



# City of Appleton

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

## Meeting Agenda - Final-revised Common Council

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Wednesday, April 17, 2019

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. PUBLIC PARTICIPATION
- G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES
  - [19-0511](#) Common Council Meeting Minutes of April 3, 2019
  - Attachments:* [CC Minutes 4-3-19.pdf](#)
- H. BUSINESS PRESENTED BY THE MAYOR
  - [19-0533](#) Honoring International Qualifying DECA Students
  - [19-0512](#) Arbor Day Proclamation
- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY
- L. COMMITTEE REPORTS
- 1. **MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**

[19-0342](#)

R/B-Approve parking restrictions on Evergreen Drive from Haymeadow Avenue to Meade Street.

**Attachments:** [Parking changes related to Evergreen Drive bike lane retrofit project \(Haymeadow\)](#)

**Legislative History**

3/11/19	Municipal Services Committee	recommended for approval
3/20/19	Common Council	referred to the Municipal Services Committee
	<i>This Item was referred back to the Municipal Services Committee by Alderperson Spears.</i>	
4/8/19	Municipal Services Committee	recommended for approval

[19-0419](#)

R/B-Request from Renewal by Anderson to replace Radisson Paper Valley signage on the Superior Street Skywalk with their signage.

**Attachments:** [Renewal by Anderson Signage.pdf](#)

**Legislative History**

4/3/19	Municipal Services Committee	recommended for denial
4/3/19	Common Council	referred to the Municipal Services Committee
4/8/19	Municipal Services Committee	recommended for denial

[19-0420](#)

R/B-Approve Kimball Street Vacation west of Allen Street, less the future S. Oneida Street right-of-way.

**Attachments:** [Kimball Street Vacation.pdf](#)

**Legislative History**

4/3/19	Municipal Services Committee	recommended for approval
4/3/19	Common Council	referred to the Municipal Services Committee
4/8/19	Municipal Services Committee	recommended for approval

[19-0475](#)

Request from Gabriel Lofts for a Street Occupancy Permit for balconies to extend into the alley right-of-way 6 feet with a minimum clearance of 14 feet at 201 E. College Avenue.

**Attachments:** [Street Occupancy-Gabriel Lofts request for balconies.pdf](#)

**Legislative History**

4/8/19	Municipal Services Committee	recommended for approval
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[19-0476](#) Approve Street Occupancy Permits for the existing sign & awning (Oneida Street) and steps (Fremont Street for the Far East Restaurant at 1330 S. Oneida Street).

**Attachments:** [Far East Map.pdf](#)

**Legislative History**

4/8/19 Municipal Services recommended for approval  
Committee

[19-0477](#) Approve parking changes associated with the Telulah Avenue Reconstruction Project.

**Attachments:** [Parking changes associated with the Telulah Avenue Reconstruction Program.p](#)

**Legislative History**

4/8/19 Municipal Services recommended for approval  
Committee

[19-0478](#) Approve parking changes on Badger Avenue, adjacent to Appleton West High School (Follow-up to six month trial period).

**Attachments:** [Parking changes on Badger Avenue adjacent to Appleton West High School.pdf](#)

**Legislative History**

4/8/19 Municipal Services recommended for approval  
Committee

[19-0479](#) Approve parking changes on Ashbury Drive at Mya Drive near Appleton North High School (Follow-up to six month trial period).

**Attachments:** [Parking changes on Ashbury Drive at Mya Drive.pdf](#)

**Legislative History**

4/8/19 Municipal Services recommended for approval  
Committee

[19-0483](#) Request from Creative Sign, on behalf of Mile of Music, for Street Occupancy Permits to install 4'X9' "Appleton" signs in the three (3) locations identified on S. Memorial Drive, E. College Avenue and S. Oneida Street.

**Attachments:** [Creative Sign on behalf of Mile of Music Street Occupancy Permit.pdf](#)

**Legislative History**

4/8/19 Municipal Services recommended for approval  
Committee

## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

**3. MINUTES OF THE CITY PLAN COMMISSION**[19-0394](#)

R/B-Request to approve the street discontinuance to vacate a portion of East Kimball Street public right-of-way located west of South Allen Street and adopt the Initial Resolution and exhibit map

**Attachments:** [StaffReport\\_KimballWestOfAllen\\_StreetVacation\\_For04-09-19.pdf](#)

**Legislative History**

3/26/19	City Plan Commission	recommended for approval
4/3/19	Common Council	referred to the City Plan Commission
4/9/19	City Plan Commission	recommended for approval

**4. MINUTES OF THE PARKS AND RECREATION COMMITTEE****5. MINUTES OF THE FINANCE COMMITTEE****6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE****7. MINUTES OF THE UTILITIES COMMITTEE**[19-0445](#)

Approve single source and award of Raw Water Line Contaminated Materials Contract to OMNNI Associates, Inc. in an amount not to exceed \$35,900.

**Attachments:** [Contaminated Materails Raw Water Line Award.pdf](#)

**Legislative History**

4/9/19	Utilities Committee	recommended for approval
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[19-0469](#)

Anticipated award for Unit F-19, Sanitary and Storm Sewer Cleaning & Televising (bids opened Monday, April 8, 2019).

**Attachments:** [Unit F-19.pdf](#)

**Legislative History**

4/9/19	Utilities Committee	recommended for approval
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*Recommend for approval as amended that the Award of Unit F-19, Sanitary and Storm Sewer Cleaning & Televising be awarded to Green Bay Pipe & TV LLC in an amount not to exceed \$257,500.*

[19-0473](#)

Award Phase 1 Engineering Services Contract for the Lake Intake Shorewell Project to McMahan Associates in the amount of \$411,000 with a 10% contingency of \$41,000 and a project cost not to exceed \$452,000.

**Attachments:** [2019 Engineering Lake Intake Project 04-04-19.pdf](#)

**Legislative History**

4/9/19	Utilities Committee	recommended for approval
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8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

[19-0446](#) Fox River House Noise Variance Request

**Attachments:** [Fox River House Noise Variance Request.pdf](#)

[Fox River House Proposed FY 2018 Variance Request.pdf](#)

**Legislative History**

4/10/19 Board of Health recommended for approval

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

[19-0442](#) **Consolidated Action Items**

Street Vacation of East Kimball Street

*Item 19-0443 Special Resolutions*

*Item 19-0420 Municipal Services Committee*

*Item 19-0394 City Plan Commission*

**Legislative History**

4/3/19 Common Council held

[19-0443](#) Initial Resolution for E. Kimball Street Vacation

**Attachments:** [Initial Resolution - E Kimball St Vacation.pdf](#)

**Legislative History**

4/3/19 Common Council 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.*



# City of Appleton

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

## Meeting Minutes - Final Common Council

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Wednesday, April 3, 2019

7:00 PM

Council Chambers

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A. CALL TO ORDER

*The meeting was called to order by Mayor Hanna at 7:01 p.m.*

B. INVOCATION

*The Invocation was offered by Alderperson Croatt.*

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

**Present:** 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konetzke, Alderperson Joe Martin, Alderperson Ed Baranowski, Alderperson Rachel Raasch, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Mayor Timothy Hanna

**Excused:** 2 - Alderperson Bob Baker and Alderperson Keir Dvorachek

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*City Attorney Walsh, Deputy City Attorney Behrens, Assistant City Attorney Glad, City Clerk Lynch, Director of Community & Economic Development Harkness, Director of Finance Saucerman, Fire Chief Hansen, Health Officer Eggebrecht, Director of Parks, Recreation & Facilities Gazza, Police Chief Thomas, Director of Public Works Vandehey, Valley Transit General Manager McDonald*

*The following were excused:*

*Human Resources*

*Information Technology*

*Utilities*

*Library*

## F. PUBLIC PARTICIPATION

*The following spoke during public participation:*

*Item 19-0439 Reconsideration of Resolution regarding e-cigarettes:*

*Wendy Vander Zanden, 126 S Main St*

*Hannah Wilz, 1301 Rosehill Rd*

*Maggie VanHeuklon, 1008 N New York Ave*

*Emma Kane, 1804 N Charlotte St*

*Beth Menzel, 3670 N Maple Edge Ct*

*Gwen Sargent, 2401 W Cherokee Dr - Consolidated Action Items- Kimball Street Vacation*

*Item 19-0412 Resolution Repealing the Truancy Ordinance*

*Ronna Swift, 230 W Seymour St*

*Barry O'Connor, 500 E Timberline Dr*

*Item 19-0416 Resolution regarding charging for special events:*

*Eric Stadler, 1729 S Lee St*

*Jennifer Stephany, Appleton Downtown Inc.*

*Kole Oswald, Item 19-0438 Recognition of Alderpersons not seeking re-election*

## G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[19-0441](#)

Common Council Meeting Minutes of March 20, 2019

**Attachments:** [CC Minutes 3-20-19.pdf](#)

**Aldersperson Baranowski moved, seconded by Aldersperson Martin, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 13 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Curt Konezke, Aldersperson Joe Martin, Aldersperson Ed Baranowski, Aldersperson Rachel Raasch, Aldersperson Kathleen Plank, Aldersperson Matt Reed, Aldersperson Christine Williams, Aldersperson Patti Coenen, Aldersperson Cathy Spears, Aldersperson Kyle Lobner and Aldersperson Chris Croatt

**Excused:** 2 - Aldersperson Bob Baker and Aldersperson Keir Dvorachek

**Abstained:** 1 - Mayor Timothy Hanna

## H. BUSINESS PRESENTED BY THE MAYOR

[19-0435](#)

Committee Reappointments

**Attachments:** [COMMITTEE REAPPTS 040319.pdf](#)

**Aldersperson Croatt moved, seconded by Aldersperson Baranowski, that the Committee Reappointments be approved. Roll Call. Motion carried by the following vote:**



**Aye:** 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konezke, Alderperson Joe Martin, Alderperson Ed Baranowski, Alderperson Rachel Raasch, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner and Alderperson Chris Croatt

**Excused:** 2 - Alderperson Bob Baker and Alderperson Keir Dvorachek

**Abstained:** 1 - Mayor Timothy Hanna

[19-0436](#)

Appointment of Rudy Nyman to the Police & Fire Commission

**Attachments:** [APPT TO POLICE FIRE COMM 040319.pdf](#)

**Alderperson Croatt moved, seconded by Alderperson Baranowski, that the Appointment of Rudy Nyman be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konezke, Alderperson Joe Martin, Alderperson Ed Baranowski, Alderperson Rachel Raasch, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner and Alderperson Chris Croatt

**Excused:** 2 - Alderperson Bob Baker and Alderperson Keir Dvorachek

**Abstained:** 1 - Mayor Timothy Hanna

I. PUBLIC HEARINGS

[19-0274](#)

Public Hearing, Street Vacation, E. Pacific Street

**Attachments:** [Public Hearing - E Pacific Street, east of N Owaissa.pdf](#)

*The public hearing was held, no one participated in the public hearing.*

J. SPECIAL RESOLUTIONS

[19-0440](#)

Final Resolution for E. Pacific Street Vacation

**Attachments:** [Pacific Street - Final Resolution.pdf](#)

**Alderperson Baranowski moved, seconded by Alderperson Lobner, that the Final Resolution be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konezke, Alderperson Joe Martin, Alderperson Ed Baranowski, Alderperson Rachel Raasch, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner and Alderperson Chris Croatt

**Excused:** 2 - Alderperson Bob Baker and Alderperson Keir Dvorachek

**Abstained:** 1 - Mayor Timothy Hanna

[19-0443](#)

Initial Resolution for E. Kimball Street Vacation

**Attachments:** [Initial Resolution - E Kimball St Vacation.pdf](#)

**Alderperson Croatt moved, seconded by Alderperson Baranowski, that the Initial Resolution be held, due to the Consolidated Action Item being referred back to Municipal Services Committee and Plan Commission. Roll Call. Motion carried by the following vote:**

**Aye:** 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konezke, Alderperson Joe Martin, Alderperson Ed Baranowski, Alderperson Rachel Raasch, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner and Alderperson Chris Croatt

**Excused:** 2 - Alderperson Bob Baker and Alderperson Keir Dvorachek

**Abstained:** 1 - Mayor Timothy Hanna

K. ESTABLISH ORDER OF THE DAY

[19-0412](#)

Resolution #3-R-19 directing that Section 10-42 of the Municipal Code regarding truancy, be repealed

**Attachments:** [#3-R-19 Repealing Truancy Ord..pdf](#)  
[Truancy Resolution Talking Points- Chief Thomas-4-1-19.pdf](#)

**This Report Action Item was referred to the Safety and Licensing Committee due back on 4/24/2019.**

[19-0419](#)

R/B-Request from Renewal by Anderson to replace Radisson Paper Valley signage on the Superior Street Skywalk with their signage.

**Attachments:** [Renewal by Anderson Signage.pdf](#)

**This Report Action Item was referred to the Municipal Services Committee due back on 4/8/2019.**

[19-0420](#)

R/B-Approve Kimball Street Vacation west of Allen Street, less the future S. Oneida Street right-of-way.

**Attachments:** [Kimball Street Vacation.pdf](#)

**This Report Action Item was referred to the Municipal Services Committee due back on 4/8/2019.**

[19-0394](#)

Request to approve the street discontinuance to vacate a portion of East Kimball Street public right-of-way located west of South Allen Street and adopt the Initial Resolution and exhibit map

**Attachments:** [StaffReport\\_KimballWestOfAllen\\_StreetVacation\\_For03-26-19.pdf](#)

**This Report Action Item was referred to the City Plan Commission due back on 4/9/2019.**

[19-0416](#)

Resolution introduced by Alderpersons Plank, District 7, Coenen, District 11 and Croatt, District 14 at the March 20, 2019 Common Council meeting relating to Special Events:

#2-R-19 - Plank/Coenen/Croatt

Whereas,  
special events held in the city of Appleton, contribute to the quality of life and draw thousands of visitors both from within the city and beyond.

And whereas,  
these events benefit many local for profit and not for profit entities.

And whereas,  
event holders, attendees and tax paying citizens of Appleton have a high expectation that these events are conducted with the utmost priority given to safety and cleanliness in the hours before, during and after.

