



City of Appleton

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

Meeting Agenda - Final-revised Common Council

Wednesday, July 7, 2021

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. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[21-0922](#) Common Council Meeting Minutes of Organizational Meeting and Council Meeting on June 16, 2021

Attachments: [CC Minutes 6-16-21 Organizational Meeting.pdf](#)
[CC Minutes 6-16-21.pdf](#)

- G. BUSINESS PRESENTED BY THE MAYOR
- H. PUBLIC PARTICIPATION
- I. PUBLIC HEARINGS

[21-0761](#) Public Hearing for proposed text amendments to Chapter 23 Zoning Ordinance of the Municipal Code

Attachments: [TA 2-21 Public Hearing Notice.pdf](#)

[21-0951](#) Public Hearing for S. Oak St. and E. Kimball St. Street Vacation

Attachments: [Public Hearing - SV Oak & Kimball.pdf](#)

- J. SPECIAL RESOLUTIONS

[21-0950](#) Final Resolution for the S. Oak St. and E. Kimball St. Street Vacation

Attachments: [Oak-Kimball - Final Resolution \(FINAL\).pdf](#)

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

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

[21-0863](#) **Alvin Street**, from Wisconsin Avenue to Marquette Street, be reconstructed with asphalt pavement and concrete curb & gutter to a width of 31' from back of curb to back of curb, which is 2' narrower than the existing street. Existing parking provisions within the project limits will remain unchanged.

Legislative History

| | | |
|---------|---------------------------------|--------------------------|
| 6/21/21 | Municipal Services Committee | recommended for approval |
|---------|---------------------------------|--------------------------|

[21-0864](#) **Alice Street**, from Drew Street to Union Street, be reconstructed with asphalt pavement and concrete curb & gutter to a width of 31' from back of curb to back of curb, which is 2' narrower than the existing street. Existing parking provisions within the project limits will remain unchanged.

Legislative History

| | | |
|---------|---------------------------------|--------------------------|
| 6/21/21 | Municipal Services Committee | recommended for approval |
|---------|---------------------------------|--------------------------|

[21-0865](#) **Dewey Street**, from Kernan Street to Walden Avenue, be reconstructed with asphalt pavement and concrete curb & gutter to a width of 33' from back of curb to back of curb, which is the same width as the existing street. Existing parking provisions within the project limits will remain unchanged.

Legislative History

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|---------|---------------------------------|--------------------------|
| 6/21/21 | Municipal Services Committee | recommended for approval |
|---------|---------------------------------|--------------------------|

[21-0866](#) **Walden Avenue**, from Dewey Street to John Street, be reconstructed with asphalt pavement and concrete curb & gutter to a width of 33' from back of curb to back of curb, which is the same width as the existing street. Existing parking provisions within the project limits will remain unchanged.

Legislative History

6/21/21 Municipal Services recommended for approval
 Committee

[21-0868](#) Request from Blue Sky Contractors for a street occupancy permit for four parking stalls (CAW 310, 312, 314 & 316) for the commercial development project at 318 W. College Avenue be approved from June 14, 2021 through October 29, 2021 (except for September 24th and 25th).

Legislative History

6/21/21 Municipal Services recommended for approval
 Committee

[21-0872](#) Approve update to Municipal Code Section 4-141 regarding prohibited accessory buildings.

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

Legislative History

6/21/21 Municipal Services recommended for approval
 Committee

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

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

Legislative History

6/21/21 Municipal Services recommended for approval
 Committee

[21-0874](#) Amend 2021 Materials Testing Contract (M-21) with Westwood Professional Services from an amount not to exceed \$125,000 to an amount not to exceed \$175,000.

Attachments: [2021 Materials Testing Contract M-21.pdf](#)

Legislative History

6/21/21 Municipal Services recommended for approval
 Committee

[21-0902](#) Anticipated award for Unit Q-21, Pavement Marking Contract (paint). Bids to be opened Monday, June 24, 2021.

Attachments: [Unit Q-21 Pavement Marking Maintenance.pdf](#)

Legislative History

6/21/21 Municipal Services recommended for approval
Committee
Amendment: Award contract to Crowley Construction Corp in an amount not to exceed \$43,000. Pass 4-0-1(Fenton).

