the Downtown Appleton Neighborhood Group (DANG), administer a Downtowner survey to identify needs and desired amenities Explore the creation of a concierge service for downtown residents to provide an order process and pick up space for services such as grocery, dry cleaning, UPS pick up. Continue efforts to make downtown pet-friendly: waste stations, leash hooks, and a downtown dog park. 		X X	
	3.4 Evaluate the need to amend the Zoning Code and other tools to facilitate redevelopment in mixed-use areas bordering the downtown CBD	Support and Promote				
	3.5 As future housing is added downtown, coordinate efforts with the Appleton Area School District (AASD)	Support and Promote				
	3.6 Enhance the image of downtown north of College Avenue	Contributor	<ul style="list-style-type: none"> Microtarget spaces that are not safe, comfortable, or interesting for improvement. Partner with are residents, business and churches for quick, inexpensive improvements. 		X	X
	3.7 Support green energy and sustainable infrastructure development	Support and Promote	<ul style="list-style-type: none"> Pursue electric car charging stations in downtown. Work with City DPW to develop a car optional plan 			X X
	3.8 Promote a broad spectrum of housing types within the downtown study area	Contributor	<ul style="list-style-type: none"> Host a Tour of Homes event to showcase the variety and quality of downtown living options. 		X	
	3.9 Fund and implement a “Quiet Zone”	Contributor	<ul style="list-style-type: none"> Develop a noise improvement plan in collaboration with the City of Appleton. Survey downtown residents regarding major noise sources. 		X	

Initiatives	Strategies	ADI/BID/CDA Role	Work Plan	BID Funded	2018	Thru 2020
	3.10 Promote well-designed transitional areas between higher density development downtown and adjacent, largely single family neighborhoods	Support and Promote				
#4 Downtown Development & Business Retention	4.1 Sustain and grow the retail niches which have formed downtown	Major Partner	<ul style="list-style-type: none"> Continue to offer a business Recruitment grant program Administer a business retention survey Increase brand and image marketing to highlight our retail nodes Continue to offer marketing grant to BID property tenants 	X	X	X
				X	X	X
				X	X	X
	4.2 Identify and aggressively recruit target industries	Major Partner	<ul style="list-style-type: none"> Continue Business recruitment strategies that support the market analysis recommendations 	X	X	X
	4.3 Protect the existing retail blocks on College Avenue	Major Partner	<ul style="list-style-type: none"> Continue grant programs: business recruitment, façade improvement, marketing 	X	X	X
	4.4 Add depth to retail nodes beyond College Avenue by encouraging new businesses on side streets and fronting Soldier's Square	Major Partner	<ul style="list-style-type: none"> Continue Business recruitment strategies 	X	X	X
	4.5 Facilitate and pursue entrepreneurial business development in the downtown	Contributor	<ul style="list-style-type: none"> Participate in the development of a Business Diversity Council Coordinate an entrepreneur focused session or round table at annual State of the Downtown event with regional partners. 		X X	X

Initiatives	Strategies	ADI/BID/CDA Role	Work Plan	BID Funded	2018	Thru 2020
	4.6 Create opportunities for smaller offices and business services to locate downtown, including north of College Avenue	Major Partner	<ul style="list-style-type: none"> Continue Business recruitment strategies Continue to host an annual State of the Downtown event 	X	X X	X X
	4.7 Maintain an environment favorable to larger employers in the downtown	Major Partner	<ul style="list-style-type: none"> Expand our message about the role downtown and ADI's work plays in talent attraction for the region 	X	X	X
	4.8 Support private sector efforts to redevelop and invest in downtown	Major Partner	<ul style="list-style-type: none"> Continue to host an annual State of the Downtown event and actively distribute recruitment and market analysis materials to brokers and developers Continue grant programs: business recruitment, façade improvement, marketing 		X X X	
	4.9 Implement the block level conceptual ideas contained in Section 4 of the full chapter	Support and Promote				
#5 Mobility and Parking	5.1 Support Access Appleton initiatives through the City and BID	Contributor	<ul style="list-style-type: none"> Continue to include accessibility improvements in façade grant criteria in partnership with Access Appleton. 	X	X	X
	5.2 Continue to proactively address real and perceived parking needs as they arise	Support and Promote	<ul style="list-style-type: none"> Coordinate a parking promotion to highlight the parking App, ramps, variety of meters, best practices etc.. Social, window clings, ads 	X	X	
	5.3 Improve pedestrian and bicycle connections to and through the downtown	Support and Promote	<ul style="list-style-type: none"> Create and promote new walking and biking routes with an App. Encourage enforcement of the Walk Your Wheels city campaign 		X X	
	5.4 Implement the recommendations contained in the 2016 Downtown Mobility Plan	Support and Promote	<ul style="list-style-type: none"> Participation in Appleton Street reconstruction project 		X	X

Initiatives	Strategies	ADI/BID/CDA Role	Work Plan	BID Funded	2018	Thru 2020
	5.5 Endorse a system of public transportation centered on downtown	Support and Promote	<ul style="list-style-type: none"> Continue to fund 40% of the trolley service for Thursday night, Friday night and all-day Saturday. 		X	X
	5.6 Plan, design, and implement bike and pedestrian wayfinding signage	Support and Promote				
	5.7 Promote downtown development best practices which encourage walkability	Contributor	<ul style="list-style-type: none"> Add question to the annual business survey to share block improvements to neighboring building facades or infrastructure Continue support for CARE program to keep Downtown clean (more in management) 	X	X	
#6 Downtown Management	6.1 Update the Downtown Plan as initiatives are completed or new opportunities arise	Support and Promote	<ul style="list-style-type: none"> Continued participation in plan reviews 		X	X
	6.2 Uphold support for Appleton Downtown, Inc. and the Business Improvement District	Major Partner	<ul style="list-style-type: none"> Manage cooperative agreement between the BID and ADI Revise ADI Operating Model to increase bandwidth available for non-event projects Complete an event and promotion ROI evaluation including business survey responses, board and staff reviews Create a more structured internship program to work with high school and college students Enhance our social media depth with original content creation including a podcast series 	X	X X X X X	X

Initiatives	Strategies	ADI/BID/CDA Role	Work Plan	BID Funded	2018	Thru 2020
	6.3 Ensure the cleanliness and safety of the downtown and surrounding neighborhoods	Major Partner	<ul style="list-style-type: none"> Add monitoring mechanisms to the CARE program, in partnership with Riverview Gardens and the City of Appleton, to ensure regular pickup of all downtown areas. Work with law enforcement, business, and residents to develop a security strategy for side streets and transitional areas between downtown and neighborhoods. Provide diversity training sessions for our members that reflects our aspiration for all cultures and communities of people to feel safe and welcome downtown. Include in podcast Implement residential garbage strategies for shared container areas Continue to manage the cooperative agreement for a Washington Square security guard 	X X X	X X X	
	6.4 Continue to explore potential for formation of a Riverfront Business Improvement District (BID)	Major Partner	<ul style="list-style-type: none"> Adoption of riverfront BID in 2018 for budget year 2019 		X	
#7 Public Spaces & Riverfront	7.1 Complete proposed trail segments along the Fox River	Support and Promote	<ul style="list-style-type: none"> Continue involvement in Ellen Kort Park planning and encourage the trail connection to Jones Park 		X	X
	7.2 Construct a grand stair case and similar stair and ramp linkages which connect downtown to the river	Support and Promote				
	7.3 Consider developing a civic plaza on a portion of the YMCA ramp site when it comes down	Support and Promote				
	7.4 Plan, design, and construct improvements to Jones Park and Ellen Kort Peace Park	Contributor	<ul style="list-style-type: none"> Recruit private funding for Jones Park stage and participate in final design 		X	X

Initiatives	Strategies	ADI/BID/CDA Role	Work Plan	BID Funded	2018	Thru 2020
	7.5 Continue to support public and private efforts to identify and develop pocket parks, alleyways, and other pedestrian opportunity zones off of College Avenue	Major Partner	<ul style="list-style-type: none"> Creative Downtown to revisit exploration of alley between Radisson and Durty Leprechaun for a mini pocket park as well as additional opportunities Request process for city ordinance amendment to allow licensed permitted rooftop patios 		X	X
	7.6 Promote the identity of the riverfront through creative use of lighting	Support and Promote	<ul style="list-style-type: none"> Research LED lighting options used in neighboring communities engage Creative Downtown committee 		X	
	7.7 Support creation of a new or remodeled library downtown providing space for contemplation, creation and collaboration.	Support and Promote	<ul style="list-style-type: none"> Support the inclusion of the library in a downtown mix used facility 		X	
	7.8 Continue both public and private redevelopment along the Fox River Corridor	Major Partner	<ul style="list-style-type: none"> Adoption of riverfront BID in 2018 for budget year 2019 		X	

Appendix B

2017 Midyear Review

Goal A: The premier destination of the Fox Cities	Initiatives	update	Progress Summary
Objective: Convention and visitor attraction	Assist the Convention and Visitors Bureau (CVB) and the Radisson with convention and event attraction		inactive incomplete
	Continue to host 100+ events annually	To date we have hosted	active ongoing
	Advocate for the redevelopment of Jones Park including the addition of an amphitheater	Jennifer sat on the planning committee and is pursuing a funder for the ampitheater stage. Estimates are \$1M. The park will also include a new concession and bathroom building, playground and water spray features. The new walkway will help increase access and safety as well.	active incomplete
	Continue to partner with Mile of Music and Octoberfest on event coordination	ADI continues and the license holder for MoM and will manage logistics for the outdoor events.	active incomplete
Tell the One Great Place Story	Enhance our social media depth with content creation	Working with B Connected has increased our social media engagement - attached is a comparison from last August to current month.	active ongoing
	One Great Place for your convention promotion	No progress: goal a video and brochure	inactive incomplete
	Expand our message about the role downtown and ADI's work plays in talent attraction for the region	New video on business recruitment and a new one planned for employee attraction for downtown businesses to use.	active incomplete
Provide an exceptional visitor experience	Develop an Ambassador program focused on enhancing the convention visitor's experience outside of the Exhibition Center	Framework is outlined. Roles and responsibilities, No budget yet,	inactive incomplete
	Explore opportunities to connect visitors to the riverfront	Riverfront BID proposal could include funding for wayfinding signage project	active incomplete

	Continue the CARE program in partnership with Riverview Gardens and the City of Appleton	CARE program operating and adding an afternoon team to run the gumbuster. New equipment purchased. Video created to share with our members.	active ongoing
	Plan to respond to visitor feedback	ongoing - should we track outside inquiries each week?	active ongoing
Goal B: A liveable and walkable downtown neighborhood	Initiatives	update	Progress Summary
Increased residential demand and capacity	Define trends and craft a vision and messaging for residential investment	lifestyle piece in process and market summary piece in process	active incomplete
	Host a Tour of Homes event to showcase the variety and quality of downtown living options	Postponed and needing a new format to feature downtown living. Home Builders model is not going to work for this event.	inactive incomplete
	Encourage second floor residential improvements to increase property values, retain tenants and increase rental rates	Need to strengthen our connection with property owners with a focus on residential. Open House event received poor feedback and almost no participation	inactive incomplete
	Partner with the City and private developers to identify sites for potential housing options and projects	no progress	inactive incomplete
Enhanced walkability	Continue to support and expand the Downtown CARE program (Clean.Assess.Refresh.Enhance) in partnership with Riverview Gardens and the City of Appleton		active ongoing
	Add more seating options to public spaces	New decorative bench is going into the parklet. More chairs in Houdini went out	active ongoing
	Add dog friendly amenities to the district	SLOW progress. Need to send DPW request to install in a tree planter. Parks Dept said no to our request.	active incomplete
	Promote the Fox Trot Trail to further enhance connectivity to the riverfront	Our staff fills the trail map box often, we also hand out maps at Farm Market	active ongoing

	Explore the creation of a dog park within the district on private property or within an existing park.	no progress	inactive incomplete
Strengthened Neighborhood	In partnership with the Downtown Appleton Neighborhood Group (DANG), administer a Downtowner survey to identify needs and desired amenities	no progress	inactive incomplete
	Establish a grocery store recruitment taskforce	no progress	inactive incomplete
	Explore amenities like: bike, kayak and car sharing programs	Continued conversation on community bike share also relationship building with Recyclist, Social station and seqway tours	active ongoing
	Work with law enforcement, business and residents to develop a security strategy with specific initiatives for the 2018 plan.	focus has been washington square area and around the Library. Request being drafted to be submitted to DPW for consideration for a fence	active incomplete
	Develop a residential garbage strategy	working on Johnston street area - larger container, removed enclosure, working on new recycling contract	active ongoing
Goal C: A healthy business climate	Initiatives	update	Progress Summary
Entrepreneurism Support	Continue grant programs: business recruitment, façade improvement, marketing	slow progress on façade users this year.	active ongoing
	Distribute new market study data	City contracted for a summary piece, scheduled state of downtown event August 2	active ongoing
	Participate in the development of a Business Diversity Council	Progress held until new diversity coordinator hired by the city also Chamber involvement	
	Provide exhibit and sales opportunities for local artisans	Farm Market and Art on the town, acre of art, helped LU with Rabbit gallery location	active ongoing

Employment Center Growth	Develop a multimedia business recruitment packet in partnership with the City of Appleton and the Fox Cities Regional Partnership	Business recruitment video complete, lifestyle piece in progress, package with Executive summary DT plan and market study summary piece, also a video for employee recruitment	active ongoing
	Present and distribute new Downtown plan initiatives and opportunities at a development summit and open house event	event scheduled for August 2 Radisson	active incomplete
	Administer a business retention survey	no progress	inactive incomplete
Riverfront Development Support	Riverfront BID feasibility task force	Task force progress held for property visits. Behind on our timeline - target for 2018 unobtainable	active incomplete
Goal D: An inclusive physical and social architecture	Initiatives	update	Progress Summary
Improved accessibility	Continue to include accessibility improvements in façade grant criteria in partnership with Access Appleton	Purchased a flex bell. Reached out to Blue Moon for try. Business owner was worried about it being damaged or stolen. City has also inquired about the Big Bell for internal offices. Applied for an AARP grant to purchase 6 Big Bell and ramp systems to grant to businesses with access barriers	active ongoing
	Preparation for Mobility study recommendations: communication and parking adjustments	little progress. Promotion of the parking app, credit card use.	active ongoing
	Add bike friendly amenities	no new progress after the bike fix it station went in	inactive incomplete
	Participate in Jones Park renovation planning	Part of the planning team for the design and working on recruitment for a supporter for the ampitheater.	active ongoing
	Bike to work program established	no progress	inactive incomplete

An inclusive environment	Provide diversity training sessions for our members that reflects our aspiration for all cultures and communities of people to feel safe and welcome downtown	With new diversity coordinator hired will schedule a time to meet with her and request trainings or ask her to host a podcast for our members	inactive ongoing
	Provide opportunities for multicultural inclusion in events and public art projects	May art on the town featured cultural art,	active ongoing
	Adopt a policy for vendor and sponsor conduct at ADI events	Policy required signature	active complete
Activated public spaces	Develop an arts and culture plan in partnership with Fox Arts Network (FAN)	City will be taking the lead to establish a public art commission.	inactive incomplete
	New placemaking initiatives that create social and safe public places	Facilitated Neenah Paper mural process. Sculpture Valley partner on Acre of Art	

APPENDIX C

2017

Budget

Business Improvement District Budget 2018

BUSINESS IMPROVEMENT DISTRICT PROPOSED 2018 BUDGET

REVENUE

BID Assessments
Carry Over from Prior Year
Cancelled Special Assessment
Interest Income
Total

2018 Proposed Budget

196,750

196,750

EXPENSES

Contracted Services	
	ADI Staff
	Security Washington Sq
Administrative	
	Telephone
	Food/Provisions
	Office Supplies
	Postage
	Conferences/Workshops
	Dues, Fees, Subscriptions
	Space Lease/Rental Fees
	General Insurance
	Parking Permits
	Internet Fees
	Office Equipment Repairs & Maint.
BID Audit/Accounting Services	
Marketing	
	Website

50,000

2,500

6,750

2,500

65,000

	Image Advertising	
	Design services	
Economic Development		
	Façade Grants	20,000
	Marketing Grant	10,000
	Recruitment Grant	10,000
	Business Recruitment	10,000
	- Recruitment Packet	
	- Advertising	
Maintenance & Concierge services		
	Maintenance	15,000
	Ambassador program	5,000
		196,750

APPENDIX D

2018 BID Board List

Board Member	Business	Category
Monica Stage – Treasurer	City of Appleton	City Government
Pam Ulness	Ulness Health and Downtown Resident	Property owner / service & Residential
Brad Schweb	Newmark Grubb Pfefferle	Property owner representative
Gary Schmitz – President	Universal Insurance	Business office / service
Steve Winter	Real Estate developer	Property Owner / retail
Mark Behnke – Secretary	Behnke Enterprises	Property Owner / hospitality & Retail
Jason Druxman	Avenue Jewelers	Retail & property/co-owner
Leah Fogle	Appleton Beer Factory	Hospitality owner
Nate Weyenberg	Angels Forever Windows of Light	Property Owner / retail

Appendix E

Schedule of Assessments

BID assessments for 2018 tax year

FULLTAXKEY	Full name	Property Address	Prop Unit	Prop City	Prop State	Prop Zip	Improvements	Land Value	Total Value	% condo	Assessment	Total Assessment
31-0-0044-00	BEHNKE PROPERTIES LLC	119 E COLLEGE AVE		APPLETON	WI	54911	269000	0	269000		\$ 672.50	\$ 672.50
31-0-0069-00	BEHNKE PROPERTIES LLC	109 W COLLEGE AVE		APPLETON	WI	54911	259300	0	259300		\$ 648.25	\$ 648.25
31-0-0337-00	BGO LLC	304 E COLLEGE AVE		APPLETON	WI	54911	73500	0	73500		\$ 183.75	\$ 250.00
31-0-0976-02	MAI VANG	104 S MEMORIAL DR		APPLETON	WI	54911	37300	0	37300		\$ 93.25	\$ 250.00
31-2-0002-00	WP & R INC	303 E COLLEGE AVE		APPLETON	WI	54911	161200	128600	289800		\$ 724.50	\$ 724.50
31-2-0003-00	NOYCE MANAGEMENT LLC	305 E COLLEGE AVE		APPLETON	WI	54911	84300	54900	139200		\$ 348.00	\$ 348.00
31-2-0004-00	311 COLLEGE AVE LLC	311 E COLLEGE AVE		APPLETON	WI	54911	109000	43000	152000		\$ 380.00	\$ 380.00
31-2-0007-00	JIMMY PHIMMASENE	321 E COLLEGE AVE		APPLETON	WI	54911	237800	68300	306100		\$ 765.25	\$ 765.25
31-2-0017-00	LOUBERTS PROPERTIES LLC	233 E COLLEGE AVE		APPLETON	WI	54911	281400	68600	350000		\$ 875.00	\$ 875.00
31-2-0020-00	PETER ISAKSON	227 E COLLEGE AVE		APPLETON	WI	54911	81100	30700	111800		\$ 279.50	\$ 279.50
31-2-0021-00	THOMAS GREENE ET AL	225 E COLLEGE AVE		APPLETON	WI	54911	82600	32100	114700		\$ 286.75	\$ 286.75
31-2-0022-00	JAY PLAMANN	223 E COLLEGE AVE		APPLETON	WI	54911	111700	59400	171100		\$ 427.75	\$ 427.75
31-2-0023-00	SJSOCZKA LLC	219 E COLLEGE AVE		APPLETON	WI	54911	40400	59400	99800		\$ 249.50	\$ 250.00
31-2-0025-00	ANTHONY MUELLER	217 E COLLEGE AVE		APPLETON	WI	54911	85900	59400	145300		\$ 363.25	\$ 363.25
31-2-0026-00	KORN ACQUISITIONS R.E. LLC	215 E COLLEGE AVE		APPLETON	WI	54911	268900	59700	328600		\$ 821.50	\$ 821.50
31-2-0027-00	STUDIO 213 LLC	213 E COLLEGE AVE		APPLETON	WI	54911	129400	59700	189100		\$ 472.75	\$ 472.75
31-2-0029-00	JOSEPH WELLS	209 E COLLEGE AVE		APPLETON	WI	54911	84700	118900	203600		\$ 509.00	\$ 509.00
31-2-0030-00	JOSEPH WELLS	207 E COLLEGE AVE		APPLETON	WI	54911	51700	59400	111100		\$ 277.75	\$ 277.75
31-2-0031-00	JOSEPH WELLS	201 E COLLEGE AVE		APPLETON	WI	54911	203600	125500	329100		\$ 822.75	\$ 822.75
31-2-0038-00	BEHNKE PROPERTIES LLC	101 E COLLEGE AVE		APPLETON	WI	54911	188400	37900	226300		\$ 565.75	\$ 565.75
31-2-0039-00	SOMA CORPORATION	103 E COLLEGE AVE		APPLETON	WI	54911	437300	122300	559600		\$ 1,399.00	\$ 1,399.00
31-2-0040-00	RAYMON ASPLUND	107 E COLLEGE AVE		APPLETON	WI	54911	124000	49400	173400		\$ 433.50	\$ 433.50
31-2-0041-00	DKS REALTY WISCONSIN IV LLC	109 E COLLEGE AVE		APPLETON	WI	54911	93700	53000	146700		\$ 366.75	\$ 366.75
31-2-0042-00	DKS REALTY WISCONSIN IV LLC	111 E COLLEGE AVE		APPLETON	WI	54911	82100	53000	135100		\$ 337.75	\$ 337.75
31-2-0043-00	PETER ISAKSON	113 E COLLEGE AVE		APPLETON	WI	54911	92000	55100	147100		\$ 367.75	\$ 367.75
31-2-0044-00	BEHNKE PROPERTIES LLC	115 E COLLEGE AVE		APPLETON	WI	54911	104600	152900	257500		\$ 643.75	\$ 643.75
31-2-0046-00	BEHNKE PROPERTIES LLC	121 E COLLEGE AVE		APPLETON	WI	54911	113200	46400	159600		\$ 399.00	\$ 399.00
31-2-0047-00	ECO PROPERTIES LLC	123 E COLLEGE AVE		APPLETON	WI	54911	98700	44900	143600		\$ 359.00	\$ 359.00
31-2-0048-00	SOMA CORPORATION	125 E COLLEGE AVE		APPLETON	WI	54911	165500	47500	213000		\$ 532.50	\$ 532.50
31-2-0049-00	BEHNKE PROPERTIES LLC	127 E COLLEGE AVE		APPLETON	WI	54911	126100	58700	184800		\$ 462.00	\$ 462.00
31-2-0050-00	BEHNKE PROPERTIES LLC	129 E COLLEGE AVE		APPLETON	WI	54911	171200	58700	229900		\$ 574.75	\$ 574.75
31-2-0051-00	TAYLOR-CHANCE LLC	133 E COLLEGE AVE		APPLETON	WI	54911	247600	58700	306300		\$ 765.75	\$ 765.75
31-2-0051-01	GREENSIDE PROPERTIES LLC	135 E COLLEGE AVE		APPLETON	WI	54911	135600	61900	197500		\$ 493.75	\$ 493.75
31-2-0069-00	BEHNKE PROPERTIES LLC	107 W COLLEGE AVE		APPLETON	WI	54911	120000	90100	210100		\$ 525.25	\$ 525.25
31-2-0070-00	SAFFORD BUILDING LLC	101 W COLLEGE AVE		APPLETON	WI	54911	1789000	133100	1922100		\$ 4,805.25	\$ 4,805.25
31-2-0072-00	APPLETON CENTER ASSOCIATES	100 W LAWRENCE ST		APPLETON	WI	54911	6117400	519100	6636500		\$ 16,591.25	\$ 5,000.00
31-2-0074-00	BMO HARRIS BANK NA	221 W COLLEGE AVE		APPLETON	WI	54911	2318100	480300	2798400		\$ 6,996.00	\$ 5,000.00
31-2-0078-00	BAD BADGER INVESTMENTS LLC	215 W COLLEGE AVE		APPLETON	WI	54911	207500	98400	305900		\$ 764.75	\$ 764.75
31-2-0079-00	SOMA CORPORATION	211 W COLLEGE AVE		APPLETON	WI	54911	308100	146200	454300		\$ 1,135.75	\$ 1,135.75

