



City of Appleton

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

Meeting Agenda

Common Council

Wednesday, December 17, 2014

7:00 PM

Council Chambers

A. CALL TO ORDER

B. INVOCATION

Offered by Alderperson Martin.

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

[14-2138](#) Meeting Minutes of Council Organizational Meeting and Common Council on December 3, 2014

Attachments: [CC Minutes 12-03-2014.pdf](#)

[CC Org Mtg Minutes 12-03-2014.pdf](#)

H. BUSINESS PRESENTED BY THE MAYOR

I. PUBLIC HEARINGS

[14-2124](#) Public Hearing for Comprehensive Plan Amendment #3-14 - 802 East John Street.

Attachments: [CC 12-17-2014 - PH - Comp. Plan Amendment - 802 E John St.pdf](#)

[14-2125](#) Public Hearing for Rezoning #9-14 - 802 East John Street.

Attachments: [CC 12-17-2014 - Public Hearing - Rezoning #9-14.pdf](#)

[14-2126](#) Public Hearing for Rezoning #10-14 - 218 East South Island Street.

Attachments: [CC 12-17-2014 - Public Hearing - Rezoning #10-14.pdf](#)

J. SPECIAL RESOLUTIONS

[14-2128](#) Resolution Adoption of the Recommended Amendment to the Comprehensive Plan as Prepared by the City of Appleton Plan Commission. (802 East John Street)

Attachments: [CC 12-17-2014 - Resolution - Comp. Plan Amendment.pdf](#)

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[14-2094](#) Operator's Licenses

Attachments: [Operator's Licenses for 12-11-2014 S&L.pdf](#)

Legislative History

12/11/14	Safety and Licensing Committee	recommended for approval
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[14-2007](#) Operator's License application of Jessica K. Voss, 1410 E. Glendale Avenue.

Legislative History

12/11/14	Safety and Licensing Committee	recommended for denial
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[14-1879](#) Operator's License application of Tyler J. Lee, 1003 N. Durkee Street.

Legislative History

11/13/14	Safety and Licensing Committee	held
12/11/14	Safety and Licensing Committee	recommended for denial

[14-1919](#) Commercial Solicitor's License application of Greg A. Bastien, 3526 Blackwolf Run, Green Bay.

Legislative History

11/13/14	Safety and Licensing Committee	recommended for denial
11/19/14	Common Council	referred to the Safety and Licensing Committee
12/11/14	Safety and Licensing Committee	recommended for approval

[14-1960](#) Grant Application for Reserve "Class B" License of Timeless Tavern LLC, d/b/a Colt's Timeless Tavern, Derek Colt Brown, Agent, 215 E. College Ave., contingent upon approvals from all departments.

Legislative History

12/11/14	Safety and Licensing Committee	recommended for approval
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[14-1987](#) Secondhand Jewelry License Renewal application of Expert Jewelry Repair, Randy L. Kester, Applicant, 636 W. College Avenue, contingent upon approval from all departments.

Legislative History

12/11/14 Safety and Licensing Committee recommended for approval

[14-2012](#) Secondhand Jewelry License Renewal application of Avenue Coins & Jewelry, Joseph J. Pankratz, Applicant, 303 E. College Avenue, contingent upon approvals from all departments.

Legislative History

12/11/14 Safety and Licensing Committee recommended for approval

[14-2013](#) Secondhand Article License Renewal application of Active Bike & Fitness, Mark A. Fluette, Applicant, 1421 N. Richmond Street, contingent upon approval from all departments.

Legislative History

12/11/14 Safety and Licensing Committee recommended for approval

[14-2015](#) Change of Agent - "Class A" Beer/Liquor License of Ultra Mart Foods, LLC d/b/a Copps Food Center #8123, 2700 North Ballard Road, Chris E. Gilbert, Agent, contingent upon approval from the Police Department.

Legislative History

12/11/14 Safety and Licensing Committee recommended for approval

[14-2016](#) Secondhand Jewelry License Renewal application of Tennes Jewelry, Brian D. Frisch, Applicant, 208 East College Avenue, contingent upon approvals from all departments.

Legislative History

12/11/14 Safety and Licensing Committee recommended for approval

[14-2017](#) Pawnbroker License Renewal application of Richmond Resale, Dean M. VandenHoy, Applicant, 204 North Richmond Street, contingent upon approvals from all departments.

Legislative History

12/11/14 Safety and Licensing Committee recommended for approval

[14-2071](#) Secondhand Article License Renewal application of Beatnik Betty's Resale Butik, Monika L. Austin, Applicant, 214 E. College Ave., contingent upon approvals from all departments.

Legislative History

12/11/14 Safety and Licensing Committee recommended for approval

[14-2076](#) Secondhand Article License Renewal application of Warehouse Office Products, Jeffrey S. Lemery, Applicant, 1825 N. Richmond St., contingent upon approvals from all departments.

