



# City of Appleton

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

## Meeting Agenda - Final-revised Common Council

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Wednesday, September 4, 2024

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  
[24-1156](#) Common Council Meeting Minutes of August 21, 2024

**Attachments:** [CC Minutes 8-21-24.pdf](#)

- G. BUSINESS PRESENTED BY THE MAYOR  
[24-1178](#) Confirmation of Appointment - Library Board of Trustees

**Attachments:** [September 4, 2024 Council Appointments Memo.pdf](#)

- [24-1179](#) Downtown Traffic Noise - APD Update

**Attachments:** [downtown traffic data.pdf](#)

[24-1180](#)

Proclamations:

- Senior Center Month
- Hispanic Heritage Month
- Childhood Cancer Awareness Month
- Day of Peace
- Rail Safety Week
- Diaper Need Awareness Week

**Attachments:** [46-252 Senior Center Month.pdf](#)  
[46-253 Hispanic Heritage Month.pdf](#)  
[46-254 Childhood Cancer Awareness Month.pdf](#)  
[46-256 Day of Peace.pdf](#)  
[46-258 Rail Safety Week.pdf](#)  
[46-259 Diaper Need Awareness Week.pdf](#)

## H. PUBLIC PARTICIPATION

## I. PUBLIC HEARINGS

[24-0997](#)

Public Hearing for Comprehensive Plan Future Land Use Map Amendment #1-24 Thrivent Property from Agricultural and Private Open Space and Commercial Future Land Use to Mixed Use and One and Two Family Residential Future Land Use

**Attachments:** [Public Hearing Notice Comp Plan Amend #1-24.pdf](#)

[24-0998](#)

Public Hearing for Planned Development Major Amendment to PD #4-00 to Amend Existing Boundary Lines from R-1A Single Family District and R-2 Two Family District to PD/C-2 Planned Development Overlay #4-00/General Commercial District & Amend Development Regulations

**Attachments:** [PD #4-00 Amend Notice of Public Hearing.pdf](#)

[24-0999](#)

Public Hearing for Rezoning #6-24 Thrivent Property from AG Agricultural District and PD/C-2 Planned Development Overlay #4-00/General Commercial District to R-2 Two-Family District

**Attachments:** [RZ #6-24 Notice of Public Hearing.pdf](#)

[24-1059](#)

Public Hearing for Rezoning #7-24 319 N. Drew Street from R-2 Two Family District to R-1C Central City Residential District

**Attachments:** [RZ #7-24 Notice of Public Hearing.pdf](#)

## J. SPECIAL RESOLUTIONS

## K. ESTABLISH ORDER OF THE DAY

## L. COMMITTEE REPORTS

## 1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[24-1133](#) Approve Lawe Street Concrete Reconstruction Design

**Attachments:** [Lawe Street Design Approval Memo.pdf](#)  
[Lawe St Supplemental Info.pdf](#)  
[Lawe St MSC Design Approval Notice 8-14-24.pdf](#)

**Legislative History**

8/26/24 Municipal Services recommended for approval  
 Committee

[24-1134](#) Grant application request for new traffic signal at the Richmond Street (STH 47) / Ridgeview Drive intersection

**Attachments:** [MSC STH 47 Ridgeview SISP grant application request.pdf](#)

**Legislative History**

8/26/24 Municipal Services recommended for approval  
 Committee

[24-1135](#) Approve an ordinance updating Municipal Code Chapter 15, Article III, Rates and Charges

**Attachments:** [Memo Refuse Fee Ordinance Update 2024.pdf](#)  
[Refuse Can Change to Ords.pdf](#)

**Legislative History**

8/26/24 Municipal Services recommended for approval  
 Committee

[24-1154](#) Fee Waiver Request - 311 N Superior Street

**Attachments:** [311 N. Superior St Memo.pdf](#)  
[311 N Superior Photos.pdf](#)

**Legislative History**

8/26/24 Municipal Services recommended for denial  
 Committee

[24-1157](#) Approve sole source contract with Traffic and Parking Control Co., Inc. (TAPCO) for TIBA ramp access software cloud migration, upgrade of ramp access credit card readers, and added Pay-On-Foot equipment, in an amount not to exceed \$221,209.00.