31-2-0080-00	TUSLER PROPERTIES LLC	207 W COLLEGE AVE		APPLETON	WI	54911	214300	73000	287300		\$	718.25	\$	718.25	\$	718.25
31-2-0081-00	STEVEN HECKENLAIBLE	205 W COLLEGE AVE		APPLETON	WI	54911	231800	43200	275000		\$	687.50	\$	687.50	\$	687.50
31-2-0082-00	CLEO'S REAL ESTATE PARTNERSHIP	203 W COLLEGE AVE		APPLETON	WI	54911	260100	44200	304300		\$	760.75	\$	760.75	\$	760.75
31-2-0083-00	PARILLA PROPERTIES LLC	201 W COLLEGE AVE		APPLETON	WI	54911	226900	53100	280000		\$	700.00	\$	700.00	\$	700.00
31-2-0084-00	THEOBALD-APPLETON RENTAL	117 S APPLETON ST		APPLETON	WI	54911	96100	24200	120300		\$	300.75	\$	300.75	\$	300.75
31-2-0092-00	MCGREGORS LLC	343 W COLLEGE AVE		APPLETON	WI	54911	93800	56200	150000		\$	375.00	\$	375.00	\$	375.00
31-2-0092-01	KONIETZKI HOLDINGS LLC	345 W COLLEGE AVE		APPLETON	WI	54911	120900	44000	164900		\$	412.25	\$	412.25	\$	412.25
31-2-0095-00	APPLETON HOLDINGS LLC	333 W COLLEGE AVE		APPLETON	WI	54911	3040400	289500	3329900	21.00%	\$	8,324.75	\$	5,000.00	\$	1,050.00
31-2-0096-00	APPLETON HOLDINGS LLC	333 W COLLEGE AVE		APPLETON	WI	54911	10659900	1745600	12405500	79.00%	\$	31,013.75	\$	5,000.00	\$	3,950.00
31-2-0233-00	FOX CITIES CHAMBER OF COMMERCE	125 N SUPERIOR ST		APPLETON	WI	54911	475400	179600	655000		\$	1,637.50	\$	1,637.50	\$	1,637.50
31-2-0235-00	HIROYUKI NAKASHIMA	342 W COLLEGE AVE		APPLETON	WI	54911	519900	188200	708100		\$	1,770.25	\$	1,770.25	\$	1,770.25
31-2-0236-00	HIROYUKI NAKASHIMA	338 W COLLEGE AVE		APPLETON	WI	54911	823200	198700	1021900		\$	2,554.75	\$	2,554.75	\$	2,554.75
31-2-0238-00	STEPHEN EVANS	330 W COLLEGE AVE		APPLETON	WI	54911	1740800	314100	2054900		\$	5,137.25	\$	5,000.00	\$	5,000.00
31-2-0242-00	THOMAS STREUR TRUST ET AL	322 W COLLEGE AVE		APPLETON	WI	54911	161700	110500	272200		\$	680.50	\$	680.50	\$	680.50
31-2-0243-00	BATRA HOSPITALITY GROUP INC	318 W COLLEGE AVE		APPLETON	WI	54911	516600	310400	827000		\$	2,067.50	\$	2,067.50	\$	2,067.50
31-2-0248-00	NATHAN WEYENBERG	310 W COLLEGE AVE		APPLETON	WI	54911	94200	57000	151200		\$	378.00	\$	378.00	\$	378.00
31-2-0250-00	FOX CITIES HOTEL INVESTORS LLC	300 W COLLEGE AVE		APPLETON	WI	54911	6201500	317000	6518500		\$	16,296.25	\$	5,000.00	\$	5,000.00
31-2-0253-00	BANK ONE	131 N APPLETON ST		APPLETON	WI	54911	158300	378300	536600		\$	1,341.50	\$	1,341.50	\$	1,341.50
31-2-0257-00	222 BUILDING LLC	222 W COLLEGE AVE		APPLETON	WI	54911	9559900	511000	10070900		\$	25,177.25	\$	5,000.00	\$	5,000.00
31-2-0260-00	PATTEN PROPERTIES LLC	210 W COLLEGE AVE		APPLETON	WI	54911	655800	144200	800000		\$	2,000.00	\$	2,000.00	\$	2,000.00
31-2-0263-00	BANK ONE	200 W COLLEGE AVE		APPLETON	WI	54911	1833600	240400	2074000		\$	5,185.00	\$	5,000.00	\$	5,000.00
31-2-0272-01	COUTU LLC	124 N APPLETON ST		APPLETON	WI	54911	239100	57700	296800		\$	742.00	\$	742.00	\$	742.00
31-2-0272-02	DAVID HIETPAS	115 W WASHINGTON ST		APPLETON	WI	54911	161900	49800	211700		\$	529.25	\$	529.25	\$	529.25
31-2-0273-03	ISLAND MEDICAL LLC ET AL	100 W COLLEGE AVE	UNIT 50B	APPLETON	WI	54911	100	5800	5900	1.30%	\$	14.75	\$	250.00	\$	65.00
31-2-0273-04	ISLAND MEDICAL LLC ET AL	100 W COLLEGE AVE	UNIT 50C	APPLETON	WI	54911	100	3600	3700	0.80%	\$	9.25	\$	250.00	\$	40.00
31-2-0273-05	ISLAND MEDICAL LLC ET AL	100 W COLLEGE AVE	UNIT 50D	APPLETON	WI	54911	100	3600	3700	0.80%	\$	9.25	\$	250.00	\$	40.00
31-2-0273-06	ISLAND MEDICAL LLC ET AL	100 W COLLEGE AVE	UNIT 50E	APPLETON	WI	54911	100	2200	2300	0.50%	\$	5.75	\$	250.00	\$	25.00
31-2-0273-08	ISLAND MEDICAL LLC ET AL	100 W COLLEGE AVE	UNIT 50G	APPLETON	WI	54911	100	20100	20200	4.50%	\$	50.50	\$	250.00	\$	225.00
31-2-0273-10	THE BUILDING FOR KIDS INC	100 W COLLEGE AVE	UNIT 100A	APPLETON	WI	54911	42600	0	42600	0.00%	\$	106.50	\$	250.00	\$	-
31-2-0273-12	PFEFFERLE FAMILY LTD PARTNERSHIP	116 N APPLETON ST	UNIT 100C	APPLETON	WI	54911	83100	5400	88500	1.20%	\$	221.25	\$	250.00	\$	60.00
31-2-0273-30	ISLAND MEDICAL LLC ET AL	100 W COLLEGE AVE	UNIT 300A	APPLETON	WI	54911	890700	67000	957700	15.00%	\$	2,394.25	\$	2,394.25	\$	750.00
31-2-0273-40	ISLAND MEDICAL LLC ET AL	100 W COLLEGE AVE	UNIT 400A	APPLETON	WI	54911	898500	67400	965900	15.10%	\$	2,414.75	\$	2,414.75	\$	755.00
31-2-0273-41	ISLAND MEDICAL LLC ET AL	100 W COLLEGE AVE	UNIT 400B	APPLETON	WI	54911	100	500	600	0.10%	\$	1.50	\$	250.00	\$	5.00
31-2-0273-42	ISLAND MEDICAL LLC ET AL	100 W COLLEGE AVE	UNIT 400C	APPLETON	WI	54911	100	500	600	0.10%	\$	1.50	\$	250.00	\$	5.00
31-2-0282-00	PFEFFERLE INVESTMENTS INC ET AL	122 E COLLEGE AVE	UNIT 001	APPLETON	WI	54911	2040600	335300	2375900	34.00%	\$	5,939.75	\$	5,000.00	\$	1,700.00
31-2-0282-01	PFEFFERLE INVESTMENTS INC ET AL	122 E COLLEGE AVE	UNIT 002	APPLETON	WI	54911	7300	2000	9300	0.17%	\$	23.25	\$	250.00	\$	8.50
31-2-0282-02	WASHINGTON STREET R.E. INVESTMENT	122 E COLLEGE AVE	UNIT 101	APPLETON	WI	54911	1225600	92900	1318500	9.42%	\$	3,296.25	\$	3,296.25	\$	471.00
31-2-0282-03	WASHINGTON STREET R.E. INVESTMENT	122 E COLLEGE AVE	UNIT 102	APPLETON	WI	54911	21700	4900	26600	0.54%	\$	66.50	\$	250.00	\$	27.00
31-2-0282-04	WASHINGTON STREET R.E. INVESTMENT	122 E COLLEGE AVE	UNIT 103	APPLETON	WI	54911	74600	9200	83800	0.93%	\$	209.50	\$	250.00	\$	46.50
31-2-0282-05	HOFFMAN HOLDINGS LLC ET AL	122 E COLLEGE AVE	UNIT 104	APPLETON	WI	54911	20700	5900	26600	0.58%	\$	66.50	\$	250.00	\$	29.00
31-2-0282-07	PFEFFERLE INVESTMENTS INC ET AL	122 E COLLEGE AVE	UNIT 201	APPLETON	WI	54911	1648400	125100	1773500	12.68%	\$	4,433.75	\$	4,433.75	\$	634.00
31-2-0282-08	PFEFFERLE INVESTMENTS INC ET AL	122 E COLLEGE AVE	UNIT 202	APPLETON	WI	54911	14900	3900	18800	0.38%	\$	47.00	\$	250.00	\$	19.00
31-2-0282-10	PFEFFERLE INVESTMENTS INC ET AL	122 E COLLEGE AVE	UNIT 204	APPLETON	WI	54911	2388300	182700	2571000	18.52%	\$	6,427.50	\$	5,000.00	\$	926.00

31-2-0282-11	PFEFFERLE INVESTMENTS INC ET AL	122 E COLLEGE AVE	UNIT 205	APPLETON	WI	54911	10800	2600	13400	0.26%	\$	33.50	\$ 250.00	\$ 13.00
31-2-0282-12	PFEFFERLE INVESTMENTS INC ET AL	122 E COLLEGE AVE	UNIT 206	APPLETON	WI	54911	10600	2700	13300	0.27%	\$	33.25	\$ 250.00	\$ 13.50
31-2-0282-13	WASHINGTON STREET R.E. INVESTMENT	122 E COLLEGE AVE	UNIT 301	APPLETON	WI	54911	422100	34000	456100	3.45%	\$	1,140.25	\$ 1,140.25	\$ 172.50
31-2-0282-14	WASHINGTON STREET R.E. INVESTMENT	122 E COLLEGE AVE	UNIT 106	APPLETON	WI	54911	569200	43100	612300	4.37%	\$	1,530.75	\$ 1,530.75	\$ 218.50
31-2-0282-15	HOFFMAN HOLDINGS LLC ET AL	122 E COLLEGE AVE	UNIT 107	APPLETON	WI	54911	893600	65500	959100	6.64%	\$	2,397.75	\$ 2,397.75	\$ 332.00
31-2-0287-00	APPLETON HOTEL GROUP LLC	100 E COLLEGE AVE		APPLETON	WI	54911	227700	60300	288000		\$	720.00	\$ 720.00	\$ 720.00
31-2-0290-01	TAM LLC	10 COLLEGE AVE		APPLETON	WI	54911	951700	1007800	1959500		\$	4,898.75	\$ 4,898.75	\$ 4,898.75
31-2-0302-00	DAUNTLESS PROPERTIES LLC	130 N MORRISON ST		APPLETON	WI	54911	97400	26000	123400		\$	308.50	\$ 308.50	\$ 308.50
31-2-0303-00	MORRISON BUILDING LLC	120 N MORRISON ST		APPLETON	WI	54911	293500	96500	390000		\$	975.00	\$ 975.00	\$ 975.00
31-2-0311-00	ROBERT BROUILLARD	129 N DURKEE ST		APPLETON	WI	54911	36200	37100	73300		\$	183.25	\$ 250.00	\$ 250.00
31-2-0312-00	200 EAST LLC	200 E COLLEGE AVE		APPLETON	WI	54911	502400	102600	605000		\$	1,512.50	\$ 1,512.50	\$ 1,512.50
31-2-0313-00	FA & VB LLC	204 E COLLEGE AVE		APPLETON	WI	54911	241500	97500	339000		\$	847.50	\$ 847.50	\$ 847.50
31-2-0315-00	TENNIE'S JEWELRY PROPERTIES LLC	208 E COLLEGE AVE		APPLETON	WI	54911	92500	47500	140000		\$	350.00	\$ 350.00	\$ 350.00
31-2-0316-00	BRADLEY VANDINTER	212 E COLLEGE AVE		APPLETON	WI	54911	64800	49700	114500		\$	286.25	\$ 286.25	\$ 286.25
31-2-0317-00	QUEEN BEE RESTAURANT INC	216 E COLLEGE AVE		APPLETON	WI	54911	242300	97200	339500		\$	848.75	\$ 848.75	\$ 848.75
31-2-0319-00	HELEN SCOTT	218 E COLLEGE AVE		APPLETON	WI	54911	275600	94000	369600		\$	924.00	\$ 924.00	\$ 924.00
31-2-0321-00	HALEY'S PROPERTIES ONE LLC	222 E COLLEGE AVE		APPLETON	WI	54911	115400	45900	161300		\$	403.25	\$ 403.25	\$ 403.25
31-2-0322-00	THE WEIDERS LLC	224 E COLLEGE AVE		APPLETON	WI	54911	337500	78500	416000		\$	1,040.00	\$ 1,040.00	\$ 1,040.00
31-2-0323-00	CJW PROPERTIES LLC	230 E COLLEGE AVE		APPLETON	WI	54911	102500	67300	169800		\$	424.50	\$ 424.50	\$ 424.50
31-2-0324-00	CJW PROPERTIES LLC	232 E COLLEGE AVE		APPLETON	WI	54911	125400	60500	185900		\$	464.75	\$ 464.75	\$ 464.75
31-2-0325-00	CJW PROPERTIES LLC	109 N DURKEE ST		APPLETON	WI	54911	45000	8400	53400		\$	133.50	\$ 250.00	\$ 250.00
31-2-0327-01	TIMOTHY WAGNER ET AL	118 N DURKEE ST		APPLETON	WI	54911	109600	37400	147000		\$	367.50	\$ 367.50	\$ 367.50
31-2-0328-00	DREW RICKS REVOC LIV TRUST	309 E WASHINGTON ST		APPLETON	WI	54911	51600	107400	159000		\$	397.50	\$ 397.50	\$ 397.50
31-2-0334-00	331 PROPERTIES LLP	331 E WASHINGTON ST		APPLETON	WI	54911	195500	42500	238000		\$	595.00	\$ 595.00	\$ 595.00
31-2-0337-00	BGO LLC	300 E COLLEGE AVE		APPLETON	WI	54911	120700	193400	314100		\$	785.25	\$ 785.25	\$ 785.25
31-2-0340-00	BGO LLC	308 E COLLEGE AVE		APPLETON	WI	54911	165600	96300	261900		\$	654.75	\$ 654.75	\$ 654.75
31-2-0342-00	BOMB ALLEY LLC	314 E COLLEGE AVE		APPLETON	WI	54911	136500	45600	182100		\$	455.25	\$ 455.25	\$ 455.25
31-2-0353-00	FIRSTAR BANK APPLETON	200 N DURKEE ST		APPLETON	WI	54911	1072500	492500	1565000		\$	3,912.50	\$ 3,912.50	\$ 3,912.50
31-2-0363-00	230 N MORRISON LLC	230 N MORRISON ST		APPLETON	WI	54911	193400	115600	309000		\$	772.50	\$ 772.50	\$ 772.50
31-2-0366-00	FOND DU LAC BLDG ASSOC LLP	200 E WASHINGTON ST	UNIT 100-A	APPLETON	WI	54911	359700	70300	430000	8.19%	\$	1,075.00	\$ 1,075.00	\$ 409.50
31-2-0366-01	PFEFFERLE ENTERPRISES	200 E WASHINGTON ST	UNIT 200	APPLETON	WI	54911	954400	140600	1095000	20.73%	\$	2,737.50	\$ 2,737.50	\$ 1,036.50
31-2-0366-02	FOND DU LAC BLDG ASSOC LLP	200 E WASHINGTON ST	UNIT 300	APPLETON	WI	54911	947500	140600	1088100	20.73%	\$	2,720.25	\$ 2,720.25	\$ 1,036.50
31-2-0366-03	FOND DU LAC BLDG ASSOC	200 E WASHINGTON ST	UNIT 400	APPLETON	WI	54911	947500	140600	1088100	20.73%	\$	2,720.25	\$ 2,720.25	\$ 1,036.50
31-2-0366-04	FOND DU LAC BLDG ASSOC	200 E WASHINGTON ST	UNIT 500	APPLETON	WI	54911	947500	140600	1088100	20.73%	\$	2,720.25	\$ 2,720.25	\$ 1,036.50
31-2-0366-05	FOND DU LAC BLDG ASSOC	200 E WASHINGTON ST	UNIT 100-B	APPLETON	WI	54911	435400	70300	505700	8.89%	\$	1,264.25	\$ 1,264.25	\$ 444.50
31-2-0371-00	ETHEL CONNER LLC	229 E FRANKLIN ST		APPLETON	WI	54911	120000	65000	185000		\$	462.50	\$ 462.50	\$ 462.50
31-2-0384-00	VALLEY PREMIER PROPERTY LLC	222 N ONEIDA ST		APPLETON	WI	54911	118900	92100	211000		\$	527.50	\$ 527.50	\$ 527.50
31-2-0404-00	SEC PROPERTIES LLC	231 W FRANKLIN ST		APPLETON	WI	54911	107800	132200	240000		\$	600.00	\$ 600.00	\$ 600.00
31-2-0405-00	214 SUPERIOR LLC	214 N SUPERIOR ST		APPLETON	WI	54911	138500	21500	160000		\$	400.00	\$ 400.00	\$ 400.00
31-2-0408-00	SCOTT BERKEN	233 N APPLETON ST		APPLETON	WI	54911	120600	86500	207100		\$	517.75	\$ 517.75	\$ 517.75
31-2-0417-00	LISA MALZHAN ET AL	211 N APPLETON ST		APPLETON	WI	54911	105000	30500	135500		\$	338.75	\$ 338.75	\$ 338.75
31-2-0418-00	JK APOLLON LLC	207 N APPLETON ST		APPLETON	WI	54911	159400	34600	194000		\$	485.00	\$ 485.00	\$ 485.00
31-2-0419-00	S & S ENTREPRENEURS LLC	201 N APPLETON ST		APPLETON	WI	54911	221700	58300	280000		\$	700.00	\$ 700.00	\$ 700.00
31-2-0428-00	GANNETT MIDWEST PUBLISHING INC	306 W WASHINGTON ST		APPLETON	WI	54911	1245800	455200	1701000		\$	4,252.50	\$ 4,252.50	\$ 4,252.50

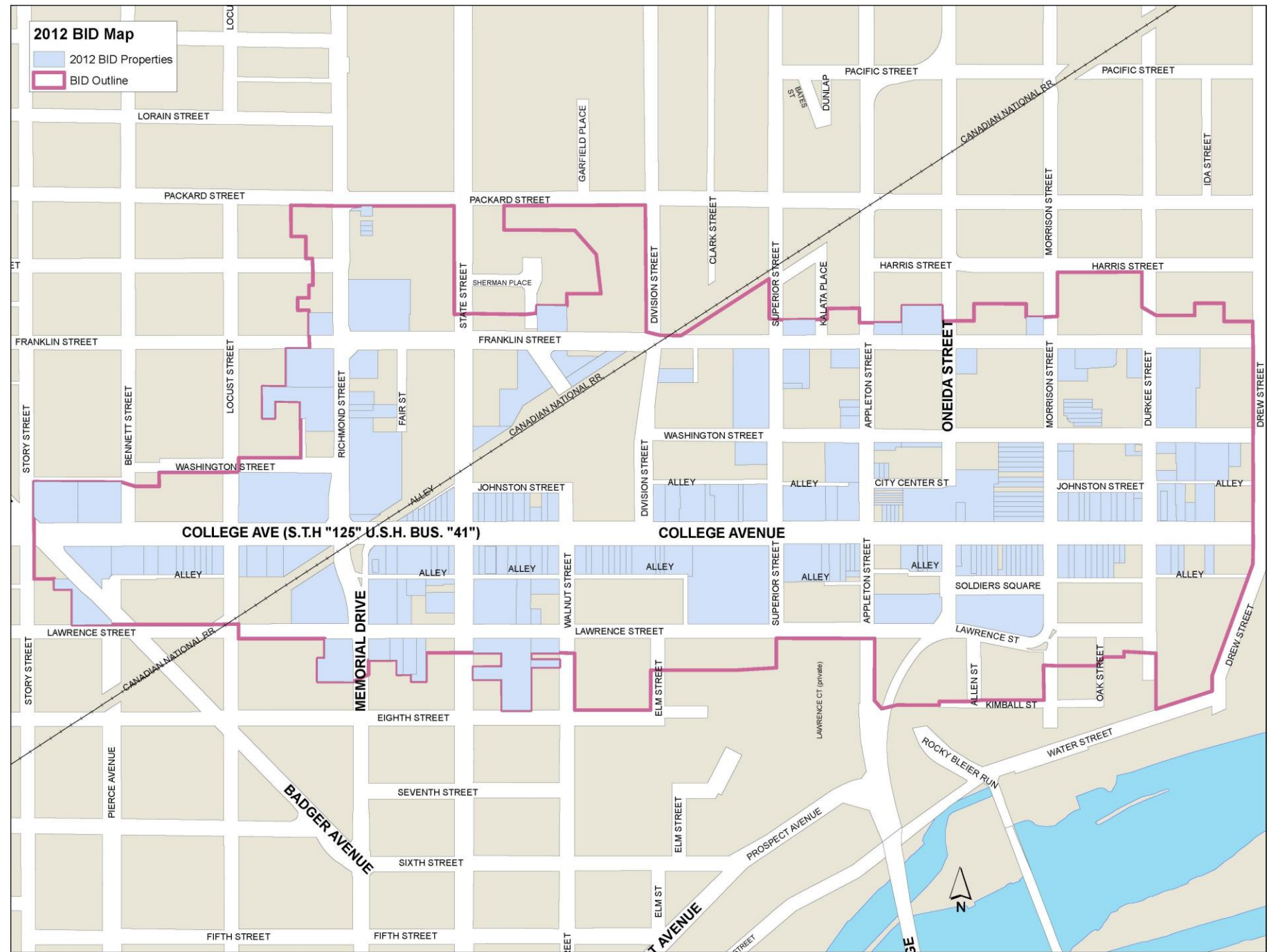
31-2-0430-06	ROBERT HOERSCH	218 N DIVISION ST	APPLETON	WI	54911	103400	71100	174500	\$	436.25	\$ 436.25	\$ 436.25
31-2-0458-00	STELLA LUNA PROPERTIES LLC	130 E FRANKLIN ST	APPLETON	WI	54911	189800	42000	231800	\$	579.50	\$ 579.50	\$ 579.50
31-3-0847-00	JOHN MCGUINNESS	201 S WALNUT ST	APPLETON	WI	54911	307600	64800	372400	\$	931.00	\$ 931.00	\$ 931.00
31-3-0849-00	DEXTERS PUB LLC	211 S WALNUT ST	APPLETON	WI	54911	111200	28800	140000	\$	350.00	\$ 350.00	\$ 350.00
31-3-0855-00	NORWEST BANK WISCONSIN APPLETON	516 W EIGHTH ST	APPLETON	WI	54911	141900	375900	517800	\$	1,294.50	\$ 1,294.50	\$ 1,294.50
31-3-0876-00	THAO PROPERTIES LLC	206 S MEMORIAL DR	APPLETON	WI	54911	144800	61200	206000	\$	515.00	\$ 515.00	\$ 515.00
31-3-0877-00	CHUNGYIA THAO REVOCABLE TRUST	625 W LAWRENCE ST	APPLETON	WI	54911	15700	34800	50500	\$	126.25	\$ 250.00	\$ 250.00
31-3-0879-00	BEHNKE PROPERTIES LLC	617 W LAWRENCE ST	APPLETON	WI	54911	45600	42900	88500	\$	221.25	\$ 250.00	\$ 250.00
31-3-0883-00	DECLEENE-ZELLNER LLC	215 S MEMORIAL DR	APPLETON	WI	54914	448300	145700	594000	\$	1,485.00	\$ 1,485.00	\$ 1,485.00
31-3-0934-00	JAMES BOYLE	131 S BADGER AVE	APPLETON	WI	54914	47400	77600	125000	\$	312.50	\$ 312.50	\$ 312.50
31-3-0937-00	S & K FOOD MART INC	911 W COLLEGE AVE	APPLETON	WI	54914	289600	132800	422400	\$	1,056.00	\$ 1,056.00	\$ 1,056.00
31-3-0938-00	LANCE NEVINS REVOCABLE TRUST	843 W COLLEGE AVE	APPLETON	WI	54914	316200	109900	426100	\$	1,065.25	\$ 1,065.25	\$ 1,065.25
31-3-0943-00	823 AND 825 BUILDING LLC	823 W COLLEGE AVE	APPLETON	WI	54914	19400	60600	80000	\$	200.00	\$ 250.00	\$ 250.00
31-3-0943-02	827 BUILDING LLC	827 W COLLEGE AVE	APPLETON	WI	54914	400	44600	45000	\$	112.50	\$ 250.00	\$ 250.00
31-3-0944-00	SARA PIERRI REVOCABLE TRUST	819 W COLLEGE AVE	APPLETON	WI	54914	76100	21400	97500	\$	243.75	\$ 250.00	\$ 250.00
31-3-0945-00	SARA PIERRI REVOCABLE TRUST	815 W COLLEGE AVE	APPLETON	WI	54914	132400	36400	168800	\$	422.00	\$ 422.00	\$ 422.00
31-3-0945-01	SARA PIERRI REVOCABLE TRUST	813 W COLLEGE AVE	APPLETON	WI	54914	47900	17700	65600	\$	164.00	\$ 250.00	\$ 250.00
31-3-0946-00	PIONEER PROFESSIONAL CARPET CARE	809 W COLLEGE AVE	APPLETON	WI	54914	45000	17100	62100	\$	155.25	\$ 250.00	\$ 250.00
31-3-0947-00	BOARDWALK RENTALS LLP	807 W COLLEGE AVE	APPLETON	WI	54914	70800	17100	87900	\$	219.75	\$ 250.00	\$ 250.00
31-3-0948-00	WENZ RENTAL PROPERTIES LLC	801 W COLLEGE AVE	APPLETON	WI	54914	115200	40300	155500	\$	388.75	\$ 388.75	\$ 388.75
31-3-0960-00	745 COLLEGE LLC	745 W COLLEGE AVE	APPLETON	WI	54914	274500	29500	304000	\$	760.00	\$ 760.00	\$ 760.00
31-3-0961-00	VANEGEREN PROPERTIES LLC	741 W COLLEGE AVE	APPLETON	WI	54914	51700	77100	128800	\$	322.00	\$ 322.00	\$ 322.00
31-3-0963-01	THEADOCIA LLC	733 W COLLEGE AVE	APPLETON	WI	54914	142700	64400	207100	\$	517.75	\$ 517.75	\$ 517.75
31-3-0964-00	CHI-LING KONG	719 W COLLEGE AVE	APPLETON	WI	54914	185300	114500	299800	\$	749.50	\$ 749.50	\$ 749.50
31-3-0972-00	ANCHOR BANK FSB	127 S MEMORIAL DR	APPLETON	WI	54914	445500	269500	715000	\$	1,787.50	\$ 1,787.50	\$ 1,787.50
31-3-0976-00	WILLIAM MILLER ET AL	623 W COLLEGE AVE	APPLETON	WI	54911	207000	69400	276400	\$	691.00	\$ 691.00	\$ 691.00
31-3-0976-01	MAI VANG	100 S MEMORIAL DR	APPLETON	WI	54911	48100	95100	143200	\$	358.00	\$ 358.00	\$ 358.00
31-3-0979-00	APPLETON WEST END REALTY LTD	609 W COLLEGE AVE	APPLETON	WI	54911	198700	179900	378600	\$	946.50	\$ 946.50	\$ 946.50
31-3-0983-00	DAS VENTURES HOLDINGS LLC	603 W COLLEGE AVE	APPLETON	WI	54911	401800	112500	514300	\$	1,285.75	\$ 1,285.75	\$ 1,285.75
31-3-0985-00	JAMES LISON	601 W COLLEGE AVE	APPLETON	WI	54911	158800	43200	202000	\$	505.00	\$ 505.00	\$ 505.00
31-3-0986-00	MCFLESHMAN'S COMMONS LLC	115 S STATE ST	APPLETON	WI	54911	85800	63900	149700	\$	374.25	\$ 374.25	\$ 374.25
31-3-0988-00	PAUL HINZMAN	121 S STATE ST	APPLETON	WI	54911	106300	83000	189300	\$	473.25	\$ 473.25	\$ 473.25
31-3-0993-00	BOXER ENTERPRISES LLC	620 W LAWRENCE ST	APPLETON	WI	54911	83100	59900	143000	\$	357.50	\$ 357.50	\$ 357.50
31-3-0996-00	ROBERT MAZZA	122 S MEMORIAL DR	APPLETON	WI	54911	207900	182000	389900	\$	974.75	\$ 974.75	\$ 974.75
31-3-0998-00	BOXER ENTERPRISES LLC	613 W COLLEGE AVE	APPLETON	WI	54911	21000	24400	45400	\$	113.50	\$ 250.00	\$ 250.00
31-3-0999-00	JOHN GREINER	535 W COLLEGE AVE	APPLETON	WI	54911	151100	49000	200100	\$	500.25	\$ 500.25	\$ 500.25
31-3-1003-00	EF5 LLC	523 W COLLEGE AVE	APPLETON	WI	54911	724800	246400	971200	\$	2,428.00	\$ 2,428.00	\$ 2,428.00
31-3-1004-00	KOROLL PROPERTIES LLC	519 W COLLEGE AVE	APPLETON	WI	54911	364500	77600	442100	\$	1,105.25	\$ 1,105.25	\$ 1,105.25
31-3-1008-00	NORWEST BANK WISCONSIN APPLETON	118 S STATE ST	APPLETON	WI	54911	1009000	341000	1350000	\$	3,375.00	\$ 3,375.00	\$ 3,375.00
31-3-1015-00	CRESENCIO VICTORIA	510 W LAWRENCE ST	APPLETON	WI	54911	59500	24300	83800	\$	209.50	\$ 250.00	\$ 250.00
31-3-1017-00	ROBERT HAUSSERMAN ET AL	119 S WALNUT ST	APPLETON	WI	54911	78000	82000	160000	\$	400.00	\$ 400.00	\$ 400.00
31-3-1020-00	HIROYUKI NAKASHIMA TRUST	509 W COLLEGE AVE	APPLETON	WI	54911	443600	109400	553000	\$	1,382.50	\$ 1,382.50	\$ 1,382.50
31-3-1021-00	VICTORIAS APPLETON INC	507 W COLLEGE AVE	APPLETON	WI	54911	201800	57600	259400	\$	648.50	\$ 648.50	\$ 648.50
31-3-1022-00	VICTORIAS APPLETON INC	503 W COLLEGE AVE	APPLETON	WI	54911	238200	121400	359600	\$	899.00	\$ 899.00	\$ 899.00

