



City of Appleton

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

Meeting Agenda - Final-revised Common Council

Wednesday, June 20, 2018

7:00 PM

Council Chambers

- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS
- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- F. PUBLIC PARTICIPATION
- G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES
 - [18-0930](#) Common Council Meeting Minutes of June 6, 2018
Attachments: [CC Minutes 6-6-18.pdf](#)
- H. BUSINESS PRESENTED BY THE MAYOR
 - [18-0932](#) Flag Day Parade Float Winners
 - [18-0931](#) Make Music Day Proclamation
 - [18-0941](#) Dump the Pump Day Proclamation
 - [18-0934](#) Appointment of Greg Hartjes to the Library Board
Attachments: [APPT TO LIBRARY BOARD 062018.pdf](#)
 - [18-0933](#) Committee Reappointments
Attachments: [COMMITTEE REAPPTS 062018.pdf](#)
- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[18-0755](#)

Request from Mr. Paul Hess for a variance to Municipal Code Section 19-92 (c) to park his RV Camper (longer than 26 feet) in the front yard at 3621 N. Meadowsweet Lane.

Attachments: [Paul Hess variance.pdf](#)

Legislative History

5/21/18	Municipal Services Committee	held
	<i>Held until June 11, 2018 meeting.</i>	
6/11/18	Municipal Services Committee	recommended for approval
	<i>Item 18-0755 Approved based on it being a corner lot. Future exceptions still need Committee approval.</i>	

[18-0886](#)

Request from Tundraland to place a mobile showroom in the Division Street right-of-way during Mile of Music, August 1-August 5, 2018.

Attachments: [Street Occupancy Permit-Tundraland.pdf](#)

Legislative History

6/11/18	Municipal Services Committee	recommended for approval
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[18-0887](#)

Prospect Avenue, from Seminole Road to Outagamie Street, be reconstructed with concrete pavement and curb and gutter. The dimensions of the Prospect Avenue reconstruction project are as follows:

Seminole Road - Hillcrest Drive: New concrete pavement to be constructed to a width of 37' from back of curb to back of curb, which is 3' narrower than the existing street within this portion of the project.

Hillcrest Drive - Carver Lane: New concrete pavement to be constructed to a width of 45' from back of curb to back of curb, which is 5' wider than the existing street within this portion of the project.

Carver Lane - Outagamie Street: New concrete pavement to be constructed to a width of 37' from back of curb to back of curb, which is the same width as the existing street within this portion of the project.

New 5' concrete sidewalk will be constructed along the south side of Prospect Avenue, between Sunny Slope Court and Hillcrest Drive. Prospect Avenue will consist of 1 travel lane in each direction, bike lanes along both sides of the street, and a two-way left turn lane between Hillcrest Drive and Carver lane (adjacent to Xavier High School). On-street parking will be eliminated along the entire project length.

The intersection of Haskell Street, Outagamie Street, and Prospect Avenue will be reconstructed and geometrically modified to provide a more standard T-intersection configuration. A dedicated left turn lane along Prospect Avenue will also be incorporated at this intersection as part of this reconstruction project.

Legislative History

6/11/18	Municipal Services Committee	recommended for approval
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[18-0888](#)

Erb Street, from Michigan Street to 100' north of Michigan Street, be reconstructed with asphalt pavement and concrete curb & gutter to a width of 27' from back of curb to back of curb, which is 1' wider than the existing street. Existing parking provisions within the project limits will remain unchanged.

Legislative History

6/11/18	Municipal Services Committee	recommended for approval
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6/11/18 Municipal Services recommended for approval
 Committee
*Amend item 18-0891 to not install sidewalks on the west side of Warner Street.
 Passes 3-2 (Croatt, Konetzke).*

[18-0892](#) Anticipated Award Unit Q-18, Pavement Marking Contract (paint) to
 Crowley Construction corp in an amount not to exceed \$43,000.

Attachments: [Unit Q-18 Pavement Marking Maintenance Contract.pdf](#)

Legislative History

6/11/18 Municipal Services recommended for approval
 Committee

[18-0893](#) Request to approve Spartan Drive Relocation Order.