And whereas,  
events vary in their demands for city services to meet this expectation, and in 2017, for the significant size events alone, the tax payers of Appleton funded in excess of \$50,000 in city services.

And whereas,  
events where a high amount of alcohol is consumed, and trash is accumulated, create a unique and particular residual stress on the department of public works and the police department many hours past the end of an event.

And whereas,  
comparable municipalities who also enjoy similar wonderful events, recognize the value and cost of city services and constraints on the city tax payers and budget and are charging a fee for services provided.

And whereas,  
groups holding and participating in special events also appreciate and desire to continue for the City to provide sanitation and public safety services necessary for their event.

Therefore, be it resolved,  
the City of Appleton modify the special events policy to include a method that monetarily reimburses the city for a portion or total of the staff time and labor necessary to cleanly and safely execute and clean up after special events.

*A notwithstanding vote was taken, an 'aye' vote approves the Resolution and a 'nay' vote denies it.*

**Alderson Croatt moved, seconded by Alderson Plank, that the Resolution be approved. Roll Call. Motion failed by the following vote:**

**Aye:** 2 - Alderson Kathleen Plank and Alderson Chris Croatt

**Nay:** 11 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Curt Konezke, Alderson Joe Martin, Alderson Ed Baranowski, Alderson Rachel Raasch, Alderson Matt Reed, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears and Alderson Kyle Lobner

**Excused:** 2 - Alderson Bob Baker and Alderson Keir Dvorachek

**Abstained:** 1 - Mayor Timothy Hanna

[19-0410](#)

Request to approve the 2018-2019 Budget appropriations:

1. Items not under contract \$9,219,631
2. Special consideration \$2,127,320

**Attachments:** [2018-19 Not-Under contract carryover list.pdf](#)

[2018-19 Special consideration carryover list.pdf](#)

**Alderson Lobner moved, seconded by Alderson Croatt, that the Budget Appropriations be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 13 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Curt Konezke, Alderson Joe Martin, Alderson Ed Baranowski, Alderson Rachel Raasch, Alderson Kathleen Plank, Alderson Matt Reed, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears, Alderson Kyle Lobner and Alderson Chris Croatt

**Absent:** 3 - Alderson Bob Baker, Alderson Keir Dvorachek and Mayor Timothy Hanna

## L. COMMITTEE REPORTS

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

**Alderson Croatt moved, Alderson Martin seconded, to approve the balance of the agenda. The motion carried by the following vote:**

**Aye:** 13 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Curt Konezke, Alderson Joe Martin, Alderson Ed Baranowski, Alderson Rachel Raasch, Alderson Kathleen Plank, Alderson Matt Reed, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears, Alderson Kyle Lobner and Alderson Chris Croatt

**Excused:** 2 - Alderperson Bob Baker and Alderperson Keir Dvorachek

**Abstained:** 1 - Mayor Timothy Hanna

## 1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[19-0418](#)

Request from Taste of Thai for a Street Occupancy Permit to place tables and chairs in the College Avenue Beautification strip at 321 E. College Avenue.

**Attachments:** [Taste of Thai.pdf](#)

This Report Action Item was approved.

## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[19-0382](#)

Class "B" Beer and "Class C" Wine application of Pinot's Palette, Located at 226 E. College Ave, Brianne Getchius, Agent, contingent upon approval from all departments.

**Attachments:** [Liquor License-Pinots Palette.pdf](#)

This Report Action Item was approved.

[19-0385](#)

Change of Agent application for Skyline Comedy Club, located at 1004 S. Olde Oneida St Suite 3.

**Attachments:** [Bridget M. Friel s&l.pdf](#)

This Report Action Item was approved.

[19-0386](#)

Change of Agent application for The Viking Room at Lawrence University of Wisconsin, located at 615 E. College Ave, Appleton WI 54911

**Attachments:** [Gregory L. Griffin s&l.pdf](#)

This Report Action Item was approved.

[19-0395](#)

Operator's Licenses

**Attachments:** [Operator's Licenses for 3-27-19 S & L.pdf](#)

This Report Action Item was approved.

[19-0401](#) Approval of single source purchase for a new ladder truck in January 2020.

**Attachments:** [New Ladder Truck-FIRE.pdf](#)

This Report Action Item was approved.

### 3. MINUTES OF THE CITY PLAN COMMISSION

[19-0392](#) Request to approve Special Use Permit #3-19 for a restaurant with alcohol sales and service located at 216 East College Avenue (Tax Id #31-2-0317-00), 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\\_216College\\_SUP\\_For3-26-19.pdf](#)

This Report Action Item was approved.

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

### 5. MINUTES OF THE FINANCE COMMITTEE

[19-0405](#) Request to deny the Claim for Excessive Assessment from Wal-mart for the tax year 2018

**Attachments:** [Wal-mart Claim for Finance Committee.pdf](#)

This Report Action Item was approved.

[19-0406](#) Request to award the Fire Station #1 2019 Partial Roof Replacement project contract to Kaschak Roofing, Inc in the amount of \$137,100 with a contingency of 15% for a project total not to exceed \$157,665

**Attachments:** [2019 Fire Station #1 Roof Replacement\\_.pdf](#)

This Report Action Item was approved.

[19-0407](#) Request approval of resolution for Lawe Street Trestle Trail Grant Application

**Attachments:** [Lawe Street Trestle Project - Resolution.pdf](#)

This Report Action Item was approved.

[19-0411](#)

Request to approve land purchase from Neenah Paper FR, LLC in the amount of \$100

**Attachments:** [Neenah Paper Land Purchase Final \(3-25-19 Finance\).pdf](#)

This Report Action Item was approved.

[19-0413](#)

Request to award Unit C-19 Sidewalk Sawcutting to ASTI Sawing, Inc in the amount not to exceed \$30,000

**Attachments:** [Award of Contract Unit C-19.pdf](#)

This Report Action Item was approved.

[19-0414](#)

Request to award Unit E-19 Miscellaneous Concrete and Street Excavation Repair to Fischer-Ulman Construction, Inc in an amount not to exceed \$701,300

**Attachments:** [Award of Contract Unit E-19.pdf](#)

This Report Action Item was approved.

[19-0415](#)

Request to award Unit Y-19 Sewer & Water Reconstruction #3 to VanStraten Construction Co in the amount of \$1,581,773 with a 5% contingency of \$79,089 for a project total not to exceed \$1,660,862

**Attachments:** [Award of Contract Unit Y-19.pdf](#)

This Report Action Item was approved.

[19-0428](#)

Request to approve the following 2018 Budget adjustment:

**TIF 7 Capital Projects Fund**

Other Contracts/Obligations	+\$16,263
Interest Income	+\$ 4,585
Fund Balance	+\$11,678

to record additional revenues and expenses in TIF 7 in excess of budget (2/3 of Common Council required for approval)

**Attachments:** [2018 Corrected Final Budget adjustments .pdf](#)

This Report Action Item was approved.



**6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE****7. MINUTES OF THE UTILITIES COMMITTEE****8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE****9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION**[19-0424](#)

Authorization to purchase Paratransit Scheduling &amp; Dispatching Software

**Attachments:** [Memo Paratransit software.pdf](#)

This Report Action Item was approved.

**10. MINUTES OF THE BOARD OF HEALTH****M. CONSOLIDATED ACTION ITEMS**[19-0442](#)Street Vacation of East Kimball Street*Item 19-0443 Special Resolutions**Item 19-0420 Municipal Services Committee**Item 19-0394 City Plan Commission***The Consolidated Action Items were held as a result of the Committee/Commission Items being referred back.****N. ITEMS HELD****O. ORDINANCES**[19-0434](#)

Ordinances 36-19 to 42-19

**Attachments:** [Ordinances Going to Council 4-3-19.pdf](#)**The Ordinances were approved, with the exception of 42-19 which was separated out.****19-0462**

Ordinance 42-19

*This Ordinance was separated out, as it relates to the e-cigarette Resolution.**It was referred to the Attorney's Office.*

- P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION
- Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION
- R. OTHER COUNCIL BUSINESS

[19-0439](#)

Reconsideration of Resolution #R-1-19 Regarding E-Cigarettes, as amended on 3-20-2019

**Attachments:** [#1-R-19 E-Cigarettes - Amended 3-20-19.pdf](#)

**Aldersperson Baranowski moved, seconded by Aldersperson Konetzke, that the Item be reconsidered. Roll Call. Motion carried by the following vote:**

**Aye:** 10 - Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Joe Martin, Aldersperson Ed Baranowski, Aldersperson Rachel Raasch, Aldersperson Kathleen Plank, Aldersperson Matt Reed, Aldersperson Cathy Spears, Aldersperson Kyle Lobner and Aldersperson Chris Croatt

**Nay:** 3 - Aldersperson Vered Meltzer, Aldersperson Christine Williams and Aldersperson Patti Coenen

**Excused:** 2 - Aldersperson Bob Baker and Aldersperson Keir Dvorachek

**Abstained:** 1 - Mayor Timothy Hanna

[19-0461](#)

Resolution #1-R-19 relating to e-cigarettes, as amended at the March 20, 2019 Common Council Meeting.

**Aldersperson Konetzke moved, seconded by Aldersperson Lobner, that the Report Action Item be amended as follows:**

**Strike and replace the amendment from 3/20/2019 with:**

**(1) Exceptions. The prohibition against the use of an electronic delivery device does not apply to a business establishment in which the primary activity is the retail sale of electronic delivery devices, accessories, and related products, under the following conditions:**

- a. The sale of all other products is incidental, 10% or less of total sales volume.
- b. The practice of using electronic delivery devices is limited to the sampling, by customers, of products used in conjunction with electronic delivery devices;
- c. The owner and employees of the establishment are not permitted to sample or use products associated with electronic delivery devices on the premises;
- d. The owner and employees shall not facilitate or allow prolonged use of electronic delivery devices on the premises by any person;
- e. Entrance to the establishment is made directly from the outside and the establishment is not co-located with any other business;
- f. Ventilation is sufficient to ensure vapors do not migrate to any other structure or area where the use of electronic delivery devices is prohibited, or persons might be involuntarily subjected to secondhand vapors/smoke;
- g. The establishment posts sign conspicuously at all entrances warning persons entering of the potential exposure to harmful vapors; and
- h. Entry into the premises is restricted to person eighteen years of age or older, verified by ID's presented at the door.

**Roll Call. Motion failed by the following vote:**

**Aye:** 4 - Aldersperson Curt Konetzke, Aldersperson Cathy Spears, Aldersperson Kyle Lobner and Aldersperson Chris Croatt

**Nay:** 8 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Rachel Raasch, Aldersperson Kathleen Plank, Aldersperson Matt Reed, Aldersperson Christine Williams and Aldersperson Patti Coenen

**Excused:** 2 - Aldersperson Bob Baker and Aldersperson Keir Dvorachek

**Abstained:** 2 - Aldersperson Ed Baranowski and Mayor Timothy Hanna

**Meltzer moved, seconded by Coenen that the proposed Amendment language be amended to strike section 'c.' from the exceptions listing. Roll Call. Motion failed by the following vote:**

**Aye:** 6 - Aldersperson Vered Meltzer, Aldersperson Rachel Raasch, Aldersperson Kathleen Plank, Aldersperson Matt Reed, Aldersperson Christine Williams and Aldersperson Patti Coenen

**Nay:** 6 - Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Cathy Spears, Aldersperson Kyle Lobner and Aldersperson Chris Croatt

**Excused:** 2 - Aldersperson Bob Baker and Aldersperson Keir Dvorachek

**Abstained:** 2 - Alderperson Joe Martin and Mayor Timothy Hanna

The item was then referred back to the Board of Health by Alderperson Martin.

[19-0438](#)

Recognition of Alderpersons who will not be returning for another term

S.

ADJOURN

**Alderperson Baranowski moved, seconded by Alderperson Plank, that the meeting be adjourned at 8:58 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konezke, Alderperson Joe Martin, Alderperson Ed Baranowski, Alderperson Rachel Raasch, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Mayor Timothy Hanna

**Excused:** 2 - Alderperson Bob Baker and Alderperson Keir Dvorachek

Kami Lynch, City Clerk



"... meeting community needs ... enhancing quality of life."

DEPARTMENT OF PUBLIC WORKS  
Engineering Division – Traffic Section  
2625 E. Glendale Avenue  
Appleton, WI 54911  
TEL (920) 832-5580  
FAX (920) 832-5570

**To:** Municipal Services Committee  
**From:** Eric Lom, City Traffic Engineer  
**Date:** March 5, 2019  
**Re:** Parking changes related to Evergreen Dr bike lane retrofit project (Haymeadow to Meade)

---

The *Evergreen Drive Bike Lane Retrofit Project* (from Haymeadow Avenue to Meade Street) was included in the 2019 budget and is scheduled to occur this summer in conjunction with the planned roadway urbanization project that will take place to the west (from Richmond Street to Haymeadow Avenue). This memo addresses the parking restrictions that are necessary to implement this Council-approved project.

Additionally, a letter was mailed to affected property owners which provides more detail about the project. It is attached for reference.

**The following ordinance action is required:**

1. **Create:** "Parking be prohibited on Evergreen Drive from Haymeadow Avenue to Meade Street."



"...meeting community needs...enhancing quality of life."

