



City of Appleton

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

Meeting Agenda - Final-revised Common Council

Wednesday, December 20, 2023

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
 - [23-1521](#) Common Council Meeting Minutes of December 6, 2023
 - Attachments:** [CC Minutes 12-6-23.pdf](#)
- G. BUSINESS PRESENTED BY THE MAYOR
 - [23-1522](#) Recognition of Director Chris Shaw
 - [23-1523](#) Downtown Appleton Christmas Parade Awards
 - [23-1524](#) Fox Cities Chamber/Regional Partnership Update - Becky Bartoszek (CEO) & Eric Broten (VP Economic Development)
 - Attachments:** [Appleton FCRP q4 2023 report.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

[23-1476](#) Resolution #15-R-23 Parking Facility & Management Study

Attachments: [#15-R-23 Parking Facility & Management Study.pdf](#)

Legislative History

12/11/23	Municipal Services Committee	recommended for approval
12/11/23	Municipal Services Committee	recommended for denial

[23-1489](#) Approve the Department of Public Works 2024 Fee Schedules

Attachments: [2024 Fee Schedules.pdf](#)

Legislative History

12/11/23	Municipal Services Committee	recommended for approval
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[23-1497](#) *CRITICAL TIMING* Approve the award for 2024 Contract for Operation, Maintenance, monitoring at the Closed City of Appleton Landfill to SCS Engineers, in an amount not to exceed \$74,574.

Attachments: [Municipal Services Committee Memo Mackville 2024 award to SCS.pdf](#)

Legislative History

12/11/23	Municipal Services Committee	recommended for approval
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[23-1499](#) Approve the single source award for the 2024 Cap Maintenance at the Closed City of Appleton Landfill to New Paradigm Companies, LLC in an amount not to exceed \$44,000.

Attachments: [Mackville 2024 Cap Maintenance award to New Paradigm.pdf](#)

Legislative History

12/11/23	Municipal Services Committee	recommended for approval
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[23-1501](#) Approve the change to intersection traffic control at the Tonka St/Vine St intersection - follow up to six-month trial period.

Attachments: [Tonka St-Vine St \(UNCONTROLLED to STOP\) \(post 6-month trial\).pdf](#)

Legislative History

12/11/23	Municipal Services Committee	recommended for approval
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[23-1502](#) Approve the change to intersection traffic control at the Plaza Dr/Fountain Av intersection - follow up to six-month trial period.

Attachments: [Plaza Dr-Fountain Av \(YIELD to STOP\) \(post 6-month trial\).pdf](#)

Legislative History

12/11/23 Municipal Services recommended for approval
Committee

[23-1503](#) Approve a parking restriction change on the 200 block of W. Prospect Av - follow up to six-month trial period.

Attachments: [200 W Prospect Av Parking Change \(post 6-month trial\).pdf](#)

Legislative History

12/11/23 Municipal Services recommended for approval
Committee

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[23-1454](#) Proposed Revisions to Chapter 9 Article III of the Municipal Code related to Alcohol Licensing

Attachments: [2023 Chapter 9 Article III Updates - Alcohol Licensing-all.pdf](#)
[Memo- Chapter 9 Alcohol Lic. Updates.pdf](#)

Legislative History

12/13/23 Safety and Licensing recommended for approval
Committee

[23-1439](#) Proposed Revisions to the Alcohol License Policy

Attachments: [ALCOHOL LICENSE POLICY 2023 Proposed edits-all.pdf](#)
[Memo- Alcohol Lic. Policy Updates.pdf](#)

Legislative History

12/13/23 Safety and Licensing recommended for approval
Committee

[23-1455](#) Addition to Chapter 9 of the Municipal Code related to Fireworks Sales

Attachments: [Fireworks Sales- Chapter 9 Municipal Code Addition.pdf](#)
[Memo- Fireworks Sales Addition to Chapter 9.pdf](#)

