



# City of Appleton

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

## Meeting Agenda - Final Common Council

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Wednesday, September 20, 2023

7:00 PM

Council Chambers

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

[23-1095](#) Common Council Meeting Minutes of September 6, 2023

**Attachments:** [CC Minutes 9-6-23.pdf](#)

- G. BUSINESS PRESENTED BY THE MAYOR

[23-1115](#) Board Reappointments

**Attachments:** [Sept 20 CAB BZA ReAppt Memo.pdf](#)

- H. PUBLIC PARTICIPATION
- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY
- L. COMMITTEE REPORTS
- 1. **MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**

[23-1087](#) Request from The Boldt Company for a permanent street occupancy permit for the Fox Commons City Center Plaza construction site perimeter fencing and staging on Oneida Street south of Washington Street (from E Washington Street to N. Appleton Street) for a period ending on December 31, 2023.

**Attachments:** [Boldt City Center Perm Road Closure Permit.pdf](#)

**Legislative History**

9/11/23	Municipal Services Committee	recommended for approval
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## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[23-1086](#) 2024 City Clerk's Office License Fee Changes

**Attachments:** [2024 City Clerk Fee Schedule Updates.pdf](#)  
[Alcohol + Amusement Fee Data for 2024 Updates.pdf](#)

**Legislative History**

9/13/23	Safety and Licensing Committee	recommended for approval
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[23-1085](#) Appleton Municipal Code, Chapter 6 Revisions for the Fire Department  
 -09-07-23\_Ch\_6\_Ordinance\_Memo  
 -09-07-23\_Ch\_6\_Fire\_2023\_Revisions  
 -09-07-23\_AFD\_Fee\_Schedule

**Attachments:** [09-07-23\\_AFD\\_Fee\\_Schedule.pdf](#)  
[09-07-23\\_Ch\\_6\\_Fire\\_2023\\_Revisions.pdf](#)  
[09-07-23\\_Ch\\_6\\_Ordinance\\_Memo.pdf](#)

**Legislative History**

9/13/23	Safety and Licensing Committee	recommended for approval
9/13/23	Safety and Licensing Committee	amended

*Remove the increase on the open/outdoor burning fee. Keep it at \$30 annually*

[23-1065](#) Class "B" Beer and "Class C" Wine License application for Off The Vine Woodfire Pizza Co LLC d/b/a Broken Tree Pizza, Keith Schreiner, Agent, located at 201 S Riverheath Way Suite 1100, contingent upon approval from the Police department.

**Attachments:** [Broken Tree Pizza 2023-2024.pdf](#)

**Legislative History**

9/13/23	Safety and Licensing Committee	recommended for approval
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[23-1082](#)

Class "B" Beer and "Class C" Wine License application for A&V Custom Creations LLC d/b/a Board & Brush Creative Studio Appleton, Vanessa Schoen, Agent, located at 109 N Durkee St, contingent upon approval from Community Development, Health and Police departments.

**Attachments:** [Board and Brush Creative Studio Appleton.pdf](#)

**Legislative History**

9/13/23 Safety and Licensing Committee recommended for approval

[23-1068](#)

Class "B" Beer and "Class B" Liquor License Permanent Premise Amendment for Two Bucks Only II LLC d/b/a Maritime Bar, Daniel Burton, Agent, located at 336 W Wisconsin Ave, contingent upon approval from all departments.

**Attachments:** [Maritime Bar S&L.pdf](#)

**Legislative History**

9/13/23 Safety and Licensing Committee recommended for approval

### 3. MINUTES OF THE CITY PLAN COMMISSION

[23-0934](#)

Request to approve Rezoning #5-23 to rezone the vacant land generally located along the extension of E. Sweetwater Way, south of E. Spartan Drive and east of N. Haymeadow Avenue, for the Fourth Addition to Clearwater Creek (Tax Id #31-6-6201-00 and part of #31-6-6200-00), as shown on the attached maps, from AG Agricultural District to R-1B Single-Family District

**Attachments:** [StaffReport\\_4th Addn Clearwater Creek Rezoning For8-9-23.pdf](#)

[Scott Berg Email.pdf](#)

[Gregg Mader Email.pdf](#)

[Email to Ald Hayden with Responses 8-25-23.pdf](#)

[Resident Handout-Clearwater Creek 9-6-23.pdf](#)

[Resident Opposition Handout- Clearwater Creek 9-6-23.pdf](#)

[Jill Hendricks Response 9-12-23.pdf](#)

**Legislative History**

8/9/23 City Plan Commission recommended for approval  
*Proceeds to Council on September 6, 2023.*

*Staff received written feedback from two residents via email. The emails were distributed to the Plan Commission members at the meeting and are attached.*

9/6/23 Common Council referred to the City Plan Commission  
*This item was referred back by Alderperson Hayden.*

9/13/23 City Plan Commission recommended for approval  
*Staff received an email from Jill Hendricks of Clearwater Creek Development LLC dated September 12, 2023. The email was distributed to the Plan Commission members at the meeting and is attached.*

[23-0935](#)

Request to approve the Fourth Addition to Clearwater Creek Preliminary Plat as shown on the attached maps and subject to the conditions in the attached staff report

**Attachments:** [StaffReport 4th Addn Clearwater Creek PreliminaryPlat For8-9-23.pdf](#)  
[Email to Ald Hayden with Responses 8-25-23.pdf](#)  
[Resident Handout-Clearwater Creek 9-6-23.pdf](#)  
[Resident Opposition Handout- Clearwater Creek 9-6-23.pdf](#)  
[Jill Hendricks Response 9-12-23.pdf](#)