31-3-1023-00	THE BAR GROUP LLC	427 W COLLEGE AVE		APPLETON	WI	54911	837700	138200	975900	\$	2,439.75	\$	2,439.75	\$	2,439.75
31-3-1025-00	OTTPERTIES LLC	425 W COLLEGE AVE		APPLETON	WI	54911	183800	66200	250000	\$	625.00	\$	625.00	\$	625.00
31-3-1027-00	FERRUCCIO VC INC	423 W COLLEGE AVE		APPLETON	WI	54911	163000	132500	295500	\$	738.75	\$	738.75	\$	738.75
31-3-1028-00	M & H PROPERTIES LLC	417 W COLLEGE AVE		APPLETON	WI	54911	242700	69300	312000	\$	780.00	\$	780.00	\$	780.00
31-3-1029-00	ZIMJET LLC	415 W COLLEGE AVE		APPLETON	WI	54911	167800	63500	231300	\$	578.25	\$	578.25	\$	578.25
31-3-1030-00	JTB APPLETON LLC	413 W COLLEGE AVE		APPLETON	WI	54911	238600	66200	304800	\$	762.00	\$	762.00	\$	762.00
31-3-1031-00	MERIJE ELMAZI	411 W COLLEGE AVE		APPLETON	WI	54911	206700	66200	272900	\$	682.25	\$	682.25	\$	682.25
31-3-1032-00	TIMOTHY GUYETTE	409 W COLLEGE AVE		APPLETON	WI	54911	142500	66200	208700	\$	521.75	\$	521.75	\$	521.75
31-3-1033-00	AH&M ENTERPRISES LLC	403 W COLLEGE AVE		APPLETON	WI	54911	1184400	250900	1435300	\$	3,588.25	\$	3,588.25	\$	3,588.25
31-5-0693-00	LEWIS KRUEGER	305 N RICHMOND ST		APPLETON	WI	54914	105200	71800	177000	\$	442.50	\$	442.50	\$	442.50
31-5-0712-00	BLUE OFFICE LLC	225 N RICHMOND ST		APPLETON	WI	54914	376400	239200	615600	\$	1,539.00	\$	1,539.00	\$	1,539.00
31-5-1058-00	LANG FAMILY ENTERPRISE LLC	532 W COLLEGE AVE		APPLETON	WI	54911	197600	49000	246600	\$	616.50	\$	616.50	\$	616.50
31-5-1059-00	CYRUS SHAHIN	530 W COLLEGE AVE		APPLETON	WI	54911	70800	49000	119800	\$	299.50	\$	299.50	\$	299.50
31-5-1060-00	PATRICK FLANAGAN	524 W COLLEGE AVE		APPLETON	WI	54911	173200	97900	271100	\$	677.75	\$	677.75	\$	677.75
31-5-1061-00	PATRICK FLANAGAN	522 W COLLEGE AVE		APPLETON	WI	54911	57900	51800	109700	\$	274.25	\$	274.25	\$	274.25
31-5-1062-00	PATRICK FLANAGAN	518 W COLLEGE AVE		APPLETON	WI	54911	95000	51800	146800	\$	367.00	\$	367.00	\$	367.00
31-5-1063-00	LINDA MULDOON ET AL	516 W COLLEGE AVE		APPLETON	WI	54911	56100	51800	107900	\$	269.75	\$	269.75	\$	269.75
31-5-1064-00	LINDA MULDOON ET AL	514 W COLLEGE AVE		APPLETON	WI	54911	55400	103100	158500	\$	396.25	\$	396.25	\$	396.25
31-5-1065-00	BRUCE CHUDACOFF ET AL	512 W COLLEGE AVE		APPLETON	WI	54911	108000	52400	160400	\$	401.00	\$	401.00	\$	401.00
31-5-1067-00	APPLETON WEST END REALTY LTD	508 W COLLEGE AVE		APPLETON	WI	54911	129400	55700	185100	\$	462.75	\$	462.75	\$	462.75
31-5-1068-00	APPLETON WEST END REALTY LTD	506 W COLLEGE AVE		APPLETON	WI	54911	121400	54700	176100	\$	440.25	\$	440.25	\$	440.25
31-5-1070-00	COLLEGE AVENUE ASSOCIATES	500 W COLLEGE AVE		APPLETON	WI	54911	105700	114000	219700	\$	549.25	\$	549.25	\$	549.25
31-5-1075-00	BELFEUIL RENTALS LLC	509 W FRANKLIN ST		APPLETON	WI	54911	83500	111500	195000	\$	487.50	\$	487.50	\$	487.50
31-5-1075-02	TODD HAHNEMANN	437 W FRANKLIN ST		APPLETON	WI	54911	58500	55500	114000	\$	285.00	\$	285.00	\$	285.00
31-5-1076-00	ROBERT CASTON	136 N STATE ST		APPLETON	WI	54911	54800	43200	98000	\$	245.00	\$	250.00	\$	250.00
31-5-1100-00	KWIK TRIP INC	306 N RICHMOND ST		APPLETON	WI	54911	1546200	401700	1947900	\$	4,869.75	\$	4,869.75	\$	4,869.75
31-5-1101-00	400 NORTH LLC	400 N RICHMOND ST	UNIT 1	APPLETON	WI	54911	610100	67700	677800	\$	1,694.50	\$	1,694.50	\$	1,694.50
31-5-1101-20	400 NORTH LLC	400 N RICHMOND ST	UNIT 2	APPLETON	WI	54911	117800	16800	134600	\$	336.50	\$	336.50	\$	336.50
31-5-1101-21	400 NORTH LLC	400 N RICHMOND ST	UNIT 3	APPLETON	WI	54911	415300	85200	500500	\$	1,251.25	\$	1,251.25	\$	1,251.25
31-5-1101-22	400 NORTH LLC	400 N RICHMOND ST	UNIT 4	APPLETON	WI	54911	141900	14100	156000	\$	390.00	\$	390.00	\$	390.00
31-5-1139-00	PETROLEUM REALTY IV LLC	226 N RICHMOND ST		APPLETON	WI	54911	34400	104500	138900	\$	347.25	\$	347.25	\$	347.25
31-5-1147-00	JAMIE BOYCE	208 N RICHMOND ST		APPLETON	WI	54911	60300	34700	95000	\$	237.50	\$	250.00	\$	250.00
31-5-1148-00	JAMIE BOYCE	200 N RICHMOND ST		APPLETON	WI	54911	81500	50500	132000	\$	330.00	\$	330.00	\$	330.00
31-5-1148-01	JAMIE BOYCE	204 N RICHMOND ST		APPLETON	WI	54911	66300	14700	81000	\$	202.50	\$	250.00	\$	250.00
31-5-1158-00	OLD BRICK PROPERTIES LLC	110 N RICHMOND ST		APPLETON	WI	54911	489100	630900	1120000	\$	2,800.00	\$	2,800.00	\$	2,800.00
31-5-1159-00	JOHN HANSEN TRUST	638 W COLLEGE AVE		APPLETON	WI	54911	35900	41700	77600	\$	194.00	\$	250.00	\$	250.00
31-5-1160-00	SPARKY MARK LLC	600 W COLLEGE AVE		APPLETON	WI	54911	58800	53500	112300	\$	280.75	\$	280.75	\$	280.75
31-5-1162-00	SHANE KRUEGER	602 W COLLEGE AVE		APPLETON	WI	54911	73500	32600	106100	\$	265.25	\$	265.25	\$	265.25
31-5-1163-00	DOUBLE G PROPERTIES LLC	604 W COLLEGE AVE		APPLETON	WI	54911	70500	28500	99000	\$	247.50	\$	250.00	\$	250.00
31-5-1164-00	FREDERICK VANHANDEL	606 W COLLEGE AVE		APPLETON	WI	54911	82500	24300	106800	\$	267.00	\$	267.00	\$	267.00
31-5-1165-00	FREDERICK VANHANDEL	610 W COLLEGE AVE		APPLETON	WI	54911	88400	20200	108600	\$	271.50	\$	271.50	\$	271.50
31-5-1166-00	INVESTMENT CREATIONS LLC	612 W COLLEGE AVE		APPLETON	WI	54911	86700	16300	103000	\$	257.50	\$	257.50	\$	257.50
31-5-1167-00	JAMES ASCHENBRENER	614 W COLLEGE AVE		APPLETON	WI	54911	63900	15100	79000	\$	197.50	\$	250.00	\$	250.00
31-5-1168-00	JOHN YDE	616 W COLLEGE AVE		APPLETON	WI	54911	54500	11000	65500	\$	163.75	\$	250.00	\$	250.00
31-5-1169-00	ANTAR BARQUET-LEYTE ET AL	618 W COLLEGE AVE		APPLETON	WI	54911	30900	9700	40600	\$	101.50	\$	250.00	\$	250.00

31-5-1173-00	GNI OF APPLETON LLC	700 W COLLEGE AVE	APPLETON	WI	54914	1409300	790700	2200000	\$	5,500.00	\$ 5,000.00	\$ 5,000.00
31-5-1184-00	CHRISTENSEN LAND CO	137 N RICHMOND ST	APPLETON	WI	54914	321700	227200	548900	\$	1,372.25	\$ 1,372.25	\$ 1,372.25
31-5-1212-00	JOHN MAY REVOCABLE TRUST	900 W COLLEGE AVE	APPLETON	WI	54914	864000	231000	1095000	\$	2,737.50	\$ 2,737.50	\$ 2,737.50
31-5-1216-00	CAPITAL CREDIT UNION	926 W COLLEGE AVE	APPLETON	WI	54914	455000	243300	698300	\$	1,745.75	\$ 1,745.75	\$ 1,745.75
31-5-1918-00	500 W FRANKLIN STREET LLC	500 W FRANKLIN ST	APPLETON	WI	54911	155100	69900	225000	\$	562.50	\$ 562.50	\$ 562.50
31-5-2226-01	FRANK GRISHABER	407 W FRANKLIN ST	APPLETON	WI	54911	30800	39800	70600	\$	176.50	\$ 250.00	\$ 250.00
											\$ 196,751.25	

Appendix G

Map of District



Greetings from DOWNTOWN Appleton

"It has been a tremendously exciting two years to be president of Appleton Downtown, Inc. We have progressed through the parking study, the mobility study, and now the comprehensive plan. With the construction of the Exhibition Center and the excitement over the potential mixed use development of the bluff site, the future of Downtown is definitely on the move. All of this assures Downtown remains 'one great place'."

— John Peterson, 2014-16 Board President

I am honored to be a part of ADI and to help build upon John Peterson's great work. The newly completed Downtown plan gives us a road map to follow. In particular, I am excited about ADI's role in launching the Fox Cities Exhibition Center; developing the riverfront; and making Downtown an even more trendsetting and fun place to live."

— Will Weider, 2017-19 Board President



One Great Place!

Appleton
DOWNTOWN
incorporated

& BUSINESS IMPROVEMENT DISTRICT & CREATIVE DOWNTOWN APPLETON
2016 ANNUAL REPORT

2016 ADI & BID HIGHLIGHTS

DOWNTOWN PLAN REWRITE:

"Downtown Appleton is a great American urban neighborhood & employment center with world class arts & entertainment."



Executive Summary at appletondowntown.org
Click on Doing Business

ECONOMIC DEVELOPMENT SUPPORT



PRINT & SOCIAL MEDIA ENGAGEMENT



PUBLIC PARKING SPACES

Pay As You Exit ramp parking with credit card capabilities!
Coming soon: Appleton parking app!



34 WEEKS

340 HOURS OF MAINTENANCE & OUTREACH PROVIDED

300 BAGS OF GARBAGE COLLECTED

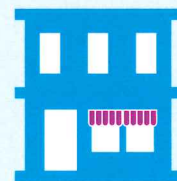
Employability skills training and a community made stronger!



DOWNTOWN TROLLEY

6579 RIDERS

2500 BROCHURES



BUSINESS

13 NEW BUSINESSES OPENED IN THE DISTRICT

+4 JOINED FROM OUTSIDE THE BID



fcexhibitioncenter.com

2016 ADI CREATIVE DOWNTOWN APPLETON HIGHLIGHTS

MURALS, EVENTS, PROJECTS & MORE!



FIND MORE PUBLIC ART AT: appletondowntown.org/getting-around-public-art-map/

2016 BID YEAR IN REVIEW

REVENUE

	2016 Actual
BID Assessments	193,125
Carry Over from Prior Year	7,200
Interest Income	21
	<u>\$200,346</u>

EXPENSES

	Actual
Contracted Services	
ADI Staff	57,988
Security	2,607
Administrative	12,748
BID Audit	2,500
Marketing	69,299
Economic Development	
Façade Grants	26,587
Marketing Grants	6,992
Recruitment Grants	9,894
Maintenance CARE Program	5,543
Business Recruitment	4,653
	<u>\$198,812</u>
CARRY OVER TO 2017	\$1,534

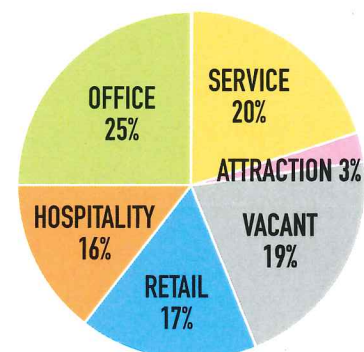
**BID Total Value on
227 Assessable Units:
\$121,300,200**

.4% increase over previous year

**81%
OCCUPANCY**

19% VACANCY

BID Property Classification





Appleton

APPLETON DOWNTOWN, INC. AND CREATIVE DOWNTOWN APPLETON, INC.

BOARD OF DIRECTORS

PRESIDENT

John Peterson, *Peterson, Berk & Cross*

TREASURER

Lynn Hagee, *Lawrence University*

PRESIDENT ELECT

Will Weider, *The Weiders, LLC*

SECRETARY

Pat Murray, *Murray Photo & Video*

PAST PRESIDENT

John M. Hendrickson, *Bank of Kaukauna*

Deb Johnson, *CopperLeaf Boutique Hotel & Spa*

Lyssa King, *OuterEdge Stage*

Monica Stage, *City of Appleton*

Elizabeth Ringgold, *Newmark Grubb Pfefferle*

Jill VanderLoop, *Joseph's Shoes*

Kevin Wirth, *Skyline Technologies*

Steve Lonsway, *Stone Arch Brew Pub*

Natasha Banks, *Cozy Corner and
Val U Beauty Supplies*

A. J. Olander, *West*

Laura Vargosko, *Schenck SC*

BUSINESS IMPROVEMENT DISTRICT

BOARD OF DIRECTORS

PRESIDENT

Gary Schmitz, *Universal Insurance*

SECRETARY

Mark Behnke, *Bazil's Pub & Provisions*

TREASURER

Monica Stage, *City of Appleton*

Steve Winter, *Rollie Winter & Associates*

Brad Schwebs, *Pfefferle Management*

Pam Ulness, *Ulness Health and Wellness*

Nate Weyenberg, *Angels Forever-Windows of Light*

Jason Druxman, *Avenue Jewelers*

Leah Fogle, *Appleton Beer Factory*

APPLETON DOWNTOWN, INC.

STAFF

EXECUTIVE DIRECTOR

Jennifer Stephany

MARKETING DIRECTOR

Anne Wiegman

EVENT DIRECTOR

Djuanna Hugdahl

EVENT SPECIALIST

Greg Otis

CREATIVE COORDINATOR

Lynn Schemm

THANK YOU

to all those who sponsor our events and creative projects throughout the year:

Action Painting

American National Bank

Appleton International Airport

Atlas Group

AT&T

Atrium Health & Senior Living

AZCO Inc.

BMO Harris Bank

Capital Credit Union

City of Appleton

Commercial Horizons

CopperLeaf Boutique Hotel & Spa

Crunch Fitness

Festival Foods

FNB Fox Valley

Fox Communities Credit Union

Fox Cities Signs & Lighting Services

Gateway Chiropractic

General Beer

Habush Habush & Rottier

Heid Music

Hoffman

IPS Testing

Johnson Bank

Mielke Family Foundation

MillCreek

Mile of Music

Miron Construction

Newmark Grubb Pfefferle

Octoberfest

Peterson, Berk & Cross

Pfefferle Companies, Inc.

Principal Financial Group

Seen Stream

Short Elliott Hendrickson

Skyline Technologies

Stellar Blue Technology

St. Elizabeth Hospital/

Affinity Health System

Sure Dry Basements

ThedaCare

Tundraland

Ulness Health

United Healthcare

US Bank

Warning Lites of Appleton

West

Wisconsin Distributors

Xtreme Air

Thank you to the photographers and artists whose work graces the walls, sidewalks, windows and public spaces of our Downtown.

One Great Place!

DOWNTOWN

Appleton

#onegreatplace

appletondowntown.org

Appleton Downtown Inc.

Business Improvement District

Creative Downtown Appleton Inc.

116 N. Appleton St. | Appleton, WI 54911

920-954-9112 | Fax 920-954-0219

info@appletondowntown.org



**CITY OF APPLETON
BUSINESS IMPROVEMENT DISTRICT
A COMPONENT UNIT OF THE
CITY OF APPLETON, WISCONSIN**

**FINANCIAL STATEMENTS
December 31, 2016**

**CITY OF APPLETON
BUSINESS IMPROVEMENT DISTRICT
Table of Contents
December 31, 2016**

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INDEPENDENT AUDITORS' REPORT

To the Board of Directors
Appleton Business Improvement District
City of Appleton, Wisconsin

We have audited the accompanying financial statements of the Appleton Business Improvement District ("the District"), a component unit of the City of Appleton, Wisconsin, as of and for the year ended December 31, 2016, and the related notes to the financial statements, as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditors consider internal control relevant to the District's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the District as of December 31, 2016, and the changes in financial position and cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of Matter

As discussed in Note A, the financial statements present only the District and do not purport to, and do not, present fairly the financial position of the City of Appleton, Wisconsin as of December 31, 2016 and the changes in its financial position or its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

Other Matter

Required Supplementary Information

Management has omitted the management's discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the financial statements. Such missing information, although not a part of the financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the financial statements are not affected by this missing information.

Certified Public Accountants
Green Bay, Wisconsin
_____, 2017

CITY OF APPLETON
BUSINESS IMPROVEMENT DISTRICT
Statement of Net Position
December 31, 2016

	<u>2016</u>
ASSETS	
Cash and investments	\$ 172,041
Accounts receivable	<u>71,746</u>
Total assets	<u>243,787</u>
LIABILITIES	
Accounts payable	<u>46,193</u>
DEFERRED INFLOWS OF RESOURCES	
Unearned revenue	<u>196,388</u>
NET POSITION	
Unrestricted	<u>1,206</u>
Total Net Position	<u>\$ 1,206</u>

The notes to the financial statements are an integral part of this statement.

CITY OF APPLETON
BUSINESS IMPROVEMENT DISTRICT
Statement of Revenues, Expenses and Changes in Net Position - Budget and Actual
For the Year Ended December 31, 2016

	2016	
	Original and Final Budget	Actual
Operating Revenues		
Assessments	\$ 193,125	\$ 193,125
Operating Expenses		
Operations		
Marketing	87,000	-
Advertising	-	69,225
Printing	-	75
Total Marketing	87,000	69,300
Administration	7,000	-
Conferences/workshops/classes	-	608
Other service contracts	-	891
Office supplies	-	1,055
Telephone	-	4,661
Dues, fees, and subscriptions	-	1,553
Postage	-	3,238
Facility rent	-	741
Total Administration	7,000	12,747
Audit and accounting services	2,500	2,500
Economic Development Projects		
Sidewalk cleaning/amenities	11,325	5,544
Façade grants	25,000	26,738
Marketing grants	10,000	7,092
Recruiting grant	10,000	9,895
Business recruitment	7,300	4,653
Total Economic Development Projects	63,625	53,922
Contracted services	40,200	60,596
Total Expenses	200,325	199,065
Operating Loss	(7,200)	(5,940)
Nonoperating Revenues (Expenses)		
Investment loss	-	(54)
Net Change in Net Position	(7,200)	(5,994)
Net Position - January 1	7,200	7,200
Net Position - December 31	\$ -	\$ 1,206

The notes to the financial statements are an integral part of this statement.

CITY OF APPLETON
BUSINESS IMPROVEMENT DISTRICT
Statement of Cash Flows
For the Year Ended December 31, 2016

2016

Cash Flows from Operating Activities	
Received from customers	\$ 185,016
Payments to suppliers	(165,499)
Net Cash Provided by Operating Activities	<u>19,517</u>
Cash Flows from Investing Activities	
Investment loss	<u>(54)</u>
Net Increase in Cash and Cash Equivalents	19,463
Cash and Cash Equivalents - January 1	<u>152,578</u>
Cash and Cash Equivalents - December 31	<u><u>\$ 172,041</u></u>
Reconciliation of Operating Loss to Net	
Cash Provided by Operating Activities:	
Operating loss	\$ (5,940)
Adjustments to reconcile operating loss	
to net cash provided by operating activities:	
Changes in assets and liabilities	
Accounts receivable	(11,372)
Accounts payable	33,566
Unavailable revenue	<u>3,263</u>
Net Cash Provided by Operating Activities	<u><u>\$ 19,517</u></u>

The notes to the financial statements are an integral part of this statement.

CITY OF APPLETON
BUSINESS IMPROVEMENT DISTRICT
Notes to Financial Statements
December 31, 2016

NOTE A - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The financial statements of Appleton Business Improvement District, a component unit of the City of Appleton, Wisconsin ("the District"), have been prepared in conformity with accounting principles generally accepted in the United States of America (GAAP) as applied to governmental units. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles. The significant accounting principles and policies used by the District are described below:

1. Reporting entity

The City of Appleton's Business Improvement District, which is a component unit of the City of Appleton, Wisconsin, was created under the provisions of the Wisconsin Statute Section 66.1109. It is the purpose of that section to authorize municipalities to create one or more business improvement districts to allow businesses within those districts to develop, manage, and promote the districts and to establish an assessment method to fund these activities.

The District is a legal entity separate and distinct from the City of Appleton, Wisconsin. The District is governed by a nine member board appointed and approved by the city council. The members serve staggered, two-year terms. A majority of the board members shall own or occupy real property in the District.

2. Measurement Focus, Basis of Accounting, and Financial Statement Presentation

The accounting and financial reporting treatment applied to the District is determined by its measurement focus. The transactions of the District are accounted for using the *economic resources measurement focus*. With this measurement focus, all assets, deferred outflows of resources, liabilities, and deferred inflows of resources associated with the operations are included on the statement of net position.

The statement of net position and statement of revenues, expenses, and changes in net position are reported using the accrual basis of accounting. Under the accrual basis of accounting, revenues are recognized when earned and expenses are recorded when the liability is incurred or economic asset used. Revenues, expenses, gains, losses, assets, and liabilities resulting from exchange and exchange like transactions are recognized when the exchange takes place. Assessments are levied upon all property within the District and are recognized as revenues in the year for which they are levied. At year end, assessments for the following year are recorded as receivables and unearned revenue. Grants and similar items are recognized as revenues as soon as all eligibility requirements imposed by the provider are met. Special assessments are recorded as revenue when earned. Unbilled receivables are recorded as revenues when services are provided.

The District distinguishes *operating* revenues and expenses from *nonoperating* items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the District are charges to the district members. Operating expenses for the District include salaries and wages, operation and maintenance, business development and promotions. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

3. Cash and Investments

Cash and investments are combined in the financial statements. Cash deposits consist of demand and time deposits with financial institutions and are carried at cost. Investments are stated at fair value. Fair value is the price that would be received to sell an asset in an orderly transaction between market participants at the measurement date. For purposes of the statement of cash flows, all cash deposits and highly liquid investments (including restricted assets) with a maturity of three months or less from date of acquisition are considered to be cash equivalents.

CITY OF APPLETON
BUSINESS IMPROVEMENT DISTRICT
Notes to Financial Statements
December 31, 2016

NOTE A - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

4. Accounts Receivable

Accounts receivable are recorded at gross amount with uncollectible amounts recognized under the direct write-off method.

The District is authorized to levy special assessments to fund its operations. The method of levy is based on assessed valuation of all real property with the District except property used exclusively for residential and manufacturing purposes. Uncollected assessments at year end are included in accounts receivable.

5. Deferred Outflows/Inflows of Resources

In addition to assets, the statement of net position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense) until then. The District has no items that qualify for reporting in this category in the statement of net position.

In addition to liabilities, the statement of net position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period and so will not be recognized as an inflow of resources (revenue) until that time. The City has one item that qualify for reporting in this category in the statement of net position. Unearned revenue, which consists of assessments, which will be recognized as an inflow of resources in the subsequent year for which it was levied.

6. Equity Classifications

The following classifications describe the relative strength of the spending constraints placed on the purposes for which resources can be used:

- Net investment in capital assets - Amount of capital assets, net of accumulated depreciation, and capital related deferred outflows of resources less outstanding balances of any bonds, mortgages, notes, or other borrowings that are attributable to the acquisition, construction, or improvement of those assets and any capital related deferred inflows of resources.
- Restricted net position - Amount of net position that is subject to restrictions that are imposed by 1) external groups, such as creditors, grantors, contributors or laws or regulations of other governments or 2) law through constitutional provisions or enabling legislation.
- Unrestricted net position - Net position that is neither classified as restricted nor as net investment in capital assets.

When both restricted and unrestricted resources are available for use, it is the District's policy to use restricted resources first, then unrestricted resources as they are needed.

7. Claims and Judgements

Claims and judgements are recorded as expenses when the related liabilities are incurred.

8. Operating Plan Budget

The budgetary information is derived from the annual operating plan budget and is presented using the same basis of accounting as described in Note A.2.

**CITY OF APPLETON
BUSINESS IMPROVEMENT DISTRICT**
Notes to Financial Statements
December 31, 2016

NOTE B - CASH AND INVESTMENTS

For purposes of the statement of cash flows, the District considers all highly liquid investments with an initial maturity of three months or less when acquired to be cash equivalents.

Invested cash consists of deposits and investments that are restricted by Wisconsin Statutes to the following:

Time deposits; repurchase agreements; securities issued by federal, state and local governmental entities; statutorily authorized commercial paper and corporate securities; and the Wisconsin local government investment pool.

The District's cash and investments were comprised of the following at December 31, 2016:

	Carrying Value	Bank Balance
Demand deposits	\$ 172,041	\$ 172,041

The District, which is treated similar to a fund of the City, maintains separate and common cash and investment accounts at the same financial institutions utilized by the City. Federal depository insurance and State of Wisconsin Guarantee Fund insurance apply to the City as an individual municipality and, accordingly, the amount of insured funds is not determinable for the District.

Fair Value Measurements

The District implemented GASB Statement No. 72, *Fair Value Measurement and Application*, for the year ending December 31, 2016. The District categorizes its fair value measurements within the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure the fair value of the asset. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant observable inputs; Level 3 inputs are significant unobservable inputs. The District currently has no investments subject to fair value measurement.

Custodial Credit Risk

Deposits - Custodial credit risk is the risk that in the event of a financial institution failure, the District's deposits may not be returned to the District.

The District's deposits are invested in the cash and investments pool maintained by the City of Appleton government. See the City of Appleton's financial statements for further information.

NOTE C - OPERATING PLAN

The 2016 Operating Plan, as approved by the District Board and City Council, included provisions for District assessments and related spending of \$193,125.

**CITY OF APPLETON
BUSINESS IMPROVEMENT DISTRICT
A COMPONENT UNIT OF THE
CITY OF APPLETON, WISCONSIN**

**MANAGEMENT COMMUNICATIONS
DECEMBER 31, 2016**

**CITY OF APPLETON, WISCONSIN
BUSINESS IMPROVEMENT DISTRICT
December 31, 2016**

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To the Board of Directors
Appleton Business Improvement District
City of Appleton, Wisconsin

We have audited the financial statements of the City of Appleton Business Improvement District, (the "District") for the year ended December 31, 2016. The District's financial statements, including our report thereon dated _____, 2017, are presented in a separate audit report document. Professional standards require that we provide you with the following information related to our audit.