Legislative History

12/13/23 Safety and Licensing recommended for approval
Committee

[23-1438](#) Police Department Towing Fee Schedule Change

Attachments: [2024 Provider Recommended Tow Service Fee Schedule .pdf](#)
[2024 Fee Schedule Recommendations Memo.pdf](#)
[2024 APD Recommended Fee Schedule.pdf](#)
[2024 APD Recommended Fee Schedule Clean Copy.pdf](#)

Legislative History

12/13/23 Safety and Licensing recommended for approval
Committee

[23-1435](#) Fire Department Intent to Apply - Cardiac Monitors

Attachments: [12-13-23 Intent To Apply-Cardiac Monitors.pdf](#)

Legislative History

12/13/23 Safety and Licensing recommended for approval
Committee

[23-1436](#) "Class B" Liquor (Wine Only) license application for McFleshman's Brewing Co., LLC d/b/a McFleshman's Brewing Co., Bobby Fleshman, Agent, located at 115 S State Street.

Attachments: [McFleshman's Brewing Application.pdf](#)

Legislative History

12/13/23 Safety and Licensing recommended for approval
Committee

[23-1385](#) Cigarette and Tobacco Products Retail License application for Blessing Flower LLC d/b/a Kush Kafe, located at 219 E College Ave.

Attachments: [Blessing Flower LLC Cigarette Application.pdf](#)

Legislative History

12/13/23 Safety and Licensing recommended for approval
Committee

[23-1388](#) Taxicab Company License Application for Evergreen Campsites & Resort, Owner, Jim Button, W5449 Archer Lane Wild Rose, WI 54984.

Attachments: [Evergreen Campsites and Resort Renewal Application.pdf](#)
[Special Issuance - Taxicab Company License.pdf](#)

Legislative History

12/13/23 Safety and Licensing recommended for approval
Committee

[23-1389](#) Taxicab Company License Application for L&M Carriage Service, Owner, Mike Gildernick, 3140 Mid Valley Rd De Pere, WI 54115.

Attachments: [L&M Carriage Application.pdf](#)
[Special Issuance - Taxicab Company License.pdf](#)

Legislative History

12/13/23 Safety and Licensing recommended for approval
 Committee

[23-1394](#) Pet Store application for Lucky Fish & Aquarium LLC, Keeteekune Thao, Applicant, located at 337 W Wisconsin Ave, contingent upon approval from the Inspections department.

Attachments: [Lucky Fish & Aquarium LLC Application.pdf](#)

Legislative History

12/13/23 Safety and Licensing recommended for approval
 Committee

[23-1414](#) 2024 Secondhand Article, Secondhand Jewelry and Pawnbroker License renewal applications, contingent upon approval from all departments.

Attachments: [Secondhand Article License Renewals 2024.pdf](#)

Legislative History

12/13/23 Safety and Licensing recommended for approval
 Committee

[23-1506](#) Class "B" Beer & "Class B" Liquor License Change of Agent application for Lawrence University of Wisconsin d/b/a The Viking Room, New Agent, Brittany M. Bell, located at 615 E. College Ave.

Attachments: [The Viking Room Change of Agent.pdf](#)

Legislative History

12/13/23 Safety and Licensing recommended for approval
 Committee

3. MINUTES OF THE CITY PLAN COMMISSION

[23-1431](#) Request to approve Certified Survey Map #19-23, which crosses a plat boundary, for 1741 N. Richmond Street (Tax Id #31-5-2548-00 and #31-5-3265-00) to combine 2 parcels into 1 lot as shown on the attached map and subject to the conditions in the attached staff report

Attachments: [StaffReport_1741NRichmondSt_CSM19-23_CrossingPlatBoundary_For12-13-2](#)

Legislative History

12/13/23 City Plan Commission recommended for approval

[23-1432](#) Request to approve the Southpoint Commerce Park Plat No. 4 Final Plat as shown on the attached maps and subject to the conditions in the attached staff report

Attachments: [StaffReport_SouthpointCommerceParkPlat4_FinalPlat_For12-13-23.pdf](#)