**DEPARTMENT OF PUBLIC WORKS**  
**Engineering Division – Traffic Section**  
2625 E. Glendale Avenue  
Appleton, WI 54911  
TEL (920) 832-5580  
FAX (920) 832-5570

March 1, 2019

Dear Evergreen Drive property owner,

For over a decade now, the City of Appleton has been working to identify opportunities to improve bicycle and pedestrian safety throughout the city. Among those efforts was the development of the *City of Appleton Trails Master Plan*. This plan was unanimously approved by the Common Council and provides a framework for future investments in a system of interconnected bicycle and pedestrian facilities throughout the City. *You can view this plan at <https://goo.gl/tMA7Pj> or by scanning the QR code below.*

This spring, we will be upgrading the west end of Evergreen Drive (Richmond St to Haymeadow Ave) to match the standards of our other secondary streets, adding lighting, bike lanes, and sidewalks. Our trails master plan also calls for the east end of Evergreen Drive (Haymeadow Ave to Meade St) to function as an important link for bicycles and pedestrians between the existing and future trails and bike lanes in the area. To accomplish this, three separate projects are planned for 2019:

1. Richmond St to Haymeadow Ave: This portion of Evergreen Dr will be paved with concrete (with curb and gutter) and will include street lights, bike lanes, a 5-foot sidewalk on the south side, and a 10-foot trail on the north side. A new crosswalk will also be added across Richmond St to connect to the existing trail by Kwik Trip. No on-street parking will be allowed.
2. Haymeadow Ave to Meade St: This segment of the roadway is planned to be striped and signed for bike lanes in both directions. To accomplish this, parking is planned to be removed from both sides of the roadway. The City's Municipal Services Committee will discuss this issue at their next meeting (4:30 p.m. on Monday, March 11<sup>th</sup>, 6<sup>th</sup> floor of City Center Building, 100 N. Appleton St.).
3. Evergreen Dr / Meade St Intersection: A push-button activated pedestrian crossing system (with strobe lights) will be installed to allow bicyclists and pedestrians to more safely cross Meade Street and access trails to the north, south and east.

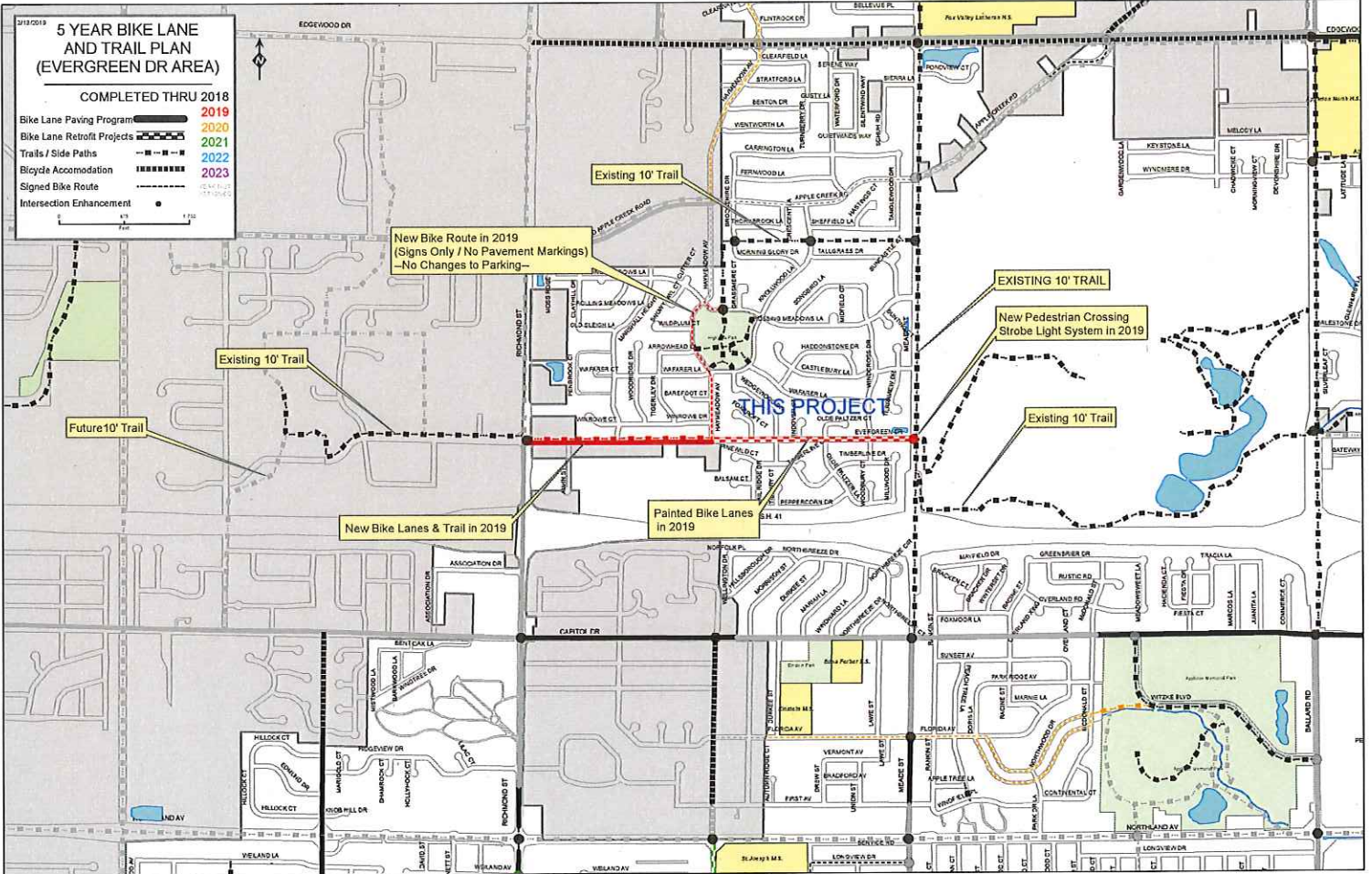
By making these connections and improving these crossings, we will create access to safer walking and biking routes for residents north of I-41. This project will also provide the link to existing trails west into Grand Chute, and promote alternative modes of transportation for our residents, while improving our trail network for recreational opportunities.

Please look over the attached drawings and feel free to contact your alderperson (Kathleen Plank, [district7@appleton.org](mailto:district7@appleton.org), 428-2623) or me ([eric.lom@appleton.org](mailto:eric.lom@appleton.org), 832-3958), with any questions or feedback.

Sincerely,

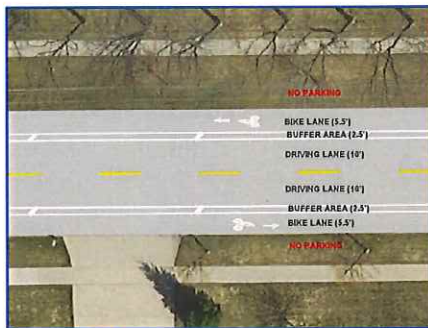
Eric S. Lom, P.E.  
City Traffic Engineer







New Roadway Configuration  
 (to be implemented in 2019)



Bike Lane Striping Plan  
 (to be implemented in 2019)



Push-Button Activated Strobe Light System (example)  
 (to be installed at Evergreen/Meads) in 2019)



ROADWAY  
 URBANIZATION  
 PROJECT

BIKE LANE  
 STRIPING  
 PROJECT



# Evergreen Drive

Bike Lane and Trail Implementation  
 Summer 2019



## Paula Vandehey

---

**From:** Karen Harkness  
**Sent:** Thursday, March 7, 2019 5:12 PM  
**To:** Linda Garvey; Paula Vandehey  
**Cc:** Hannah F  
**Subject:** Re: Superior Street Skywalk Signage

Thanks Linda.

I've copied Paula on this email she she oversees this process.

K  
Sent from my iPhone

On Mar 7, 2019, at 6:09 PM, Linda Garvey <[lgarvey@appletonpvh.com](mailto:lgarvey@appletonpvh.com)> wrote:

Hi Karen,

I writing to verify that Red Lion Hotel Paper Valley is releasing the space on the Superior Street skywalk between the hotel and the Red ramp. We previously had a sign there but once we took that down, we decided not to add a new one in its place.

Thank you!

Linda Garvey | Hotel GM  
T 9207338000ext1660 | [lgarvey@appletonpvh.com](mailto:lgarvey@appletonpvh.com)

Red Lion Hotel Paper Valley  
333 W College Ave Appleton WI 54911 US  
[redlion.com](http://redlion.com) | [Facebook](#) | [Twitter](#)

Company: Tundraland  
 Contact: Hannah  
 Project:  
 Date: 3.15.19

**FASTSIGNS**  
 Contact: Trevor  
 Designer: Laura Fuhs  
 File: Tundraland Renewal 2  
 Revision: 2

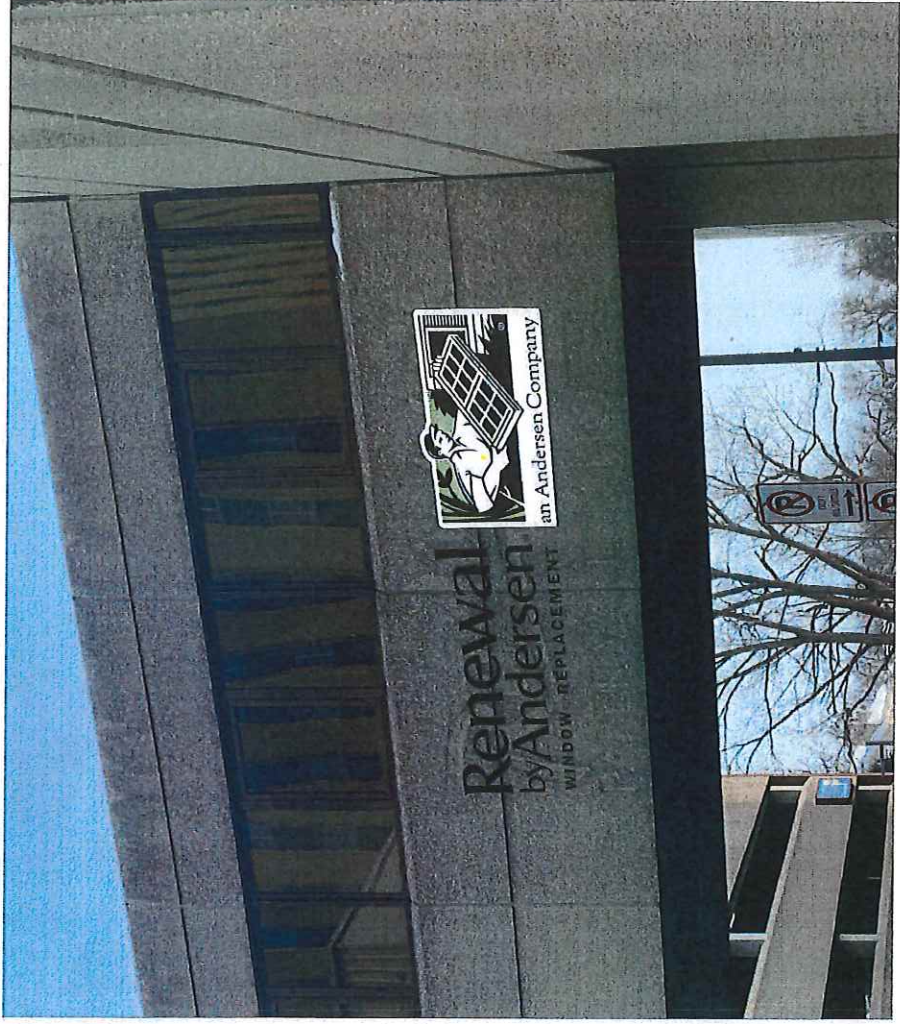
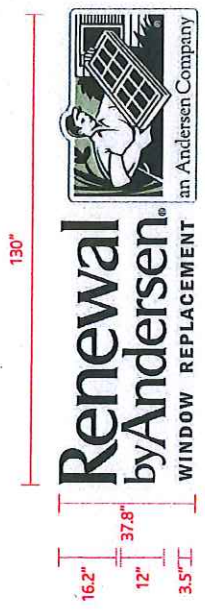
**PROJECT DESCRIPTION**

Scope:  
 Process: digital print  
 Media: 180  
 Laminate: 8520 matte  
 Substrate: 6mm polymetal  
 Surface:  
 S/S: \_\_\_\_\_ D/S: \_\_\_\_\_  
 Hardware:  
 Font(s):  
 Color(s):  
 Notes: Routed Letters

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*This rendering is private & confidential*

Quantity  
**1**



Client signature for approval: \_\_\_\_\_

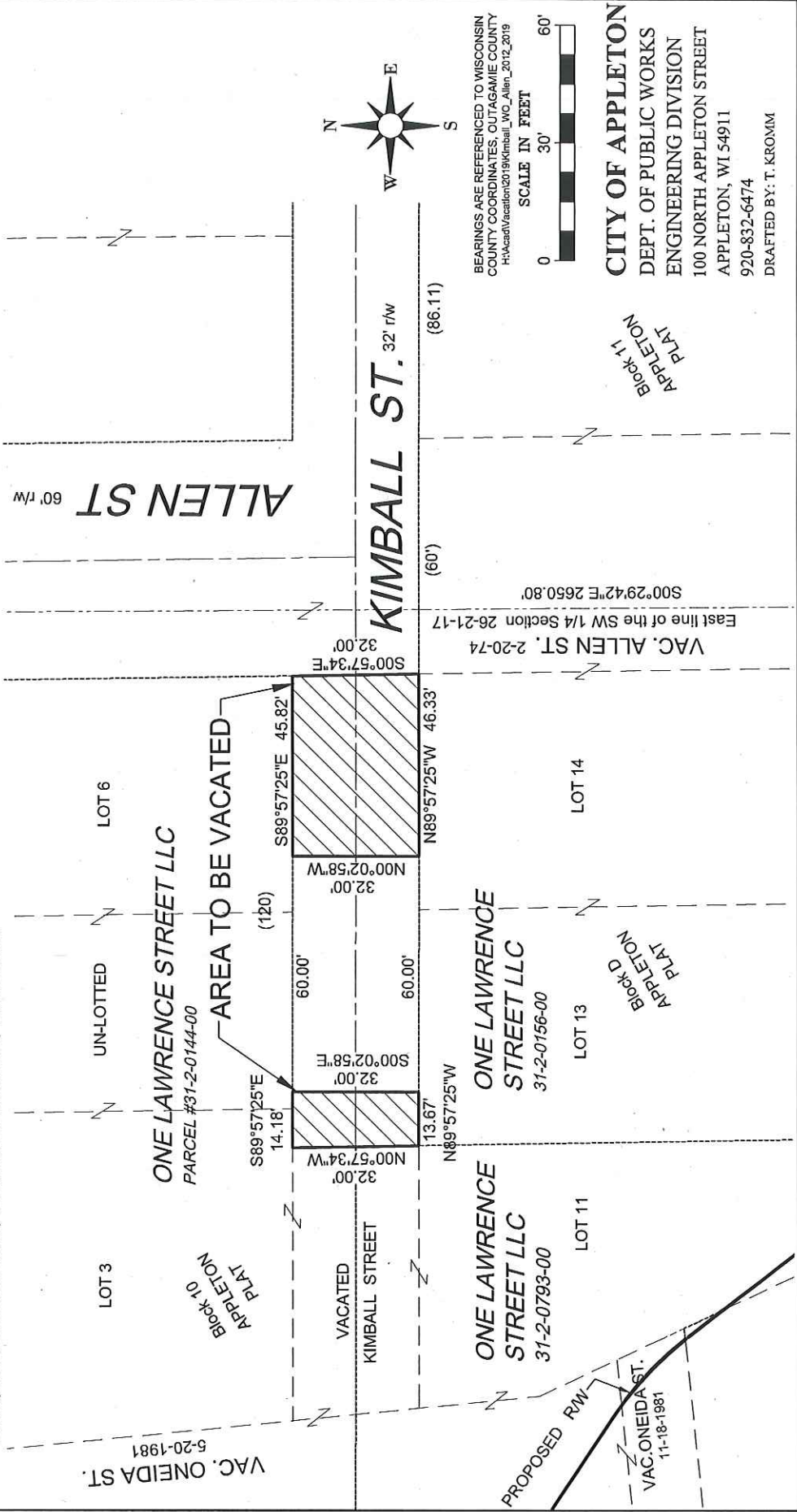
Date: \_\_\_\_\_

**By signing this release, you are approving production of the work as specified on this document. Please examine all proofs carefully for accuracy. If changes are required, we will be happy to provide you a second proof free of charge. Thereafter, any further proofs will be billed at a \$10.00 minimum each.**