Our Responsibilities Under U.S. Generally Accepted Auditing Standards

As stated in our engagement letter, our responsibility, as described by professional standards, is to express an opinion about whether the financial statements are fairly presented, in all material respects, in conformity with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of your responsibilities.

In planning and performing our audit, we considered the District's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinions on the financial statements and not to provide assurance on the internal control over financial reporting.

As part of obtaining reasonable assurance about whether the District's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grants. However, providing an opinion on compliance with those provisions is not an objective of our audit.

Planned Scope and Timing of the Audit

We performed the audit according to the planned scope and timing previously communicated to you in our correspondence about planning matters.

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the District are described in Note A to the financial statements. As described in Note B to the financial statements, the District changed accounting policies related to fair value measurement by adopting Statement of Governmental Accounting Standards Board (GASB) No. 72, *Fair Value Measurement and Application* in 2016. We noted no transactions entered into by the District during the year for which there is a lack of authoritative guidance or consensus. To the best of our knowledge, all significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. We are not aware of any particularly sensitive accounting estimates used by management in the preparation of the financial statements.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. Copies of the audit adjustments are available from management. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to each opinion unit's financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditors' report. No such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated _____, 2017. The management representation letter follows this communication.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the District's financial statements or a determination of the type of auditors' opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the District's auditors. However, these discussions occurred in the normal course of our professional relationship and, to the best of our knowledge, our responses were not a condition to our retention.

Restriction on Use

This information is intended solely for the information and use of the District Board, and management of the City of Appleton Business Improvement District and is not intended to be, and should not be, used by anyone other than these specified parties.

Sincerely,

Certified Public Accountants
Green Bay, Wisconsin
_____, 2017

NAME OF CEMETERY:

Riverside Cemetery

LOCATION OF CEMETERY:

714 N. Owaissa Street, Appleton, WI 54911
(Street/Road Address and Town, Village or City)

CONTACT PERSON:

ReAnne Plumb (920) 733-5629
(Name) (Phone)

(If questions regarding this submittal)

1. Is perpetual care included in a lot purchase in your cemetery?
(Please attach a copy of the perpetual care agreement) YES NO
2. How many of the veteran graves **DO NOT** include a perpetual care agreement? _____
3. If perpetual care is not included, is care cost charged to all grave lot owners? YES NO
 1. *Cost per grave upkeep per grave lot \$ 3.00
(Eligible costs divided by total # of grave lots within entire cemetery)
 2. Number of soldier's graves not covered under perpetual care x 588
(Including spouses & women's auxiliary)
 3. Requested reimbursable expense for care of soldier's graves \$ 1,764⁰⁰
(Including spouses & women's auxiliary)
 4. Did you provide an up-dated listing of the veteran's names? Yes ✓ No _____

We, the officers of Riverside Cemetery Association, hereby certify that the upkeep and care of each grave is \$ 3.00, that the assessment is in compliance with ss 157.11(7)(a), and ss157.11(7)(b), and is no more than the charge made for the care of other graves, and that such graves are receiving proper care.

It is further certified that suitable care of said graves has not been provided by perpetual care, private funds, or the cost for grave upkeep has not been collected as part of the funeral expenses, or otherwise.

8-2-17

Date

Chris Hartwig

Cemetery Association President

Charles Siekman

Cemetery Association Secretary

Mark Savides

Cemetery Association Treasurer

At a regular meeting of the Town, Village, City of _____ held on _____, the above charges were approved for payment.

Municipal Clerk

Date

Send Check to: _____

*Cost includes maintenance of grave and tombstone; i.e. grass cutting, weed trimming, leveling of tombstone.

Date Printed: 08/02/2017

Burial Report

<u>BURIAL ID</u>	<u>LOCATION</u>	<u>TYPE</u>	<u>BURIAL DATE</u>	<u>INTERRED</u>	<u>FILE NUMBER</u>
BUR-1-005-3618	24 21 X 5	Standard	11/11/2016	Bitort, Fred	913-A
BUR-1-005-3637	19 40 NW 3	Cremation (In-Ground)	12/08/2016	Brueggemann, Richard	816
BUR-1-005-3780	M 49 X 140	Cremation (In-Ground)	06/03/2017	Doering, Ronald	1814
BUR-1-005-3492	33 18 X 9	Cremation (In-Ground)	07/05/2016	Doire St., George	1090-C
BUR-1-005-3757	M 79 X 117	Cremation (In-Ground)	05/22/2017	Gabrielson, Floyd	1814
BUR-1-005-3565	12 69 X 5	Standard	09/16/2016	Hawley, David L.	432
BUR-1-005-3768	V 45 X 3	Cremation (In-Ground)	05/26/2017	Hayford, Donald	1308-B
BUR-1-005-3545	4 39 X 9	Standard	08/19/2016	Hulsey, Fred	2314-A
BUR-1-005-3698	22 59 X 10	Cremation (In-Ground)	03/27/2017	Jewell, Clifford	841-B
BUR-1-005-3505	3 5 X 11	Cremation (In-Ground)	07/16/2016	Kasten, Stephen	65-D
BUR-1-005-3798	18 26 X 6	Cremation (In-Ground)	06/16/2017	Kortke, Jack E.	751
BUR-1-005-3774	D 12 X 1	Cremation (In-Ground)	06/22/2017	Kowald, Roger	1185
BUR-1-005-3789	10 57 X 5	Cremation (In-Ground)	06/08/2017	Kuntsman, Richard	293
BUR-1-005-3793	D 18 X 9	Standard	06/09/2017	Lindloff, William K.	1191
BUR-1-005-3515	4 13 X 5	Cremation (In-Ground)	07/20/2016	McGowan, John F.	80
BUR-1-005-3610	S 31 X 9	Standard	11/02/2016	Miller, James	1431-C
BUR-1-005-3665	28 11 E 6	Standard	02/06/2017	Portier, George	2303
BUR-1-005-3616	25 22 X 11	Standard	11/10/2016	Radtke, John	939

<u>BURIAL ID</u>	<u>LOCATION</u>	<u>TYPE</u>	<u>BURIAL DATE</u>	<u>INTERRED</u>	<u>FILE NUMBER</u>
BUR-1-005-3602	H 6 X 5	Cremation (In-Ground)	10/29/2016	Spencer, Frank Sibley	1507
BUR-1-005-3570	17 11 N 3	Cremation (In-Ground)	09/30/2016	Strutz, Donald	629
BUR-1-005-3522	P 24 X 9	Cremation (In-Ground)	07/30/2016	Thompson, John "Jack"	2020-B
BUR-1-005-3534	P 59 X 9	Cremation (In-Ground)	08/09/2016	Ullang, James	2029-A
BUR-1-005-3742	V 16 X 10	Cremation (In-Ground)	05/09/2017	Welland, Gary	2456
TOTAL BURIALS:	23				



OUTAGAMIE COUNTY CLERK'S OFFICE
410 South Walnut Street | Appleton, WI 54911
Lori J. O'Bright, County Clerk
Sara Hickey, Deputy Clerk
Lynette Gitter, Deputy Clerk Assistant
Telephone: 920-832-5077 | Fax: 920-832-2200
Website: www.outagamie.org

MEMO TO: Outagamie County Cemetery Associations

FROM: Lori J. O'Bright, County Clerk *Lori*

DATE: June 12, 2017

SUBJECT: 2017 Veteran Grave Reimbursements

Enclosed is the 2017 Veteran Grave Reimbursements form. Please complete the form and forward it to the municipal clerk for the municipality's approval. OUR OFFICE CANNOT ACCEPT THE FORM WITHOUT THEIR APPROVAL.

Expenses to be included are from July 1, 2016 through June 30, 2017. ALL COMPLETED FORMS MUST BE SUBMITTED TO THIS OFFICE BY SEPTEMBER 1, 2017.

Veteran Grave Care Reimbursement Process:

- Step 1: Determine costs incurred for general maintenance of grave lot from July 1, 2016 through June 30, 2017. NOTE: General maintenance includes lawn mowing, weed trimming, leveling of grave and tombstone.
- Step 2: Complete submittal form.
- Step 3: Send completed form to the municipal clerk in the town, village, or city in which the cemetery is located for board approval. The municipal clerk will return the signed form to YOU. (NOTE: Most municipalities meet within the first three weeks of each month.)
- Step 4: Send the approved form and a listing of veterans and spouses for which reimbursement is being requested to the County Clerk's office by **September 1, 2017**. If you have a perpetual care agreement, a copy of the agreement must also be sent. Forms received after that date will *not* be considered (WI State Statute 45.85 (2)).

Enc.



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

APPLETON FIRE DEPARTMENT
700 N. DREW STREET
APPLETON, WI 54911

MEMORANDUM

To: Alderperson Plank, Chair, Finance Committee
Members of the Common Council

From: Len Vander Wyst., Fire Chief

Date: August 10, 2017

Re: CIP Project Modification

The 2016 approved budget contained funding for the second phase of the upgrade of the training tower located at Fire Station Six. The goal of this upgrade was to enhance training opportunities including the education on flashover, fire behavior and smoke travel. Included in this was a plan to purchase and install a roof ventilation simulator; however, that portion of the project was not completed in 2016 and funds (\$10,440) were carried into 2017.

Given the recent climate of increasing threats for potential harm to our members responding to emergency medical incidents in hostile environments, the Appleton Fire Department has evaluated our current ballistic equipment levels and determined that additional equipment is needed to protect our First Responders. The staff has placed a high priority on outfitting our front-line response vehicles with ballistic personal protective equipment to provide the necessary level of protection to all of the members assigned to that apparatus. To fully outfit one person with personal protective equipment and accessories, we need to purchase approximately 20 sets to include vests, helmets, pouches, headlamps, etc. at an approximate cost of \$500 to \$600 per set.

Based on this increased number of incidents with escalating violence, the Appleton Fire Department is requesting to utilize the \$10,440 that was carried over for the training tower project to be used for the purchase of ballistic personal protective equipment. If you have any questions or need additional clarification, please contact me at 832-5810.

"Appleton Fire Department....serving with P.R.I.D.E."

CITY OF APPLETON, WI

POLICY FOR SPECIAL ASSESSMENTS 2018

I. STREET CONSTRUCTION AND RECONSTRUCTION

DRAFT 7-13-17

A. General Information

CONCRETE PAVEMENT		R-1 Zoning		R-2 Zoning		All Other Zoning**	
		New	Rural to Urban Conversion	New	Rural to Urban Conversion	New	Rural to Urban Conversion
	Max. Width	33'	33'	33'	33'	49'	49'
	Max. Thickness	7"	7"	7"	7"	9"	9"
	Assessed at (%)	75%	75%	100%	100%	100%	100%
	Multiple Frontage Reduction	Yes*	Yes*	Yes*	Yes*	None	None
Base Assessment Rate		Calculated on an individual street basis using actual bid prices					
(Y=Assessed N=Not Assessed)		New Concrete		Rural to Urban Conversion		Direct Assessments (in addition to Base Rate)	
Construction Items							
Administrative Fees		Y		Y		-	
Property Owner Notification		Y		Y		-	
Concrete Pavement		Y		Y		-	
Curb & Gutter (Integral)		Y		Y		-	
Sawcutting		Y		Y		-	
Fine Grading		Y		Y		-	
Seed & Mulch/Sod		Y		Y		-	
Terrace Restoration		Y		Y		-	
Concrete Driveway Apron		Y		N *		Per bid price	
Trees		Y		Y		\$0.75 / front foot	
Miscellaneous Asphalt		N		N		-	
Asphalt - Milling		N		N		-	
Curb & Gutter (miscellaneous)		N		N		-	
Geotextile Fabric		N		N		-	
Stone Base		N		N		-	
Unclassified Excavation		N		N		-	
Erosion Control		N		N		-	
Adjust MH/Inlet Tops		N		N		-	
Asphalt - Miscellaneous		N		N		-	
Asphalt Transitions		N		N		-	
Curb Thimbles		N		N		-	
Drill-in Tie Bars/Dowels		N		N		-	
Driveway Closure		N		N		-	
Inlet Leads		N		N		-	
Manhole / Inlet Reconstruction		N		N		-	
Manhole/Inlet Castings		N		N		-	
MH Chimney Seals		N		N		-	
Pavement Marking		N		N		-	
PVC Pipe for sump pumps		N		N		-	
Reinforcing Rods		N		N		-	
Removal - Asphalt		N		N		-	
Removal - C&G		N		N		-	
Removal - Concrete		N		N		-	
Removal - DW Aprons (Conc. & Asp.)		N		N		-	
Removal - Sidewalk		N		N		-	
Repair work from permits		N		N		-	
Repair work from Utility Permits		N		N		-	
Traffic Signals		N		N		-	

* See Calculation Guidelines

** Residential Use Properties to be Assessed as R-2

ASPHALT PAVEMENT (Not including New Subdivisions)		R-1 Zoning		R-2 Zoning		All Other Zoning**		
		After G&G	Rural to Urban Conversion	After G&G	Rural to Urban Conversion	After G&G	Rural to Urban Conversion	
	Max. Width	33'	33'	33'	33'	49'	49'	
	Max. Thickness	3"	3"	3"	3"	6"	6"	
	Assessed at (%)	25%	0%	25%	0%	25%	0%	
	Multiple Frontage Reduction	Yes*	Yes*	Yes*	Yes*	None	None	
	Base Assessment Rate	Calculated on an individual street basis using actual bid prices						
(Y=Assessed N=Not Assessed)								
Construction Items		Asphalt following G&G		Rural to Urban Conversion		Asphalt Reconstruct / Overlay		Direct Assessments (in addition to Base Rate)
Administrative Fees		Y		Y		N		-
Property Owner Notification		Y		Y		N		-
Asphalt Pavement		Y		Y		N		-
Milling		N		Y		N		-
Sawcutting		N		Y		N		-
Curb & Gutter (New/repair)		N		Y		N		-
Fine Grading		Y		Y		N		-
Seed & Mulch/Sod		N		Y		N		-
Terrace Restoration		N		Y		N		-
Concrete Driveway Apron		N		N *		N *		per bid price
Asphalt (miscellaneous)		N		N		N		-
Geotextile Fabric		N		N		N		-
Stone Base		N		N		N		-
Trees		N		N		N		-
Unclassified Excavation		N		N		N		-
Erosion Control		N		N		N		-
Adjust MH/Inlet Tops		N		N		N		-
Curb Thimbles		N		N		N		-
Drill-in Tie Bars/Dowels		N		N		N		-
Driveway Closure		N		N		N		-
Inlet Leads		N		N		N		-
Manhole / Inlet Reconstruction		N		N		N		-
Manhole/Inlet Castings		N		N		N		-
MH Chimney Seals		N		N		N		-
Pavement Marking		N		N		N		-
Removal - Asphalt		N		N		N		-
Removal - C&G		N		N		N		-
Removal - Concrete		N		N		N		-
Removal - DW Aprons (Conc. & Asp.)		N		N		N		-
Removal - Sidewalk		N		N		N		-
Repair work from permits		N		N		N		-
Repair work from Utility Projects		N		N		N		-
Traffic Signals		N		N		N		-

* See Calculation Guidelines

** Residential Use Properties to be Assessed as R-2

GRADING & GRAVELING (not including New Subdivisions)		R-1 Zoning		R-2 Zoning		All Other Zoning**	
		New Street	Rural to Urban Conversion	New Street	Rural to Urban Conversion	New Street	Rural to Urban Conversion
	Max. Width	35'	35'	35'	35'	51'	51'
	Max. Thickness	-	-	-	-	-	-
	Assessed at (%)	100%	0%	100%	0%	100%	0%
	Multiple Frontage Reduction	Yes*	Yes*	Yes*	Yes*	None	None
	Base assessment Rate	Calculated on an individual street basis based upon bid prices					
(Y=Assessed N=Not Assessed)							
Construction Items		New Street		Rural to Urban Conversion		Direct Assessments (in addition to Base Rate)	
Administrative Fees		Y		N		-	
Property Owner Notification		Y		N		-	
Fine Grading		Y		N		-	
Seed & Mulch/Sod		Y		N		-	
Erosion Control		Y		N		-	
Sawcutting		Y		N		-	
Unclassified Excavation		Y		N		-	
Stone Base		Y		N		-	
Geotextile Fabric		Y		N		-	
Removal - Asphalt		Y		N		-	
Removal - C&G		Y		N		-	
Removal - Concrete		Y		N		-	
Removal - Sidewalk		Y		N		-	
Miscellaneous Asphalt		N		N		-	
Miscellaneous Curb & Gutter		N		N		-	
Adjust MH/Inlet Tops		N		N		-	
Street Lighting		Y		N		-	
Traffic Signals		N		N		-	

* See Calculation Guidelines

** Residential Use Properties to be Assessed as R-2

B. Calculation Guidelines – Street Construction and Reconstruction

1. Assessments will be levied according to the front foot dimensions of abutting property except as noted.
2. The assessment rate will be the portion (%) of assessable construction costs in accordance with the charts above. Assessments will be reduced proportionately for pavements constructed less than the maximum widths.
3. Public owned property, including lands under the jurisdiction of the Board of Education, Parks and Recreation Committee and other branches of city, churches and private schools and other exempt properties will be assessed 100% of the “all other zoning” assessment rate

regardless of the zoning. (BPW 2/2/94) All county, state and federal governments will be exempt from assessment charges. (City Attorney 1/23/14)

4. The assessment rate for alley pavement will be based on the full width of the pavement.
5. The City assumes the entire cost of permanent pavement for all intersections on new construction in areas platted prior to 1/1/04 or after 12/31/14.
6. Driveway approaches shall be constructed at property owner's expense when:
 - a. When permanent street surfaces are constructed.
 - b. Where a street has been permanently improved, driveway approaches shall be installed within six months of the completion of the adjacent structure.
 - c. When ordered installed by the Common Council.
 - d. When a property owner requests approach to be widened, rebuilt or closed.
7. The costs of closing unused driveway openings that are closed in conjunction with the paving program are not directly assessed to the property owner.

Any driveway approach without improved surface shall be paved with a permanent surface in conjunction with a street-paving project. The cost will be assessed to the property.
(S&S 3/3/93 and MSC 9/3/97)

8. The cost of the initial asphalt surface application on a new subdivision gravel street will be billed at the time of official street opening.
9. All asphalt maintenance exclusive of the initial application will be done as general maintenance and at no cost to the abutting property.
10. Assessments for asphalt pavements that are constructed without curb and gutter (City standard) will be calculated by dividing total project cost by assessable frontage.
11. Assessments for trees to be installed on new street paving will be included with paving assessments.
12. If one person owns an entire block as one parcel and the block is zoned R-1 or R-2, the shortest side shall be assessed in full. The remaining sides shall receive up to a 120' discount.
13. On paving projects where there are other contributing sources of funding such as federal, state, or from other units of government, the City rates will be applied. If projected revenue (using the City rates) exceeds the City's share of project costs, then assessment rates will be reduced proportionately so that revenue equals City share of project cost. "City share" of project cost will include, in addition to normal construction costs, items such as right-of-way acquisition, relocation costs, consultant cost, all Department of Transportation administrative and review costs, and any other fees charged by the other participating units of government.
(BPW 1/7/97)
14. When the long side of a corner lot falls on the "bulb" or "mouse ear", the assessment shall be calculated as follows:
 - a. Determine a rate per foot by dividing the lump sum per lot charge by the actual footage of the long side.

- b. The first 120 feet will be charged 25% of the rate calculated in “a” above. The balance of the frontage will be assessed at 100% of the rate calculated in “a” above. (BPW 1/21/98)
15. The requesting property owner, where permitted, shall pay all additional cost for indented parking.
16. When additional pavement width is required to accommodate on street bike lanes, the extra width beyond what would be required for a standard street design, will not be assessed.
17. Assessments will only be levied on partial or total street reconstruction for those streets that do not meet current City Street or Drainage standards prior to their reconstruction.
18. Calculation Guidelines:
- a. On multiple frontage lots zoned R-1 or R-2, the shortest side will be assessed at 100% of the assessment rate. On the other sides, the first 120 feet of each side will be assessed at 25% (R-2, 50%) of the assessment rate. The balance of the frontage will be assessed at 100% of the assessment rate.
 - b. On lots having multiple frontages, there will be NO assessment for the frontage to which access is legally precluded or fronts on a naturally occurring access barrier such as a steep incline.
 - c. On inside corner or multiple frontage lots, the side or sides precluded from access are not included in the assessment frontage determination.
 - d. On multiple frontage lots where all sides have equal frontage, the side to be considered the short side is the “Addressed” side.
 - e. On cul-de-sac lots, the abutting property owner shall be responsible for cul-de-sac pavement, overbuild costs including the straightaway portion of the affected property. The assessment will be calculated using total assessable cost divided by the number of properties fully or partially abutting the “bulb” according to the number of originally platted lots.
 - f. On “mouse ear” lots, defined as abutting lots to a widening in the road around a curve but not including lots on a cul-de-sac, the front foot dimensions for assessment calculation will be determined by dividing the square footage of the property by the average depth of the lots in the block.
 - g. For work abutting only part of a parcel’s total frontage, assessments will be calculated based on the partial frontage. The balance will be assessed as work is completed along the remaining frontage.
 - h. Definition of “addressed” side: The street with the house number.
 - i. No corner lot exception will be provided for combined properties that did not meet the corner lot criteria prior to their combination.
19. The Wheel Tax is used for reconstructed asphalt and concrete streets only. Not for rural to urban conversion to concrete pavement.
20. Portions of projects funded by TIF and IPLF are not assessable.

II. SIDEWALKS

A. General Information

SIDEWALKS (Not including New subdivisions)		R-1 Zoning		R-2 Zoning		All Other Zoning**	
		New	Recon.	New	Recon.	New	Recon.
	Max. Width	5'	5'	5'	5'	5'	5'
	Max. Thickness	5"	5"	5"	5"	7"	7"
	Assessed at (%)	100%	125%	100%	125%	100%	125%
	Multiple Frontage Reduction	Yes*	Yes*	Yes*	Yes*	None	None
	Base Assessment Rate	Calculated annually based upon the average bid prices for the sidewalk reconstruction, concrete paving reconstruction and asphalt paving reconstruction contracts.					
(Y=Assessed N =Not Assessed)		New and Reconstruction not meeting replacement criteria		Reconstruction meeting replacement criteria		Individual Rates (if not included in current Rate above)	
Construction Items							
Administrative Fees		Y		N		-	
Property Owner Notification		Y		N		-	
Concrete Sidewalk		Y		N		-	
Seed & Mulch (max. of 18" on each side of walk)		Y		N		-	
Terrace Restoration		Y		N		-	
Sawcutting		N		N		-	
Fine Grading		N		N		-	
Miscellaneous Asphalt		N		N		-	
Stone Base		N		N		-	
Driveway Aprons - Removal and Replacement		Y		n/a		-	
Unclassified Excavation		N		N		-	
Erosion Control		N		N		-	
Drill-in Tie Bars/Dowels/Rebar		N		N		-	
Removal - Sidewalk		N		N		-	

* See Calculation Guidelines

** Residential Use Properties to be Assessed as R-2

B. Calculation Guidelines - Sidewalks

- Assessments will be levied according to the front foot dimensions of abutting property, except as noted.
- Sidewalks on right-of-ways 60 feet or more will be a minimum of 5 feet wide. Sidewalks on right-of ways less than 60 feet will be a minimum of 4 feet.
- There will be no assessment for sidewalk that meets the replacement criteria as defined in the Sidewalk Maintenance Policy.
- Assessments will be levied when sidewalks not meeting replacement criteria are replaced at the property owner's request

5. Service walks between the curb and sidewalk will be assessed to the property owner when installed on new subdivision streets.
6. The extra expense of installing a sidewalk beyond the City's standard width or in an unusual manner at the request of the owner will be charged to the abutting property owner.
7. Public owned property, including lands under the jurisdiction of the Board of Education, Parks and Recreation Committee and other branches of city, state or county governments, churches and private schools and other exempt properties will be assessed 100% of the assessment rate regardless of the zoning.
8. To figure credit for useful life (20 years) of sidewalk: credit = divide age of sidewalk by 20. If less than 1.0, multiply that number by the current assessment rate.
9. For City contract installation, sidewalk assessments shall include a 6% administration fee.
10. Calculation Guidelines:
 - a. On multiple frontage lots zoned R-1 or R-2, the shortest side will be assessed at 100% of the assessment rate. On the other sides, the first 120 feet of each side will be assessed at 25% (R-2, 50%) of the assessment rate. The balance of the frontage will be assessed at 100% of the assessment rate.
 - b. On inside corner lots where all sides have equal footage, the side to be considered the short side is the "Addressed" side.
 - c. On lots having multiple frontages, there will be NO assessment for the frontage to which access is legally precluded or fronts on a naturally occurring access barrier such as a steep incline.
 - d. On inside corner or multiple frontage lots, the side or sides precluded from access is not included in the assessment frontage determination.
 - e. For work abutting only part of a parcel's total frontage, assessments will be calculated based on the partial frontage. The balance will be assessed as work is completed along the remaining frontage.
 - f. Definition of "addressed" side: The street with the house number.

III. SANITARY SEWER

A. General Information

SANITARY SEWER (not including New Subdivisions)		R-1 Zoning		R-2 Zoning		All Other Zoning**	
		New	Recon.	New	Recon.	New	Recon.
	Max. Size (Diameter)	12"	12"	12"	12"	12"	12"
	Max. Depth	16'	16'	16'	16'	16'	16'
	% Assessed (Main/Laterals)	33%/50%	0%/50%	33%/50%	0%/50%	33%/50%	0%/50%
	Multiple Frontage Reduction	Yes*	N/A	Yes*	N/A	Yes*	N/A
	Current (33% main) Rate	Actual Cost	N/A	Actual Cost	N/A	Actual Cost	N/A
(Y=Assessed N =Not Assessed) Construction Items		New		Reconstruction		Individual Rates (if not included in current Rate above)	
Administrative Fees		Y		N		-	
Property Owner Notification		Y		N		-	
Sanitary area assessment		Y		N		-	
Sanitary Sewer Main		Y		N		-	
Sanitary Manholes		Y		N		-	
Drop Manholes		Y		N		-	
Manhole Castings		Y		N		-	
Sanitary Laterals (50% Rate)		Y		Y		4" = \$48.30 \$52.00 >4" = Actual Cost	
Private Lateral Televising		Y		Y		Actual Cost	
Lateral Connections		Y		N		-	
Pipe Bedding		Y		N		-	
Pipe Backfill Material		Y		N		-	
Terrace Restoration		Y		N		-	
Seed & Mulch		Y		N		-	
Pavement Restoration		N		N		-	
Sawcutting		N		N		-	
Asphalt removal		N		N		-	
Concrete Removal		N		N		-	
Sidewalk Removal		N		N		-	
Erosion Control		N		N		-	

* See Calculation Guidelines

** Residential Use Properties to be Assessed as R-2

B. Calculation Guidelines – Sanitary Sewer

1. Assessments will be levied according to the front foot dimensions of abutting property, except as noted. The assessment rate for new sanitary sewers will be determined on the basis of actual construction cost up to and including 12" sanitary sewer main and manholes. The assessment rate for new construction in an existing area will be based upon the rates shown in the chart above.
2. Area assessment, where applicable, will be levied in accordance with Section 18-116 of the Municipal Code of the City of Appleton.