[21-0903](#) Request from U.S. Venture for a street occupancy permit for the northerly 12 feet of temporary parking lot on Lawrence Street be approved through December 31, 2022.

Attachments: [Street Occupancy-USV Temp. Parking Lot.pdf](#)

Legislative History

6/21/21 Municipal Services recommended for approval
Committee

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[21-0826](#) 2021-2022 Cigarette and Tobacco Products License application for James Holder d/b/a D8D Hemp, located at 2929 N Richmond St Suite 1.

Attachments: [D8D Hemp S&L.pdf](#)

[21-0831](#) 2021-2022 Cigarette and Tobacco Product License renewal for Andrew Thornell d/b/a Marley's Smoke Shop, located at 530 W College Ave.

Attachments: [Marley's Renewal S&L.pdf](#)

[21-0905](#) Taxicab Company & Limousine Service License Renewal for Atlas Taxi, 1125 W Main St Lot 17, Little Chute, Matthew Hyde, Owner.

Attachments: [Atlas Taxi.pdf](#)

[21-0906](#) Taxicab Company & Limousine Service License Renewal for LIR Transportation, dba Fox Valley Cab, 719 W Frances St, Appleton, Owner, Igor Leykin.

Attachments: [LIR Transportation LLC.pdf](#)

[21-0907](#) Taxicab Company & Limousine Service License Renewal for Dynasty Limousine Service, LLC, 1900 Vandenberg Ln, Kaukauna, Owner, Diana Wolters.

Attachments: [Dynasty Limousine Service LLC.pdf](#)

- [21-0916](#) Temporary Premise Amendment application for DDCT, INC d/b/a Jim's Place, Jay Plamann, Agent, located at 223 E College Ave, August 5-8, 2021, contingent upon approval from all departments.
Attachments: [Jim's Place S&L.pdf](#)
- [21-0917](#) Temporary Premise Amendment application for Wooden Nickel Restaurant and Lounge Inc d/b/a Wooden Nickel Sports Bar & Grill, Anthony Mueller, Agent, located at 217 E College Ave, August 5-8, 2021, contingent upon approval from all departments.
- [21-0918](#) Class "B" Beer License application for Fox Valley Athletics LLC, Lawrence E. Schaefer, Agent, located at Memorial Park-Jones Building, 1620 E Witzke Blvd, contingent upon approval from all departments.
Attachments: [Fox Valley Athletics.pdf](#)
- [21-0932](#) Pet Store License renewal application for Petco #1656, located at 3829 E Calumet St, contingent upon approval from all departments.
Attachments: [Petco S&L.pdf](#)

3. MINUTES OF THE CITY PLAN COMMISSION

- [21-0059](#) Resolution #1-R-21 Accessory Dwelling Units (Associated with Action Item #21-0768)
Attachments: [#1-R-21 Accessory Dwelling Units.pdf](#)

Legislative History

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|---------|--|--|
| 1/20/21 | Common Council | referred to the Community & Economic Development Committee |
| 1/26/21 | City Plan Commission | referred <i>Referred to Community & Econ Dev Department for review and then report back to commission in approximately 6-8 weeks.</i> |
| 1/27/21 | Community & Economic Development Committee | presented <i>City Plan Commission referred to Community & Economic Development Department staff for review and then report back to Commission in approximately 6-8 weeks.</i> |
| 6/9/21 | City Plan Commission | recommended for approval <i>Proceeds to Council on July 7, 2021.</i> |

[21-0768](#) Request to approve proposed text amendments to Chapter 23 Zoning Ordinance of the Municipal Code to create Article III., Sec. 23-55 Accessory Dwelling Units (Attached and Detached) and Sec. 23-56 Junior Accessory Dwelling Units (JADU) and amend Sec. 23-43 Accessory uses, building and structures, Sec. 23-92 R-1A Single-Family District, Sec. 23-93 R-1B Single-Family District, Sec. 23-94 R-1C Central City Residential District, Sec. 23-95 R-2 Two-Family District, and Sec. 23-96 R-3 Multifamily District, as identified in the attached documents (Associated with Action Item #21-0059)

Attachments: [StaffReport TextAmendments ADU JADU Ordinance For06-09-21.pdf](#)
[Accessory Dwelling Unit Matrix June2021.pdf](#)
[Section 23-55 & 56 Draft ADU and JADU Zoning Regs Commentary.pdf](#)
[Section 23-55 & 56 Draft ADU and JADU Zoning Regs Cleanversion.pdf](#)

Legislative History

6/9/21 City Plan Commission recommended for approval
Proceeds to Council on July 7, 2021.