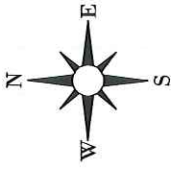
\*COLORS SHOWN ON THIS DOCUMENT ARE A CONCEPTUAL REPRESENTATION ONLY. IF YOU NEED TO SEE A SAMPLE OF THE ACTUAL COLOR BEFORE APPROVING THE PROOF, PLEASE REQUEST A PHYSICAL COLOR SAMPLE FROM YOUR SALES REPRESENTATIVE.

# EXHIBIT "A"

PART OF KIMBALL STREET LYING BETWEEN BLOCK 10 AND BLOCK D, APPLETON PLAT, (AKA SECOND WARD PLAT), ALL ACCORDING TO THE RECORDED ASSESSOR'S MAP OF THE CITY OF APPLETON, BEING LOCATED IN THE SE 1/4 OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



BEARINGS ARE REFERENCED TO WISCONSIN COUNTY COORDINATES: OUTAGAMIE COUNTY  
 H:\Acad/Vacation\2019\Kimball\_LWO\_Allen\_2012\_2019



**CITY OF APPLETON**  
 DEPT. OF PUBLIC WORKS  
 ENGINEERING DIVISION  
 100 NORTH APPLETON STREET  
 APPLETON, WI 54911  
 920-832-6474  
 DRAFTED BY: T. KROMM

Block 11  
 APPLETON PLAT

Block D  
 APPLETON PLAT

Block 10  
 APPLETON PLAT

ONE LAWRENCE STREET LLC  
 31-2-0793-00

ONE LAWRENCE STREET LLC  
 31-2-0156-00

ONE LAWRENCE STREET LLC  
 PARCEL #31-2-0144-00

KIMBALL ST. 32' r/w

ALLEN ST 60' r/w

VAC. ALLEN ST. 2-20-74  
 East line of the SW 1/4 Section 26-21-17  
 S00°29'42"E 2650.80'

VAC. ONEIDA ST.  
 5-20-1981

PROPOSED RW

VAC. ONEIDA ST.  
 11-18-1981

Kimball Street (West of Allen Street)  
Street Vacation  
Aerial Map

2-0144

2-0152

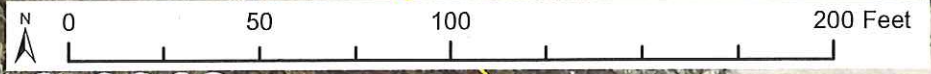
Subject Area

E KIMBALL ST

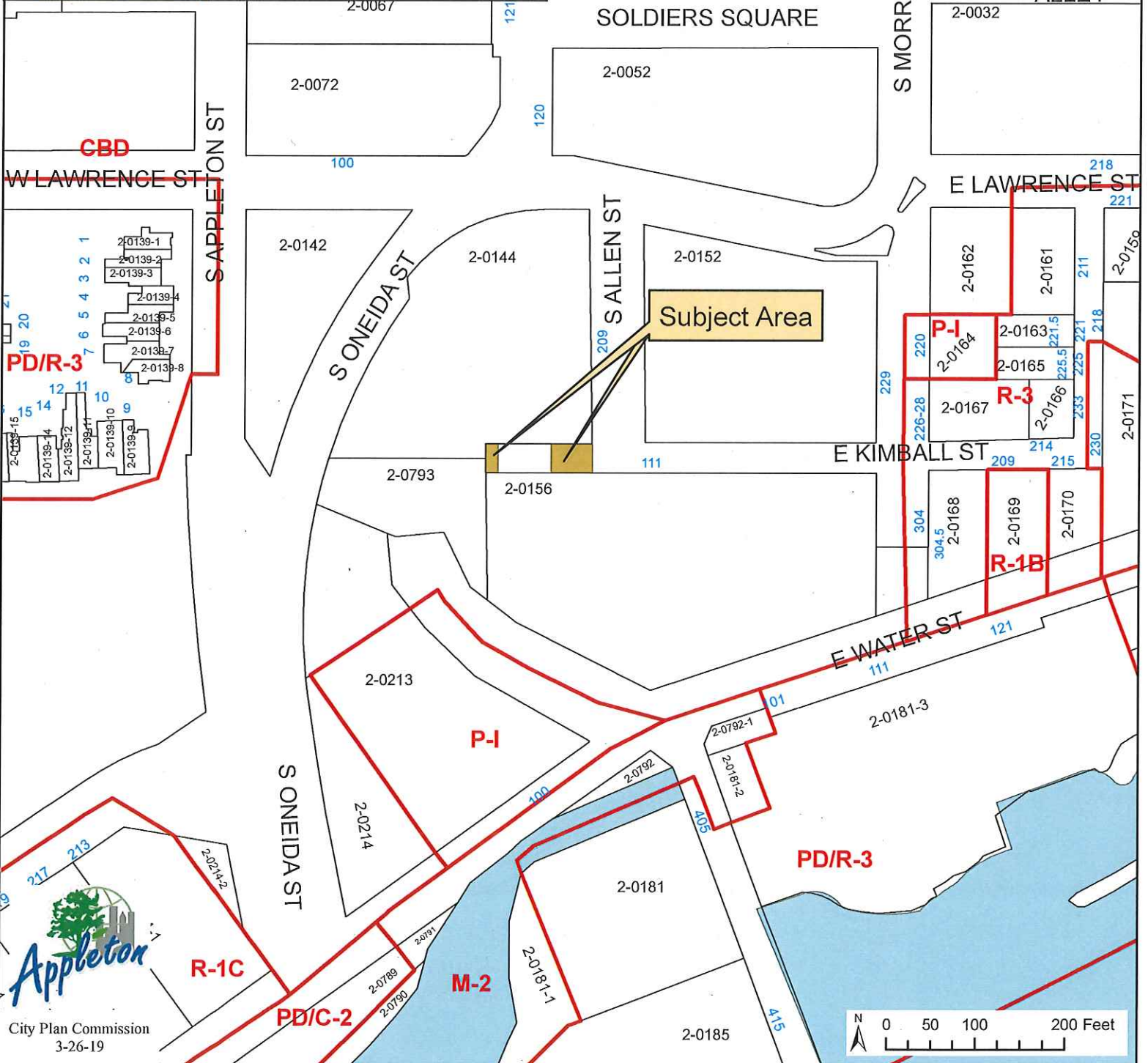
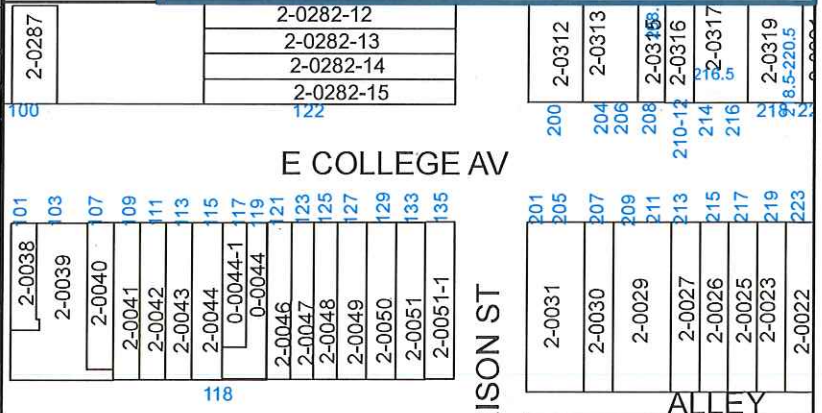
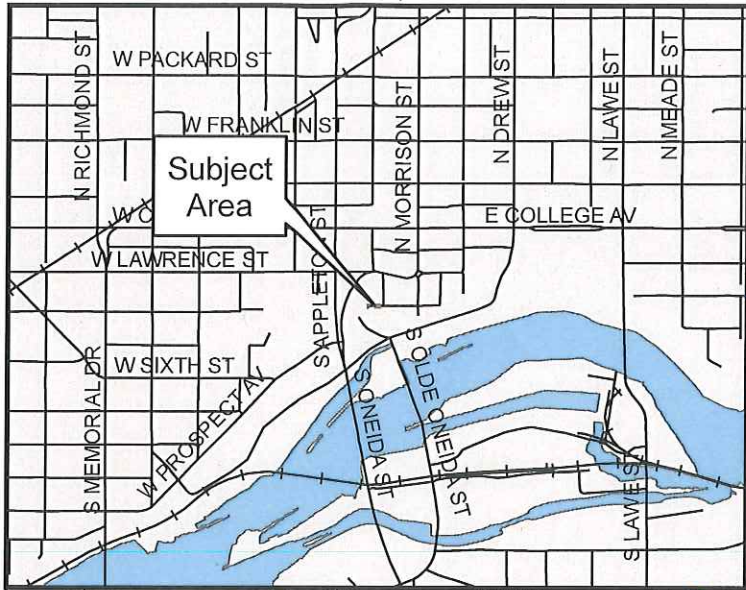
2-0793

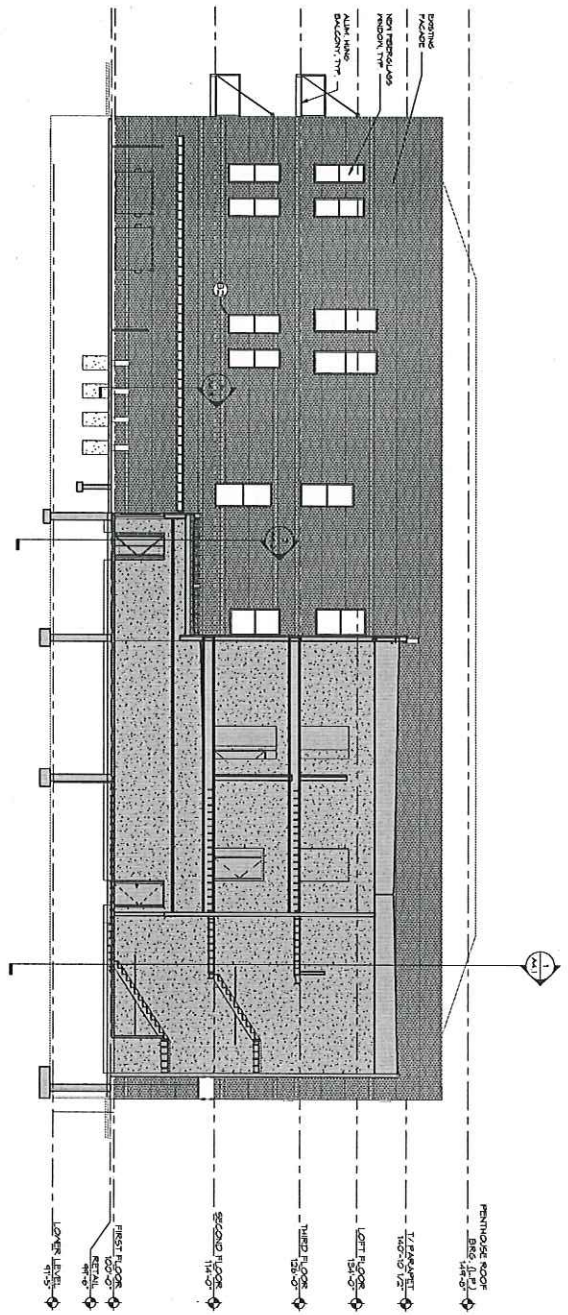
2-0156

ROCKY BLEIER RUN



# Kimball Street (West of Allen Street) Street Vacation Zoning Map



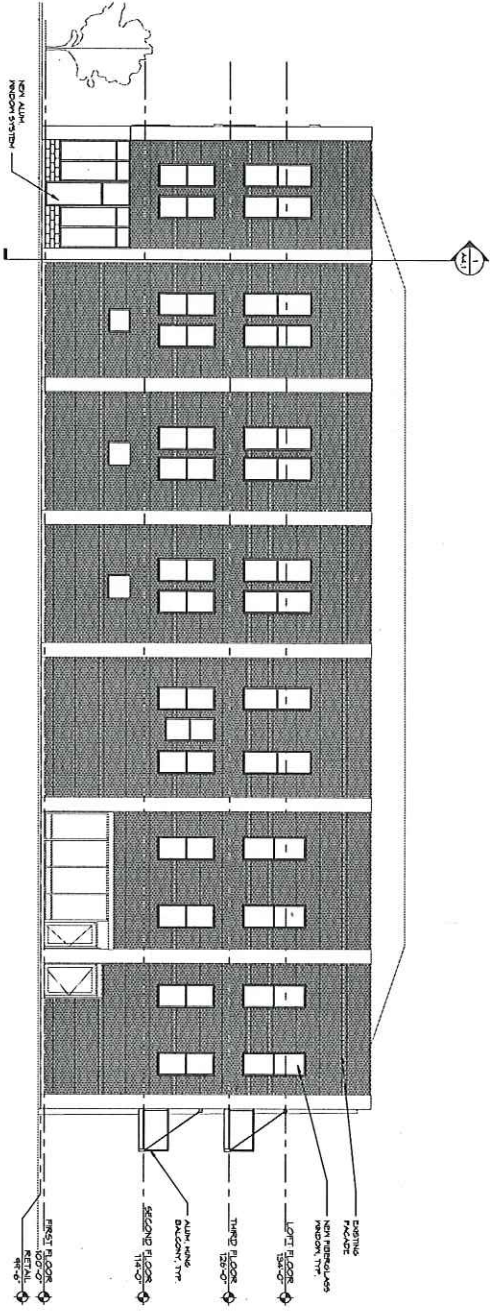


- ELEVATION PLAN NOTES:**
1. SEE FLOOR PLANS FOR ADDITIONAL NOTES ABOUT EXTERIOR WALLS
  2. WINDOW ELEVATIONS - SEE A3.3
  3. DOOR AND FRAME SCHEDULE - SEE A3.2

- ② WALLS
- 01. REPAIR PLASTER WALL
- 02. REPAIR/REMOVE STONE MASONRY WALL
- 03. INSTALL OPENING WITH STONE AND MORTAR
- 04. EXISTING
- 01.