3. Any lot or parcel within the corporate limits which has not paid a sanitary sewer assessment when the main was installed will, at the time the lateral permit is taken out, be required to pay a connection fee with the lateral permit fee. Payment of a connection fee must be made in full prior to connecting. The connection fee, equivalent to the front foot assessment and area assessment, will be based on the assessment rates the year the main was installed.
4. When utilities are installed in a street where one side is within the corporate limits but remains undeveloped, assessments will be levied for the utilities that benefit the parcel. The area assessment for sanitary sewer is calculated using a nominal lot depth of 120 feet. The balance of the area assessment will be assessed when the property is developed and charged a connection fee in lieu of assessments.
5. On sanitary relay, where existing laterals meet the sanitary lateral policy and are not re-laid, the cost of reconnecting (including short sections of connecting pipe, usually within the trench area) is absorbed by the City and not assessed to the property owner.
6. Calculation Guidelines (see chart for applicability):
 - a. On multiple frontage lots zoned R-1 or R-2, the shortest side will be assessed at 100% of the assessment rate. On the other sides, the first 120 feet for each side will be assessed at 0% of the assessment. The balance of the frontage will be assessed at 100% of the assessment rate.
 - b. On multiple frontage lots where all sides have equal frontage, the side to be considered the short side is the “Addressed” side.
 - c. Where sewer exists across an entire parcel frontage, but sewer construction only occurs along part of a parcel’s total frontage, assessments will be calculated based on the partial frontage. The balance will be assessed as work is completed along the remaining frontage. Where sewer exists along only a portion of the parcel frontage, the entire frontage will be assessed.
 - d. Assessment for construction of sanitary sewer will be levied against all abutting property frontage regardless if laterals are present, provided that the property is not legally precluded from connecting to the sewer. Amount of assessment will be calculated according to existing policy.
 - e. Cost of sewer and manhole construction deeper than 16 feet shall be borne by the city except where extra depth is required for development of adjacent property.
 - f. No corner lot exception will be provided for combined properties that did not meet the corner lot criteria prior to their combination.
 - g. For cul-de-sac lots, the assessable footage for each lot shall be the sum of frontages for all lots fully or partially abutting a cul-de-sac divided by the number of lots.
 - h. Assessable footage for sewers constructed within easements shall be equal to the centerline length of easement falling within the property. Assessments will be levied to only those properties with lateral connections to the easement sewer. The easement length will be considered as “frontage” for purposes of calculating multiple-frontage reductions (see 6a. above).
 - i. Sanitary main reconstruction will be borne by the Wastewater Utility.

IV. SANITARY SEWER LATERALS

A. General Definition

1. For new development funded by the City, the total cost of lateral installation will be assessed to the property.
2. The assessment rate for reconstruction of laterals and construction of new laterals in existing streets will be based upon the rates shown in the chart from Section III above.

B. Calculation Guidelines

1. Assessments for laterals will be based on the unit cost per foot as indicated in the chart in section III.A applied to the length of the lateral between the sanitary sewer and the property line. The length of lateral assessed shall not exceed $\frac{1}{2}$ the street right-of-way width.
2. Assessments for laterals within cul-de-sacs will be based on the actual length of lateral installed, but shall not exceed the right-of-way radius for the cul-de-sac bulb.
3. Assessments for laterals connected to sewers within easements will be based on actual length of lateral installed, but not to exceed $\frac{1}{2}$ the right-of-way width of the street for which the property is addressed.
4. **Total Lateral Replacement Program Calculation Guidelines (Pilot Project for 2018 Carpenter Street):**
 - a. **For properties electing to participate: No assessments will be levied for the portion of private lateral replaced within the public right-of-way. Property owners will be assessed 50% of the actual cost for lateral replacement on private property. Property owners will also be assessed 100% of the actual cost of private lateral televising in conjunction with this program.**
 - b. **For properties declining to participate: City will only replace the portion of lateral within the public right-of-way. Property owners will be assessed 100% of the actual cost.**

V. STORMWATER FACILITIES

A. General Information

STORM SEWER (not including New Subdivisions)		R-1 Zoning		R-2 Zoning		All Other Zoning**	
		New	Recon.	New	Recon.	New	Recon.
	Max. Size (Diameter)	-	-	-	-	15"	15"
	Max. Depth	-	-	-	-	10'	10'
	% Assessed (Main/Laterals)	0% / 0% ⁺	0% / 0% ⁺	0% / 0% ⁺	0% / 0% ⁺	33%/50%	33%/50%
	Corner Lot Reduction	Yes*	Yes*	Yes*	Yes*	None	None
	Current Rate	Actual Cost	\$32.00 \$36.00	Actual Cost	\$32.00 \$36.00	Actual Cost	\$32.00 \$36.00
(Y=Assessed N =Not Assessed)		New		Reconstruction		Individual Rates (if not included in current Rate above)	
Construction Items							
Administrative Fees		Y		Y		-	
Property Owner Notification		Y		Y		-	
Regional Stormwater Facilities (built prior to 1/1/02)		Y		Y		See rates Pg. 21	
Regional Stormwater Facilities (built between 1/1/02 and 3/1/06)		Y		Y		See rates Pg. 21	
Regional Stormwater Facilities (built after 3/1/06)		N		N		-	
Locally Water Quality Practices		N		N		-	
Storm Sewer Main		Y		Y		-	
Storm Manholes		Y		Y		-	
Inlets		Y		Y		-	
Inlet Leads		Y		Y		-	
Drop Manholes		Y		Y		-	
Manhole Castings		Y		Y		-	
Storm Laterals		Y		Y		6" = \$29.79 \$31.00 8" = \$34.93 \$37.00 10" = \$33/ft \$40.00 12" = \$40.34 \$43.00 Greater than 12" actual cost	
Lateral Connections		N		N		-	
Pipe Bedding		Y		Y		-	
Pipe Backfill Material		Y		Y		-	
Terrace Restoration		Y		Y		-	
Seed & Mulch		Y		Y		-	
Pavement Restoration		N		N		-	
Sawcutting		N		N		-	
Asphalt removal		N		N		-	
Concrete Removal		N		N		-	
Sidewalk Removal		N		N		-	
Erosion Control		N		N		-	

* See Calculation Guidelines

** Residential Use Properties to be Assessed as R-2

⁺ See Section V.B.3.b. for exceptions

B. Calculation Guidelines – Stormwater Facilities

1. Stormwater facilities shall be installed as needed to serve properties contributing to the need for, and benefiting from, such facilities. Storm main shall be installed to serve all properties on arterial streets prior to total reconstruction of the pavement.
2. Assessable stormwater facilities under this section include storm sewer, mains and piping, manholes, inlets and inlet leads. Assessments shall also include overhead, property acquisition and financing costs attributable to the facilities.
3. Assessments for storm sewer will be levied according to the front foot dimensions of abutting property.
 - a. R-1, R-2, zoning
The cost of (re) constructing or relining in existing streets will be borne by the Stormwater Utility.
 - b. The cost of constructing or reconstructing storm sewers, mini-sewers or other drainage facilities in existing developed areas zoned R-1 and R-2 annexed after January 1, 1999 will be fully assessable to the abutting property owners.
 - c. All Other Zoning
The assessment rate for storm sewer (re) construction or relining in existing streets will be 33% of the actual construction cost, up to and including 15" storm main (not deeper than 10'), manholes, inlets and inlet leads. Credit will be given for the remaining useful life of a reconstructed or relined sewer based on current cost of construction. For this purpose, the useful life of storm sewer will be 75 years.
4. Assessments for new developments will be based on the actual construction costs of facilities required by the subdivision and charged on a per lot basis. To calculate an equivalent lot cost for parkland, school properties or other atypical lots, use the average size of a new development lot that abuts the parkland, school property or atypical lot. Example, if a lot is 10,000 square feet and parkland, school property or atypical lot is 100,000 square feet; the charge for that land would be equivalent to 10 lots.
5. Any lot or parcel zoned other than R-1 or R-2, within the corporate limits which has not paid a storm sewer assessment when the main was installed will, at the time the lateral permit is taken out, be required to pay a connection fee with the lateral permit fee. This will be effective the same date as the initial Special Assessment policy for storm sewers. The connection fee, equivalent to the front foot and area assessment, will be based on the assessment rates the year the main was installed.
6. Public owned property, including lands under the jurisdiction of the Board of Education, Parks and Recreation Committee and other branches of city, state or county governments, churches and private schools and other exempt properties will be assessed 100% of the assessment rate regardless of the zoning.
7. Calculation Guidelines – (See chart for applicability):
 - a. On multiple frontage lots zoned R-1 or R-2, the shortest side will be assessed at 100% of the assessment rate. On the other sides, the first 120 feet of each side will be assessed at 0% of the assessment rate. The balance of the frontage will be assessed at 100% of the assessment rate.
 - b. On multiple frontage lots where all sides have equal frontage, the side to be considered the short side is the “Addressed” side.

- c. At the completion of the improvements, where sewer exists across an entire parcel frontage, but sewer construction only occurs along part of a parcel's total frontage, assessments will be calculated based on the partial frontage. The balance will be assessed as work is completed along the remaining frontage. Where sewer exists along only a portion of the parcel frontage, the entire frontage will be assessed.
- d. Assessment for reconstruction or relining of storm sewer will be levied only when the work affects the main to which the property is connected. Amount of assessment will be calculated according to the existing policy.
- e. No corner lot exception will be provided for combined properties that did not meet the corner lot criteria prior to the combination.
- f. New Development - 100% of actual construction costs of facilities required by the development plus area assessment.
- g. For cul-de-sac lots, the assessable footage for each lot shall be the sum of frontages for all lots fully or partially abutting a cul-de-sac divided by the number of lots.
- h. Assessable footage for sewers (re)constructed within Easements shall be equal to the centerline length of easement falling within the property. Assessments will be levied to only those properties with lateral connections to the easement sewer. The easement length will be considered as "frontage" for purposes of calculating multiple-frontage reductions (see 7a. above).

VI. STORM SEWER LATERALS

A. General Information

- 1. For new development funded by the City, the total cost of lateral installation will be assessed to the property.
- 2. The assessment rate for reconstruction of laterals and construction of new laterals in existing developed streets will be 50% of the actual construction cost.
- 3. Street Reconstruction:
 - a. Arterial Streets – Prior to total reconstruction of a street, storm laterals shall be installed to all properties that are not yet served.
 - b. Non-arterial Streets – Prior to total reconstruction of a street, storm laterals shall be installed to all properties not zoned R-1 or R-2. In addition, laterals shall be installed to residential properties based on needs identified under the mini-sewer and rehabilitation programs.

B. Calculation Guidelines

- 1. Assessments for laterals will be based on the unit cost per foot as indicated in the chart in section V.A applied to the length of the lateral between the storm sewer and the property line. The length of lateral assessed shall not exceed ½ the street right-of-way width.
- 2. Assessments for laterals within cul-de-sacs will be based on the actual length of lateral installed, but shall not exceed the right-of-way radius for the cul-de-sac bulb.
- 3. The cost of installing new laterals to properties zoned R-1 or R-2 will be borne by the Stormwater Utility unless the property was annexed after January 1, 1999.
- 4. Assessments for laterals connected to sewers within easements will be based on actual length of lateral installed, but not to exceed ½ the right-of-way width of the street for which the property is addressed.

VII. WATERMAINS AND SERVICES

A. General Information

WATER MAIN (not including New Subdivisions)		R-1,R-2,R-3 Zoning		C-1, C-2 Zoning		All Other Zoning**	
		New	Recon.	New	Recon.	New	Recon.
	Max. Size (Diameter)	8"	8"	12"	12"	16"	16"
	Max. Depth	-	-	-	-	-	-
	Assessed at (%)	100%	0%*	100%	0%*	100%	0%*
	Multiple Frontage Reduction	Yes*	Yes*	Yes*	Yes*	None	None
	Current Rate	Actual Cost	Actual Cost	Actual Cost	Actual Cost	Actual Cost	Actual Cost
(Y=Assessed N =Not Assessed)		New		Reconstruction		Individual Rates (if not included in current Rate above)	
Construction Items							
Administrative Fees		Y		N*		-	
Property Owner Notification		Y		N*		-	
Local Water Main		Y		N*		-	
Transmission Main		N*		N*		-	
Valves		Y		N*		-	
Hydrants		Y		N*		-	
Hydrant Leads		Y		N*		-	
1"- 1 1/4" Water Service (Including connection) In New Street(s)		Y		N*		Actual Cost	
1"- 1 1/4" Water Service (Including connection) In Existing Street(s)		Y		N*		Actual Cost	
1 1/2" - 2" Water Service (Including connection) In New Street(s)		Y		N*		Actual Cost	
1 1/2" - 2" Water Service (Including connection) In Existing Street(s)		Y		N*		Actual Cost	
Pipe Bedding		Y		N*		-	
Pipe Backfill Material		Y		N*		-	
Terrace Restoration		Y		N*		-	
Seed & Mulch		Y		N*		-	
Pavement Restoration		N		N		-	
Sawcutting		N		N		-	
Asphalt removal		N		N		-	
Concrete Removal		N		N		-	
Sidewalk Removal		N		N		-	
Erosion Control		Y		N		-	

* See Calculation Guidelines

** Residential Use Properties to be Assessed as R-2

B. Calculation Guidelines – Water Mains and Services

1. Assessments will be levied according to the front foot dimensions of abutting property, except as noted. The assessment rate will be determined on the basis of actual construction cost required by the city for development:
 - a. R-1, R-2 and R-3 zoning. All costs to construct water main up to and including 8" main, hydrants and valves.
 - b. C-1 and C-2 zoning. All costs to construct water main up to and including 12" main, hydrants and valves.

- c. Other zoning. All costs to construct water main up to and including 16" main, hydrants and valves.
 - d. Water main installed for transmission use shall not be assessed, except if no other main is available for service. The property shall be assessed at the rate of the year the main was installed based on zoning at the time of connection.
 - e. All costs to furnish and install hydrants, including leads and valves shall be assessed.
 - f. In-kind water main reconstruction, including hydrants and leads, is not assessed.
 - g. All additional costs to upgrade a water main, including additional valving due to a service and/or fire line, when requested, shall be borne by the property owner.
 - h. New, and/or additional water main(s) installed for circulation and/or looping in a developed area shall not be assessed, except in case of B1.d.
2. Permission to connect to the City water main prior to annexation must be obtained from the Common Council through the Utilities Committee.
 3. Any lot or parcel within the corporate limits which has not paid a water main assessment when the main was installed will, at the time the water lateral permit is taken out, be required to pay the connection fee with the lateral permit fee. Payment of a connection fee must be made in full prior to connecting. The connection fee, equivalent to the front foot water main assessment, will be based on the assessment rate the year the main was installed. Payment for connection fees may be made in accordance with Section XI.
 4. New Service Installation. The property owner or developer per Schedule Cz-1 (attached) shall pay all installation costs from the main through and including the curb shut-off.
 5. Replacement of Service. All additional cost to upgrade a service (example, 1" copper to 4" service line) shall be borne by the property owner or developer per Schedule X-2 (Attached).
 6. Public owned property, including lands under the jurisdiction of the Board of Education, Parks and Recreation Committee and other branches of city & county governments, churches and private schools and other exempt properties will be assessed 100% of the C-1, C-2 assessment rate regardless of the zoning.
 7. Calculation Guidelines (see chart for applicability):
 - a. On multiple frontage lots zoned R-1, R-2 or R-3, the shortest side will be assessed at 100% of the assessment rate. On the other sides, the first 120 feet of each side will be assessed at 0% of the assessment rate. The balance of the frontage will be assessed at 100% of the assessment rate.
 - b. No corner lot exception will be provided for combined properties that did not meet the corner lot criteria prior to their combination.
 - c. Where water main exists across an entire parcel frontage, but construction only occurs along part of a parcel's total frontage, assessments will be calculated based on the partial frontage. The balance will be assessed as work is completed along the remaining frontage. Where water main exists along only a portion of the parcel frontage, the entire frontage will be assessed.
 - d. On multiple frontage lots where all sides have equal frontage, the side to be considered the short side is the "Addressed" side.
 - e. For cul-de-sac lots, the assessable footage for each lot shall be the sum of frontages for all lots fully or partially abutting a cul-de-sac divided by the number of lots.

- f. Assessable footage for water mains (re)constructed within Easements shall be equal to the centerline length of easement falling within the property. Assessments will be levied to only those properties with service connections to the easement main. The easement length will be considered as “frontage” for purposes of calculating multiple-frontage reductions (see 7a. above).
- g. Assessments for water services will be based on the unit cost per foot as indicated in the chart in section VII.A applied to the length of the service between the main and the property line. The length of water service assessed shall not exceed ½ the street right-of-way width.
- h. Assessments for water services within cul-de-sacs will be based on the actual length of service installed, but shall not exceed the right-of-way radius for the cul-de-sac bulb.
- i. Assessments for laterals connected to watermain within easements will be based on actual length of lateral installed, but not to exceed ½ the right-of-way width of the street for which the property is addressed.

VIII. STREET LIGHTING

A. Calculation Guidelines

1. Assessments for non-decorative streetlights will be levied according to the front foot dimensions of abutting property except as noted.
2. Assessments will be levied at the time of and in conjunction with the initial street light installation.
3. The assessment rate will be based on the actual cost of installation.
4. The assessment rate for replacement of existing streetlights will be based upon the additional cost of enhanced features beyond standard street light requirements.

B. Assessment Exceptions:

- a. On multiple frontage lots zoned R-1, R-2 or R-3, the shortest side will be assessed at 100% of the assessment rate. On the other sides, the first 120 feet of each side will be assessed at 0% of the assessment rate. The balance of the frontage will be assessed at 100% of the assessment rate.
- b. On inside corner or multiple frontage lots, the side or sides precluded from access is not included in the assessment frontage.

IX. NEW SUBDIVISIONS

A. General Information

NEW SUBDIVISION DEVELOPMENT		Subdivisions Platted prior to 1/1/04 or after 12/31/14	Subdivisions Platted between 1/1/04 and 12/31/14
	Funding Mechanisms	Private Contracts / City Funds (Assessable)	Private Contracts /Standby Lines of Credit
	Development Agreement Required?	No	Yes
	Assessed at (%)	100%	100%
	Assessment Rates	Actual Costs Incurred.	Actual Costs Incurred.
Construction Items		(Y=City Funded/Assessable D=Developer Financed)	(Y=City Funded/Escrow Draws D=Developer Financed)
		Platted Prior to 1/1/04	Platted After 12/31/14
City Administrative Fees		Y	Y
Area Assessment - Sanitary		Y	Y
Park Fees		Y	D
Regional Stormwater Facilities		Y	Y
Sewer Televising		Y	Y
Temporary Asphalt Pavement		Y	Y
Concrete Pavement ⁺		Y	Y
Sidewalks		Y	Y
Boulevard Trees		Y	Y
Street Name Signs		Y	Y
Traffic Control Signs		Y	Y
Sanitary Sewer		D	D
Sanitary Overbuild		D	D
Storm Sewer		D	D
Storm Overbuild		D	D
Water Main		D	D
Water Main Overbuild		D	D
Sanitary Laterals		D	D
Storm Laterals		D	D
Water Services		D	D
Rear-yard Drains		D	D
Grading & Graveling (Right-of-way)		D	D
Lot Grading		D	D
Private Utilities (Gas, Electric, Telephone, Cable TV)		D	D
Seed & Mulch (Right-of-way)		D	D
Seed & Mulch (Lot areas)		D	D
Street Lights		D	D
Erosion Control		D	D

* See Calculation Guidelines

⁺ See Section IX.B.2 for exceptions

B. Calculation Guidelines – New subdivisions

1. The City does not provide funding for New Subdivisions platted between January 1, 2004 and December 31, 2014 except as indicated in the chart above. Escrow accounts or

- irrevocable lines of credit will be required of developers for all items administered or installed by the City.
2. For subdivisions platted prior to 1/1/04 or after 12/31/14, assessments for concrete pavement shall be levied in accordance with Section I.A. of this policy.
 3. Engineering fees for new subdivision developments shall be included in assessments. Included shall be preparation of plans and specifications, consultant fees, material testing fees, field survey, inspection and assessment preparation.
 4. Individual lots within but not part of a new development when funded by the city shall be assessed at the current city interest rate.
 5. Extraordinary sanitary sewer construction costs not to be assessed include pipes larger than 12" and depths greater than 16' when project funded by the city.
 6. Typical residential street lighting will consist of 100-watt sodium vapor lamps on a wooden pole, mounted 30 feet high, spaced 250 to 300 feet apart.
 7. The effective date for interest to begin accumulating on new subdivision developments will be the date of invoice. This includes all city utilities and street work.
 8. Storm sewer area assessment for regional facilities built prior to 3-1-2006 shall be based on the cost of storm sewer needed to serve the subdivision and the share of downstream trunk main.

X. SPECIAL CHARGES

A. General definition

1. Special charges shall accrue interest starting 30 days following the invoice date. Interest shall accrue at the same rate as for special assessments. (Board of Public Works, June 6, 1990).

XI. METHOD OF PAYMENT

A. General Definition

1. Lump sum payment to be paid at due date.
2. One installment if the assessment is \$1000 or less.
3. Five equal annual installments if the assessment is greater than \$1000.
4. Deferred payments will bear an interest at the rate of prime plus 3.00% per annum on the unpaid balance.
5. Separate current year special assessment bills may be combined to establish eligibility for the \$1000 limit for installment payment options. Finance Department must be notified prior to November 1.

XII. APPEAL PROCESS

- 1. If the governing body decides to reconsider and reopen any assessment, the body may, after giving a public notice as required for the initial assessment, and after a public hearing, amend, cancel or confirm the prior assessment. Any request for a change to the first assessment, must be made within 30 days of the passage of the original final resolution. The Clerk shall publish a notice of any resolution changing the assessment, as was done with the original assessment.**

XIII. MISCELLANEOUS

1. Deferred payment of special assessments is not permitted. (See WI Statutes Chapter 74.)
2. Any construction project where right-of-way acquisition would contribute to 25% or more of the assessment rate shall be brought to the Board of Public Works for review and establishment of an appropriate assessment rate. In establishing this rate, the Board will consider assessment rates for similar projects and any other information it considers relevant.

XIV. REFERENCED ITEMS

1/17/83 Street and Sanitation Committee #3

The following policy concerning sump pump discharges adopted, "When streets are paved where storm sewer laterals exist, curb openings for sump pump discharges or surface drainage shall not be allowed."

7/06/83 Street and Sanitation Committee #6

Most of this information has been put in Appendix IX Stormwater/Clear Water Discharges

3/03/93 Street and Sanitation Committee #10

Any driveway adjacent to a street paving project that is not used will be closed with curb and gutter and will have the terrace reseeded in conjunction with the street paving. The cost of this work is to be included with the assessment for curb and gutter on the project.

Any driveway aprons without improved surfaces shall be either paved with permanent surface or abandoned and closed in conjunction with a street paving project. The cost of either option will be assessed to the property.

2/02/94 Board of Public Works Report - This was adopted as part of the assessment policy.

"Publicly owned property, including lands under the jurisdiction of the Board of Education, Park Board, Water Department and other branches of city, state or county governments, and churches and private schools be assessed 100% of the assessment rate.

11/16/94 Municipal Services Committee #2 - "Resolved, that when a property asks for a second curb cut, the two neighboring properties to each side of the requesting property be notified and asked if they have any problems with the curb cut. If any of the four (4) properties are against the second curb cut, the request must be brought to Municipal Services Committee and Council for approval, thus all neighbors have an avenue for input."

1/18/95 Board of Public Works #3 - The Board reaffirms its previous recommendation that: The special assessment policy for stormwater that recovers 75% of costs from new developers and 40% from existing benefiting owners be approved. Existing is defined as that

a building permit has been issued at the time of adoption of the policy by the Common Council.

1/17/96 Board of Public Works – This was adopted with the assessment policy.

Sidewalks B.2 – The assessment rate for reconstruction of sidewalks will be 125% of the rate of new sidewalks.

9/03/97 Municipal Services Committee – Amended Driveway Opening Policy “Any driveway adjacent to a street reconstruction project that is not used will be permanently paved or closed with curb and gutter and will have terrace reseeded in conjunction with the street work.

3/03/99 Board of Public Works – “Resolved, that the repair and replacement of existing sidewalks in the green dot program be paid by the general fund after green dot has gone through the City once. All hazardous sidewalks as defined by City criteria will be replaced at City cost.”

5/15/13 Board of Public Works – Prime plus 3% will be the rate set for the 5-year payment option.

XV. 2016 SPECIAL ASSESSMENT RATES

Sanitary Sewer Laterals Reconstruction	4” > 4”	\$48.30/ft \$52.00 actual cost
Storm Sewer Reconstruction up to & including 15" main:		\$32.00/ft \$36.00
Storm Sewer Laterals Reconstruction	6" 8" 10" 12" > 12”	\$26.00/ft \$31.00 \$30.00/ft \$37.00 \$33.00/ft \$40.00 \$38.00/ft \$43.00 actual cost
New Water Main - Zoning R1, R2, R3	up to & including 8" main:	actual cost
Zoning C1, C2	up to & including 12" main:	actual cost
Other Zoning	up to & including 16" main:	actual cost

Rates for previous Stormwater Detention Basins (Cost per ERU’s)

SE Basin	75% of cost	\$173.25
	40% of cost	92.40

AAL Basin	75% of cost	\$430.20
	40% of cost	229.44

Meade Pond	\$797.04
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Holland Pond	\$345.78
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Ashbury Pond	\$593.76
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Mud Creek South Pond	\$815.00 (2002 basin rate)
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Cost for 2003 basins	\$860.00
Southpoint Commerce Park Pond North (K2a), Plank Road West	
Cost for 2004 basins	\$915.00
Southpoint Commerce Park Pond South (K2B)	
Cost for 2005 basins	\$1,104.00
Plank Road Northwest Pond	

Sheet No.1 of 1
Schedule No.Cz-1
Amendment No. 60

Public Service Commission of Wisconsin
Appleton Water Department

WATER LATERAL INSTALLATION CHARGE

Subdivision developers shall be responsible, where the main extension has been approved by the utility, for the water service lateral installation costs from the main through the curb stop and box.

When the cost of a utility main extension is to be collected through assessment by the municipality, the actual average water lateral installation costs from the main through the curb stop and box shall be included in the assessment of the appropriate properties.

The initial water service lateral(s), not installed as part of a subdivision development or an assessable utility extension, will be installed from the main through the curb stop and box by the utility, for which the actual cost will be made.

EFFECTIVE: May 1, 2001
PSCW AUTHORIZATION: 190-WR-108
RATE FILE

Public Service Commission of Wisconsin
Appleton Water Department

WATER LATERAL INSTALLATION CHARGE

Water mains will be extended for new customers on the following basis:

- A. Where the cost of the extension is to immediately be collected through assessment by the municipality against the abutting property, the procedure set for under Wis. Stat. 66.0703 will apply, and no additional customer contribution to the utility will be required.
- B. Where the municipality is unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis as follows:
 - 1. The applicant(s) will advance as a contribution in aid of construction, the total amount equivalent to that which would have been assessed for all property under (A).
 - 2. Part of the contribution required in (1) will be refundable. When additional customers are connected to the extended main within ten years of the date of completion, contributions in aid of construction will be collected equal to the amount, which would have been assessed under (A) for the abutting property being served. This amount will be refunded to the original contributor(s). In no case will the contributions received from additional customers exceed the proportionate amount, which would have been required under (A) or will it exceed the total assessable cost of the original extension.
- C. When a customer connects to a transmission main or connecting loop installed at utility expense within 10 years of the date of completion, there will be a contribution required of an amount equivalent to that which would have been assessed under A.