Attachments: [Spartan Drive Relocation Order .pdf](#)

Legislative History

6/11/18 Municipal Services recommended for approval
 Committee

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[18-0790](#) "Class B" Beer/Liquor License application, Change of Agent, BARK
 Entertainment LLC d/b/a Skyline Comedy Club, Jason E. Gaul, Agent,
 1004 S. Olde Oneida St., contingent upon approval from the Police
 Department.

Legislative History

6/13/18 Safety and Licensing recommended for approval
 Committee

[18-0792](#) "Class B" Beer/Liquor License application, Change of Agent, JTB of
 Appleton LLC, d/b/a Chadwick's, Jennifer A. Thomas, Agent, 413 W.
 College Ave., contingent upon approval from the Police Department.

Legislative History

6/13/18 Safety and Licensing recommended for approval
 Committee

[18-0794](#) Pet Store/Kennel License Renewal application of Just Pets, Craig L.
 Weborg, Applicant, 2009 N. Richmond St., contingent upon approval from
 all departments.

Legislative History

6/13/18 Safety and Licensing recommended for approval
 Committee

[18-0796](#) Salvage Dealer's License Renewal application of Golper Supply Co., Inc., David B. Golper, Applicant, 1810 W. Edgewood Dr., contingent upon approval from all departments.

Legislative History

6/13/18 Safety and Licensing Committee recommended for approval

[18-0797](#) Taxi Cab Company Renewal application of Atlas Taxi, Matthew J. Hyde, 1125 W. Main Street, Lot 17, Little Chute, contingent upon approval from all departments.

Legislative History

6/13/18 Safety and Licensing Committee recommended for approval

[18-0798](#) Taxi Cab Company Renewal application of Fox Valley Tours, LLC, Justin T. Garrett, W4595 Valley Drive, Fond du Lac, contingent upon approval from all departments.

Legislative History

6/13/18 Safety and Licensing Committee recommended for approval

[18-0799](#) Operator's License application of Oliver W. Williams, 1901 N. Appleton Street.

Attachments: [Oliver W. Williams.pdf](#)
[SL Denial- Williams 6-13-18.pdf](#)

Legislative History

6/13/18 Safety and Licensing Committee recommended for denial

[18-0801](#) Salvage Dealer's License Renewal application of Appleton Aluminum Recycling Inc., Charles O. Desten, Applicant, 300 N. Kensington Dr., contingent upon approval from all departments.

Legislative History

6/13/18 Safety and Licensing Committee recommended for approval

[18-0817](#) Reserve "Class B" Beer/Liquor License Premise Amendment application of Mondo Wine LLC d/b/a Mondo Wine Bar & Retail, David J. Oliver, Agent, 220 W. College Ave., contingent upon approval from all departments.

Attachments: [Mondo Wine Bar application.pdf](#)

Legislative History

6/13/18 Safety and Licensing recommended for approval
Committee

[18-0824](#)

Pet Store/Kennel License Renewal application of Petco #1656, 3829 E. Calumet St., contingent upon approval from all departments.

Legislative History

6/13/18 Safety and Licensing recommended for approval
Committee

[18-0840](#)

Operator's Licenses

Attachments: [Operator's Licenses for 06-13-18 S&L.pdf](#)

Legislative History

6/13/18 Safety and Licensing recommended for approval
Committee

[18-0841](#)

Renewal Operator's Licenses

Attachments: [Renewal Operator's Licenses for 6-13-18 S&L.pdf](#)

Legislative History

6/13/18 Safety and Licensing recommended for approval
Committee

[18-0862](#)

"Class B" Beer/Liquor License Premise Amendment application of TNE, Inc. d/b/a Emmett's Bar & Grill, Sharon L. Reader, Agent, 139 N. Richmond St., contingent upon approval from all departments.

Attachments: [Emmetts Bar & Grill application.pdf](#)

Legislative History

6/13/18 Safety and Licensing recommended for approval
Committee

[18-0866](#)

"Class B" Beer/Liquor License Premise Amendment application of Theadocia LLC d/b/a SPATS, Julie A. Neubert, Agent, 733 W. College Ave. for August 1-6, 2018, contingent upon approval from all departments.