**EAST ELEVATION**  
SCALE: 1/8" = 1'-0"

② 220322  
D1



**WEST ELEVATION**  
SCALE: 1/8" = 1'-0"

- ② EXISTING
- 01.
- ② EXISTING
- 01.
- ② EXISTING
- 01.
- ② EXISTING
- 01.
- ② EXISTING
- 01.
- ② EXISTING
- 01.

**ISSUE FOR BID ONLY**

NO.	DESCRIPTION	DATE

EXTERIOR ELEVATIONS

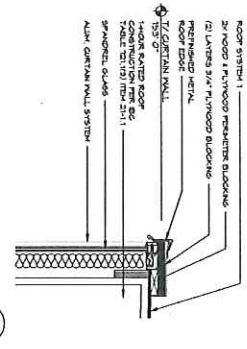
**Performa**  
ARCHITECTS | ENGINEERS  
1000 W. COLLEGE AVENUE, SUITE 100  
APPLETON, WISCONSIN 54911  
TEL: 920.833.1100 FAX: 920.833.1101 WWW.PERFORMA.COM

**FOR**  
CONSTRUCTION  
**CATALYST**  
CONSTRUCTION

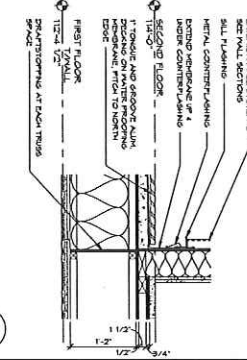
**Gabriel Lofts**  
**Fore Development**  
201 E. College Ave., Appleton, Wisconsin

PROJECT NO.	100075
DATE	08/20/23
SCALE	1/8" = 1'-0"
PROJECT	AS.2
DATE	08/20/23

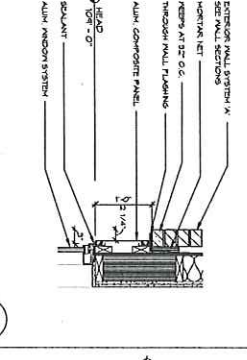




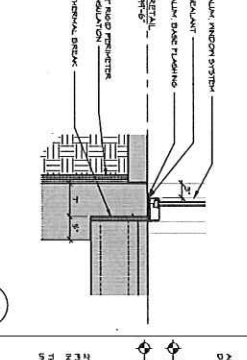
**ROOF EDGE**  
SCALE: 1" = 1'-0"



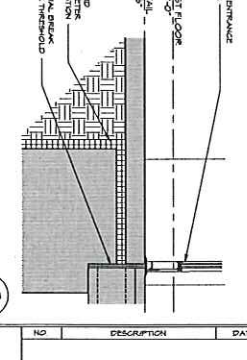
**BALCONY DETAIL**  
SCALE: 1" = 1'-0"



**WINDOW HEAD**  
SCALE: 1" = 1'-0"



**SILL DETAIL**  
SCALE: 1" = 1'-0"



**SILL DETAIL**  
SCALE: 1" = 1'-0"



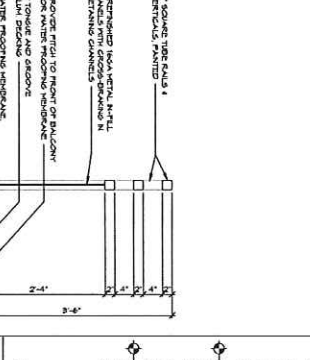
**BALCONY DETAIL**  
SCALE: 1" = 1'-0"



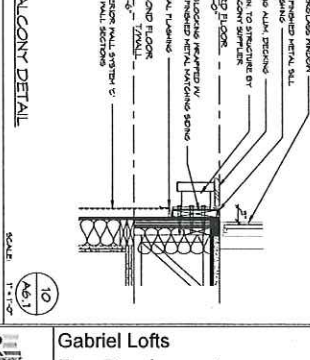
**BALCONY DETAIL**  
SCALE: 1" = 1'-0"



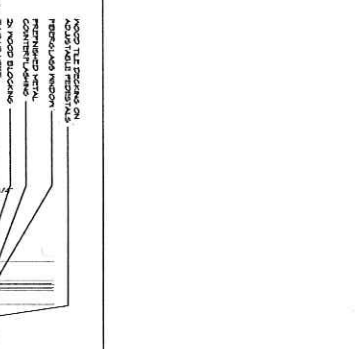
**BALCONY DETAIL**  
SCALE: 1" = 1'-0"



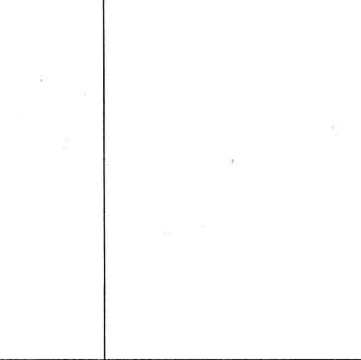
**BALCONY DETAIL**  
SCALE: 1" = 1'-0"



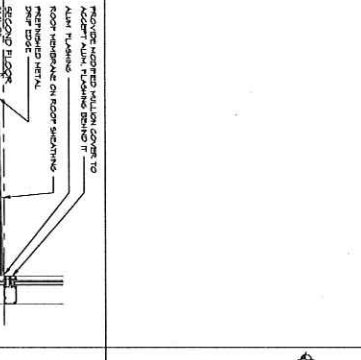
**BALCONY DETAIL**  
SCALE: 1" = 1'-0"



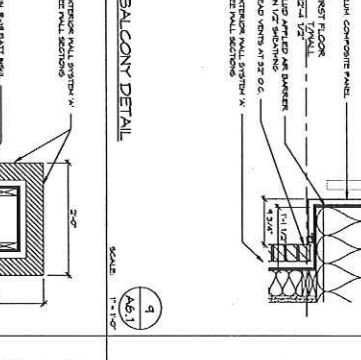
**WALL BASE**  
SCALE: 1" = 1'-0"



**CANOPY DETAIL**  
SCALE: 1" = 1'-0"



**CANOPY DETAIL**  
SCALE: 1" = 1'-0"



**PLAN DETAIL**  
SCALE: 1" = 1'-0"



**PLAN DETAIL**  
SCALE: 1" = 1'-0"

**ISSUE FOR BID ONLY**



Google Maps 100



Image capture: Nov 2018 © 2019 Google

Street View





“... meeting community needs ... enhancing quality of life.”

DEPARTMENT OF PUBLIC WORKS  
Engineering Division – Traffic Section  
2625 E. Glendale Avenue  
Appleton, WI 54911  
TEL (920) 832-5580  
FAX (920) 832-5570

**To:** Municipal Services Committee  
**From:** Eric S. Lom, City Traffic Engineer  
**Date:** April 1, 2019  
**Re:** Traffic-related ordinance changes for the Telulah Avenue Reconstruction Project

The Telulah Avenue Reconstruction Project will be completed this summer. This memo addresses the parking restrictions that are necessary to implement the Council-approved roadway plans.

**The following ordinance action is required:**

1. **Create:** “Parking be prohibited on the west side of Telulah Avenue from Calumet Street to Marion Street.”
2. **Create:** “Parking be prohibited on Telulah Avenue from Coolidge Street to Calumet Street.”
3. **Create:** “Parking be prohibited on the east side of Telulah Avenue from Calumet Street to a point 55 feet north of Robin Way.”
4. **Create:** “Parking be prohibited on the east side of Telulah Avenue from Marion Street to a point 80 feet south of Marion Street.”



“... meeting community needs ... enhancing quality of life.”

DEPARTMENT OF PUBLIC WORKS  
Engineering Division – Traffic Section  
2625 E. Glendale Avenue  
Appleton, WI 54911  
TEL (920) 832-5580  
FAX (920) 832-5570

**To:** Municipal Services Committee  
**From:** Eric Lom, City Traffic Engineer  
**Date:** April 1, 2019  
**Re:** Parking restriction changes on Badger Avenue, adjacent to Appleton West High School  
*Follow-Up to Six-Month Trial Period*

The Traffic Section was contacted by a representative from Appleton West High school regarding a parking issue on the east side of Badger Avenue, adjacent to their pool complex. The existing loading zone at this location was being overwhelmed with “regular” vehicles dropping off and picking up students, which was causing problems for the loading and unloading of team buses. In an effort to address this issue, they requested the existing loading zone (which was in effect from 7am to 9am and 2pm to 9pm on school days) be converted to “No Stopping, Standing or Parking, except Buses, from 7am to 9pm on School Days.”

Based on our review of the situation, we felt this change would adequately address their concerns without any substantial downside. As such, we instituted a 6-month trial to test the changes.

Upon review at the end of the trial period, AASD was pleased with the effectiveness of the change. Additionally, we have received no negative feedback from the neighborhood regarding this change. As such we recommend making the change permanent.

**To accomplish this, the following ordinance action is required:**

1. **Create:** “Stopping, standing and parking be prohibited, except for buses, from 7:00 a.m. to 9:00 p.m. on school days, on the east side of Badger Avenue from a point 385 feet southeast of Schneider Place to a point 500 feet southeast of Schneider Place, as measured along the centerline of Badger Avenue.”



“... meeting community needs ... enhancing quality of life.”

**DEPARTMENT OF PUBLIC WORKS**  
**Engineering Division – Traffic Section**  
2625 E. Glendale Avenue  
Appleton, WI 54911  
TEL (920) 832-5580  
FAX (920) 832-5570

**To:** Municipal Services Committee  
**From:** Michael Hardy, Assistant City Traffic Engineer  
**Date:** April 2, 2019  
**Re:** Parking Change on Ashbury Dr at Mya Dr (by ANHS)  
*Follow-Up to Six-Month Trial Period*

The Traffic Section was contacted by a citizen representing the residences along the private street Mya Drive. The citizen noted there has been increase of Appleton North High School (ANHS) students parking on Ashbury Drive in high density and proximity to Mya Drive. Their request was to restrict parking in the vicinity of Mya Drive to provide better visibility of traffic when exiting onto Ashbury Drive.

Based on a review of situation, we believed the change would have little to no negative impact, as the change would only displace a few parked vehicles that could easily relocate back to the ANHS parking lot or elsewhere on Ashbury Drive. Based on this information, we instituted a 6-month trial to test the changes.

Since implementing the change, we have received no negative feedback from the neighborhood regarding this change. As such, we recommend making the change permanent.

**To accomplish this, the following ordinance action is required:**

1. **Create:** “Parking be prohibited on school days from 7:30 a.m. to 4:30 p.m. on the south side of Ashbury Drive from a point 810 feet east of Ballard Road to a point 980 feet east of Ballard Road.”



company inc

505 LAWRENCE DR. DE PERE, WI 54115  
920.336.8900 GREENBAYSIGNS.COM

CLIENT: FOX COMM. CREDIT UNION  
LOCATION: VARIOUS  
DRAWN BY: CHINDY X  
SALESPERSON: KELLIL  
DATE: 4/3/19  
DESIGN #: D15055

PAGE: 1

REVISION LOG:	INTL	DATE	DESCRIPTION
---	00/00/0000		DESCRIPTION

**DIRECTIONAL SIGN**

QUANTITY: 5 TOTAL  
SIDES: S/F  
FACES: WOODEN FACES SUPPLIED  
MOUNTING: DIRECT EMBEDMENT  
POLES: 4" SQUARE GALVANIZED METAL

INSTRUCTION: PICK UP WOODEN FACES IN APPLETON, ASSEMBLE POLES TO FACES AND INSTALL. SEE LOCATION PAGE FOR PLACEMENT OF SIGNS.