EFFECTIVE: May 1, 2001
PSCW AUTHORIZATION: 190-WR-108

Resolution Approving Amendment to Foremost Farms Financing

WHEREAS, the City of Appleton, Wisconsin (the "Issuer") has heretofore issued its \$30,000,000 City of Appleton, Wisconsin Variable Rate Demand Recovery Zone Facility Bonds (Foremost Farms Project), Series 2010 (the "Bonds"), pursuant to that certain Trust Indenture dated as of May 1, 2010 (the "Original Indenture"), between the Issuer and Wells Fargo Bank, National Association, a national banking association (the "Trustee");

WHEREAS, the Issuer entered into a Loan Agreement dated as of May 1, 2010 (the "Loan Agreement") between the Issuer and Foremost Farms USA, Cooperative, a Wisconsin cooperative (the "Borrower"), pursuant to which the Issuer made a loan to the Borrower of the proceeds of the Bonds, and the Borrower agreed to pay debt service on the Bonds as and when due;

WHEREAS, the Borrower has requested that the Issuer amend the Original Indenture to clarify the events causing the Bonds to be subject to mandatory tender and to provide notice to the holders of such events; and

WHEREAS, a draft First Supplemental Trust Indenture (the "First Supplement") amending the Original Indenture for such purpose has been presented to and considered by the Common Council.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF APPLETON, as follows:

1. Approval of First Supplement. The Common Council of the City hereby approves and authorizes the execution and delivery of the First Supplement in substantially the form presented to the meeting at which this resolution is adopted (which form is hereby adopted in all respects as if set out in full in this resolution), with such changes and additional terms as the Mayor shall approve.
2. Other Documents. The Mayor and City Clerk of the City are hereby authorized to execute and deliver any and all other documents necessary or convenient to effectuate the amendment with respect to the Bonds.

ADOPTED this ____ day of _____, 2017.

By: _____

Mayor
City of Appleton, Wisconsin

Attest:

City Clerk of
the City of Appleton, Wisconsin

[Draft 08.03.17]

FIRST SUPPLEMENTAL INDENTURE

dated as of September 15, 2017

supplementing the

TRUST INDENTURE

between

CITY OF APPLETON, WISCONSIN, as Issuer

AND

WELLS FARGO BANK, NATIONAL ASSOCIATION, as Trustee

dated as of May 1, 2010

FIRST SUPPLEMENTAL INDENTURE

This FIRST SUPPLEMENTAL TRUST INDENTURE dated as of September 15, 2017 (this "First Supplement") supplementing that certain Trust Indenture dated as of May 1, 2010 is entered into by CITY OF APPLETON, WISCONSIN, a city and municipal corporation organized and existing under and pursuant to the laws of the State of Wisconsin, as amended and supplemented from time to time (the "Issuer"), and WELLS FARGO BANK, NATIONAL ASSOCIATION, a national banking association (the "Trustee"), and joined by FOREMOST FARMS USA, COOPERATIVE, a Wisconsin cooperative (the "Borrower").

Recitals

A. The Issuer has heretofore issued its \$30,000,000 City of Appleton, Wisconsin Variable Rate Demand Recovery Zone Facility Bonds (Foremost Farms Project), Series 2010 (the "Bonds"), pursuant to that certain Trust Indenture dated as of May 1, 2010 (the "Original Indenture"), between the Issuer and the Trustee.

B. The Borrower has requested, and the Issuer and Trustee agree, to amend the Original Indenture to clarify the events causing the Bonds to be subject to mandatory tender and to provide notice to the holders of such events.

C. The Borrower is joining as a party to this First Supplement in order to acknowledge and accept the changes effected by this First Supplement, and _____ (the "Bondholder"), in its capacity as the holder of 100% of the Outstanding Bonds, has approved this First Supplement.

D. The consent of CoBank, ACB, as the "Bank" under the Original Indenture, to the execution and delivery of this First Supplement is attached hereto as *Exhibit A*.

NOW, THEREFORE, for and in consideration of the premises and the mutual covenants hereinafter contained, the parties hereto covenant, agree and bind themselves as follows:

SECTION 1. Definitions

For all purposes of this First Supplement, capitalized terms not otherwise defined in this First Supplement have the meanings assigned in the Original Indenture.

SECTION 2. Amendment of Section 3.01 of the Original Indenture. Section 3.01 of the Original Indenture is hereby amended and restated in its entirety to read as follows:

“Section 3.01. Purchase of Bonds. The Tender Agent shall effect the purchase of Bonds eligible for tender at its designated office in the City of Portland, Oregon, or such other office designated therefor by the Trustee, from any Owner of such Bonds (other than the Borrower, the Bank or the Issuer), at the Purchase Price but solely from and to the extent of the funds described in Section 3.04 and for the account of the Persons described in Section 3.05:

- A. on the third Business Day following the day on which the Trustee receives written notice from the Bank that an Event of Default has occurred under (and as defined in) the Reimbursement Agreement which notice directs the Trustee to purchase the Bonds;
- B. on the second Business Day preceding the date on which the Bonds are no longer entitled to the benefit of a Letter of Credit because the Letter of Credit has been terminated in accordance with its terms or at the request of the Borrower pursuant to Section 2.12 of the Agreement; and
- C. while the Bonds are in an Adjustable Long Period and not entitled to the benefits of a Letter of Credit, on the second Business Day preceding the day on which the Bonds will be entitled to the benefits of a Letter of Credit.
- D. On any Adjustment Date during which the Bonds are not in a Weekly or other Short Mode.
- E. On any Conversion Date.
- F. While the Bonds are in the Weekly Mode, on the Rate Change Date which occurs at least seven days after receipt of notice to tender Bonds by Bondholders to the Tender Agent and which occurs while the Letter of Credit is in effect hereunder.
- G. On the Purchase Date selected by the Tender Agent for the release of either the Letter of Credit or any Confirming Letter of Credit, but not both (in connection with the substitution of the Letter of Credit or any Confirming Letter of Credit, as the case may be, then in effect).

The owner of Bonds required to be tendered under this Section 3.01D., E., F. or G. may not elect to retain its Bonds.

Not later than the 5th day preceding the date on which the Letter of Credit may no longer be drawn upon for the payment of principal of, interest on, and Tender Price for, the Bonds as a result of the occurrence of any of the events described in the preceding paragraph, the Trustee shall give Immediate Notice to the owners of the Bonds (i) describing the event which has caused the Bonds to be subject to mandatory tender pursuant to this Section 3.01 and (ii) that the Bonds are required to be purchased on the date described above.

The Tender Agent shall apply the proceeds of remarketing of such tendered Bonds by the Remarketing Agent and shall apply the proceeds of a draw by the Trustee under the Letter of Credit to pay the Purchase Price of the tendered Bonds at or before 5:00 p.m. Central time on the Purchase Date and shall each dispose of Bonds so tendered, or deemed to be so tendered, for sale, as provided in this Article. The Trustee and the Remarketing Agent, as the case may be, shall take all actions reasonably required in order to make such proceeds available to the Tender Agent by no later than 11:00 a.m. Central time on the Purchase Date. Neither the Trustee nor the Remarketing Agent shall be obliged to advance funds of their own to consummate tender and remarketing of the Bonds. If moneys sufficient to pay the Purchase Price of all bonds to be tendered on any Purchase Date are not available, no purchase shall take place on such Purchase Date and all tendered bonds shall be returned to the Owner thereof, and all remarketing proceeds shall be returned to the Remarketing Agent for return to that individual or organization which supplied the proceeds to the Remarketing Agent for use on the Purchase Date."

SECTION 3. Amendment of Section 3.03B. of the Original Indenture. Section 3.03B. of the Original Indenture is hereby amended and restated in its entirety to read as follows:

"B. The Paying Agent shall give notice of a mandatory tender to the Trustee, the Borrower, the Bank, each Confirming Bank, if any, the Tender Agent, the Remarketing Agent, and each Owner of Bonds and, if the Bonds are then rated by any of Moody's, Fitch or S&P, to such applicable rating agency, by Mail, no later than the fourteenth (14th) day preceding the dates set forth in Section 3.01A.-E. and G. (and with each Bond bearing interest at a Weekly Rate which is authenticated and delivered after such fourteenth (14th) day, upon such delivery), and each of such dates shall be a 'Mandatory Tender Date'.

"Any notice provided by the Paying Agent pursuant to subsection 3.03B with respect to a Mandatory Tender Date as defined in Section 3.01A.-C. may be revoked not less than three Business Days prior to the mandatory tender date set forth in such notice."

SECTION 4. Bond Form

An allonge, in the form attached hereto as Exhibit B, reflecting the amendments to the Original Indenture, shall be executed by the Issuer and appended to the form of Bond.

SECTION 5. Ratification of Original Indenture and Loan Agreement

The Original Indenture and the Loan Agreement, in all other respects, are hereby ratified and confirmed.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the Issuer, the Trustee and the Borrower have caused this instrument to be duly executed and attested.

CITY OF APPLETON, WISCONSIN

By: _____
Title: Mayor

Attest: _____
By: _____
Title: City Clerk

**WELLS FARGO BANK, NATIONAL
ASSOCIATION, as Trustee**

By: _____
Title: _____

Approved by:

**FOREMOST FARMS USA, COOPERATIVE,
as Borrower**

By: _____
Title: _____

Exhibit A

Consent of Bank

The undersigned CoBank, ACB, as the "Bank" under that certain Trust Indenture dated as of May 1, 2010 (the "Original Indenture") by CITY OF APPLETON, WISCONSIN, a city and municipal corporation organized and existing under and pursuant to the laws of the State of Wisconsin, as amended and supplemented from time to time (the "Issuer"), and WELLS FARGO BANK, NATIONAL ASSOCIATION, a national banking association (the "Trustee"), pursuant to the requirements of Section 12.03 of the Original Indenture, does hereby consent to the execution and delivery of that certain First Supplemental Indenture dated as of September 15, 2017 between the City and the Trustee and agreed to by Foremost Farms USA, Cooperative.

Date: September 15, 2017.

CoBank, ACB

By: _____
Title: _____

Exhibit B

**United States of America
City of Appleton, Wisconsin**

**Variable Rate Demand
Recovery Zone Facility Revenue Bonds
(Foremost Farms Project), Series 2010**

Allonge to Bond

The following paragraph shall be added to Part III of the form of Bond:

"Purchase Upon Release of Letter of Credit or Confirming Letter of Credit in Connection with Substitution. The Bonds shall also be purchased on the Purchase Date selected by the Tender Agent for the release of either the Letter of Credit or any Confirming Letter of Credit, but not both (in connection with the substitution of the Letter of Credit or any Confirming Letter of Credit, as the case may be, then in effect). The owner of Bonds required to be tendered as described in this paragraph may not elect to retain its Bonds."

This allonge shall be appended to and shall be a part of the form of Bond.

IN WITNESS WHEREOF, the City of Appleton, Wisconsin has caused this allonge to Bond to be executed and attested by its duly authorized officers.

CITY OF APPLETON, WISCONSIN

By: _____
Title: Mayor

Attest: _____
By: _____
Title: City Clerk



July 19, 2017

To: Fox Cities Transit Commission
Finance Committee

From: Debra Ebben
Administrative Services Manager

Subject: Acceptance of 2017 WISDOT Capital funds transfer to Operating Grant.

Background:

Valley Transit is a direct recipient of Federal Transit Administration (FTA) Capital funds through the 5339 grant program. Wisconsin Department of Transportation (WISDOT) also receives FTA Capital funds to distribute to the Tier B properties throughout Wisconsin. WISDOT has transferred Valley Transits apportionment to us through our federal operating grant.

Valley Transit's 2017 apportionment is \$88,088; which we have applied for directly from the FTA. The FTA provides these funds as an 80/20 grant; 80% grant funded and 20% local match. Valley Transit has applied for the funding and intends to use it to refurbish the bus washer. The local share will be paid out of Valley Transit's depreciation fund. The costs associated with this grant are as follows:

80% funding from FTA:	\$88,088
20% local match (depreciation account):	<u>\$22,022</u>
Total eligible project cost:	\$110,110

Recommendation:

That the Transit Commission and the Finance Committee accept the 2017 WISDOT Capital funds transfer \$110,110 (\$88,088 federal, \$22,022 from Valley Transit's depreciation reserve) and that Valley Transit's spending authority for 2017 be modified to include the new capital funds.



Wisconsin Department of Transportation

www.dot.state.wi.us

Scott Walker
Governor

Dave Ross
Secretary

Bureau of Transit, Local Roads, Railroads
and Harbors
4802 Sheboygan Ave.
P O Box 7913, Room 951
Madison, WI 53707-7913

FAX: 608-266-0658

July 11, 2017

Mr. Ronald McDonald
Valley Transit
801 S. Whitman Avenue
Appleton, WI 54914

Dear Mr. McDonald:

The Fixing America's Surface Transportation Act (FAST Act) allows the Wisconsin Department of Transportation (WisDOT) to transfer Section 5339 Bus and Bus Facilities Program statewide apportionment funds to urbanized transit systems under the Section 5307 program. WisDOT intends to work with the Federal Transit Administration – Region V to transfer **\$88,088** of FFY2017 Section 5339 funds to the Appleton Urbanized Area's allotment of 5307 funds. These funds will go to Valley Transit, the designated recipient for the urbanized area.

Should you have any questions concerning this distribution of federal funds, please contact me at (608) 266-0189.

Sincerely,

A handwritten signature in black ink, appearing to read 'I. Ritz', is positioned above the typed name of the sender.

Ian Ritz, Chief
Transit Section



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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 8/21/2017

RE: Action: Award the "2017 Wastewater Tunnel Painting Project" to M.V. Klinger Painting Co, Inc. for a not-to-exceed contract of \$90,000.

The 2017 Capital Improvement Plan includes \$100,000 for painting in the tunnels at the Wastewater Treatment Plant. Of that amount, \$7,500 has been utilized for professional services, leaving a balance of \$92,500 for construction. This project includes preparation and painting of the tunnel between the S building and L building.

The bids were received as follows: (Though five companies attended the walk-through we only received one bid). The work is challenging and requires significant crack filling with an epoxy injection prior to painting, thus losing the interest of the other prospective bidders.

M.V. Klinger Painting Co, Inc. (low bid) \$124,375

This bid exceeded our budgeted amount, thus we worked with the contractor to define a reduced scope of work so that work could continue to address the most urgent matters which are cracks in the tunnel wall that are allowing moisture to enter and cause damage. The less critical work will be deferred until a later date. We consulted with the attorney's office. The course of action will be to accept the bid and then issue a deductive change order for the reduced scope of work.

The Parks, Recreation, and Facilities Management Department recommends awarding the contract to M.V. Klinger Painting Co, Inc. for \$90,000.

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



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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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

TO: Finance Committee

FROM: Dean R. Gazza

DATE: August 21, 2017

RE: Action: Award the Lutz Park Trail and Riverbank Improvements contract to Vinton Construction Company in the amount of \$305,867.96 with a contingency of 7% for a project not to exceed \$327,278.72.

The 2017 Capital Improvement Plan includes \$375,000 for the construction of a multi-use trail, lighting, shoreline redevelopment, and landscaping at Lutz Park. Of the \$375,000 budgeted, \$46,849.28 was utilized for engineering, construction management, utility relocation, and permitting which leaves a balance of \$328,150.72 for construction.

The bids were received as follows:

Vinton Construction Company	\$305,867.96
------------------------------------	---------------------

Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to Vinton Construction Company. Therefore, the Parks, Recreation, and Facilities Management Department recommends awarding the contract to Vinton Construction Company in the amount of \$305,867.96 with a contingency of 7% for a project not to exceed \$327,278.72.

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



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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 8/21/2017

RE: Action: Award the "2017 Telulah Skate Park Additions Project" to Miron Construction Co., Inc. in the amount of \$157,993 with a contingency of \$17,257 for a project total not to exceed \$175,250

Action: Approve positive balance transfer of \$60,000 from the "2017 Police Department Parking Deck Surfacing Project" to "2017 Telulah Skate Park Additions Project."

The 2016 and 2017 Capital Improvement Plan includes \$130,000 to construct upgrades and additions to the Telulah Skate Park. Of that amount, \$14,750 has been utilized for professional services, leaving a balance of \$115,250 for construction. The project includes adding new sidewalks, new skate features, landscaping, and concrete crack repairs to the Telulah Skate Park.

The bids were received as follows:

Miron Construction Co., Inc. (low bid) \$157,993

During design phase it was determined that extra concrete should be added along the perimeter of the skate park to reduce the landscape damage caused by spectators, thus raising the anticipated cost of this project. We are requesting to utilize the positive variance of \$60,000 from the 2017 Police Department Parking Deck Surfacing Project as that project was bid below the estimated project cost.

Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to Miron Construction Co., Inc. The Parks, Recreation, and Facilities Management Department has also reviewed the bids and is in agreement with the engineer's recommendation. Therefore, we recommend awarding the contract to Miron Construction Co., Inc. in the amount of \$157,993 plus a contingency of \$17,257 only to be utilized as needed.

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

STATION OFFSET TABLE W. VALLEY ROAD

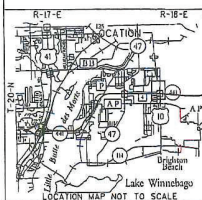
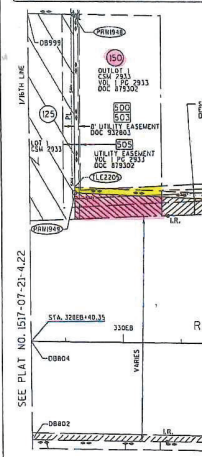
POINT	STATION	OFFSET	X	Y
DBR22	20+00.00	0	828158.165	553270.331
DBR23	19+74.84	0	827486.051	553248.801
DBR24	19+54.23	51.50 R	826883.451	553189.860
DBR25	19+20.53	51.50 R	827019.465	553152.499
DBR26	19+04.02	51.50 R	827122.789	553112.190
DBR27	18+41.43	32.81 L	827101.030	553219.101
DBR28	18+41.43	34.00 L	827193.046	553260.287
DBR29	18+07.24	33.60 L	828061.123	553215.090
DBR30	18+00.00	0	828079.216	553180.612
DBR31	17+40.65	41.80 R	827939.058	553181.156
DBR32	17+17.63	41.80 R	827746.031	553174.156
DBR33	17+00.00	0	827701.153	553208.127
DBR34	16+40.27	34.74 L	827957.805	553219.710
DBR35	16+18.27	34.74 L	827957.805	553219.710
DBR36	16+00.00	0	828000.164	553285.028
DBR37	15+40.56	42.53 L	828000.164	553285.028
DBR38	15+10.33	34.62 L	827145.964	553278.252
DBR39	15+10.33	34.62 L	827145.964	553278.252

COURSE TABLE
US 10/STH 441 REFERENCE LINE

POINT TO POINT	BEARING	DISTANCE
2017035 DBR05	N80°00'54"E	174.78
DBR05 DBR16	N87°42'55"W	136.48
DBR16 DBR26	S87°42'55"E	636.40
DBR26 2017035	S50°00'04"W	1474.78

COURSE TABLE
W. VALLEY ROAD REFERENCE LINE

POINT TO POINT	BEARING	DISTANCE
2017026 DBR23	N80°01'58"W	684.16
DBR23 DBR22	S88°11'12"E	673.17
DBR22 2017026	S55°29'11"E	108.87



CURVE	CH DISTANCE	CH BEARING	RADIUS	ARC LENGTH	PT COORDINATES
C1	636.08'	S87°42'55"E	11444.00'	836.16'	E 827942.632 / N 55195.137
C2	133.10'	S77°59'55"E	1356.00'	133.15'	E 828083.451 / N 553485.250

SCHEDULE OF LANDS & INTERESTS REQUIRED

PARCEL NUMBER	OWNER	INTEREST REQUIRED	NEW R/W ACRES	P.L.T. ACRES	1/4 SEC. ACRES
125	MURPHY ET. AL.	FEE	0.451	-	-
130	WELLS PROPERTIES, INC.	FEE-TILE	0.871	-	0.481
140	VMI ZEOLAND OIL COMPANY	FEE-TILE	0.917	-	0.944
145	HAS INVESTMENT GROUP, LLC	FEE-TILE	0.497	-	0.918
150	CITY OF APPLETON	FEE-TILE	0.191	-	0.820

*OWNER'S NAMES ARE SHOWN FOR REFERENCE PURPOSES ONLY AND ARE SUBJECT TO CHANGE PRIOR TO TRANSFER OF LAND INTERESTS TO THE WISCONSIN DEPARTMENT OF TRANSPORTATION.



THIS PLAT AND RELOCATION ORDER ARE APPROVED FOR THE WISCONSIN DEPARTMENT OF TRANSPORTATION
DATE 12/18/18
PRINT GARY R. SPLINTER

RESERVED FOR REGISTER OF DEEDS
PROJECT NUMBER: 1517-07-21-423
AMENDMENT NO: 2
ACCEPTED FOR RECORDING AND FILING IN THE OFFICE OF THE REGISTER OF DEEDS IN WINNEBAGO COUNTY, WISCONSIN AT 10:38 AM ON 12/18/18 AS DOCUMENT 1730759
SIGNATURE OF REGISTER OF DEEDS
1730759

NOTES:
POSITIONS SHOWN ON THIS PLAT ARE WISCONSIN COUNTY COORDINATES, WINNEBAGO COUNTY, MAD 43 700 IN U.S. SURVEY FEET. VALUES SHOWN ARE GRID COORDINATES, GRID BEARINGS, AND GRID DISTANCES. GRID DISTANCES MAY BE USED AS GROUND DISTANCES.
RIGHT OF WAY BOUNDARIES ARE DEFINED WITH COURSES OF THE PERMITS OF THE HIGHWAY LAWS AND ARE REFERENCED TO THE U.S. PUBLIC LAND SURVEY OR OTHER SURVEYS OF PUBLIC RECORD.
UNDERSTANDING FOR THE NEW RIGHT-OF-WAY IS MEASURED ALONG AND PERPENDICULAR TO THE REFERENCE LINE.
PROPERTY LINES SHOWN ON THIS PLAT ARE GRANT FROM DATA DERIVED FROM MAPS AND DOCUMENTS OF PUBLIC RECORD AND/OR EXISTING OCCUPANCY LINES. THIS PLAT MAY NOT BE A TRUE REPRESENTATION OF EXISTING PROPERTY LINES AND SHOULD NOT BE USED AS A SUBSTITUTE FOR AN ACCURATE FIELD SURVEY.
A TEMPORARY LIMITED EASEMENT (TLE) IS A RIGHT FOR CONSTRUCTION PURPOSES, AS DEFINED HEREIN, INCLUDING THE RIGHT TO OPERATE NECESSARY EQUIPMENT THEREON AND THE RIGHT OF REMOVAL AND REMOVAL OF MATERIALS AS LONG AS REQUIRED FOR SUCH PURPOSES. WINNEBAGO COUNTY PRESERVE, PROTECT, REMOVE, OR PLANT THICKEN ANY VEGETATION THAT THE HIGHWAY AUTHORITIES MAY BE NECESSARY TO MAINTAIN ALL LANE CAPACITY AT THE COMPLETION OF THE CONSTRUCTION PROJECT FOR WHICH THIS INSTRUMENT IS GIVEN.
RIGHT OF WAY MONUMENTS ARE TYPE 2 MONUMENTS (TYPICALLY 1" x 24" IRON PIPE) AND WILL BE PLACED PRIOR TO THE COMPLETION OF THE PROJECT.
EXISTING RIGHT OF WAY WAS REESTABLISHED UNDER PROJECT: TRANSPORTATION PROJECT PLAT NO. 1517-07-21-423, DOCUMENT NO. 150908, FILED IN FILE 1 TYP PG 204.
EXISTING ACCESS CONTROL WAS ACCURATE UNDER PROJECT: 6085-04-00.
STH 441 IN WINNEBAGO COUNTY WAS DESIGNATED AS A FREEWAY UNDER SECTION 8.435 OF THE WISCONSIN STATE STATUTES BY THE WISCONSIN DEPARTMENT OF TRANSPORTATION ON JUNE 16, 1988.
THE REFERENCE LINE SHOWN ON THIS PLAT MAY NOT BE THE SAME AS THE REFERENCE LINE SHOWN ON THE CONSTRUCTION PLAN.

CONVENTIONAL UTILITY SYMBOLS	CONVENTIONAL SYMBOLS
WATER	PROPOSED R/W LINE
GAS	EXISTING H.E. LINE
COMMUNICATION	PROPERTY LINE
ELECTRIC OVERHEAD	LOT & TIE LINES
ELECTRIC UNDERGROUND	LOT & TIE LINES
FIBER OPTIC	LOT & TIE LINES
SANITARY SEWER	LOT & TIE LINES
STORM SEWER	LOT & TIE LINES
POWER POLE	LOT & TIE LINES
TELEPHONE POLE	LOT & TIE LINES
TELEPHONE PEDESTAL	LOT & TIE LINES
ELECTRIC TOWER	LOT & TIE LINES

FILE NAME: S:\NOT\NOT\NEJ\20012-Tr-I County Freeway\Plat\1517-07-21-423-18-002.dwg
APPRAISAL PLAT DATE: 12/16/2016
PLOT BY: S.8612



APPLETON PUBLIC LIBRARY

225 North Oneida Street
Appleton, WI 54911-4780
(920) 832-6170 | FAX: (920) 832-6182

TO: Alderperson Plank, Chair
Members of the Finance Committee

FROM: Colleen Rortvedt, Library Director
James P. Walsh, City Attorney

DATE: July 18, 2017

SUBJECT: Recommendations on moving forward with mixed use RFPs for the library

At the June 20, 2017 Appleton Public Library Board of Trustees Meeting, the board approved authorizing the staff and the Board of Trustees President and his/her designee(s) bring back a proposal on how to move forward with mixed use Requests for Proposals (RFPs) for the library.

In review of other RFPs for mixed-use public-private partnership projects and in conversations with city departments, the following philosophical approaches in developing and RFPs for Appleton Public Library is recommended:

1. RFP should align with Comprehensive Plan, Parking Study, Mobility Study, proposed TIF plans, if applicable, and current library building program document
2. RFP document should be developed by city and library staff and approved by both the common council (council) and the library board
3. Proposal review and selection of finalist will follow the City of Appleton's Procurement Policy with city and library staff presenting a recommendation to the council and the library board
4. Stakeholder and community input should be a priority in the process

More specific recommendations

5. RFP should clearly focus on mixed use development
6. RFP should be for renovation and redevelopment of existing site or a new library
7. Geographic boundary should be based off an appropriate boundary so as not to not be restrictive, while taking care to incorporate only areas that can accommodate the library based on parking and access needs

Next steps should be for the City and Library staffs to identify a process for moving forward recognizing that a library building project and specifically a mixed use project requires alignment on issues that are outside of the scope of the library's authority. In addition, statutorily defined roles for the library board and common council are not always distinct and can result in misunderstanding. With a process such as this the application of statute becomes even more complex. Therefore developing a process and communication plan that respects the roles of these entities will be integral to the success.

As you are all aware, the library is a public entity and decisions for the library are public decisions. I look forward to working with the board and the city on developing and continuing this process.

City of Appleton – **Resolution #12-R-17**

May 17, 2017

Submitted by: Alderperson Martin – District 4, Alderperson Croatt – District 14, and Alderperson Plank – District 7

Referred to: Finance Committee

Whereas, the City Attorney is elected by the voters of Appleton,

And whereas, it is the responsibility of the City Attorney to uphold the constitution of the State of Wisconsin when performing duties of the job he/she is elected to,

And whereas, it is the duty of the Council and Mayor, also elected by the voters, to ensure that the citizens have the legal representation of the Attorney's office in all matters concerning the city,

And whereas, it is critical that the City Attorney be in a work environment that enables and prioritizes that responsibility,

And whereas, State Statute 62.09 (12) states that, "The attorney shall conduct all the law business in which the city is interested",

Therefor be it resolved, the Finance Committee, of which has jurisdiction over the Attorney's office, be charged with creating a policy that reaffirms the City Attorney conducts all legal work when discussing, negotiating, and drafting all agreements and law business the city is a party to, unless special counsel has been retained in circumstances that comply with city policy or State Statute.