Legislative History

12/13/23 City Plan Commission recommended for approval

[23-1433](#) Request to approve City acquisition and accept the dedication of the proposed outlots identified for public trail purposes within Southpoint Commerce Park, per Wis. State Statute §62.23(5), as shown on the attached maps and the 2017 Trails Master Plan

Attachments: [Memo_PlanCommission_Southpoint_TrailAcquisitionandDedication_For12-13-2](#)

Legislative History

12/13/23 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[23-1471](#) Adopt the Proposed Revised Houdini Plaza Rental and Fee Schedule Policy

Attachments: [Houdini Plaza Rental and Fee Schedule Policy Memo.pdf](#)

[Houdini Plaza Rental and Fee Schedule - CLEAN.pdf](#)

[Houdini Plaza Rental and Fee Schedule - REDLINED.pdf](#)

Legislative History

12/11/23 Parks and Recreation Committee recommended for approval

[23-1472](#) Request to Adopt the Proposed Revised Jones Park Rental and Fee Schedule Policy

Attachments: [Jones Park Rental and Fee Schedule Policy Memo.pdf](#)

[Jones Park - Rental Fee Policy - CLEAN.pdf](#)

[Jones Park - Rental Fee Policy - REDLINED.pdf](#)

Legislative History

12/11/23 Parks and Recreation Committee recommended for approval

5. MINUTES OF THE FINANCE COMMITTEE

[23-1407](#) Resolution #13-R-23 To Use ARPA Funding for Flock License Plate Reading Cameras for APD

Attachments: [#13-R-23 ARPA Funds for Flock License Cameras for APD.pdf](#)

Legislative History

11/20/23 Finance Committee held
 12/11/23 Finance Committee recommended for approval
Motion to amend resolution to reallocate ARPA funds (within the Community Wellness, Mental Health, and Violence Prevention fund) to move \$125,000 to lost revenue fund to allow for the leasing of an additional 10 Flock cameras.

Motion by Ald. Hartzehim; seconded by Croatt.

Vote: 3-1 (Ald. Fenton nay)

[23-1408](#)

Resolution #14-R-23 Changing the Timeline for Budget Delivery to the Common Council

Attachments: [#14-R-23 Change Budget Delivery to Council Timeline.pdf](#)

Legislative History

11/20/23 Finance Committee held
 12/11/23 Finance Committee recommended for approval
 12/11/23 Finance Committee recommended for denial

[23-1492](#)

Request to approve the Relocation Order associated with the reconstruction of Linwood Avenue.

Attachments: [1183-1185 - Linwood 2023 - Relocation Order.pdf](#)

Legislative History

12/11/23 Finance Committee recommended for approval

[23-1493](#)

Request to approve Change Order #1 to Scott Lamers Construction, LLC contract 35-23: Unit Y-23 Lead/Galvanized Water Service Replacements to account for additional properties added to the 2023 program totaling \$74,193.13 resulting in a decrease in contingency from \$99,090 to \$24,896.87.

Attachments: [Finance Committee Memo Change Order#1 Y23-20231127.pdf](#)

Legislative History

12/11/23 Finance Committee recommended for approval

[23-1494](#)

Request to approve the following budget amendment:

ARPA Special Revenue Fund

Transfer Out - Parking Utility	+ \$244,000
Fund Balance Applied	+ \$244,000

To record use of ARPA funds as lost revenue for the Parking Utility (2/3 vote of Council required)

Attachments: [Memo - DPW Parking Utility 2023 Budget Amendment.pdf](#)

[Finance Committee - ARPA Memo 10-11-21.pdf](#)

Legislative History

12/11/23 Finance Committee recommended for approval

[23-1495](#)

Request to approve the following 2023 budget amendments:

Facilities

Damage to City Property + \$19,741
Building Repairs & Maintenance + \$19,741

To record insurance proceeds for damages to Jaycee Pavilion

General Fund - Police

Donation + \$22,337
Miscellaneous Supplies + \$ 7,592
Other Contracts & Obligations + \$14,745

To record donation from the Community Foundation for the Fox Valley Region, Appleton Police K9 Program

Attachments: [MPIC check for damage to Jaycee Park Pavilion.pdf](#)
[Community Foundation donation memo.pdf](#)

Legislative History

12/11/23 Finance Committee recommended for approval

[23-1496](#)

Request approval to create a Special Revenue Fund for the Ellen Kort Peace Park.