Legislative History

12/11/14 Safety and Licensing Committee recommended for approval

[14-2077](#) Secondhand Article License Renewal application of Play It Again Sports, Shane A. Herron, Applicant, 611 W. Northland Ave., contingent upon approvals from all departments.

Legislative History

12/11/14 Safety and Licensing Committee recommended for approval

[14-2078](#) Secondhand Article License Renewal application of Scooter G Sports, Scott A. Gonnering, Applicant, 621 W. Northland Ave, Suite A, contingent upon approvals from all departments.

Legislative History

12/11/14 Safety and Licensing Committee recommended for approval

[14-2093](#) Secondhand Article License Renewal application of The Exclusive Company, J. A. Giombetti, Applicant, 770 W. Northland Ave., contingent upon approvals from all departments.

Legislative History

12/11/14 Safety and Licensing Committee recommended for approval

[14-2095](#) Secondhand Article License Renewal application of GameStop #5520, Michael L. Nichols, Applicant, 3825 E. Calumet St. Ste. 500, contingent upon approvals from all departments.

Legislative History

12/11/14 Safety and Licensing Committee recommended for approval

[14-2096](#) Secondhand Article License Renewal application of GameStop #3349, Michael L. Nichols, Applicant, 2640 W. College Ave., contingent upon approvals from all departments.

Legislative History

12/11/14 Safety and Licensing Committee recommended for approval

[14-2100](#) Request to approve stipulated liquor license agreement between City and La Michoacana Bar & Grill.

Attachments: [La Michoacana Liquor License Agreement Memo.pdf](#)

Legislative History

12/11/14 Safety and Licensing Committee recommended for approval

[14-2099](#) Review Appleton Police Department's decision to remove John's Repair and Towing LLC from the department's rotating call list for failure to comply with Sec. 9-746.

Attachments: [John's Repair and Towing.pdf](#)

Legislative History

12/11/14 Safety and Licensing Committee recommended for approval

2. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[14-2034](#) Approve Inter-Governmental Agreements with Outagamie County for the Northland Avenue/Meade Street Intersection Improvements.

Attachments: [Inter-Governmental Agreement Northland Ave-Meade St.pdf](#)

Legislative History

12/9/14 Municipal Services Committee recommended for approval

[14-2035](#) Approve Inter-Governmental Agreements with Outagamie County for the Ballard Road/Ashbury Drive Intersection Improvements.

Attachments: [InterGovernmental Agreement Ballard Rd-Ashbury Dr.pdf](#)

Legislative History

12/9/14 Municipal Services Committee recommended for approval

[14-2036](#) Approve Inter-Governmental Agreement with Town of Grand Chute for Lilas Drive from Second Street to Everett Street.

Attachments: [InterGovernmental Agreement Lilas Dr from 2nd St-Everett St.pdf](#)

Legislative History

12/9/14 Municipal Services Committee recommended for approval

[14-2037](#) Approve State/Municipal Agreement for design engineering and real estate acquisition for the STH 47/CTH 00 Project. This project includes upgrades to the Mason Street, Mall Access and Bennett Street intersections with CTH 00.

Attachments: [State-Municipal Agreement for a Design Engineering.pdf](#)

Legislative History

12/9/14 Municipal Services Committee recommended for approval

[14-2044](#) Approve the revised State/Municipal Agreement for the construction of the Prospect Avenue Bridge over Jackman Street.

Attachments: [Revised State-Municipal Agreement for Const of Prospect Ave.pdf](#)

Legislative History

12/9/14 Municipal Services Committee recommended for approval

[14-2045](#) Award 2015 Contract for Operation Maintenance and Monitoring at the closed City of Appleton Landfill to SCS Engineers in an amount not to exceed \$60,823.

Attachments: [Award 2015 Contract for Operation Maint and Monitoring at the Closed City of A](#)

Legislative History

12/9/14 Municipal Services recommended for approval
Committee

[14-2066](#) Approve the installation of STOP signs on Wayfarer Court at Marshall Heights Avenue.

Attachments: [Approve the installation of STOP signs on Wayfarer Ct at Marshall Hts Ave.pdf](#)

Legislative History

12/9/14 Municipal Services recommended for approval
Committee

[14-2067](#) Approve traffic control and parking restrictions related to the newly constructed Riverheath Way and Newberry Street extension.

Attachments: [Approve traffic control & parking restrictions related to the newly constructed Ri](#)

Legislative History

12/9/14 Municipal Services recommended for approval
Committee

[14-2068](#) Approve parking restriction changes near Roosevelt Elementary School. (90 Day Trial Completed)

Attachments: [Approve parking restrictions changes near Roosevelt Elem School.pdf](#)

Legislative History

12/9/14 Municipal Services recommended for approval
Committee

3. MINUTES OF THE CITY PLAN COMMISSION

[14-1888](#) Request to approve Comprehensive Plan 2010-2030 Future Land Use Map Amendment #3-14 for 802 East John Street (Tax Id #31-1-0534-00) from One and Two-Family Residential designation to Public / Institutional designation.