CITY OF APPLETON POLICY		TITLE: LEGAL BUSINESS OF THE CITY	
ISSUE DATE:	LAST UPDATE:	SECTION: Finance	FILE NAME:
POLICY SOURCE: Legal Services Department – City Attorney’s Office			TOTAL PAGES:
Reviewed by Attorney’s Office Date:		Finance Committee Approval Date:	Council Approval Date:

I. PURPOSE

This policy is designed to outline the responsibilities of the City Attorney in conducting the legal business of the City of Appleton, as stated in §62.09(12)(a).

II. POLICY

The City Attorney shall be involved at all stages of any process which could result in a legal relationship between the City of Appleton and any other entity or entities.

III. DISCUSSION

Wisconsin Statutes Section 62.09(12)(a) provides, “The attorney shall conduct all the law business in which the city is interested.” Legal matters in which the City of Appleton engages shall be guided by the requirements of §62.09(12), Wis. Stats.

The full statute is as follows:

(12) Attorney.

(a) The attorney shall conduct all the law business in which the city is interested.

(c) The attorney shall when requested by city officers give written legal opinions, which shall be filed with the clerk.

(d) The attorney shall draft ordinances, bonds and other instruments as may be required by city officers.

(e) The attorney shall examine the tax and assessment rolls and other tax proceedings, and advise the proper city officers in regard thereto.

(f) The attorney may appoint an assistant, who shall have power to perform the attorney's duties and for whose acts the attorney shall be responsible to the city. Such assistant shall receive no compensation from the city, unless previously provided by ordinance.

(g) The council may employ and compensate special counsel to assist in or take charge of any matter in which the city is interested.

The City of Appleton is a municipal corporation which routinely engages in legally binding

transactions with other municipalities, corporations and individuals. It is critical that the legal interests of the City of Appleton be a necessary component of discussions and negotiations with outside parties. Inclusion of the City Attorney at the outset and throughout is an essential component of keeping the legal interests of the City in such discussions and negotiations.

This policy shall be liberally construed to achieve its purpose of involving the City Attorney, to the fullest extent practical, in all legal matters of the City to ensure the City has proper legal representation in all law matters while also allowing for City business to be conducted in an efficient manner. This policy shall supersede any previous action of the Common Council to the extent the previous actions are inconsistent with this policy.

This policy is intended to outline the areas of responsibility for the City Attorney regarding the legal business of the City. Whenever in this policy there is a reference to City Attorney, that term shall be defined as the City Attorney's Office including any Assistant City Attorneys.

The City Attorney shall be responsible for, including, but not limited to, the following:

- Drafting ordinances as approved by the Common Council
- Drafting bonds and other instruments as may be requested by City officers
- Drafting legal opinions when requested by City officers
- Drafting construction contracts on behalf of the City for City projects
- Coordination with and monitoring of all efforts by, special counsel including hired or appointed outside counsel
- Preparation of all real estate documents necessary for all real estate transactions
- Representation of the City in all traffic, ordinance civil matters and appear in court on behalf of the City when required
- Preparation of labor contracts between the City and its employees
- Negotiation and drafting of terms for development agreements
- Providing legal advice, guidance and representation in other matters, issues and the like considered law business in which the City has an interest



DEPARTMENT OF PUBLIC WORKS - Engineering Division

**100 North Appleton Street
Appleton, WI 54911
TEL (920) 832-6474
FAX (920) 832-6489**

TO: Members of the Finance and Utilities Committees

FROM: Ross Buetow, Deputy Director/City Engineer *RMB*

SUBJECT: Request for Program Modifications – 2017 Wastewater Capital Improvements (5431)

DATE: August 2, 2017

As part of the recent Erb Park swimming pool reconstruction, a new stormwater pond was installed along the southern boundary of the park. This pond is in close proximity to a 15" sanitary sewer main located within vacated Roosevelt Street right-of-way between Durkee Street and Drew Street.

Shortly after the pond was completed, it was discovered that a fairly consistent amount of liquid began seeping from the side slope of the new pond. We tested this liquid to help identify its source, but the tests were inconclusive, other than ruling out the City's water distribution system. One possible source of this seepage could be exfiltration from our adjacent sanitary sewer main.

The existing main is vitrified clay pipe installed in 1926. This type and age of pipe has historically shown large degrees of exfiltration and/or infiltration at the pipe joints. Prior to the discovery of the seepage, structural lining of this pipe was tentatively planned within the next ten year timeframe. In an effort to help address the seepage concern, we would like to advance the timeframe of the structural lining of this pipe to this construction season.

To accomplish this we propose the following:

Addition to the 2017 project list:

- Structural manhole-to-manhole lining of 463 LF of 15" sanitary main in vacated Roosevelt Street from Durkee Street to Drew Street (estimated cost \$25,000.00).

This proposed program change will not require any additional funding or any transfer of funds among business units. Sufficient fund balance exists within the Public Works Capital Improvements business unit to complete this work.

Please feel free to contact me if you have any questions regarding this request. Thank you for your consideration.

c: Tony Saucerman, Finance Director
Paula Vandehey, Director of Public Works

Department of Public Works – Engineering Division

MEMO

TO: Utilities Committee

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

DATE: August 16, 2017

RE: Amend Unit K-17 Native Landscape Management Contract with Applied Ecological Services, Inc., in an amount not to exceed \$20,000.

The Department of Public Works is requesting approval to amend the Unit K-17 Native Landscape Management Contract with Applied Ecological Services, Inc. (AES), in an amount not to exceed \$20,000. If the amendment is approved, the total contract amount will be \$163,307.83 (budget is \$205,460).

The Department of Public Works maintains an inventory of 60 ponds and biofilters, as well as several miles of open channel, with native vegetation. As work has progressed throughout the growing season, DPW has identified the need to perform additional maintenance, primarily invasive species control using herbicide and mowing. Wet weather appears to be contributing factor.

Because of the excellent bid prices obtained from AES, a significant portion of the 2017 budget remains uncontracted. AES has demonstrated excellent customer service and the ability to take on additional work.

Therefore, the Department of Public Works is requesting approval to amend the Unit K-17 Native Landscape Management Contract with Applied Ecological Services, Inc, in an amount not to exceed \$20,000.



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

Department of Utilities
Water Treatment Facility
2281 Manitowoc Road
Menasha, WI 54952
920-997-4200 tel.
920-997-3240 fax

TO: Chairperson Greg Dannecker and Members of the Utilities Committee

FROM: Utilities Director Chris Shaw

DATE: August 9, 2017

RE: *Award sole source purchase of Water Plant High Service Pump #3 & #6 Variable Frequency Drive (VFD) equipment and installation services to Werner Electric in the amount of \$85,813.75*

BACKGROUND:

The Appleton Water Treatment Facility (AWTF) utilizes 6 High Lift Service Pumps (HSLP) to pump water from out of the water plant into the City's water distribution system. Four of the HSLPs have Variable Frequency Drives (VFD) capabilities and are used almost exclusively. VFDs allow the HSLPs to ramp up and down based on demand needs in the distribution system. The #3 and #6 HSLPs were installed with soft starts. These pumps cannot be controlled to demand needs because they lack a VFD. Consequently, #3 & #6 HSLPs have not been run because they cannot be relied on to meet critical demand variability. An example of critical need would be a loss of water pressure due to a fire. If the regulatory floor level pressure is not maintained, the water system would be required to issue a public notice of poor water quality.

PROJECT OBJECTIVE:

VFDs would need to be installed on #3 & #6 HSLPs in order to realize value for capital expenditures made toward the original purchase of these pumps. The quote from Werner Electric is for VFDs and installation on the two pumps at a cost of \$85,813.75. The cost includes (2) Allen Bradley Power Flex 755 Digitally Controlled AC Drives. Also included is installation and commissioning by Rockwell Automation. Each drive provided is capable of 415 amps full load. Werner Electric is the only local provider supporting Allen Bradley and Rockwell Automation.

ELECTRICAL INSTALLATION RFQ PROCESS:

Quotes were solicited for the electrical installation of the Allen Bradley equipment. Three electrical contractors quoted and the least cost quote was provided by Van Ert Electric Company, Inc. at \$6,225.

FUNDING:

The funding source for this project is the 2017 Capital Improvement Project budget. \$146,000 was identified for total project costs.

RECOMMENDATION:

I recommend to replace the existing soft starts on #3 and #6 HLSPs with VFDs. Werner Electric Supply is the only provider of the Allen Bradley equipment. Therefore, I recommend Award sole source purchase of Water Plant High Service Pump #3 & #6 Variable Frequency Drive (VFD) equipment and installation services to Werner Electric in the amount of \$85,813.75. The new installation would be commissioned and then warrantied by Rockwell Automation for a period of one year.

INITIAL RESOLUTION

WHEREAS, the public interest requires that a portion of South Locust Street, that has not previously been vacated, be vacated and discontinued,

BE IT RESOLVED, that the Common Council of the City of Appleton, Wisconsin, hereby determines that the public interest requires that a portion of South Locust Street, City of Appleton, Outagamie County, Wisconsin, as hereinafter described, is hereby vacated and discontinued pursuant to §66.1003 of the Wisconsin Statutes.

LEGAL DESCRIPTION:

SOUTH LOCUST STREET AT C.N. WISCONSIN CENTRAL LTD. RAILROAD CROSSING

A strip of land 62 feet in width and 34.6 feet in length along its centerline:
Bounded on the East and West by the C.N. Railway-Wisconsin Central Limited;
Bounded on the North by South Locust Street;
Bounded on the South by the North line of West Lawrence Street, being located in the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼), of Section Twenty-Seven (27), Township Twenty-One (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin, containing 2,146 square feet of land m/l and being further described by:

Commencing at the Southeast corner of said Section 27;
Thence N.00°17'14"W. 862.40 feet, along the East line of the SE ¼ of said Section 27;
Thence S.89°56'24"W. 435.86 feet, to the Northeast corner of South Locust Street and West Lawrence Street and being the point of beginning;
Thence continue S.89°56'24"W. 62.00 feet, along the North line of West Lawrence Street to the West line of South Locust Street;
Thence N.00°05'54"W. 14.50 feet, along the West line of South Locust Street, to a point 20 feet Northerly of the center of the main track of the C.N. Railway-Wisconsin Central Limited, as measured at a right angle to said track;
Thence N.56°56'24"E. 73.89 feet, parallel to the main track of the C.N. Railway-Wisconsin Central Limited to the East line of South Locust Street;
Thence S.00°05'54"E. 54.74 feet, along the East line of South Locust Street to the Northeast corner of West Lawrence Street and South Locust Street and the point of beginning.

COMMON DESCRIPTION:

Railroad crossing in the 100 block of South Locust 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 of the Wisconsin Statutes, upon vacation and discontinuance of said portion of South Locust Street, title to the above-described street shall belong to the adjoining property owners and shall acquire an ownership interest in the entire area being vacated as shown on the attached Exhibit Map.

Date

J:\Attorney\WORD\VACATION\Locust (RR Xing 2017)\
Locust Street RR Xing - Initial Resolution.doc
City Law: A17-0405



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

MEMO

TO: Municipal Services Committee
City Plan Commission

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

DATE: June 6, 2017

SUBJECT: Discontinuance of Locust Street at the CN Railroad Crossing Number 179 919F.

On May 3, 2017 the City Council approved the Wisconsin Central Ltd. Railroad Donation Agreement for the trestles. This agreement included the following language:

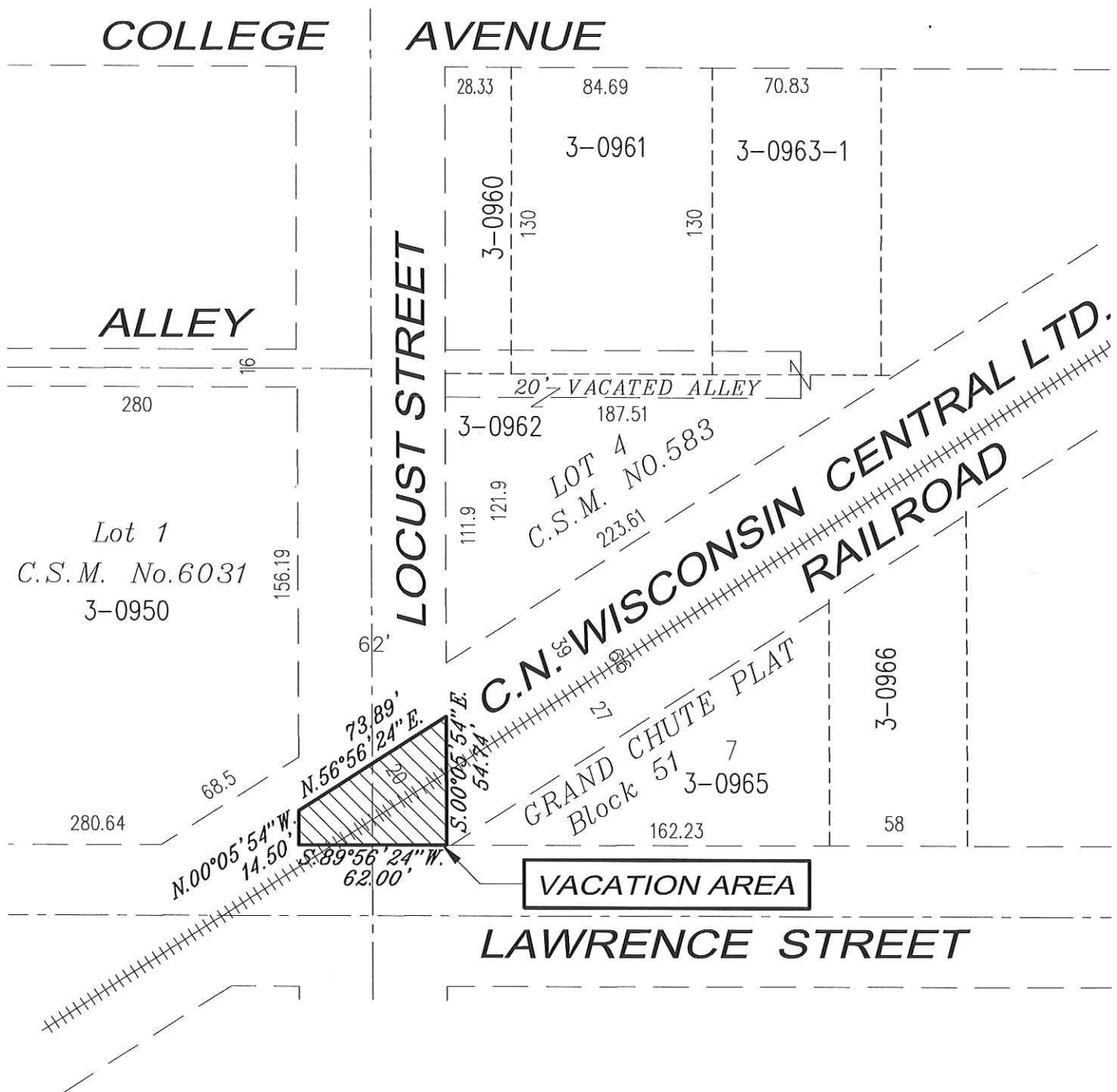
"Donee and Donor mutually agree to undertake all measures necessary for the closing of Locust Street crossing in the City of Appleton, Outagamie County, identified as crossing number 179 919F / NWF 213 78, by the Office of Commissioner of Railroads for the State of Wisconsin. The parties agree to jointly petition for the closure of said crossing with the Office of Commissioner of Railroads (OCR) for the State of Wisconsin no later than July 1, 2017."

In addition, the City Council approved the Railroad Quiet Zone Implementation Plan on September 7, 2016. The approved plan (Scenario #4) included closing the Locust Street crossing of the railroad tracks as one of twenty three (23) improvements needed to create the proposed Quiet Zone.

Therefore, we recommend approval of the discontinuance of Locust Street at the CN Railroad Crossing Number 179 919F as shown on the attached drawing and legal description.

EXHIBIT

LOCUST STREET VACATION



CITY OF APPLETON

DEPT. OF PUBLIC WORKS

ENGINEERING DIVISION

APPLETON, WISCONSIN. DWN. BY:TMK

H:\Acad\Vac and Ded\Railroad at Locust Superior Eighth 042111

**SOUTH LOCUST STREET
AT
C.N. WISCONSIN CENTRAL LTD. RAILROAD CROSSING**

LEGAL DESCRIPTION

A strip of land 62 feet in width and 34.6 feet in length along its centerline:

Bounded on the East and West by the C.N. Railway-Wisconsin Central Limited;

Bounded on the North by South Locust Street;

Bounded on the South by the North line of West Lawrence Street, being located in the Southeast Quarter(SE ¼) of the Southeast Quarter(SE ¼), of Section Twenty-Seven(27), Township Twenty-One (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin, containing 2,146 square feet of land m/l and being further described by:

Commencing at the Southeast corner of said Section 27;

Thence N.00°17'14"W. 862.40 feet, along the East line of the SE ¼ of said Section 27;

Thence S.89°56'24"W. 435.86 feet, to the Northeast corner of South Locust Street and West Lawrence Street and being the point of beginning;

Thence continue S.89°56'24"W. 62.00 feet, along the North line of West Lawrence Street to the West line of South Locust Street;

Thence N.00°05'54"W. 14.50 feet, along the West line of South Locust Street, to a point 20 feet Northerly of the center of the main track of the C.N. Railway-Wisconsin Central Limited, as measured at a right angle to said track;

Thence N.56°56'24"E. 73.89 feet, parallel to the main track of the C.N. Railway-Wisconsin Central Limited to the East line of South Locust Street;

Thence S.00°05'54"E. 54.74 feet, along the East line of South Locust Street to the Northeast corner of West Lawrence Street and South Locust Street and the point of beginning.



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Public Hearing Date: July 11, 2017

Common Council Public Hearing Meeting Date: September 6, 2017

Item: Street Discontinuance of Public Right-of-Way for Locust Street at CN Railroad Crossing

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: City of Appleton c/o Paula Vandehey, Director of Public Works

Location: Generally located in the 100 block of South Locust Street at the CN Railroad Crossing Number 179 919F

Petitioner's Request: The applicant is requesting a street discontinuance of public right-of-way for Locust Street at the CN Railroad Crossing Number 179 919F.

BACKGROUND

On May 3, 2017, the Common Council approved the Wisconsin Central Ltd. Railroad Real Estate Donation Contract for vacant land and railroad trestles. This agreement included the following language:

"Donee (City of Appleton) and Donor (Wisconsin Central Ltd., a Delaware corporation) mutually agree all measures necessary for the closing of Locust Street crossing in the City of Appleton, Outagamie County, identify as crossing number 179 919 F / NWF 213 78, by the Office of the Commissioner of Railroads for the State of Wisconsin. The parties agree jointly petition for the closer of said crossing with the Office of Commissioner of Railroads (OCR) for the State of Wisconsin no later than July 1, 2017"

Contract details can found per link below.

- <https://cityofappleton.legistar.com/LegislationDetail.aspx?ID=3027263&GUID=146857AC-0A33-433E-B8AF-5E4AD061190F&Options=&Search=>

On September 7, 2016, the Common Council approved the Railroad Quiet Zone Implementation Plan. The approved plan (Scenario #4) included closing Locust Street crossing as one of twenty three (23) improvements needed to create the proposed Quiet Zone.

Scenario #4 details can found per link below.

- <https://cityofappleton.legistar.com/LegislationDetail.aspx?ID=2814770&GUID=6275BDAA-92BD-4876-BA80-F5FA46E20954&Options=&Search=>

STAFF ANALYSIS

Title to Discontinued Street: Title to the portion of this street being discontinued will belong to the City.

Street Classification: The City's Arterial/Collector Plan Map identifies this portion of Locust Street as a local street.

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 a mix of residential and commercial in nature.

North: CBD Central Business District – Existing Locust Street right-of-way is immediately north of the subject area.

South: CBD Central Business District – Existing Lawrence Street right-of-way is immediately south of the subject area.

East: CBD Central Business District – Existing C.N. Wisconsin Central Ltd. Railroad right-of-way is immediately east of the subject area.

West: CBD Central Business District – Existing C.N. Wisconsin Central Ltd. Railroad right-of-way is immediately west of the subject area.

Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future one and two-family residential uses. The proposed street right-of-way discontinuance is consistent with the following goal of the *Comprehensive Plan 2010-2030*.

Goal 4 – Transportation

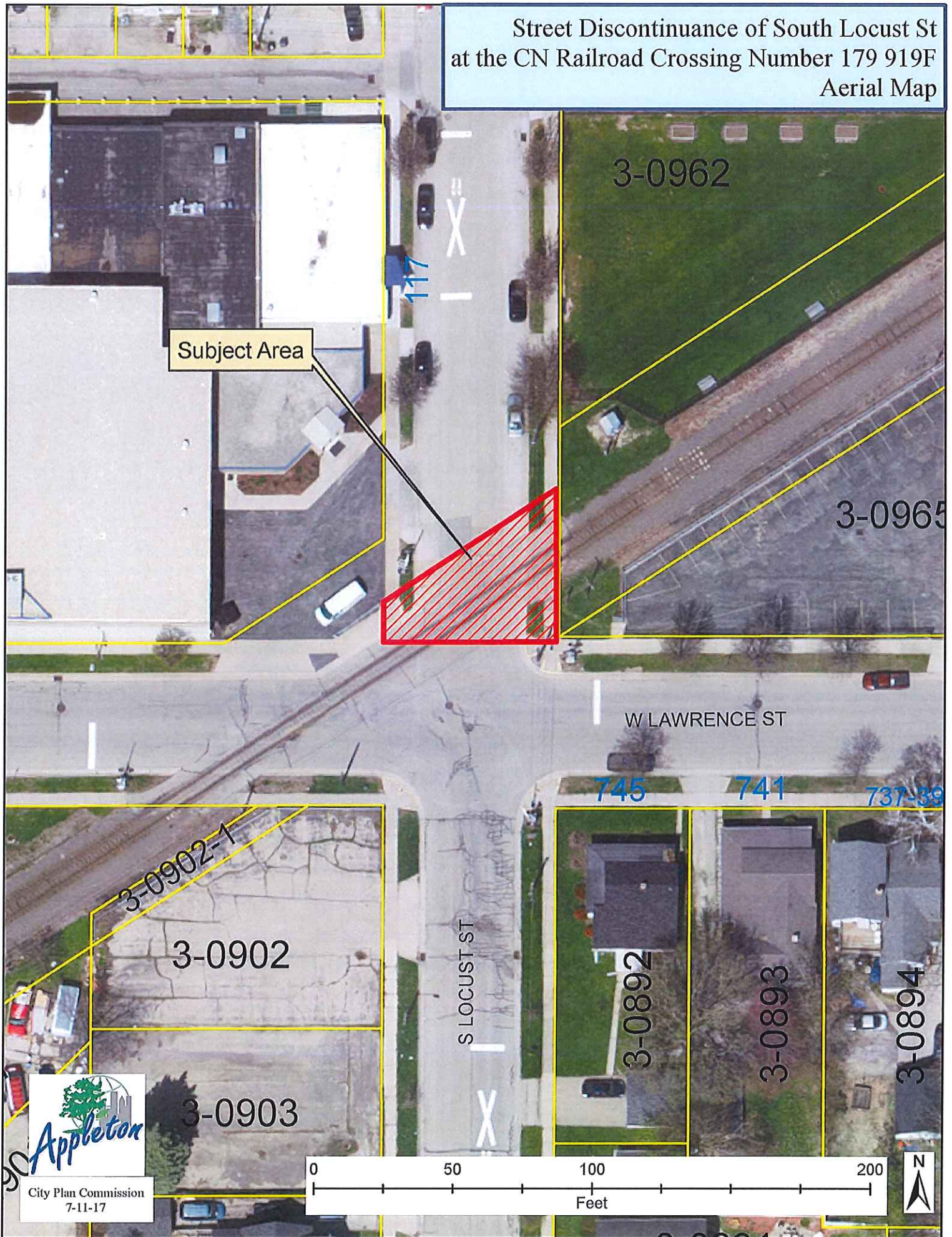
Appleton will support a comprehensive transportation network that provides viable options for pedestrian, bicycle, highway, rail, and air transportation, both locally and within the region.

Technical Review Group (TRG) Report: This item was discussed at the June 20, 2017 Technical Review Group meeting. No negative comments were received from participating departments.

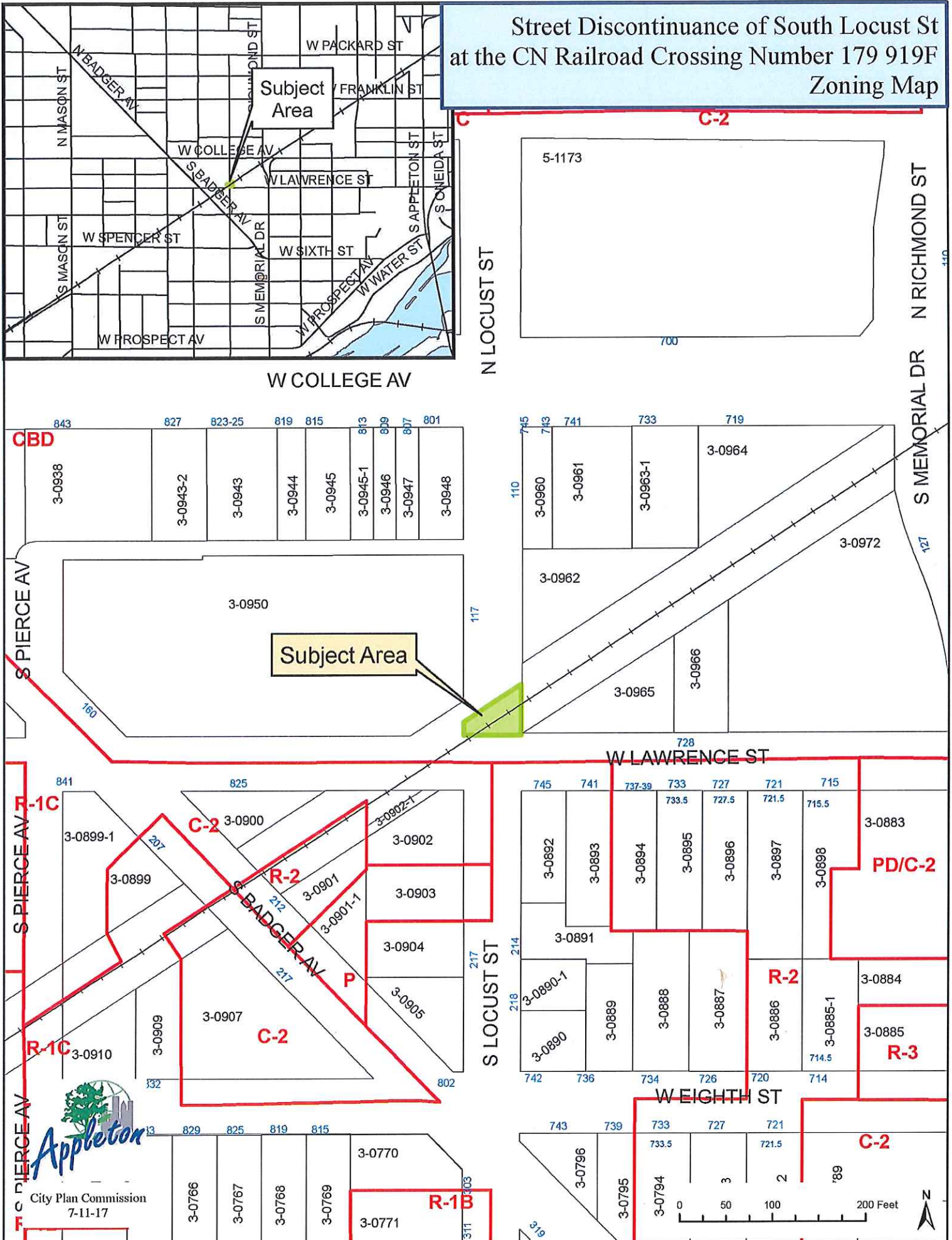
RECOMMENDATION

Staff recommends the discontinuance of South Locust Street public right-of-way at the CN Railroad Crossing Number 179 919F, as shown on the attached map and legal description, pending approval by the Municipal Services Committee, and the adoption of the Initial Resolution, **BE APPROVED**.