Attachments: [Request to Establish Special Revenue Fund.pdf](#)

Legislative History

12/11/23 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[23-1424](#)

Request to approve a variance to Section 13 of the Southpoint Commerce Park Plats No. 1, 2 & 3 Deed Restrictions and Covenants to allow a 12 month extension to the City's right to repurchase Lot 1, CSM #3549 (Tax Id #31-9-5712-40) from Oshkosh AAP, LLC

Attachments: [Oshkosh AAP Powerline Trail Variance Request Memo 12-13-23.pdf](#)
[SPCP Deed Restrictions.pdf](#)
[Oshkosh AAP, LLC Accepted OTP 11-9-23.pdf](#)

Legislative History

12/13/23 Community & Economic Development Committee recommended for approval

[23-1425](#)

Request to approve an extension of the purchase date from September 29, 2023 to July 31, 2024 under the Development Agreement (Phase II) with Merge LLC for a mixed-use development located on the southeast corner of W. Washington Street and N. Appleton Street (Tax Id #31-2-0272-00) in Tax Increment Financing District No. 11

Attachments: [Merge Ph II DA Extend Purchase Date Memo to CEDC 12-13-23.pdf](#)
[Request from Merge Purchase Date Extension Development Agreement.pdf](#)
[1st Amendment to Dev Agrm Merge Ph II 2-3-23.pdf](#)
[Merge Ph II Blue Ramp Recorded Dev Agrm 2-16-22.pdf](#)

Legislative History

12/13/23 Community & Economic recommended for approval
 Development Committee

[23-1426](#)

Request to approve a "no build" easement on and over a certain portion of the parcel located on the southeast corner of W. Washington Street and N. Appleton Street (Tax Id #31-2-0272-00) to be signed by the City upon receipt of \$40,000.00 from Fox Commons Properties, LLC

Attachments: [Fox Commons Easement Request Memo 12-13-23.pdf](#)
[Ltr Signed by Fox Commons and Merge Re Terms of No Build Easement.pdf](#)
[Sketch of Proposed Easement Area on Former Blue Ramp Site.pdf](#)
[Redline - No Build Easement \(11.13.23\)-36056159-v3 and No Build Easement \(](#)

Legislative History

12/13/23 Community & Economic recommended for approval
 Development Committee

[23-1427](#)

Request to approve the allocation of approximately \$86,550 in City Program Funding for 2024 Program Year Community Development Block Grant (CDBG) Funding for a joint Appleton Health/Police Departments Community Resource Navigator position (not to exceed 15% public service cap of final CDBG 2024PY allocation amount)

Attachments: [CRN Position_CDBG Funding Request_CEDC Memo 12-13-23.pdf](#)
[Community Resource Navigator_CDBG_2024_Health-PD_Full Application.pdf](#)
[2023CommunityResourceNavigator.pdf](#)
[Community Resource Navigator Job Description.pdf](#)
[Dec BoH TO Draft.pdf](#)

Legislative History

12/13/23 Community & Economic recommended for approval
 Development Committee
Three (3) additional attachments were added to this item that were provided on the 12-13-23 HR & IT Committee and Board of Health Agendas.