Attachments: [SPATS Premise Amendment application.pdf](#)

Legislative History

6/13/18 Safety and Licensing recommended for approval
Committee

[18-0882](#)

"Class B" Beer/Liquor License application of Reload of Wisconsin LLC, David E. Grond, Agent, 830 E. Northland Ave., contingent upon approval from all departments.

Attachments: [Reload of Wisconsin LLC application.pdf](#)

Legislative History

6/13/18 Safety and Licensing recommended for approval
Committee

[18-0867](#) Request to contract out management of our crossing guard program.

Attachments: [Shared Services Agreement - Safety and Licensing.pdf](#)
[Summary of ACMS.pdf](#)
[CG - SRO shared services agreement.pdf](#)

Legislative History

6/13/18 Safety and Licensing recommended for approval
Committee

3. MINUTES OF THE CITY PLAN COMMISSION

[18-0828](#) Request to approve street renaming of N. Wilmer Avenue to N. Wilmer Street (suffix only) as shown on the attached maps and file the attached Affidavit of Correction

Attachments: [StaffReport_WilmerAvToSt_StreetRenaming_For06-12-18.pdf](#)

Legislative History

6/12/18 City Plan Commission recommended for approval

[18-0836](#) Request to approve Special Use Permit #3-18 for a community living arrangement (CLA) serving 87 persons at 2302 E. Glenhurst Lane (Tax Id #31-1-6501-00), to run with the land, with an exception to the Aldermanic District 13 CLA capacity limitation per Section 23-52(b)(2)(a) of the Zoning Ordinance, as shown on the attached maps and per attached plan of operation, subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote required)

Attachments: [StaffReport_CenturyOaks-87_SUP_For06-12-18.pdf](#)

Legislative History

6/12/18 City Plan Commission recommended for approval

[18-0838](#) Request to approve Special Use Permit #4-18 to conform an existing tavern and add a new outdoor patio area with alcohol sales and consumption located at 317 N. Appleton Street (Tax Id #31-2-0493-00), 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 required)

Attachments: [StaffReport_MissfitsTavern_SUP_For6-12-18.pdf](#)

Legislative History

6/12/18 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE[18-0784](#)

Request to approve the following 2018 Budget adjustment:

Water Utility

Water Utility Fund Balance	+\$125,000
Street Patch Program	+\$125,000

to provide funding for additional permanent street patches associated with water main breaks, lead service replacement and curb/valve box replacements

Attachments: [Budget Adjustment for Water Patches.pdf](#)

Legislative History

6/11/18 Finance Committee recommended for approval

[18-0855](#)

Request to award the City of Appleton 2018 Parks Hardscape Repairs Project contract to MCC, Inc in the amount of \$205,013 with a contingency of \$15,000 for a project total not to exceed \$220,013.

Attachments: [2018 Parks Hardscape Repairs \(Vulcan Heritage\).pdf](#)

Legislative History

6/11/18 Finance Committee recommended for approval

[18-0858](#)

Request approval to reject bids from Jahnke General Contractors and Vinton Construction for the Lower Telulah Park Site Redevelopment project.

Attachments: [2018 Telulah Park Site Redevelopment Project \(Reject Bids\).pdf](#)

Legislative History

6/11/18 Finance Committee recommended for approval

[18-0865](#)

Request to approve contract Amendment / Change Order No. 1 to contract 20-18 for Unit E-18 Miscellaneous Concrete & Street Excavation Repair for additional permanent street patches associated with water main breaks, lead service replacement and curb/valve box replacements in the amount of \$125,000 resulting in no change to contract contingency. Overall contract increases from \$636,000 to \$761,000. Contingent upon approval of Item #18-0784.