Attachments: [StaffReport_802EJohnSt_CompPlanAmend_For11-10-14.pdf](#)

Legislative History

11/10/14 City Plan Commission recommended for approval
Proceeds to Council on 12/17/2014

[14-1890](#) Request to approve Rezoning #9-14 for 802 East John Street (Tax Id #31-1-0534-00), including to the midpoint of the adjacent road right-of-way, from R-3 Multi-Family District to P Parking District.

Attachments: [StaffReport_802EJohnSt_Rezoning_For11-10-14.pdf](#)

Legislative History

11/10/14 City Plan Commission recommended for approval
Proceeds to Council on 12/17/2014

[14-1992](#)

Request to approve PD Rezoning #10-14 for Woolen Mills Lofts at 218 E. South Island Street (Tax Id #31-4-0266-00) and part of Tax Id #31-4-0270-01 from M-2 General Industrial District to PD/R-3 Planned Development Multifamily District.

Attachments: [Staff Report RZ#10-14.pdf](#)

Legislative History

11/24/14 City Plan Commission recommended for approval
Proceeds to Council on 12-17-14.

[14-2053](#)

Request to approve the Extraterritorial Preliminary Plat for Forest View Estates in the Town of Grand Chute

Attachments: [StaffReport_ForestViewEstates_PrePlat_For12-08-14.pdf](#)

Legislative History

12/8/14 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[14-2118](#)

Action: Approval of Reciprocity Agreement with the City of Menasha

Attachments: [Memo-Reciprocity Agreement with Menasha.docx](#)

[14-2119](#)

Action: Award Five-Year (2015-2019) Golf Cart Lease to Yamaha Golf & Utility in the Annual Amount of \$25,691.36

Attachments: [Reid Golf Course Cart Rental Action Item.pdf](#)

5. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[14-2088](#)

Request to approve the Neighborhood Grant Program request submitted by the Historic Central Neighborhood

Attachments: [Request For TNGP HistoricCentral Memo 1.pdf](#)

Legislative History

12/8/14 Community & Economic Development Committee recommended for denial

2-2 tie; Therefore reports out as recommendation for denial.

Aldersperson Konezke amended the motion to amend the dollar amount to be 1/2 of the costs incurred by Greater Habitat for Humanity, but not to exceed \$30,000, and the project to be contracted by 12-31-15. Aldersperson Coenen seconded the amendment. Amendment failed 2-Konezke, Coenen/2-Stueck/Meltzer

[14-2072](#) Request to approve 2015 Community Development Block Grant Allocation Recommendations

Attachments: [Alloc Recs Memo to CEDC.pdf](#)
[2015 CDBG Summary of Recommendations.pdf](#)
[Board Members Attachment.pdf](#)
[Jerome Martin's email.pdf](#)

Legislative History

12/8/14 Community & Economic Development Committee recommended for approval
Aldersperson Meltzer arrived at 5:10 p.m.

6. MINUTES OF THE UTILITIES COMMITTEE

[14-2062](#) Award Unit N-14, Sewer Spot Repairs, Protruding Tap & Mineral Deposit Removals (Bids to be opened December 8, 2014).

Legislative History

12/9/14 Utilities Committee recommended for approval

[14-2063](#) Award of 2015A Stormwater Consulting Services Contract for 2015 Stormwater Management Plan Reviews to RA Smith in an amount not to exceed \$75,000.

Attachments: [2015 A Contract Award RA Smith.doc](#)

Legislative History

12/9/14 Utilities Committee recommended for approval

[14-2069](#) Award purchase of a Towable Generator to Total Energy Systems, LLC in the amount of \$35,865.

Attachments: [Towable Generator Purchase Total Energy Systems.doc](#)

Legislative History

12/9/14 Utilities Committee recommended for approval

[14-2079](#) Reallocation of \$150,000 in 2014 Public Works Capital Improvement fund balance for use on the proposed 2015 Northwest Sanitary Lift Station project. This item will also be an Action Item at the Finance Committee meeting.

Attachments: [Funding for NW Lift station.pdf](#)

Legislative History

12/9/14 Utilities Committee recommended for approval

7. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

- [14-2133](#) Approval for Table of Organization Change Replacing the Vacant Operations Supervisor Position with Two Full-Time Road Supervisor Positions and Eliminating One Part-Time Driver Position

Attachments: [Table of Organization Change for Operations Supervisor Vacancy 111014-5.pdf](#)

8. MINUTES OF THE BOARD OF HEALTH

9. MINUTES OF THE HUMAN RESOURCES COMMITTEE

- [14-2006](#) Request to approve Valley Transit reorganization to replace a full time Operations Supervisor with two full time Road Supervisor positions.