**Attachments:** [MSC Award Memo Sole Source Tapco TIBA Ramp System Upgrades.pdf](#)  
[TAPCO TIBA sole source approval memo Finance Purchase Mgr 08-22-2024.p](#)

**Legislative History**

8/26/24 Municipal Services recommended for approval  
 Committee

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

[24-1145](#) Request to Adopt the Outagamie County Hazard Mitigation Plan

**Attachments:** [Memo for Appleton Hazard Mitigation Plan Resolution Outagamie County 2024 Sample Resolution.pdf](#)  
[Res. No. 7--2024-25 HMP Adoption.pdf](#)

**Legislative History**

8/28/24 Safety and Licensing Committee recommended for approval

[24-1146](#) Request to Update the Appleton Municipal Code Chapter 5

**Attachments:** [Memo for Chapter 5 Emergency Management Ordinance Updates.pdf](#)  
[0733 - CH 5 EMERGENCY MGMT - CURRENT.pdf](#)  
[0733 - CH 5 EMERGENCY MGMT - REVISION VERSION.pdf](#)  
[0733 - CH 5 EMERGENCY MGMT - FINAL VERSION.pdf](#)

**Legislative History**

8/28/24 Safety and Licensing Committee recommended for approval

[24-1070](#) Cigarette, Tobacco, and Electronic Vaping Device License application for B&S Distributing LLC d/b/a EVapor of Appleton, Shawn Sumnicht, Agent, located at 1725 S. Oneida St.

**Attachments:** [EVapor Tobacco Oneida St App.pdf](#)

**Legislative History**

8/28/24 Safety and Licensing Committee recommended for approval

[24-1071](#) Cigarette, Tobacco, and Electronic Vaping Device License application for B&S Distributing LLC d/b/a EVapor of Appleton, Shawn Sumnicht, Agent, located at 2929 N. Richmond St. #3.

**Attachments:** [EVapor Tobacco Richmond St App.pdf](#)

**Legislative History**

8/28/24 Safety and Licensing Committee recommended for approval

[24-1109](#) Class "B" Beer and Reserve "Class B" Liquor License application for Gtone Management Group LLC d/b/a Pickleball Kingdom Appleton, Abhilash Reddy Kattpalli, Agent, located at 2411 S. Kensington Dr, contingent upon approval from the Community Development, Health, and Inspections departments.

**Attachments:** [Gtone Management LLC Pickleball Kingdom Reserve Class B Combo Redacted](#)

**Legislative History**

8/28/24 Safety and Licensing Committee recommended for approval

[24-1111](#) Class "B" Beer and "Class B" Liquor Temporary Premise Amendment application for Henry J. Grishaber LLC d/b/a Hank & Karen's Pub & Grill, Henry J. Grishaber, Agent, located at 1937 E. John St, on September 29, 2024 from 10 a.m. to 6 p.m. for Annual Car Show special event, contingent upon approval from all departments.

**Attachments:** [Hank & Karen's Temp Premise Amend. 9.29.24.pdf](#)

**Legislative History**

8/28/24 Safety and Licensing Committee recommended for approval

[24-1117](#) Pet Store License renewal application for Petco #1656, Samantha Garcia, Applicant, located at 3829 E. Calumet St., contingent on approval from the Police, Fire, and Community Development departments.

**Attachments:** [Petco 1656 2024 Renewal Redacted.pdf](#)

**Legislative History**

8/28/24 Safety and Licensing Committee recommended for approval

[24-1129](#) Cigarette, Tobacco, and Electronic Vaping Device License application for Top Dogz Vape Shop LLC d/b/a Top Dogz Vape Shop, Jennifer Peters, Agent, located at 1347 W. Wisconsin Ave.

**Attachments:** [Top Dogz Vape Shop CTV Redacted.pdf](#)

**Legislative History**

8/28/24 Safety and Licensing Committee recommended for approval

### 3. MINUTES OF THE CITY PLAN COMMISSION

[24-0928](#)

Request to approve Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-24 for the subject parcels located at 4321 N. Ballard Road and 3920 N. Meade Street from future Agricultural and Private Open Space and Commercial land use designations, per attached Exhibit A, to future One and Two Family Residential and Mixed-Use land use designations, per attached Exhibit B, and approve the attached Resolution

**Attachments:** [StaffReport Thrivent Compplan+Rezoning For7-24-24.pdf](#)

[Email From Silverleaf Ct Neighborhood 7-16-24.pdf](#)

[Email from Matthew + Kay Clark 7-24-24.pdf](#)

[Email from Doug Timmel 8-1-24.pdf](#)

**Legislative History**

7/24/24 City Plan Commission recommended for approval  
*An email received shortly before the Plan Commission meeting from Matt and Kay Clark of 4701 N. Gardenwood Lane was provided to the Commission and is attached.*

*An email received on August 1, 2024 from Doug Timmers is attached.*

*Proceeds to Council on September 4, 2024.*

[24-0930](#)

Request to approve Amendment to Planned Development Overlay District (PD/C-2 #4-00) for the subject parcels located at 4321 N. Ballard Road amending the existing PD/C-2 #4-00 zoning boundary line from R-2 Two-family District and R-1A Single-family District to Planned Development Overlay General Commercial District (PD/C-2 #4-00), including to the centerline of the adjacent road right-of-way, per attached Exhibit C, and replace the current Implementation Plan Document #1376284 with a new Implementation Plan Document (development regulations)