Attachments: [Unit E-18 Change Order No.1.pdf](#)

Legislative History

6/11/18 Finance Committee recommended for approval

[18-0900](#)

Request to approve the following 2018 Budget adjustment:

Valley Transit

Capital Outlay - Bus Purchase	+\$1,425,000
Federal Grants	+\$1,140,000
Fund Balance	- \$ 285,000

to record the purchase of 3 new buses and the related FTA grant and use of VT funds

Attachments: [Request for Authorization to Purchase Buses 06.2018.pdf](#)

Legislative History

6/11/18 Finance Committee recommended for approval

[18-0901](#)

Request to approve the following 2018 Budget adjustment:

Valley Transit

Capital Outlay - ITS System	+\$315,901
Federal Grants	+\$252,720
Fund Balance	- \$ 63,181

to record the purchase of a new Intelligent Transportation System (ITS) and the related FTA grant and use of VT funds

Attachments: [Memo to Purchase ITS System 06.2018.pdf](#)

Legislative History

6/11/18 Finance Committee recommended for approval

[18-0899](#)

Request to approve the following 2018 Budget adjustment:

General Fund - Police

Contracted Services	+\$111,856
Other Reimbursements (AASD)	+ \$16,864
Salaries and Benefits - Crossing Guards	- \$74,572
Salaries - Investigative Services	- \$20,420

to transfer vacant salary dollars to contracted services and make adjustments to recognize the new contracted crossing guard program

Attachments: [Shared Services Agreement - Finance Committee.pdf](#)

Legislative History

6/11/18 Finance Committee recommended for approval

[18-0856](#) Request to approve Spartan Drive relocation Order (this item also appears on the Utilities Committee agenda and the Muni Services Committee agenda)

Attachments: [Relocation Order \(FINAL 06-06-2018\).pdf](#)

Legislative History

6/11/18 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[18-0907](#) Request to approve the Offer to Purchase from Becknell Industrial, LLC to purchase Lot 20, Plat 2 of Southpoint Commerce Park, consisting of approximately 14.6 acres, at a purchase price of \$35,000 per acre (approximately \$511,000)

Attachments: [Memo on Offer to Purchase Lot 20 Southpoint Commerce.pdf](#)

[Becknell Industrial Cover Letter 6.11.18.pdf](#)

[Becknell.Appleton.WI - Contract.pdf](#)

[Southpoint11 17 SubjectParcel.pdf](#)

[WI Appleton 2018-03-28-Site Plan.pdf](#)

[18-0823](#) Request to approve the 2017 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program

Attachments: [CAPER memo to CEDC 06-13-18.pdf](#)

[2017-2018 CAPER Draft for Public Comment.pdf](#)

Legislative History

6/13/18 Community & Economic Development Committee recommended for approval

[18-0849](#) Request to waive repurchase rights for Lot 3, Plat 1, in the Northeast Business Park, allowing the transfer from Chad Cassiani to KOM ESOP, LLC; this waiver is not transferable, survivable, or assignable and the City's repurchase rights would remain on the property

Attachments: [Memo Repurchase Waiver Lot 3 NEBP Plat 1 6-11-18.pdf](#)

[Email requesting waiver to allow sale Lot 3 Plat 1 in NE Bus Park.pdf](#)

[Lots 1-6 NE Business Park Plat 1 Covenants Waiver Except Repurchase Rights](#)

[Offer to Purchase Lot 3 Plat 1 NE Business Park KOM ESOP LLC.pdf](#)

[NEBP 311651003.pdf](#)

Legislative History

6/13/18 Community & Economic Development Committee recommended for approval

[18-0880](#) Request approval of Special Use Development Agreement for development of former Kmart site located at 2400 W. College Avenue

Attachments: [Dev Agrm - City - Redlined - 06-12-2018.pdf](#)
[Dev Agrm - City - Redlined - 06-18-2018.pdf](#)

Legislative History

6/13/18 Community & Economic Development Committee recommended for approval
 Alderperson Plank moved, seconded by Alderperson Coenen, that the Report Action Item be held.

Plank amended the motion to include a date specific and hold until the July 11 CEDC meeting. Coenen seconded. It was determined this was not the date of the next meeting. Plank amended the amendment to hold until the June 27 CEDC meeting. Coenen seconded. Roll Call. Amendment failed by the following vote: Aye: 2 - Plank and Coenen, Nay: 3 - Reed, Baker, Dvorachek

Vote on original motion to to hold. Roll Call. Main motion failed by the following vote: Aye: 2 - Plank and Coenen, Nay: 3 - Reed, Baker, Dvorachek

7. MINUTES OF THE UTILITIES COMMITTEE

[18-0850](#) Request to approve Spartan Drive relocation order. This item will also be an Action Item at the Municipal Services and Finance Committee Meetings.