[21-0855](#) Request to approve Special Use Permit #1-21 to allow alcohol sales and consumption (inside the building and outdoors on the premises) located at 141 South RiverHeath Way (Tax Id #31-4-0828-08), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

Attachments: [StaffReport 141RiverHeathWay SUP For06-23-21.pdf](#)

Legislative History

6/23/21 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[21-0844](#) Action: Request Approval for the Trout Museum of Art to Use Houdini Plaza for a Private Event

Attachments: [Trout Museum-Made to Order.pdf](#)

Legislative History

6/21/21 Parks and Recreation Committee recommended for approval

5. MINUTES OF THE FINANCE COMMITTEE

[21-0442](#) #5-R-21 Political Signs on City Property

Attachments: [#5-R-21 Political Signs on City Property.pdf](#)
[Finance Committee - Response to Resolution Memo \(0310\).pdf](#)

Legislative History

4/12/21 Finance Committee held

6/21/21 Finance Committee recommended for approval
Motion adopted to include the recommended language as follows:

'That upon negotiating or renegotiating lease of City-owned land, the City Attorney's Office shall endeavor to incorporate language limiting the posting of political signs by the tenant subject to any legal limitations, court decisions and the like in place at the time. A political sign shall be considered a sign erected for the purpose of soliciting support for, or opposition to, a candidate or a political party or relating to a referendum question in an election held under the laws of this state.'

[21-0875](#) Request to award the City of Appleton's 2021 Appleton Wastewater Treatment Plant Painting project contract to SDS Painting, Inc in the amount of \$181,760 with a contingency of \$6,740 for a project total not to exceed \$188,500

Attachments: [2021 AWWTP Painting.pdf](#)

Legislative History

6/21/21 Finance Committee recommended for approval

[21-0877](#) Request to approve the First Addition to Broadway Hills Estates Development Agreement

Attachments: [Broadway Hills Estates Develop Agreement.pdf](#)

Legislative History

6/21/21 Finance Committee recommended for approval

[21-0910](#) Request to approve the 2022 Special Assessment Policy

Attachments: [2022 Assessment Policy.pdf](#)

Legislative History

6/21/21 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[21-0931](#) Request to award the project for the College Avenue North Neighborhood Plan in an amount not to exceed \$100,000 to RDG Planning & Design

Attachments: [CollegeAveNorthNeighborhood PlanMemotoAwardContract.pdf](#)
[RFP_CollegeAveNorthNeighPlan_FinalDRAFT_5-19-21.pdf](#)

7. MINUTES OF THE UTILITIES COMMITTEE

[21-0859](#) Approval to single source and award 2021G Stormwater Consulting Services contract for design of the stormwater management practices for Oneida, Lawrence, Morrison, and Durkee Streets (south of College Avenue) and the YMCA parking ramp to McMahon Associates in an amount not to exceed \$40,000.

Attachments: [2021G Bluff Site Area Stormwater Design Award Memo.pdf](#)

Legislative History

6/22/21 Utilities Committee recommended for approval

[21-0860](#) Approve wastewater rate adjustment for Holding Tank waste as prepared by Trilogy Consulting, LLC.

Attachments: [June 2021 Septage Rate Adjustment Memo.pdf](#)
[Recommended holding tank rates from Trilogy.pdf](#)

Legislative History

6/22/21 Utilities Committee recommended for approval
This item was administratively changed to an Action Item during the meeting.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[21-0926](#) Ordinances #19-21 to #33-21

Attachments: [Ordinances Going to Council 7-7-21.pdf](#)

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Kami Lynch, City Clerk

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

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