COLORS:

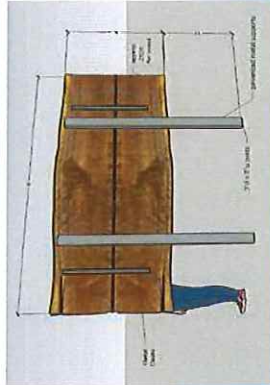
CUSTOMER SIGNATURE FOR DESIGN APPROVAL:

DATE

**DIRECTIONAL SIGN: OPT 1**

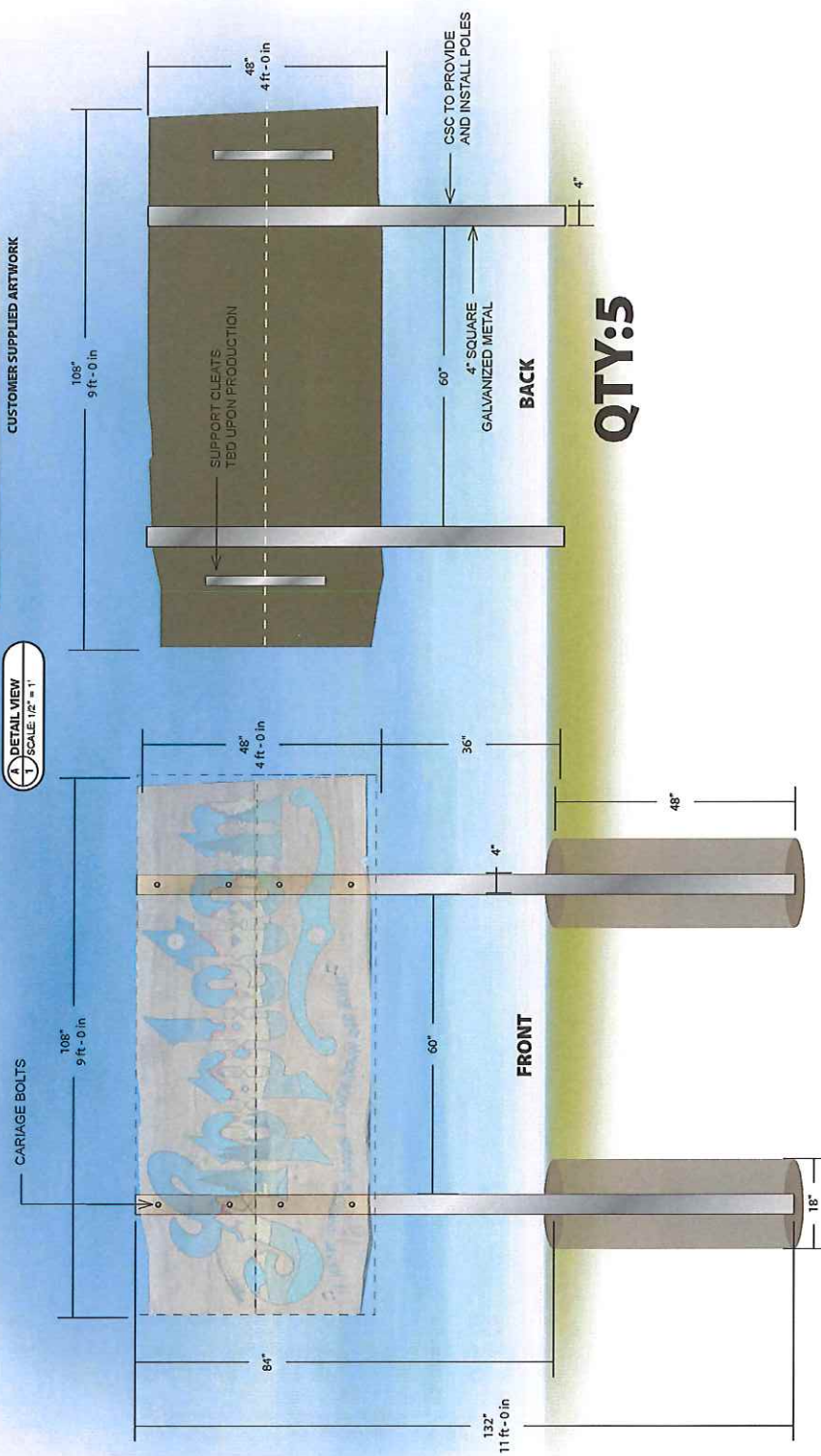


CUSTOMER SUPPLIED ARTWORK



CUSTOMER SUPPLIED ARTWORK

A DETAIL VIEW  
SCALE: 1/2" = 1'



CONCEPTUAL DRAWING ONLY - NOT FOR FABRICATION PURPOSES (SIZES ARE APPROX)

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# LOCATION 2



505 LAWRENCE DR. DE PERE, WI 54115  
920.336.8900 GREENBAYSIGNS.COM

CLIENT: FOX COMM. CREDIT UNION  
LOCATION: VARIOUS  
DRAWN BY: CHINDYX  
SALESPERSON: KELIJL  
DATE: 4/3/19  
DESIGN #: D15055  
PAGE: 3

REVISION LOG:	INTL	DATE	DESCRIPTION
	---	00/00/0000	DESCRIPTION

### SITE PLAN

COLORS:

CUSTOMER SIGNATURE FOR DESIGN APPROVAL:

DATE

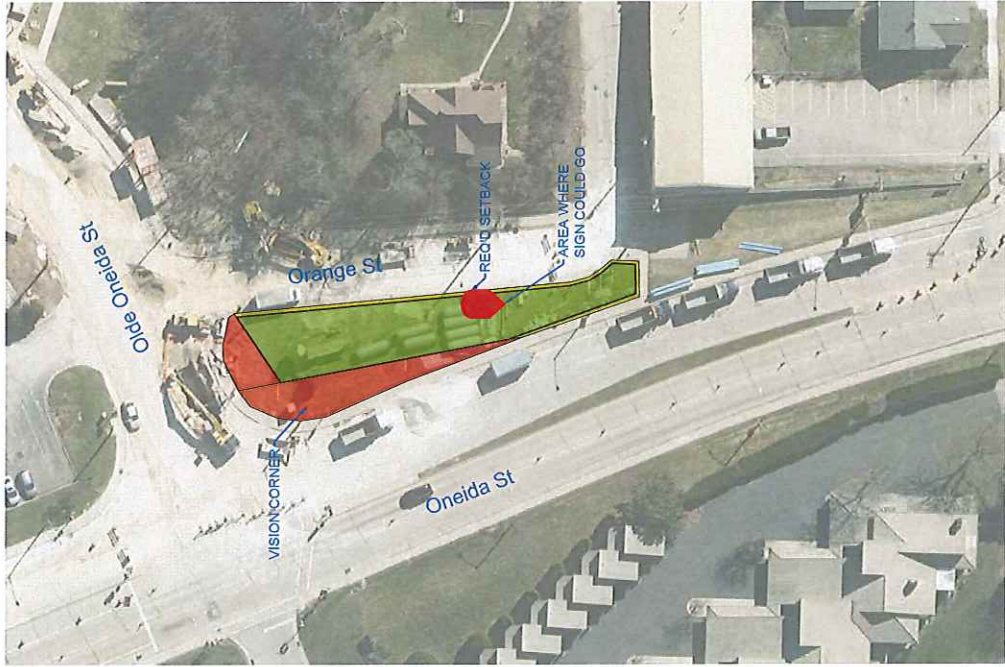
CONCEPTUAL DRAWING ONLY - NOT FOR FABRICATION PURPOSES (SIZES ARE APPROX)

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BETTER VISUAL OF SIGN PLACEMENT

# LOCATION 3



company inc  
505 LAWRENCE DR. DE PERE, WI 54115  
920.336.8900 GREENBAYSIGNS.COM

CLIENT: FOX COMM. CREDIT UNION  
LOCATION: VARIOUS  
DRAWN BY: CHINOYX  
SALESPERSON: KELLI L  
DATE: 4/3/19  
DESIGN #: D15055  
PAGE: 4

REVISION LOG:	INTL	DATE	DESCRIPTION
		00:00:0000	

### SITE PLAN

Blank area for site plan details and notes.

### COLORS:

Blank area for color specifications.

### CUSTOMER SIGNATURE FOR DESIGN APPROVAL:

Blank area for customer signature.

DATE

### CONCEPTUAL DRAWING ONLY - NOT FOR FABRICATION PURPOSES (SIZES ARE APPROX)

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BETTER VISUAL OF SIGN PLACEMENT





## REPORT TO CITY PLAN COMMISSION

New information is underlined.

**Municipal Services Committee Meeting Date:** April 3, 2019

**Plan Commission Informal Public Hearing Date:** March 26, 2019

**Common Council Meeting Date – Initial Resolution:** April 3, 2019  
(Initial Resolution Introduced/Held and Items Referred Back – Williams)

**Municipal Services Committee Meeting Date:** April 8, 2019

**Plan Commission Meeting Date:** April 9, 2019

**Common Council Meeting Date – Initial Resolution:** April 17, 2019

**Common Council Meeting Date – Public Hearing (40-day waiting period):** May 15, 2019

**Item:** Street Discontinuance to vacate a portion of East Kimball Street

**Case Manager:** David Kress

### GENERAL INFORMATION

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**Owner/Applicant:** City of Appleton / Tom Kromm, Department of Public Works

**Street Name/Location:** Portion of East Kimball Street, generally located west of South Allen Street

**Owner/Applicant's Request:** The applicant is requesting a street discontinuance to vacate a portion of East Kimball Street west of South Allen Street.

### BACKGROUND

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This street vacation request was referred back to Municipal Services Committee and Plan Commission at the April 3, 2019 Common Council meeting by Alderperson Christine Williams. Pursuant to §66.1003 of the Wisconsin Statutes, the 40-day waiting period started after the Initial Resolution was introduced at Common Council, meaning the Public Hearing and Final Resolution can still appear at the May 15, 2019 Common Council meeting.

Part of the subject area is included in a Development Agreement that was approved by Common Council on December 19, 2017 and amended/restated on August 15, 2018. The proposed development area, commonly referred to as the "bluff site," also includes part or all of parcels #31-2-0156-00, #31-2-0144-00, and #31-2-0152-00. The need to vacate streets was anticipated in Section 3.13 of the Development Agreement.

The proposed street vacation is part of a broader effort to redefine street and lot configurations in the bluff site area. On March 20, 2019, Common Council approved a Relocation Order for new street right-of-way

## **Street Vacation – East Kimball Street**

**April 9, 2019**

**Page 2**

for Oneida Street extended, between Lawrence Street and Rocky Bleier Run. The acquisition area identified in the Relocation Order aligns with the 60-foot wide space shown on the attached exhibit map, which will remain as public right-of-way.

### **STAFF ANALYSIS**

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**Title to Vacated Street:** When vacated, the land must revert to its original source, which in this case includes the parcels located north and south of the proposed vacation area. Consequently, title to the street being vacated will belong to the adjoining property owner. The adjoining property owner will acquire an ownership interest in the land vacated, totaling approximately 1,920 square feet, as shown on the attached map.

**Existing Public Utilities:** The City will retain an easement for all existing utilities and any future utilities deemed necessary within the entire length and width of the vacated right-of-way.

**Street Right-of-Way Width:** This portion of East Kimball Street is approximately 32 feet wide.

**Street Classification:** The City's Arterial/Collector Plan Map identifies this portion of East Kimball Street as a local street.

**Surrounding Zoning and Land Uses:** The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally commercial and institutional in nature.

**North:** CBD Central Business District. The adjacent property to the north is currently unoccupied (formerly occupied by Trinity Lutheran Church).

**South:** CBD Central Business District. The adjacent property to the south is currently unoccupied (formerly occupied by Michiels Fox Banquet Rivertyme Catering).

**East:** CBD Central Business District. Existing Kimball Street right-of-way is immediately east of the subject area.

**West:** CBD Central Business District. The adjacent property to the west is currently unoccupied and includes a previously-vacated segment of Kimball Street.

**Comprehensive Plan 2010-2030:** The City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map identifies this area with a future Mixed Use designation. The proposed street vacation is consistent with the following excerpts from the *Comprehensive Plan 2010-2030*.

#### *Goal 4 – Transportation*

*Appleton will support a comprehensive transportation network that provides viable options for pedestrian, bicycle, highway, rail, and air transportation, both locally and within the region.*

#### *OBJECTIVE 6.9 Transportation:*

*Implement the transportation-related recommendations contained within related plans.*

*Policy 6.9.2 Implement the recommendations of the 2016 Downtown Mobility Study.*

**Street Vacation – East Kimball Street**  
**April 9, 2019**  
**Page 3**

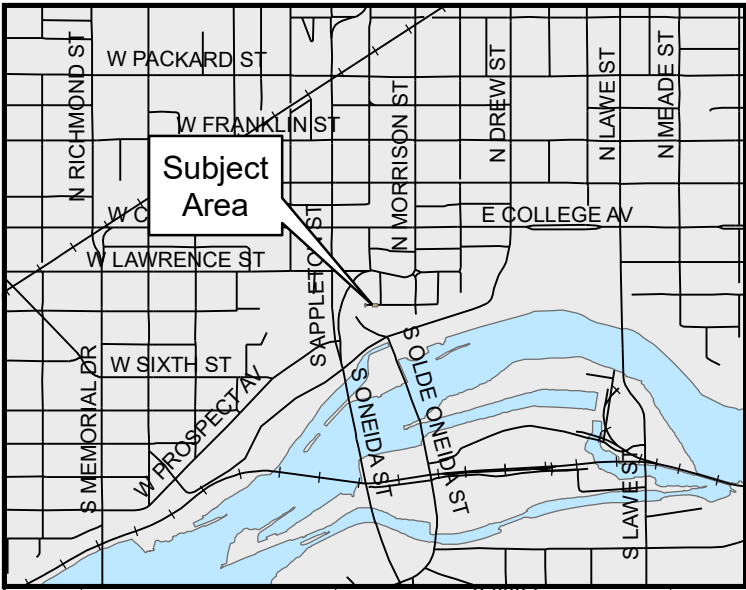
**Technical Review Group (TRG) Report:** This item was discussed at the March 5, 2019 Technical Review Group meeting. No negative comments were received from participating departments.