**Legislative History**

8/9/23	City Plan Commission	recommended for approval <i>Proceeds to Council on September 6, 2023.</i>
9/6/23	Common Council	referred to the City Plan Commission <i>This item was referred back by Alderperson Hayden.</i>
9/13/23	City Plan Commission	recommended for approval <i>Staff received an email from Jill Hendricks of Clearwater Creek Development LLC dated September 12, 2023. The email was distributed to the Plan Commission members at the meeting and is attached.</i>

[23-0994](#)

**\*\*CRITICAL TIMING\*\*** Annual review and request to approve the Downtown Appleton Business Improvement District (BID) 2024 Operating Plan

**Attachments:** [StaffReport 2024BIDOperatingPlan\\_For09-13-23.pdf](#)  
[2024 BID Operational Plan.pdf](#)  
[2022 BID Annual Report.pdf](#)  
[2022 BID Audit - Financial Statements.pdf](#)

**Legislative History**

9/13/23	City Plan Commission	recommended for approval
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[23-1047](#)

Request to approve Special Use Permit #10-23 for a restaurant with alcohol sales and consumption use located at 1619 W. College Avenue, Suite A (Tax Id #31-3-0049-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

**Attachments:** [StaffReport 1619WCollegeAv SUP For9-13-23.pdf](#)

**Legislative History**

9/13/23	City Plan Commission	recommended for approval
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4. **MINUTES OF THE PARKS AND RECREATION COMMITTEE**

5. **MINUTES OF THE FINANCE COMMITTEE**

[23-1013](#) Resolution #10-R-23 Allocation of State Shared Revenue Aid

**Attachments:** [#10-R-23 Allocation of State Shared Revenue Aid.pdf](#)

**Legislative History**

9/11/23	Finance Committee	recommended for denial
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*Amend second whereas from \$2M to \$1,926,000. 4-1 amendment passes.  
Amend second last paragraph replacing "entire amount of additional new state aid" to \$1,926,000. 4-1 amendment passes.*

[23-1092](#) Request to approve Change Order #3 to contract 72-22 for Unit H-21 Redundant Raw Water Line to increase for unanticipated site conditions in the amount of \$200,000 resulting in a decrease to contingency from \$444,549.71 to \$244,549.71. No change to overall contract amount.

**Attachments:** [H-21 Change Order 3 memo.pdf](#)

[Unit H-21 Change Order No 3.pdf](#)

**Legislative History**

9/11/23	Finance Committee	recommended for approval
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**6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**[23-0664](#) Resolution #6-R-23, Addition of Bird Safe Glass requirements to Appleton Municipal Code

**Attachments:** [#6-R-23 Bird Safe Glass Resolution-Final.pdf](#)

[Resolution 6-R-23 Bird Friendly Glass Response.pdf](#)

[Email re Stop the Fallout Campaign-Resolution 6-R-23 Bird Safe Glass.pdf](#)

[#6-R-23 AMENDED Bird Safe Glass Resolution.pdf](#)

**Legislative History**

8/9/23	Community & Economic Development Committee	held
9/13/23	Community & Economic Development Committee	recommended for approval
9/13/23	Community & Economic Development Committee	amended

*The amended Resolution #6-R-23 language is attached.*

**7. MINUTES OF THE UTILITIES COMMITTEE**

[23-1084](#) Amend 2021D Stormwater Consulting Services Contract for Lightning Drive Extension Final Design with raSmith by an increase of \$27,500 for a total contract amount not to exceed \$159,500.

**Attachments:** [2021D Lightning Drive raSmith Amend Memo 09-12-23 Util Cmte FINAL\\_r1.pdf](#)

**Legislative History**

9/12/23 Utilities Committee recommended for approval

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

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

[23-1072](#) Authorization to Purchase Office Furniture

**Attachments:** [Whitman Office Furniture Purchase.pdf](#)

**Legislative History**

9/12/23 Fox Cities Transit Commission recommended for approval

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

[23-1012](#) Resolution #9-R-23 Mental Health Awareness & Services

**Attachments:** [#9-R-23 mental health awareness.pdf](#)

**Legislative History**

9/13/23 Board of Health recommended for approval  
*Presented by Alder Nate Wolff*

[23-1042](#) Policy AHD001\_Creation and Maintenance of Policies

**Attachments:** [AHD001\\_Creation and Maintenance of Policies\\_09.06.2023.pdf](#)

**Legislative History**

9/13/23 Board of Health recommended for approval  
*Health Officer, Charles Sepers was called to speak.*

[23-1043](#) Proposed City Ordinance Update: Chapter 11, Manufactured and Mobile Homes and Mobile Home Communities

**Attachments:** [0884 - BoH Memo.pdf](#)

[Chapter 11 Manufactured Homes Ordinance Update.pdf](#)

**Legislative History**

9/13/23 Board of Health recommended for approval  
*Health Officer, Charles Sepers was called to speak. Steve Kihl was called to speak.*

[23-1044](#) Proposed City Ordinance Update: Chapter 9, Article XVIII. Tattoo and Body Piercing Establishments

**Attachments:** [Article XVIII Tattoo and Body Piercing Establishments Memo.pdf](#)  
[Article XVIII Tattoo and Body Piercing Establishments Ordinance Change Prosp](#)

**Legislative History**

9/13/23 Board of Health recommended for approval  
*Health Officer, Charles Sepers was called to speak. Steve Kihl was called to speak.*

[23-1054](#) Noise Variance: Madison Middle School Construction

**Attachments:** [2023-2024 Conditional Noise Variance Request Boldt.pdf](#)

**Legislative History**

9/13/23 Board of Health recommended for approval  
*Zachary Whitney from Boldt Construction was called to speak.*

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[23-1094](#) Ordinances #86-23 and #89-23

**Attachments:** [Ordinances to Council 9-20-23.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.*