Street Discontinuance of South Locust St
at the CN Railroad Crossing Number 179 919F
Aerial Map



Street Discontinuance of South Locust St
at the CN Railroad Crossing Number 179 919F
Zoning Map



City Plan Commission
7-11-17



MEMO

TO: Municipal Services Committee
City Plan Commission

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

DATE: June 6, 2017

SUBJECT: **Discontinuance of Locust Street at the CN Railroad Crossing Number 179 919F.**

On May 3, 2017 the City Council approved the Wisconsin Central Ltd. Railroad Donation Agreement for the trestles. This agreement included the following language:

"Donee and Donor mutually agree to undertake all measures necessary for the closing of Locust Street crossing in the City of Appleton, Outagamie County, identified as crossing number 179 919F / NWF 213 78, by the Office of Commissioner of Railroads for the State of Wisconsin. The parties agree to jointly petition for the closure of said crossing with the Office of Commissioner of Railroads (OCR) for the State of Wisconsin no later than July 1, 2017."

In addition, the City Council approved the Railroad Quiet Zone Implementation Plan on September 7, 2016. The approved plan (Scenario #4) included closing the Locust Street crossing of the railroad tracks as one of twenty three (23) improvements needed to create the proposed Quiet Zone.

Therefore, we recommend approval of the discontinuance of Locust Street at the CN Railroad Crossing Number 179 919F as shown on the attached drawing and legal description.

INITIAL RESOLUTION

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COMMON DESCRIPTION:

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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.

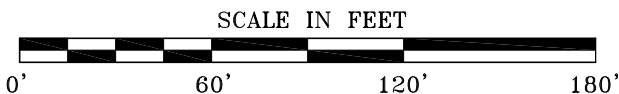
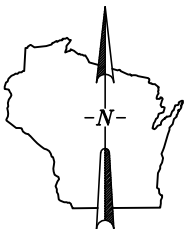
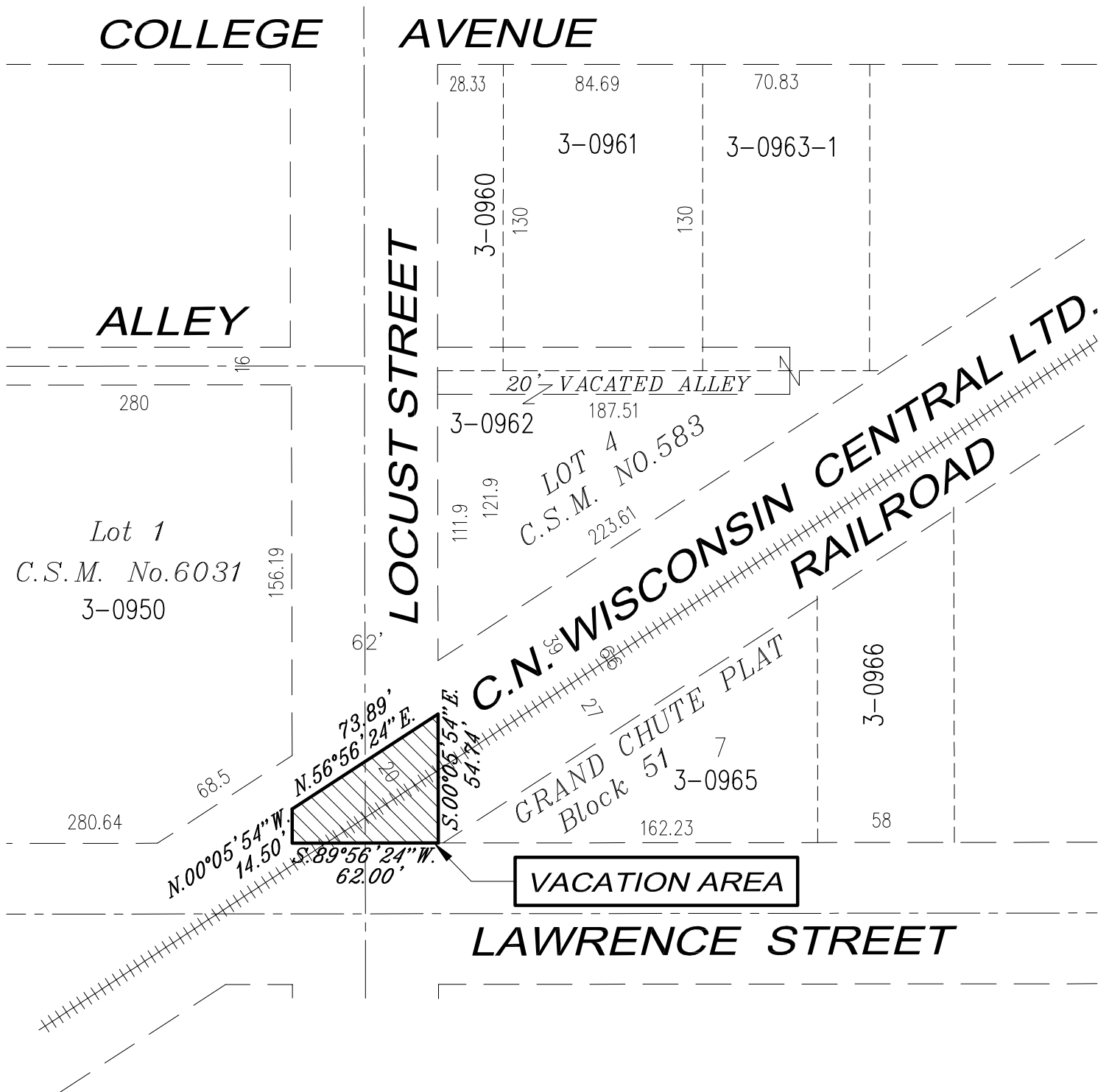
FURTHER RESOLVED, that according to §66.1005 of the Wisconsin Statutes, upon vacation and discontinuance of said portion of South Locust Street, title to the above-described street shall belong to the adjoining property owners and shall acquire an ownership interest in the entire area being vacated as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

Date

J:\Attorney\WORD\VACATION\Locust (RR Xing 2017)\
Locust Street RR Xing - Initial Resolution.doc
City Law: A17-0405

EXHIBIT

LOCUST STREET VACATION



CITY OF APPLETON

DEPT. OF PUBLIC WORKS

ENGINEERING DIVISION

APPLETON, WISCONSIN. DWN. BY:TMK

H:Acad/Vac and Ded/Railroad at Locust Superior Eighth 042111

AN ORDINANCE AMENDING SECTION 19-107 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING METERS, PAY STATIONS AND MOBILE PARKING APPS – GENERALLY.

(Municipal Services Committee – 4-5-2017)

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

Section 1: That Section 19-107 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking meters, pay stations and mobile parking apps – generally, is hereby amended to read as follows:

Sec. 19-107. Parking meters, pay stations and mobile parking apps – generally.

(a) The Common Council may authorize the installation, regulation, control, maintenance and use of parking meters and pay stations in the streets, public parking lots or public parking ramps as well as the use of mobile parking apps. Parking meters shall be placed next to individual parking places and shall display the hours and days of operation. Pay stations shall be located in the vicinity of the parking stalls which are controlled by it and shall also display the hours and days of operation.

(b) Each parking meter shall be so set as to display a signal showing legal parking upon the deposit of funds as specified in this section. Each meter shall be so arranged that, upon the expiration of the parking limit, it will indicate that the lawful parking period as fixed by the ordinance of the City has expired.

(c) When any vehicle shall be parked in a parking space next to a parking meter under the provisions of this section, the owner or operator of the vehicle shall, upon entering the parking space, immediately deposit the required funds whether directly in the meter, via pay station or app, and the person may use the parking space for the vehicle during the time limit or a fractional part thereof as provided in this division. If a vehicle remains parked in any parking space beyond the limit fixed by the ordinance of the City for such parking space, or fractional part thereof, depending on the funds deposited, the parking meter shall display a sign showing illegal parking and in that event such vehicle shall be considered as having been parked overtime and beyond the time fixed in the ordinance by the City and the parking of a vehicle overtime or beyond the time fixed by the ordinance of the City in any such part of a street where any such meter is located shall be in violation of this section.

(d) No person shall deposit funds for the purpose of extending the parking time beyond the time limit fixed in this division for parking in the parking space for which a parking meter is placed.

(e) Official markings. When markings upon the curb or the pavement of a street designate a parking space, no person shall stand or park a vehicle in such designated parking space so that any part of the vehicle occupies more than one space or protrudes beyond the markings designating such a space, except that a vehicle which is of a size too large to be parked within a single designated parking space shall be parked with the front bumper at the front of the space with the rear of the vehicle extending as little as possible into the adjoining space to the rear, or vice-versa, and shall be responsible for depositing the required funds into the parking

meters for both occupied stalls. Notwithstanding the above, no vehicle that is too long and/or too wide to be parked within a single designated parking space shall be parked in such a space which is designated for angle parking.

(f) No person shall deposit or cause to be deposited in any parking meter any slug, device or metallic substitute for a coin of the United States with the exception of City-approved tokens.

(g) No person shall deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under this section.

(h) All parking meter, parking pay station and mobile parking app revenues shall be kept in a separate fund called the parking revenue fund. The purpose of the fund shall be for the purchase, maintenance, operation, enforcement, administration and construction of all parking facilities. The Common Council may, from time to time, direct the fund to be used for other purposes relating to parking facilities, including the right to pledge parking revenues for the payment of bonds issued for the construction of parking facilities. No unexpended funds are to be returned to the general funds. All earnings, upon the investment of unexpended funds, shall constitute an addition to the fund.

(i) “Parking Pay Stations”

(1) No person shall, in any parking space controlled by a “Parking Pay Station,” park a vehicle without purchasing the amount of parking time desired from such machine.

(2) No person shall, in any parking space controlled by a “Parking Pay Station,” which allows a person to purchase the amount of parking time desired from a machine that dispenses a receipt, park a vehicle in excess of the amount of time indicated on such receipt, or on posted signs.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

59-17

AN ORDINANCE AMENDING SECTION 7-100(d)(1) OF CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SMOKING PROHIBITED IN CERTAIN AREAS; PROHIBITION OF SMOKING IN OUTDOOR AREAS. (Municipal Services Committee – 8-16-2017)

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

Section 1: That Section 7-100(d)(1) of Chapter 7 of the Municipal Code of the City of Appleton, relating to smoking prohibited in certain areas; prohibition of smoke in outdoor areas, is hereby amended to read as follows:

Sec. 7-100. Smoking prohibited in certain areas.

(d) ***Prohibition of smoking in outdoor areas.*** It shall be unlawful for any person to smoke or use tobacco products in the following outdoor areas:

- (1) Within twenty (20) feet from all entry ways of City-owned buildings and structures. In the Blue Ramp, smoking or tobacco product use is strictly prohibited except in specifically designated areas. Within the Red, Green, and Yellow ramps, smoking or tobacco product use is strictly prohibited unless on the top floor of the ramp and at least twenty (20) feet from the entry way.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.



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

MEMORANDUM

TO: Community and Economic Development Committee
FROM: Matt Rehbein, Economic Development Specialist
DATE: September 5, 2017
RE: Variance to the Declaration of Covenants and Restrictions for the Northeast Business Park PID 1-6510-52, Lightning Office LLC

The City has received a request from Hoffman Planning, Design and Construction on behalf of Lightning Office, LLC for a variance to the Declaration of Covenants and Restrictions regarding exterior building finish material as outlined in the attached letter of September 5, 2017 (Attached). The subject parcel is located in the Northeast Business Park, at 3912 Lightning Dr. (See Attached)

Also attached to this memo is a copy of the Declaration of Covenants and Restrictions as applicable to this parcel. The Section from which a variance is requested is 4.D.6.

Staff Recommendation:

A variance to the Declaration of Covenants and Restrictions, Item 4.D.6 for Plat 2 in the Northeast Business Park, allowing for the proposed metal composite panel exterior material at 3912 Lightning Dr. as indicated on the plans dated 9-5-17. **BE APPROVED.**



NORTHEAST BUSINESS PARK

QUALITY ATTRACTS QUALITY

DECLARATION OF COVENANTS AND RESTRICTIONS

APPLICABLE TO ALL PROPERTIES SOLD IN NORTHEAST BUSINESS PARK NO. 2

This conveyance is made subject to the following conditions, covenants, and understandings which shall be binding upon the vendee and his/her heirs, successors, and assigns:

1. ***Setbacks:***

- A. ***Front Yard:*** No building shall be constructed on the site nearer than forty (40) feet of the right-of-way of any public street. In the case of corner lots, both forty (40) foot setbacks will apply.
- B. ***Side and Rear Yards:*** Minimum side and rear yards shall be twenty-five (25) feet.
- C. ***State Highways:*** A fifty (50) foot building setback shall be observed along U.S.H. 41 and U.S.H 441.

2. ***Land Use:***

- A. **Restrictions on Use.** The Restricted Parcel shall be developed and used solely for the following purpose and for no other purpose:
 - 1. Vocational and rehabilitation facilities (packaging type or light manufacturing [as defined below]; no retail: businesses that employ disabled or handicapped individuals in a packaging or light manufacturing process.
 - 2. Educational and training centers (up to 50,000 square feet): centers used for employee or customer training, e.g., computer training (but excluding, for example, training to operate motor vehicles or heavy machinery). All training activities to be limited to the confines of the building.
 - 3. Offices: e.g., insurance claims, medical, legal and leased business offices and services.

4. Professional services: e.g., doctors', lawyers' and accountants' offices.
5. Printing: e.g., commercial printing facilities, newspaper presses.
6. Wholesale storage: interior storage of non-volatile goods, such as plumbing and electrical goods wholesalers, and household movers; no exterior/outdoor storage shall be permitted.
7. Industrial supply: interior storage of industrial materials such as plumbing and electrical supplies.
8. Light manufacturing and assembly: products produced or assembled manually or by a light industrial process by virtue of the use of light machinery; being conducted entirely within enclosed substantially constructed buildings; in which the open area around the building is not used for storage of raw materials or manufactured products, or for any other industrial purpose other than loading and unloading operations; and which are not noxious or offensive by reason of emission of smoke, dust, fumes, odors, noise, or vibrations beyond the confines of the building.
9. Retail sales of products manufactured on site and clearly an accessory use to the primary use of the site and provided on premises sales are limited in floor area to no more than (10) percent of the total gross floor area occupied by the permitted or special use;
10. Other land uses may be considered for approval by the Community Development Committee if a determination is made that the project fits the development objectives of the City.

3. ***Nuisance Factors and Hazards***

- A. In order to protect the interests of all Tenants, no operation shall be conducted which emits offensive or objectionable noise, vibration, smoke, odors, dust, or gases. Precautions should be taken in all research and other approved operations for radiation, radioactivity, fire and explosion hazards.
- B. No fuel or chemical in-ground or outdoor storage shall be allowed in the Park.

4. ***Building Standards***

- A. Any building erected shall be at least 7,500 square feet in area and have a gross floor area equal to at least 10 percent of the land area.
- B. Buildings shall be designed by an Architect or Engineer. No side, elevation or facade of a building or structure shall be unexposed to public view; consequently, all

sides, elevations, or facades of all buildings and structures shall be visually pleasing and architecturally and aesthetically comparable with the surrounding environment.

- C. The Northeast Business Park encourages a variety of architectural styles. However, it is intended that a basic harmony of architecture prevail among the buildings so that no one structure detract from the attractiveness of the overall development.
- D. The majority of exterior and externally visible opaque surfaces shall be constructed of not more than three of the following types of materials (provided, however, that such list shall not be deemed to exclude the use of other accent or exterior trim materials, glass and glazing, and earth berms):
 - 1. Brick;
 - 2. Architectural precast concrete panels (surface finish to be painted, stained or exposed aggregate) for no more than 50% of the exterior of the building;
 - 3. Decorative concrete block (for no more than 50% of the exterior building wall area unless several different types and textures are used (split face, fluted, scored or striated) to provide variety and relief;
 - 4. Cut stone;
 - 5. Exterior insulation and finish systems such as Drivit or Sunlar;
 - 6. Metal panels (permitted only for building expansion walls and with prior approval from the Community Development Committee);
 - 7. Other building materials being developed and to be developed by the construction industry. The use of such materials will be reviewed by the Site Plan Review Committee on a case-by-case basis.
- E. Building materials will be selected for their ability to present a visual statement of a building or structure's strength, attractiveness, and permanence. The building materials used shall be harmonious with the natural environment and with the general character of other buildings and structures in the Park.
- F. Metal trim materials may be used when in keeping with the architectural and aesthetic character of the building or structure.
- G. No loading dock shall face the street unless the site configuration is such that it is unavoidable. In that event, the Community Development Committee shall review and approve the location of the loading dock. The Community Development Committee may assign this review of plans to the Economic Development Department. Sufficient visual screening shall be installed to screen truck loading and receiving areas from view from the street.

- H. Ancillary structures will be approved by the Community Development Committee. Approval may be granted only if such structures are necessary to the principal use of the building site, are in architectural and aesthetic conformance with other buildings or structures on the site, are properly screened, meet all requirements of these covenants and are otherwise satisfactory to the Community Development Committee at its sole discretion.

5. ***Landscaping:***

- A. ***Landscape Plan:*** The landscaping upon any building site or lot shall be carried out in accordance with a detailed landscaping plan, which has been reviewed and approved in writing by the City's Site Plan Review Committee. The landscape plan shall include, but not be limited to, plant location, common and botanical names of plant material, planting size, root condition, and quantity of all plant material. The plan shall show all ground cover and mulch areas, landscape and construction materials, and construction details.
- B. ***Landscaping Methods:*** Landscaping may include grading, earth berms, seeding, sodding, raised planters, architectural decorative walls or fencing, trees and shrubs, ground cover and other landscape materials including permanent sprinkler systems, fountains, storm run-off retention ponds, reflective ponds, and landscape lighting.
- C. ***Plant Material:*** Selected plant material should provide for a variety of shade trees, evergreen trees, and shrubs, ornamental trees and shrubs and ground covers. Plant material selection shall take into consideration the following:
1. Disease and insect resistance;
 2. Hardiness to the area;
 3. The ability to provide seasonal interest;
 4. Future maintenance considerations;
 5. Ability of plant material to accomplish its intended purpose in each placement.
- D. ***Time for Completion:*** All landscaping shall be completed within ninety (90) days following occupancy, or as soon thereafter as weather will allow if such period occurs within winter months.
- E. ***Maintenance:*** The owner shall be responsible for maintaining all landscaping as approved on the original plan for his site. Any variation or changes to the landscape plan must be reviewed and approved in writing by the Department of Planning. Landscaped areas, materials, fixtures, and improvements shall be maintained by the

owner of the building site, or by such owner's long-term lessee(s) in good condition at all times. Such maintenance shall include watering, mowing, trimming, pruning, spraying, fertilizing, repairing, replacement of dead plantings, planting, transplanting, dusting, treating, and other common landscape maintenance activities necessary to keep the building site landscaping in a healthy state of growth and visually attractive in appearance.

If the owner or the owner's assigns fail to maintain the landscaping and site per the approved landscaping plan in this section, the City of Appleton or its Agent may seek an inspection warrant to enter the site and conduct such maintenance and to seek full reimbursement.

6. ***Parking, Loading***

Off-street parking and loading areas shall be provided on each building site and shall be of sufficient size to accommodate all planned or anticipated parking and loading needs of all site occupants and visitors and comply with the City's Zoning Ordinance regarding parking standards. All truck maneuvering must be confined within the boundaries of the property. All parking and loading areas shall be paved. Parking shall be permitted within the minimum front yard setback area, however, it shall be located no closer than fifteen (15) feet to the public right-of-way line.

7. ***Vehicle Access***

The lots adjacent to and abutting Evergreen Drive shall not be allowed vehicle ingress or egress to Evergreen Drive.

8. ***Outdoor Storage:***

No outside storage of any kind shall be permitted.

9. ***Roof Mounted Equipment:***

Roof mounted equipment shall be so located and/or screened, and painted to minimize visibility from the street and adjacent owners.

10. ***Signs:***

Identification signs shall be permitted to promote only the name and/or trademark of the owner or tenant of the parcel on which the sign is placed. Signs, lighting, etc., are to be indicated on the final site plan submitted to the Site Plan Review Committee for review. Ground signs must be set back 10 feet from the right-of-way line and must be of a low profile design subject to approval by the Committee. Pole signs are prohibited. Building signs must comply with the City Sign Code.

11. ***Maintenance Responsibilities:***

- A. Each owner shall keep its property, all contiguous street right-of-way to the edge of the pavement, and all drainage and easement areas in a well-maintained, safe, clean, and attractive condition at all times. Such maintenance includes, but is not limited to the following:
1. The removal of all litter, trash, refuse, and wastes;
 2. Compliance with the City's noxious weed control ordinance, including the mowing of all grass areas;
 3. The maintenance of exterior lighting, signs, and mechanical facilities;
 4. The keeping of all exterior building surfaces in a cleaned, well-maintained condition;
 5. The maintenance of all drainage ways including the removal of all debris, weeds, and silt.
- B. The owner of any undeveloped lands shall maintain said lands free of rubbish, noxious weeds, and mosquito breeding pond conditions.

12. ***Site Plan Review:***

Before commencing the construction or alterations of any buildings, additions, enclosures, fences, loading docks, parking facilities, storage yards, or any other structures or permanent improvements on or to the real estate conveyed hereby, the owner shall first submit its building plans, specifications, site and landscape plans, elevations of all sides of the building, samples of materials proposed for all external surfaces including colors and textures, and an artist's rendering of the project or a scale model to the Site Plan Review Committee in accordance with Section 23-171 of the City Zoning Code. Renderings should show adjacent buildings, landscaping, screening, signs etc.

13. ***Repurchase Rights:***

Failure to Build: In the event the owner of land purchased from the City of Appleton does not commence construction of a building within one (1) year after the date of purchase, the City has the option to repurchase said property. The City shall pay the following repurchase price: the sum of the original purchase price and all special assessments which may have been paid by the buyer or levied against the property after the date of purchase minus the sum of any unpaid property taxes, pro-ratio of the current years property taxes to date of closing, title insurance policy premium, real estate commission paid at time of original closing, and any liens and encumbrances on the property of a definite or ascertainable amount. Further, repurchase price shall be adjusted by the amount equal to

the amount of an option fee for that year had the property been under option between the City and the Buyer. Conveyance shall be by warranty deed.

Resale of Vacant Land: In the event the owner of land purchased from the City of Appleton elects to sell any portion thereof which is vacant, the property shall first be offered, in writing, to the City of Appleton. The City of Appleton shall have sixty (60) days from date of receipt of such offer to accept or reject repurchase of the property unless an extension of time may be mutually agreed upon and set forth in writing. In the event the City does not elect to repurchase the property, the owner may sell the land, but these Declarations of Covenants and Restrictions shall run with the land and be binding on the subsequent owner. The purchase price shall be computed as in the paragraph above (Failure to Build). Conveyance shall be by warranty deed. The seller shall furnish a title insurance policy at the seller's expense.

14. ***Subdivision of Lots:***

After a lot has been purchased, such lot shall not be further subdivided without the written consent of the Community Development Committee. No owner may sell, lease or rent less than all of the lot without the prior written consent of the Community Development Committee. The Community Development Committee may delegate this approval authority to the Economic Development Department. The foregoing prohibition shall not apply to occupancy leases of space in a building made in the ordinary course of business.

15. ***Waiver of Notice:***

All land sold before major assessable improvements are completed in the business park site shall be subject to the purchaser's waiving notice of assessments and hearings, and such waiver shall be part of the negotiations.

16. ***Variances:***

Notwithstanding anything contained herein to the contrary, the City of Appleton expressly reserves the right at any time to authorize in writing variances from the strict applications of these covenants and restrictions, or any one or more of them, where the circumstances, in its sole and exclusive judgment, justifies the granting of same.

17. ***Enforcement:***

The Community Development Committee has the responsibility to ensure compliance with the covenants and restrictions through any and all lawful means. In the event that the owner fails to perform in accordance with these covenants and restrictions, the Common Council, upon recommendation of the Community Development Committee, may take whatever corrective measures it deems appropriate and assess the cost thereof against the property in the same manner as a special charge. The Common Council shall give at least thirty (30) days notice to the vendee of any violation and the steps required to correct it prior to taking

any action to cure such violation.

18. ***Invalidation:***

The invalidation of any one of the covenants or restrictions herein set forth or the failure to enforce any of said covenants and restrictions at the time of its violation shall in no way affect any of the other covenants or restrictions nor be deemed a waiver of the right to enforce the same thereafter.

19. ***Term:***

Each lot shall be conveyed subject to the covenants and restrictions set forth herein, all of which are to run with the land and shall be binding on all parties and all persons claiming them for a period of thirty (30) years from the date of this Declaration of Covenants and Restrictions is recorded, after which time said covenants and restrictions as are then in force and effect shall be automatically renewed for successive periods of ten (10) years each, unless an instrument terminating such covenants and restrictions is recorded with the Outagamie County Register of Deeds by the Common Council as evidenced by a resolution duly adopted by a majority of all members of the Common Council.

Mr Matt Rehbein
City of Appleton
100 N. Appleton Street
Appleton, WI 54911

Re: Request for Variance, GLK Foods office building, Lot 1 of Northeast Business Park No. 2

Owner name: Lightning office, LLC, 200 East Washington Street, Appleton, WI 54911
Owner's agents: John Pfefferle, Paul Werch, Ryan & Marissa Downs

Dear Mr. Rehbein,

Hoffman Planning, Design & Construction is requesting a variance for the building's siding material for the new GLK office located at Lot 1 of Northeast Business Park No. 2 on Lightning Drive (Tax key: #31-1-6510-52) in Appleton, WI. This is in specific response to a letter sent to John Davel on August 25, 2017 regarding Site Plan #22-17 GLK Foods under Community and Economic Development Department – Planning and Economic Development, subparagraph “8. Building materials do not appear to be in line with the Northeast Business Park Covenants and Restrictions. Please see included document and revise plans accordingly.”

Metal panel siding has been planned for a portion of the new facility exterior cladding as identified on the exterior elevation drawings. As identified within the Northeast Business Park Covenants and Restrictions under Building Standards, subparagraph 4.D. (6), Metal panels (permitted only for building expansion walls and with prior approval from Community Development Committee), metal panel siding is only allowed if approved by the Community Development Committee.

Due to the progressive aesthetic that the owners and Hoffman are attempting to achieve, a smooth white metal panel siding material is preferred and therefore the reason for the requested variance. Metal building panels are a common exterior finish product used on many commercial buildings throughout the Fox Valley. They also provide a high performance, maintenance-free, durable architectural aesthetic that is being used quite extensively across the nation.

Thanks for your consideration.

Respectfully,
Steve Wille, AIA, LEED AP, PMP
Principal, Senior Project Manager, Architect
Hoffman Planning, Design & Construction
122 East College Avenue, Suite 1G
Appleton, WI, 54911



PERSPECTIVE VIEW