



# City of Appleton

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

## Meeting Minutes - Final Common Council

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Wednesday, July 7, 2021

7:00 PM

Council Chambers

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A. CALL TO ORDER

*The meeting was called to order by Council President Reed at 7:00 p.m.*

B. INVOCATION

*The Invocation was offered by Alderperson Fenton.*

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

**Present:** 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

**Excused:** 2 - Alderperson Michael Smith and Mayor Jake Woodford

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*All Departments were represented.*

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](#)

**Alderperson Alfheim moved, seconded by Alderperson Van Zeeland, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

**Excused:** 2 - Alderperson Michael Smith and Mayor Jake Woodford

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](#)

*The following spoke during the hearing:  
Rhonda Spence, 1018 S Madison Street*

[21-0951](#)

Public Hearing for S. Oak St. and E. Kimball St. Street Vacation

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

*The Public Hearing was held. No one spoke during the hearing.*

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](#)

**Alderperson Fenton moved, seconded by Alderperson Hartzheim, that the Resolution be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

**Excused:** 2 - Alderperson Michael Smith and Mayor Jake Woodford

K. ESTABLISH ORDER OF THE DAY

[21-0872](#)

Approve update to Municipal Code Section 4-141 regarding prohibited accessory buildings.

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

**This Item was referred back to the Municipal Services Committee by Alderperson Doran.**

[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.

**This Item was referred back to the Municipal Services Committee by Alderperson Siebers**

[21-0873](#)

Approve update to Municipal Code Section 4-392 related to electrical work by a home owner.

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

**This Item was referred back to the Municipal Services Committee by Alderperson Schultz**

[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](#)

**Alderperson Fenton moved, seconded by Alderperson Firkus, that the Resolution be approved as amended in Committee. Roll Call. Motion carried by the following vote:**

**Aye:** 11 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Alex Schultz, Alderperson Kristin Alfheim, Alderperson Nate Wolff and Alderperson Joe Prohaska

**Nay:** 3 - Alderperson Matthew Reed, Alderperson Sheri Hartzheim and Alderperson Chad Doran

**Excused:** 2 - Alderperson Michael Smith and Mayor Jake Woodford

[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](#)

**Aldersperson Fenton moved, seconded by Aldersperson Hartzheim, that the Contract be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Joe Prohaska and Aldersperson Chad Doran

**Excused:** 2 - Aldersperson Michael Smith and Mayor Jake Woodford

[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](#)

**Aldersperson Prohaska moved, seconded by Aldersperson Firkus, that the Street Occupancy Permit be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Joe Prohaska and Aldersperson Chad Doran

**Excused:** 2 - Aldersperson Michael Smith and Mayor Jake Woodford

[21-0059](#)

Resolution #1-R-21 Accessory Dwelling Units (Associated with Action Item #21-0768)

**Attachments:**     [#1-R-21 Accessory Dwelling Units.pdf](#)

**Aldersperson Martin moved, seconded by Aldersperson Wolff, that the Resolution be amended to remove the detached dwelling unit. Roll Call. Motion failed by the following vote:**

**Aye:** 1 - Aldersperson Joe Martin

**Nay:** 13 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Joe Prohaska and Aldersperson Chad Doran

**Excused:** 2 - Aldersperson Michael Smith and Mayor Jake Woodford

**Alderson Fenton moved, seconded by Alderson Alfheim, that the Resolution be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 13 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Matthew Reed, Alderson Alex Schultz, Alderson Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim, Alderson Joe Prohaska and Alderson Chad Doran

**Nay:** 1 - Alderson Joe Martin

**Excused:** 2 - Alderson Michael Smith and Mayor Jake Woodford

[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](#)

**Prohaska moved, seconded by Martin to approve the Zoning Ordinance Text Amendments. Roll Call. Motion carried by the following vote:**

**Aye:** 13 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Matthew Reed, Alderson Alex Schultz, Alderson Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim, Alderson Joe Prohaska and Alderson Chad Doran

**Nay:** 1 - Alderson Joe Martin

**Excused:** 2 - Alderson Michael Smith and Mayor Jake Woodford

## L. COMMITTEE REPORTS

### Balance of the action items on the agenda.

**Alderson Prohaska moved, Alderson Van Zeeland seconded, to approve the balance of the agenda. The motion carried by the following vote:**

**Aye:** 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

**Nay:** 1 - Alderperson Joe Martin

**Excused:** 2 - Alderperson Michael Smith and Mayor Jake Woodford

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

[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.