Attachments: [Relocation Order \(FINAL 06-06-2018\).pdf](#)

Legislative History

6/12/18 Utilities Committee recommended for approval

[18-0851](#) Request from Coldwater Seals Inc for a 6 year credit of \$5,940.72 for billing error.

Attachments: [Coldwater Seals Inc Credit Request.pdf](#)

Legislative History

6/12/18 Utilities Committee recommended for approval
Amended to allow for a credit to be calculated going back six years from March 1, 2018 depending on stormwater charges in effect during those previous six years. Meltzer moved, seconded by Dvorachek 5-0

[18-0871](#) Approve 2017 Compliance Maintenance Annual Report

Attachments: [2017 eCMAR.pdf](#)

Legislative History

6/12/18 Utilities Committee recommended for approval

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[18-0872](#) Request to approve overhire for Managerial Accounting Manager in DPW

Attachments: [DPW overhire request 6-1-18.pdf](#)

Legislative History

6/13/18	Human Resources & Information Technology Committee	recommended for approval
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[18-0854](#) Request approval to remove the Crossing Guards from the police department's table of organization if All City Management Services is contracted to manage the City of Appleton Crossing Guard program.

Attachments: [Shared Services Agreement - HR-IT Committee.pdf](#)
[Summary of ACMS.pdf](#)
[CG - SRO shared services agreement.pdf](#)

Legislative History

6/13/18	Human Resources & Information Technology Committee	recommended for approval
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9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

[18-0876](#) Authorization to Purchase Three New Buses

Attachments: [Request for Authorization to Purchase Buses 06.2018 \(002\).pdf](#)

Legislative History

6/13/18	Fox Cities Transit Commission	recommended for approval
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[18-0877](#) Authorization to Purchase Intelligent Transit System

Attachments: [Memo to Purchase ITS System 06.2018.pdf](#)

Legislative History

6/13/18	Fox Cities Transit Commission	recommended for approval
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10. MINUTES OF THE BOARD OF HEALTH

[18-0669](#) Resolution #4-R-18 Chicken Ordinance**Attachments:** [#4-R-18 Chicken Ordinance.pdf](#)**Legislative History**

5/9/18 Board of Health presented

6/13/18 Board of Health approved as amended

*Motion by Hanna, seconded by Baker to amend the following items in the Resolution:**1. strike 1.5 feet and change to 2.5 feet per bird**2. remain as written (unchanged)**3. remain as written (unchanged)**4. this item was eliminated completely**Motion to amend carried 5/0.**Motion to recommend approval as amended carried 4/1 (Spears)*[18-0819](#) Tattoo and Body Piercing Establishment Revisions**Attachments:** [Tattoo and Body Piercing Establishments-Revisions.pdf](#)**Legislative History**

6/13/18 Board of Health approved

[18-0818](#) Fox Crossing Weights & Measures Proposal**Attachments:** [Fox Crossing Weights and Measures Proposal.pdf](#)**Legislative History**

6/13/18 Board of Health approved

M. CONSOLIDATED ACTION ITEMS

[18-0937](#) Consolidated Action Items Re: Crossing Guard Contract
Finance 18-0899 recommended for approval 6/11/18
Safety & Licensing 18-0867 recommended for approval 6/13/18
Human Resources & Information Technology 18-0854 recommended for approval 6/13/18

[18-0938](#) Consolidated Action Items Re: Spartan Drive Relocation Order
Finance 18-0856 recommended for approval 6/11/18
Municipal Services 18-0893 recommended for approval 6/11/18
Utilities 18-0850 recommended for approval 6/12/18

N. ITEMS HELD

O. ORDINANCES

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

S. CLOSED SESSION

[18-0940](#)

The Common Council will go into closed session according to State Statute §19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session regarding the bluff site development and then reconvene into open session.

T. ADJOURN

Kami Lynch, City Clerk

Reasonable accommodations for persons with disabilities will be made upon request and if feasible.