**RECOMMENDATION**

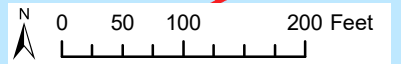
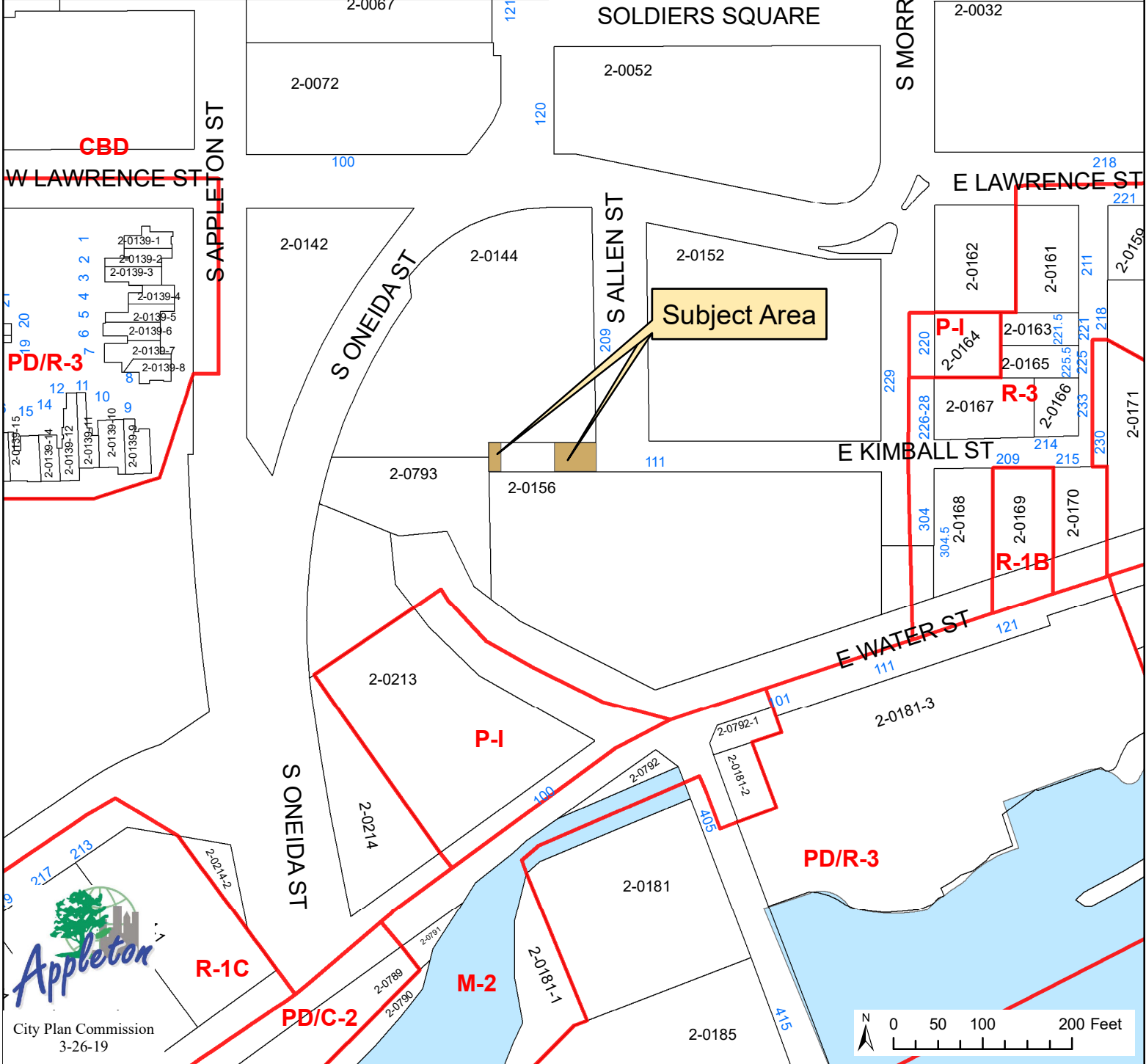
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Staff recommends the discontinuance of a portion of East Kimball Street public right-of-way, as shown on the attached map and legal description, pending approval by the Municipal Services Committee, and the adoption of the Initial Resolution, **BE APPROVED**.

# Kimball Street (West of Allen Street) Street Vacation Zoning Map



2-0287	2-0282-12	2-0312
	2-0282-13	2-0313
	2-0282-14	2-0315
	2-0282-15	2-0316
		2-0317
		2-0319
		2-0320.5



Kimball Street (West of Allen Street)  
Street Vacation  
Aerial Map



2-0144

2-0152

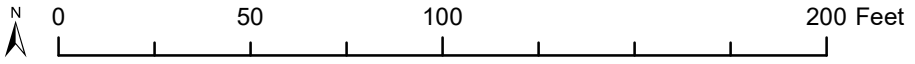
Subject Area

E KIMBALL ST

2-0793

2-0156

ROCKY BLEIER RUN



## **INITIAL RESOLUTION**

**WHEREAS**, the public interest requires that a portion of East Kimball Street, west of South Allen Street, that has not previously been vacated, be vacated and discontinued,

**BE IT RESOLVED**, that the Common Council of the City of Appleton, Wisconsin, hereby determines that the public interest requires that a portion of East Kimball Street, City of Appleton, Outagamie County, Wisconsin, as hereinafter described, is hereby vacated and discontinued pursuant to §66.1003 of the Wisconsin Statutes.

### **LEGAL DESCRIPTION**

*All that part of Kimball Street lying between Block Ten (10) and Block D of the APPLETON PLAT (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in the SE ¼ of the SW ¼ of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 1,920 Square feet of land and being more fully described by:*  
*Commencing at the Southeast corner of said Block 10 and being coincident with the Northwest corner of Allen Street and Kimball Street and being the point of beginning;*  
*Thence South 00°57'34" East 32.00 feet coincident with the Southerly extension of the West line of Allen Street to the South line of Kimball Street;*  
*Thence North 89°57'25" West 106.33 feet coincident with the South line of said Kimball Street;*  
*Thence continue North 89°57'25" West 13.67 feet coincident with the South line of said Kimball Street;*  
*Thence North 00°57'34" West 32.00 feet to the North line of Kimball Street;*  
*Thence South 89°57'25" East 14.18 feet coincident with the North line of Kimball Street;*  
*Thence South 00°02'58" East 32.00 feet to the South line of Kimball Street;*  
*Thence South 89°57'25" East 60.00 feet coincident with the South line of Kimball Street;*  
*Thence North 00°02'58" West 32.00 feet to the North line of Kimball Street;*  
*Thence South 89°57'25" East 45.82 feet coincident with the North line of Kimball Street to the **point of beginning**.*

See also attached Exhibit "A" for illustration.

### **EASEMENTS**

The City of Appleton their heirs, successors and or assigns (Grantee) hereby retain an easement for any and all existing utilities and also any future utilities deemed necessary or desirable by Grantee within the vacated right of way, including but not limited to, storm sewer, drainage, sanitary sewer, watermain, gas, electric, cable and fiber- optic within the entire length and width of the above described right of way.

It is further agreed that this easement shall be a permanent easement.

It is further agreed that Grantee shall have the right to install, regrade, replace, relocate,

operate, maintain, resize and repair any and all of these utilities and their associated appurtenances. It is further agreed that after installing, regrading, replacing, relocating, operating, maintaining, resizing or repairing of these utilities and their associated appurtenances Grantee shall restore unimproved surfaces such as grass, gravel and dirt on said property, as closely as possible, to the condition previously existing. Grantee shall not be required to restore or compensate for any improvements or improved surfaces such as, but not limited to, curb and gutter, hard pavements, trees, shrubs and landscaping, disturbed as a result of the maintenance activities described herein. Buildings or any other type of permanent structure shall not be placed over Grantees' facilities or in, upon or over said easement area. This easement includes the right to operate all equipment deemed necessary by Grantee to perform said activities. Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work.

**COMMON DESCRIPTION:**

A portion of East Kimball Street, west of South Allen Street

***FURTHER RESOLVED***, that the City Clerk of the City of Appleton be authorized and directed to give notice required by §66.1003 of the Wisconsin Statutes.

***FURTHER RESOLVED***, that according to §66.1005 of the Wisconsin Statutes, upon vacation and discontinuance of said portion of East Kimball Street, title to the above-described street shall belong to the adjoining property owners and shall acquire an ownership interest in the entire area being vacated as shown on the attached Exhibit Map.

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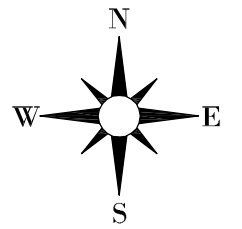
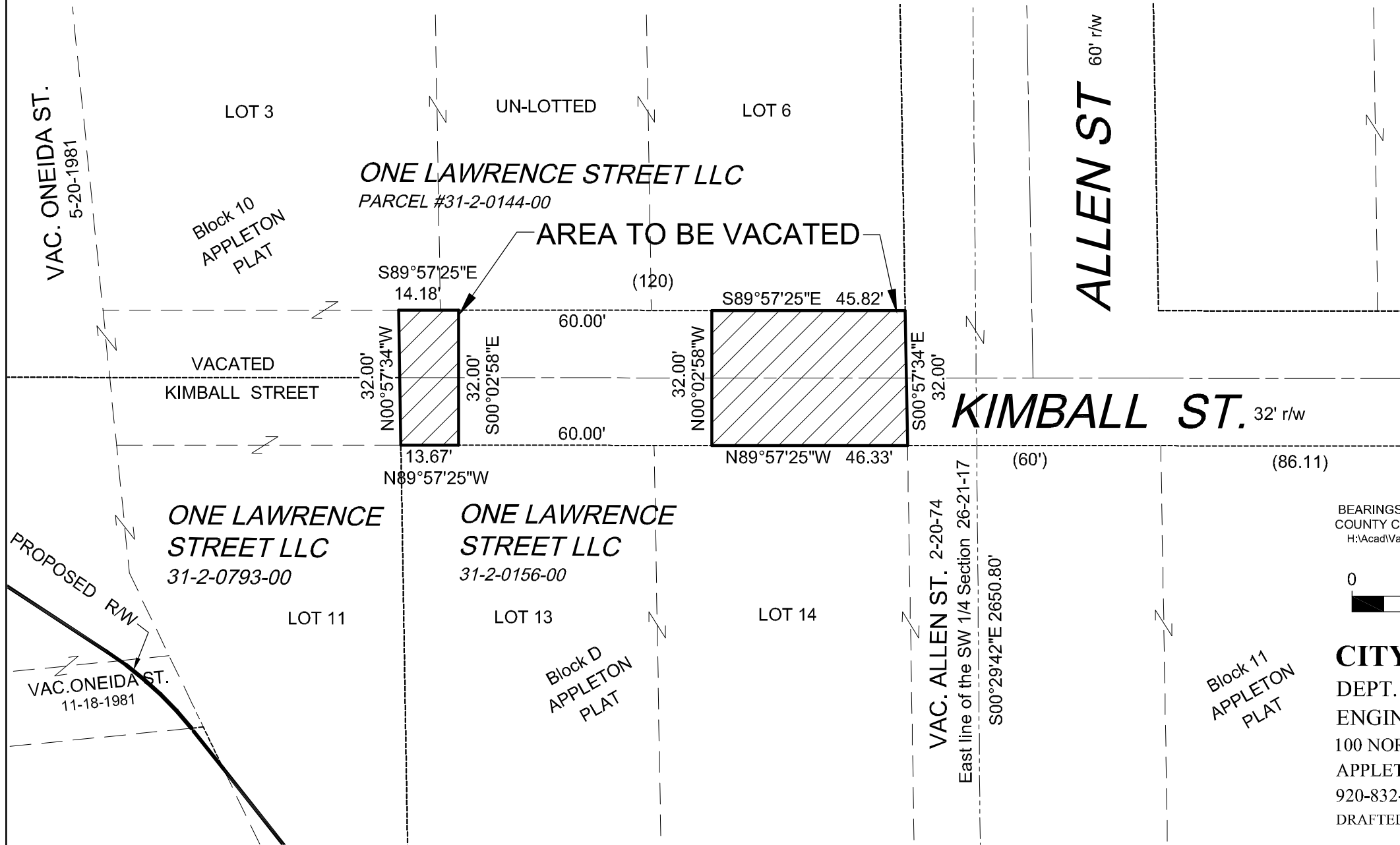
Date  
City Law: A19-0178

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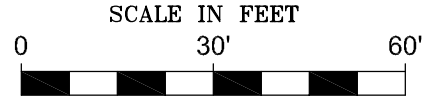
Christopher W. Croatt

# EXHIBIT "A"

PART OF KIMBALL STREET LYING BETWEEN BLOCK 10 AND BLOCK D, APPLETON PLAT, (AKA SECOND WARD PLAT), ALL ACCORDING TO THE RECORDED ASSESSOR'S MAP OF THE CITY OF APPLETON, BEING LOCATED IN THE SE 1/4 OF THE SW 1/4 OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



BEARINGS ARE REFERENCED TO WISCONSIN COUNTY COORDINATES, OUTAGAMIE COUNTY  
 H:\Acad\Vacation\2019\Kimball\_WO\_Allen\_2012\_2019



**CITY OF APPLETON**  
 DEPT. OF PUBLIC WORKS  
 ENGINEERING DIVISION  
 100 NORTH APPLETON STREET  
 APPLETON, WI 54911  
 920-832-6474  
 DRAFTED BY: T. KROMM



## **Department of Public Works – Engineering Division**

### **MEMO**

**TO:** Utilities Committee

**FROM:** Chris Shaw, Director of Utilities  
Paula Vandehey, Director of Public Works

**DATE:** April 3, 2019

**RE:** Approve single source and award of Raw Water Line Contaminated Materials Contract to OMNNI Associates, Inc. in an amount not to exceed \$35,900.

---

The Department of Utilities and Department of Public Works recommend to single source and award the Raw Water Line Contaminated Materials Contract to OMNNI Associates, Inc. in an amount not to exceed \$35,900.

Staff is recommending OMNNI because they have already been awarded the geotechnical contract for the Raw Water Line based on an RFP process and they have also been awarded the DPW contract for Materials Testing and Contaminated Materials, also based on an RFP process. Their environmental services stand out among consultants and efficiencies can be achieved by combining the borings for geotechnical and environmental analysis.