**Attachments:** [StaffReport Thrivent Compplan+Rezoning For7-24-24.pdf](#)

[Email From Silverleaf Ct Neighborhood 7-16-24.pdf](#)

[Email from Matthew + Kay Clark 7-24-24.pdf](#)

[Email from Doug Timmel 8-1-24.pdf](#)

**Legislative History**

7/24/24 City Plan Commission recommended for approval  
*An email received shortly before the Plan Commission meeting from Matt and Kay Clark of 4701 N. Gardenwood Lane was provided to the Commission and is attached.*

*An email received on August 1, 2024 from Doug Timmers is attached.*

*Proceeds to Council on September 4, 2024.*

[24-0932](#)

Request to approve Rezoning #6-24 for the subject parcels located at 4321 N. Ballard Road amending the current R-2 Two-family District zoning boundary line from AG Agricultural District and PD/C-2 #4-00 Planned Development Overlay General Commercial District to R-2 Two-family District, including to the centerline of the adjacent road right-of-way, per attached Exhibit C

**Attachments:** [StaffReport Thrivent Compplan+Rezoning For7-24-24.pdf](#)  
[Email From Silverleaf Ct Neighborhood 7-16-24.pdf](#)  
[Email from Matthew + Kay Clark 7-24-24.pdf](#)  
[Email from Doug Timmel 8-1-24.pdf](#)

**Legislative History**

7/24/24 City Plan Commission recommended for approval  
*An email received shortly before the Plan Commission meeting from Matt and Kay Clark of 4701 N. Gardenwood Lane was provided to the Commission and is attached.*

*An email received on August 1, 2024 from Doug Timmers is attached.*

*Proceeds to Council on September 4, 2024.*

[24-1030](#)

Request to approve Rezoning #7-24 for the subject parcel located at 319 North Drew Street (Tax Id #31-2-0486-00), including to the centerline of the adjacent right of way, as shown on the attached maps, from R-2 Two-Family District to R-1C Central City Residential District

**Attachments:** [StaffReport 319NDrewSt Rezoning For 8-14-24.pdf](#)

**Legislative History**

8/14/24 City Plan Commission recommended for approval  
*Proceeds to Council on September 4, 2024.*

[24-1116](#)

Annual review and request to approve the Downtown Appleton Business Improvement District (BID) 2025 Operating Plan

**Attachments:** [StaffReport 2025BIDOperatingPlan\\_For08-28-24.pdf](#)  
[2025 BID Operating Plan.pdf](#)  
[2023 BID Annual Report.pdf](#)  
[2023 BID Audit - Financial Statements.pdf](#)

**Legislative History**

8/28/24 City Plan Commission recommended for approval

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

**5. MINUTES OF THE FINANCE COMMITTEE**

[24-1148](#) Request to award the City of Appleton's 2024 AWWTP V-Building Elevator Renovation Project to Otis Elevator Co. in the amount of \$266,300 with a 10% contingency of \$26,630 for a project total not to exceed \$292,930.

**Attachments:** [2024 AWWTP V-Building Elevator Renovation Project.pdf](#)

**Legislative History**

8/26/24 Finance Committee recommended for approval

[24-1149](#) Request to award the AWWTP Waste Heat-to-Power Generator Install Project contract to Rhode Bros, Inc. in the amount of \$563,500 with a 7.5% contingency of \$42,263 for a project total not to exceed \$605,763 along with the following budget amendment (2/3 vote of Council required).

AWWTP Sludge Storage Building Addition Project	-\$200,000
AWWTP Waste Heat-to-Power Project	+\$200,000

**Attachments:** [AWHP Generator Inatallation Project.pdf](#)

**Legislative History**

8/26/24 Finance Committee recommended for approval

[24-1150](#) Request to approve grant application for new traffic signal at the Richmond Street (STH 47) / Ridgeview Drive intersection.

**Attachments:** [MSC STH 47 Ridgeview SISP grant application request.pdf](#)

**Legislative History**

8/26/24 Finance Committee recommended for approval

[24-1152](#) Request to approve sole source contract with Restoration Systems, Inc. to complete Phase 2 of the Green Ramp Barrier Panel Emergency Repair in an amount not to exceed \$59,613.

**Attachments:** [Finance Award Memo Green Ramp Phase 2 Panel Demolition Contract RSI FI](#)

**Legislative History**

8/26/24 Finance Committee recommended for approval

[24-1158](#) Request to approve sole source Engineering Services Contract to Donohue as part of Phase I AWWTP Anaerobic Digester Engineering Evaluation in the amount of \$49,515 with a 10% contingency of \$5,000 for a total not to exceed \$54,515.