**This Report Action Item was approved**

[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.

**This Report Action Item was approved.**

[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.

**This Report Action Item was approved.**

[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).

**This Report Action Item was approved.**

[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](#)

**This Report Action Item was approved.**

## 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](#)

**This Report Action Item was approved.**

[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](#)

**This Report Action Item was approved.**

[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](#)

**This Report Action Item was approved.**

[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](#)

**This Report Action Item was approved.**

[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](#)

**This Report Action Item was approved.**

[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](#)  
[Permission to use 219.pdf](#)

**This item was held in Committee, no action was taken on this item.**

[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.

**This item was held in Committee, no action was taken on this item.**

[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](#)

**This Report Action Item was approved.**

[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](#)

**This Report Action Item was approved.**

### 3. MINUTES OF THE CITY PLAN COMMISSION

[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](#)

This Report Action Item was approved.

#### 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](#)

This Report Action Item was approved.

#### 5. MINUTES OF THE FINANCE COMMITTEE

[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](#)

This Report Action Item was approved.

[21-0877](#)

Request to approve the First Addition to Broadway Hills Estates Development Agreement

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

This Report Action Item was approved.

[21-0910](#)

Request to approve the 2022 Special Assessment Policy

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

This Report Action Item was approved.

#### 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](#)

This Report Action Item was approved.

**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 McMahan Associates in an amount not to exceed \$40,000.

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

This Report Action Item was approved.

[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](#)

This Report Action Item was approved.

**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](#)**Alderson Hartzheim moved, seconded by Alderson Prohaska, that the Ordinances be approved. Roll Call. Motion carried by the following vote:****Aye:** 13 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Matthew Reed, Alderson Alex Schultz, Alderson Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim, Alderson Joe Prohaska and Alderson Chad Doran**Nay:** 1 - Alderson Joe Martin**Excused:** 2 - Alderson Michael Smith and Mayor Jake Woodford

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

#9-R-21

*Transportation Utility Study Resolution*

*Authors/Cosponsors: Brad Firkus, District 3 and Chad Doran, District 15*

*Submitted on: July 7, 2021*

*Referred To: Mayor's Office*

*Whereas our transportation system is a utility essential for meeting the needs of residents of our community; and*

*Whereas the wheel tax has declined in share of how much of our road reconstruction projects it is able to fund, leaving us to either consider eventually increasing the wheel tax, finding an alternative to the wheel tax, or to live with the decreasing impact of the wheel tax on our road reconstruction project; and*

*Whereas alternative methods to the wheel tax of providing funding for our transportation system exists and are worth exploring; and*

*Whereas among these alternatives, the establishment of a transportation utility acknowledges explicitly that our transportation system is in fact a public utility and expands upon the idea behind the wheel tax which sought to find a more equitable sharing of funding to care for our transportation system than the funding mechanism that preceded it; and*

*Whereas by levying a quarterly fee on properties within the city of Appleton based on the type of property and the number of trips generated by that type of property, per statistics compiled by most recent edition of the Institute of Transportation Engineers's Trip Generation Manual rather than basing fee amounts on the number of registered vehicles are kept at a particular property, we can accomplish a more equitably funded transportation system;*

*Therefore, be it resolved that the City of Appleton include in the 2022 executive budget funds for the Department of Public Works to work with a consulting firm to determine the feasibility of creating a transportation utility for the city of Appleton that would assess a fee primarily to be used to assist in funding street maintenance projects, but may also be used as source of funds for other transportation services, not including operational expenses such as snow removal or street sweeping;*

*Be it further resolved, the wheel tax shall be eliminated should a transportation utility be established for the city of Appleton.*

*For further references:*

*Funding Streets Through Transportation Utility Fees - League of Wisconsin Municipalities:*

*<https://www.lwm-info.org/DocumentCenter/View/4060/Funding-Streets-through-Transportation-Utility-Fees--final-61620>*

*Trip Generation, 10th Edition - Institute of Transportation Engineers:*

*<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/trip-generation-10th-edition-formats/>*

R. OTHER COUNCIL BUSINESS

S. ADJOURN

**Alderson Hartzheim moved, seconded by Alderson Prohaska, that the meeting be adjourned at 8:39 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Matthew Reed, Alderson Alex Schultz, Alderson Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim, Alderson Joe Prohaska and Alderson Chad Doran

**Excused:** 2 - Alderson Michael Smith and Mayor Jake Woodford

Kami Lynch, City Clerk