- [23-1434](#) Resolution #2023-05 Support and Authorize the Submittal of a Community Development Investment (CDI) Grant to the Wisconsin Economic Development Corporation (WEDC) by Fox Commons Properties, LLC

Attachments: [Memo CDI Grant FoxDen CEDC 12-13-23.pdf](#)
[Resolution#2023-05_CityofAppletonSupport_CDIGrant_FoxCommons.pdf](#)
[CDI Executive Summary Fox Commons Properties LLC.pdf](#)
[Fox Den Food Hall draftv1.pdf](#)
[WEDC Community Development Investment Grant Overview.pdf](#)

Legislative History

12/13/23 Community & Economic Development Committee recommended for approval

7. MINUTES OF THE UTILITIES COMMITTEE

- [23-1466](#) Award of 2024A Stormwater Consulting Services Contract for 2024 Stormwater Management Plan Reviews to Brown and Caldwell in an amount not to exceed \$50,000.

Attachments: [2024A-B Plan Review Award Util Memo BC and raSmith final.pdf](#)

Legislative History

12/12/23 Utilities Committee recommended for approval

- [23-1467](#) Award of 2024B Stormwater Consulting Services Contract for 2024 Stormwater Management Plan Review to raSmith in an amount no to exceed \$50,000.

Attachments: [2024A-B Plan Review Award Util Memo BC and raSmith final.pdf](#)

Legislative History

12/12/23 Utilities Committee recommended for approval

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

- [23-1464](#) Request to Over Hire Real Estate Property Lister Position.

Attachments: [Memo CED OverhireRequest_PropertyLister.pdf](#)

Legislative History

12/13/23 Human Resources & Information Technology Committee recommended for approval

[23-1474](#) Community Resource Navigator Table of Organization Request.

Attachments: [2023 Community Resource Navigator.pdf](#)
[Community Resource Navigator JD.pdf](#)
[Health Department Draft 12.07.23.pdf](#)

Legislative History

12/13/23	Human Resources & Information Technology Committee	recommended for approval
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[23-1475](#) Addition of Silica Safety Policy.

Attachments: [Silica Policy.pdf](#)

Legislative History

12/13/23	Human Resources & Information Technology Committee	recommended for approval
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9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION[23-1442](#) Approve the Intermunicipal Agreement with Outagamie County for Specialized Transportation Services for 2024 Contingent on Outagamie County Approval

Attachments: [2024 Outagaime Contract.pdf](#)

Legislative History

12/12/23	Fox Cities Transit Commission	recommended for approval
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[23-1443](#) Approve the Intermunicipal Agreement with Winnebago County for Specialized Transportation Services for 2024 Contingent on Winnebago County Approval

Attachments: [2024 Winnebago Contract.pdf](#)

Legislative History

12/12/23	Fox Cities Transit Commission	recommended for approval
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[23-1444](#) Approve the Intermunicipal Agreement with Calumet County for Specialized Transportation Services for 2024 Contingent on Calumet County Approval

Attachments: [2024 Calumet Contract.pdf](#)

Legislative History

12/12/23	Fox Cities Transit Commission	recommended for approval
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[23-1445](#) Approve the Intermunicipal Agreement with the City of Neenah for the Northern Winnebago Dial-A-Ride Service for 2024 Contingent on City of Neenah Approval

Attachments: [2024 NW Dial-A-Ride Neenah.pdf](#)

Legislative History

12/12/23	Fox Cities Transit Commission	recommended for approval
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[23-1446](#) Approve the Intermunicipal Agreement with the Village of Fox Crossing for the Northern Winnebago Dial-A-Ride Service for 2024 Contingent on the Village of Fox Crossing Approval

Attachments: [2024 NW Dial-A-Ride Fox Crossings.pdf](#)

Legislative History

12/12/23	Fox Cities Transit Commission	recommended for approval
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[23-1447](#) Approve 2024 - 2025 Federal Section 5310 Sub-recipient Contract

Attachments: [2024 - 2025 5310 GRANT AGREEMENT LSS.pdf](#)

Legislative History

12/12/23	Fox Cities Transit Commission	recommended for approval
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[23-1448](#) Certify Valley Transit Public Transportation Agency Safety Plan (PTASP)

Attachments: [PTASP Appendices.pdf](#)

Legislative History

12/12/23	Fox Cities Transit Commission	recommended for approval
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10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS 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

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.