**Attachments:** [240822 SoleSourceAward Donohue AWWTPDigesterEval.pdf](#)

**Legislative History**

8/26/24 Finance Committee recommended for approval

[24-1159](#) Request to approve sole source Engineering Services Contract to McMahon as part of Water Tower Booster Pump Improvements in the amount of \$44,500 with a 10% contingency of \$4,400 for a total not to exceed \$48,900.

**Attachments:** [240822 SoleSourceAward McMahon TowerPump.pdf](#)

**Legislative History**



8/26/24 Finance Committee recommended for approval

[24-1160](#)

Request to approve sole source Engineering Services Contract to Applied Technologies Inc. as part of the AWWTP Column and Plank Storage Upgrades in the amount of \$25,500 with a 10% contingency of \$2,550 for a total not to exceed \$28,050.

**Attachments:** [240822\\_SoleSourceAward\\_ATI\\_SSB\\_WallPlankModif.pdf](#)

**Legislative History**

8/26/24 Finance Committee recommended for approval

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

**7. MINUTES OF THE UTILITIES COMMITTEE**

[24-1049](#)

Recommend for approval that City Staff and the Mayor be authorized, on behalf of the City of Appleton, to immediately execute and file a Request for Exclusion with the appropriate courts and parties in the Tyco and BASF class action lawsuits so that the City is opted-out of these respective lawsuits.

**Attachments:** [21-0078 - Utilities Memo \(BASF Tyco Opt Out\) - 08-01-2024.pdf.pdf](#)

[24-1060](#)

Engineering Services Contract to Donohue and Associates, Inc. as part of Utilities Department Network System Upgrades Project in the amount of \$222,890 with a 15% contingency of \$33,443 for a project total not to exceed \$256,324.

**Attachments:** [240808\\_UCMemo\\_UtilitiesNetworkUpgrades\\_Donohue.pdf](#)

[24-1131](#)

Approve an ordinance updating Municipal Code Chapter 20, Article V Stormwater Management Services

**Attachments:** [Memo A Stormwater Late Fee Ordinance Update 2024 .pdf](#)  
[Stormwater Rates.pdf](#)

[24-1170](#)

Request to approve Summer Sewer Credit Policy

**Attachments:** [Memo A Summer Sewer Credit Policy 2024 .pdf](#)  
[Current Summer Sewer Credit Policy 1999.pdf](#)  
[City of Appleton Summer Sewer Credit update 2024.pdf](#)

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

24-1102 Wastewater Treatment Plant Table of Organization Change Proposal

**Attachments:** [WW TO Change 2024.pdf](#)  
[WW TO JD Update 2024.pdf](#)

**Legislative History**

8/28/24 Human Resources & Information Technology Committee recommended for approval

24-1095 Generative AI Policy.

**Attachments:** [Generative AI Technology Policy S&B 2024.docx](#)

**Legislative History**

8/28/24 Human Resources & Information Technology Committee recommended for approval

**9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION**24-1138 Authorization Award Sole Source A&E Services Contract to Kueny Architects, LLC for Whitman Ave. Phase 2 Construction

**Attachments:** [Award Recommendation Memo Whitman AE P2.pdf](#)

**Legislative History**

8/27/24 Fox Cities Transit Commission recommended for approval

**10. MINUTES OF THE BOARD OF HEALTH****M. CONSOLIDATED ACTION ITEMS****N. ITEMS HELD**

[24-1069](#)

Request to approve the following budget amendments:

**Valley Transit Fund**

Federal Grants (RAISE)	+\$25,000,000
Federal Grants (ARPA)	+\$ 1,800,000
Buildings	+\$26,800,000

To fund Transit Center reconstruction project with grant funds (2/3 vote of Council required)

**Valley Transit Fund**

Federal Grants (Section 5339b)	+\$15,000,000
Buildings	+\$15,000,000

To fund Whitman facility remodel with grant funds (2/3 vote Council required)

**Valley Transit Fund**

Federal Grants (Cares Act)	+\$4,191,645
Buildings	+\$4,191,645

To fund Whitman facility remodel with grant funds (2/3 vote of Council required)

**Legislative History**

8/12/24 Finance Committee recommended for approval

[24-0972](#)

Resolution #8-R-24 to Require a Super Majority Vote on Wheel Tax or Wheel Tax Related Fee Increases

**Attachments:** [#8-R-24 Require Super Majority Vote on Wheel Tax Fee Changes.pdf](#)

**Legislative History**

7/22/24 Finance Committee held  
 8/12/24 Finance Committee recommended for approval  
 8/21/24 Common Council held

*A Motion was made and seconded to approve the item. Then, a Motion was made and seconded to hold the item. The only action that was taken on 8/21 was to hold the item to the 9/4 Council meeting.*

## O. ORDINANCES

[24-1161](#)

Ordinances #102-24 to #117-24

**Attachments:** [Ordinances to Council 9-4-24.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.*