Attachments: [VT reorg 11-24-14.pdf](#)

Legislative History

11/24/14 Human Resources Committee recommended for approval

10. MINUTES OF THE FINANCE COMMITTEE

- [14-1966](#) Request approval to contract with Vision Internet in the amount of \$54,465 plus a contingency of \$5,535 reserving the entire amount of the CIP request for the website rebuild.

Attachments: [Website Rebuild Memo.docx](#)

Legislative History

12/10/14 Finance Committee recommended for approval

- [14-2055](#) Request to write off \$20,645.50 of accounts receivable invoices and \$19,666.17 \$20,279.16 of personal property taxes (outstanding over one year).

Attachments: [List of accounts to be written off.pdf](#)

[Write off list 2.pdf](#)

Legislative History

12/10/14 Finance Committee recommended for approval
Aldersperson Lobner moved, seconded by Aldersperson Coenen, to amend the personal property tax amount to \$20,279.16. Roll Call. Motion carried by the following vote:

Aye: 5 - Aldersperson Plank, Aldersperson Stueck, Aldersperson Coenen, Aldersperson Konetzke, Aldersperson Lobner.

- [14-2060](#) Request to award Wireless Phone and Data Services contract for four years plus one option year to Cellcom, Inc.

Attachments: [Wireless Phone contract request.doc](#)

Legislative History

12/10/14 Finance Committee recommended for approval

[14-2061](#) The City of Appleton require the prequalification of bidders for all 2015 Public Construction projects and that the Director of Public Works be delegated the power to approve the Bidders Proof of Responsibility forms as filed with the City Clerk.

Attachments: [Prequalification Notice.pdf](#)

Legislative History

12/10/14 Finance Committee recommended for approval

[14-2080](#) Request to approve the following 2014 Budget adjustment:

Community Development Block Grant Fund	
Federal Grants	+\$151,133
Block Grant Payments	+\$151,133

to correct 2014 Budget error - the amount of awards to community organizations was accidentally omitted.

Attachments: [CD Block Grant Budget Adj.pdf](#)

Legislative History

12/10/14 Finance Committee recommended for approval

[14-2082](#) Approve the reallocation of \$150,000 in 2014 Public Works Capital Improvement fund balance for use on the proposed 2015 northwest sanitary lift station project.

Attachments: [Funding for NW Lift station.pdf](#)

Legislative History

12/10/14 Finance Committee recommended for approval

[14-2083](#) ****CRITICAL TIMING**** - Anticipated Award Request to award contract of Unit S-15 Birchwood Stormwater Pond Construction and House Demolition (Bids to be opened on Monday, December 8, 2014). to Peters Concrete Company in the amount of \$233,463.54 with a contingency of \$23,000.

Attachments: [S-15 Birchwood.pdf](#)

Legislative History

12/10/14 Finance Committee recommended for approval

M. CONSOLIDATED ACTION ITEMS

[14-2146](#) Consolidated Action for Approval for Table of Organization Change replacing the Vacant Operations Supervisor Position with two Full-time Road Supervisor positions and Eliminating one Part-time Drive position

- a) Item 14-2006, Human Resources Committee
- b) Item 14-2057, Finance Committee
- c) Item 14-2133, Fox Cities Transit Commission

O. ITEMS HELD

[14-2022](#) Approve Purchase Agreement between Outagamie County and City of Appleton for Proposed Exhibition Center site.

Attachments: [cc 12032014 Memo to Council - Preliminary Report Fox Cities Exhibition Center](#)
[cc 12032014 Res No 17--2014-15SIGNED.pdf](#)
[cc 12032014 Res No 18--2011-12 Signed.pdf](#)
[cc 12032014 cow ARA Advisory Committee Creation CLEAN Draft 4.docx](#)

Legislative History

12/3/14 Common Council held

P. ORDINANCES

[14-2139](#) Ordinance 76-14 and 77-14

Attachments: [Ordinances for 12-17-2014 Council.pdf](#)

Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

R. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

S. OTHER COUNCIL BUSINESS

[14-2143](#) Suspend Rules to go into Committee of the Whole

[14-2140](#) Appleton Common Council may go into closed session, pursuant to State Statute 19.85(1)(e), for real estate negotiations and deliberating the potential investment of public funds for the proposed Exhibition Center to be located on two parcels of land located directly north of the Outagamie County Justice Center, South of Lawrence Street and East of Elm Street, in the City of Appleton.

[14-2142](#) Reconvene to open session

[14-2144](#) Rise and Report from Committee of the Whole

T. ADJOURN

Dawn A. Collins, City Clerk

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