The scope of work will include the following:

- Soil screening during geotechnical investigation and analyzing for VOC's, PAH's and RCRA metals
- Soil Screening of the Fulcer property and analyzing for VOC's, PAH's and RCRA metals
- Prepare a Post-Closure Modification request to WDNR summarizing the analytical information and construction activities
- Prepare and submit Outagamie County landfill application
- Prepare and submit DNR "Development at Historic Fill Sites and Licensed Landfills" application
- Collect and analyze one water sample at the start of dewatering
- Prepare post-construction documents for WDNR submittal
- Project Management

Once the results of the analytical testing are received, it is possible that the WDNR requirements may change. The proposed budget includes a contingency to accommodate some modifications. Any significant changes requiring a contract amendment will be brought to the Utilities Committee and Common Council for approval prior to any additional work.

**SANITARY & STORM SEWER CLEANING & TELEVISION**

Unit F-19  
April 8, 2019

**BID TABULATION**

ITEM	DESCRIPTION	Quantity	Units	Green Bay Pipe & TV, LLC		Northern Pipe, Inc		Great Lakes TV Seal, Inc.		Diversified Infrastructure		National Power Rodding	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1.	Sanitary Sewer Cleaning	235,000	lin.ft.	\$0.30	\$70,500.00	\$0.31	\$72,850.00	\$0.42	\$98,700.00	\$0.75	\$176,250.00	\$0.85	\$199,750.00
2.	Sanitary Sewer Televsion	235,000	lin.ft.	\$0.29	\$68,150.00	\$0.30	\$70,500.00	\$0.40	\$94,000.00	\$0.70	\$164,500.00	\$1.40	\$329,000.00
3.	Storm Sewer Cleaning	145,000	lin.ft.	\$0.30	\$43,500.00	\$0.32	\$46,400.00	\$0.42	\$60,900.00	\$0.75	\$108,750.00	\$1.20	\$174,000.00
4.	Storm Sewer Televsion	145,000	lin.ft.	\$0.30	\$43,500.00	\$0.30	\$43,500.00	\$0.40	\$58,000.00	\$0.70	\$101,500.00	\$1.80	\$261,000.00
5.	6" Sanitary or Storm Sewer Cleaning	1,000	lin.ft.	\$0.35	\$350.00	\$0.31	\$310.00	\$0.42	\$420.00	\$0.90	\$900.00	\$1.00	\$1,000.00
6.	6" Sanitary or Storm Sewer Televsion	1,000	lin.ft.	\$0.35	\$350.00	\$0.30	\$300.00	\$0.45	\$450.00	\$0.75	\$750.00	\$2.00	\$2,000.00
7.	Lateral Televsion (Storm or Sanitary)	60	each	\$120.00	\$7,200.00	\$98.00	\$5,880.00	\$195.00	\$11,700.00	\$195.00	\$11,700.00	\$300.00	\$18,000.00
8.	Stormceptor Cleaning & Inspection	1	each	\$1,800.00	\$1,800.00	\$1,000.00	\$1,000.00	\$1,250.00	\$1,250.00	\$3,625.00	\$3,625.00	\$5,000.00	\$5,000.00
					\$235,350.00		\$240,740.00		\$325,420.00		\$567,975.00		\$989,750.00



"...meeting community needs...enhancing quality of life."

Department of Utilities  
Water Treatment Facility  
2281 Manitowoc Road  
Menasha, WI  
920-832-5945 tel.  
920-832-5949 fax

**TO:** Chairperson Ed Baranowski and Members of the Utilities Committee

**FROM:** Chris Shaw, Utilities Director

**DATE:** April 4, 2019

**RE:** *Award Phase I Engineering Services Contract for the Lake Intake Shorewell Project to McMahon in the Amount of \$411,000 with a 10% contingency of \$41,000 and a project cost not to exceed \$452,000*

---

**BACKGROUND:**

The Appleton Water Treatment Facility (AWTF) draws and treats raw water from Lake Winnebago through the Raw Water Lake Station. Once pretreated, the water is pumped to the AWTF. The intent of this project is to address reliability and redundancy in raw water treatment.

The lake intake and shorewell were constructed in 1968. The intakes' configuration and building materials are prone to icing events that have stopped raw water. The lake station traveling screen removes large objects from the raw water intake such as logs, fish, and other debris. This project will provide for a replacement screen and a screenings conveyance system for wastes to be collected. This project will also see upgrades to the incoming high voltage power systems, chemical system upgrades, as well as necessary building systems (e.g., process water, roof, HVAC, etc.).

Project planning to date has consisted of conditions assessments and alternatives analyses for both existing equipment and structures as well as proposed improvements to the lake station and intake. This engineering effort was conducted by McMahon Associates with the aid of Appleton Water Treatment (AWTF) staff.

McMahon has made available the report which summarizes their efforts and also serves as a planning document for three individual project phases. The first phase is engineering services being requested in this memo. Phase II will consist of providing a raw water transmission line from the lake station to the AWTF. The engineering effort for this project is being led by the City's Engineering Department. Phase III will provide for an intake out into Lake Winnebago. This project phase is planned for construction after 2020.

**ENGINEERING SERVICES:**

The Utilities Committee approved awarding preliminary engineering services to McMahon on May 17, 2018. As part of the initial approval there was a recommendation made for a

conditional approval of the current request of Phase I engineering services that takes into account the foundational project work McMahon has provided as part of preliminary engineering. McMahon Associates has performed well during the preliminary engineering phase. As a result, city staff including AWTF Operations Joe Myer, PR&FMD Director Dean Gazza, Utilities Deputy Director Chris Stempa and myself have completed negotiations for Phase I engineering services. These services include modifications to the existing intake and improvements to the lake station.

**Engineering Services:**

1. Modifications to the Existing Intake
  - a. Include remote controlled hydraulic valve on riser pipe
  - b. Replace intake grate and chemical dispersion system
  - c. Introduce new chemical and sampling lines
2. Pumping Station Site
  - a. Remove well and sewage holding tank
  - b. Correct settling conditions around facility
  - c. Pavement and road replacement
  - d. 15" storm sewer replacement
  - e. Remediate treatment screen gantry
3. Building Envelope
  - a. Tuck pointing brick
  - b. Replace awning and signage
  - c. Paint and caulk interior
4. HVAC System
  - a. System Replacement
5. Plumbing
  - a. Construct new well system
6. Electrical and Controls
  - a. Replace Motor Control Center (MCC) and Variable Frequency Drives (VFDs)
  - b. Replace control panel components
  - c. Upgrade telemetry system
  - d. Modification to Programmable Logic Controller (PLC) and Supervisory Control and Data Acquisition (SCADA) systems.
  - e. Bring up electrical system to electrical code requirements
7. Process Operations
  - a. Replace 11' traveling screen
  - b. New dewatering equipment for screenings
  - c. New 8' screen
  - d. Replace (2) potassium permanganate systems

**SCOPE OF SERVICES:**

Phase I engineering services would include a traditional project scope. Design services would include engineered drawings and specifications with reviews at 30% and 90%. Refined construction estimates and bidding documents would be the deliverables of design. Other

services include: regulatory agency approvals, bidding services, construction administration services, shop drawing review and construction management services.

**RECOMMEDATION:**

Award Phase 1 Engineering Services Contract for the Lake Intake Shorewell Project to McMahon Associates in the Amount of \$411,000 with a 10% contingency of \$41,000 and a project cost not to exceed \$452,000. Questions regarding this project should be directed to Chris Shaw at ph: 920-997-4200.

## Melissa L. Suttner

---

**From:** Kurt Eggebrecht  
**Sent:** Monday, April 01, 2019 8:09 AM  
**To:** Fox River House  
**Cc:** Melissa L. Suttner  
**Subject:** RE: Request for variance to the noise ordinance

Steve,

Thanks for your e-mail request for a noise variance. I will place this on the agenda for the next Board of Health meeting to be held April 10<sup>th</sup> at 7 a.m. in room 6A of the City center located at 100 N. Appleton Street.

Although not a requirement it is helpful for you and/or a representative to attend this meeting to answer any questions the Board may have regarding your request.

I know we met a couple of months ago regarding your planning and we spoke of the importance of reaching out to neighbors that expressed concerns in the past. I provided you a listing with email and addresses at that time. Have you had an opportunity to do so?

Thanks,

Kurt

Kurt Eggebrecht  
Health Officer  
Appleton Health Department  
920-832-6429  
[www.appleton.org](http://www.appleton.org)



**From:** Fox River House [mailto:foxriverhouse@gmail.com]  
**Sent:** Friday, March 29, 2019 3:29 PM  
**To:** Kurt Eggebrecht <kurt.eggebrecht@appleton.org>  
**Subject:** Request for variance to the noise ordinance

Kurt,

This email serves as a request for a variance to Appleton's noise ordinance for Fox River House, 211 South Walnut Street, Appleton, Wisconsin.

For the purposes of playing live music on our back patio in the summer months, we request a variance to Appleton's noise ordinance for the following times:

May 24 through September 21

Fridays 7:00pm to 10:00pm

Saturdays 3:00pm to 6:00pm or 6:00pm to 9:00pm (most will be 3pm to 6pm)

Contacts during these times will be:

Steve Olson (co-owner)

920.450.7619

Tim Ceman (co-owner)

920.205.0515

Jason Beatty (music coordinator)

920.318.0593

Thanks,

Steve Olson

## FOX RIVER HOUSE PROPOSED FY 2018 VARIANCE REQUEST

**Dates Requested:** Memorial Day Weekend (Friday and Saturday) – Labor Day Weekend

- *Timeframe Covered for Above Friday Dates: 6pm - 10pm*
- *Timeframe Covered for Above Saturday Dates:*
  - 50% of the dates will be 5pm - 9pm
  - 50% of the dates will be 2pm – 6pm

### **Designated Point of Contact**

*Name:* Patti Coenen

*Cell Phone Number:* 920-378-8429

- Note: Alternative Designated Point of Contact will be the Manager on Duty if Patti is unavailable. A list of managers on duty will be provided to the neighbors via e-mail

### **Special Conditions/Steps to be taken to Minimize Noise:**

1. By May 1<sup>st</sup> – Patti will identify and install a sound absorbing product
2. List of Bands will be provided to the neighbors, so the bands that have sound issues, can be tracked and not asked back
3. On nights when music exceeds agreed upon volume (i.e., the music will be a muffled sound inside the home), neighbors will let the Fox River House's designated point of contact know the volume is too loud. The designated contact will have 15 minutes to adjust the volume. If after that time there is no noticeable or insufficient change in volume, a second call will be placed. Again, the point of contact will have 15 minutes to fix the situation. If after that time nothing has changed, the neighbor will document the incident and report it, via e-mail to Kurt Eggebrecht on the following Monday. \* Patti will be copied on all correspondence to the department concerning the noise. Once there has been three documented occasions of non-compliance with this condition, the variance will be suspended until the Board of Health's next meeting to determine if it is revoked or the establishment is given a final warning that if one more incidence is reported, the variance will be revoked.

\*Consensus was also reached that Health Officer Eggebrecht would verify this complaint with Appleton Police Department to confirm noise as excessive on this date.



## **INITIAL RESOLUTION**

**WHEREAS**, the public interest requires that a portion of East Kimball Street, west of South Allen Street, that has not previously been vacated, be vacated and discontinued,

**BE IT RESOLVED**, that the Common Council of the City of Appleton, Wisconsin, hereby determines that the public interest requires that a portion of East Kimball Street, City of Appleton, Outagamie County, Wisconsin, as hereinafter described, is hereby vacated and discontinued pursuant to §66.1003 of the Wisconsin Statutes.

### **LEGAL DESCRIPTION**

*All that part of Kimball Street lying between Block Ten (10) and Block D of the APPLETON PLAT (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in the SE ¼ of the SW ¼ of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 1,920 Square feet of land and being more fully described by:*

*Commencing at the Southeast corner of said Block 10 and being coincident with the Northwest corner of Allen Street and Kimball Street and being the point of beginning;  
Thence South 00°57'34" East 32.00 feet coincident with the Southerly extension of the West line of Allen Street to the South line of Kimball Street;  
Thence North 89°57'25" West 106.33 feet coincident with the South line of said Kimball Street;  
Thence continue North 89°57'25" West 13.67 feet coincident with the South line of said Kimball Street;  
Thence North 00°57'34" West 32.00 feet to the North line of Kimball Street;  
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Thence South 89°57'25" East 60.00 feet coincident with the South line of Kimball Street;  
Thence North 00°02'58" West 32.00 feet to the North line of Kimball Street;  
Thence South 89°57'25" East 45.82 feet coincident with the North line of Kimball Street to the point of beginning.*

See also attached Exhibit "A" for illustration.

### **EASEMENTS**

The City of Appleton their heirs, successors and or assigns (Grantee) hereby retain an easement for any and all existing utilities and also any future utilities deemed necessary or desirable by Grantee within the vacated right of way, including but not limited to, storm sewer, drainage, sanitary sewer, watermain, gas, electric, cable and fiber- optic within the entire length and width of the above described right of way.

It is further agreed that this easement shall be a permanent easement.

It is further agreed that Grantee shall have the right to install, regrade, replace, relocate,

operate, maintain, resize and repair any and all of these utilities and their associated appurtenances. It is further agreed that after installing, regrading, replacing, relocating, operating, maintaining, resizing or repairing of these utilities and their associated appurtenances Grantee shall restore unimproved surfaces such as grass, gravel and dirt on said property, as closely as possible, to the condition previously existing. Grantee shall not be required to restore or compensate for any improvements or improved surfaces such as, but not limited to, curb and gutter, hard pavements, trees, shrubs and landscaping, disturbed as a result of the maintenance activities described herein. Buildings or any other type of permanent structure shall not be placed over Grantees' facilities or in, upon or over said easement area. This easement includes the right to operate all equipment deemed necessary by Grantee to perform said activities. Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work.

**COMMON DESCRIPTION:**

A portion of East Kimball Street, west of South Allen Street

***FURTHER RESOLVED***, that the City Clerk of the City of Appleton be authorized and directed to give notice required by §66.1003 of the Wisconsin Statutes.

***FURTHER RESOLVED***, that according to §66.1005 of the Wisconsin Statutes, upon vacation and discontinuance of said portion of East Kimball Street, title to the above-described street shall belong to the adjoining property owners and shall acquire an ownership interest in the entire area being vacated as shown on the attached Exhibit Map.

---

Date  
City Law: A19-0178

---

Christopher W. Croatt