



# City of Appleton

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

## Meeting Agenda - Final-revised Common Council

---

Wednesday, June 5, 2019

7:00 PM

Council Chambers

---

- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS
- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES  
[19-0779](#) Common Council Meeting Minutes of May 15, 2019  
*Attachments:* [CC Minutes 5-15-19.pdf](#)
- G. BUSINESS PRESENTED BY THE MAYOR  
[19-0782](#) Homeownership Month Proclamation  
[19-0783](#) Foster Care Month Proclamation
- H. PUBLIC PARTICIPATION
- I. PUBLIC HEARINGS

- [19-0650](#) Public Hearing on Special Resolution 3-P-19; Sanitary Laterals, Storm Laterals, and Storm Main  
 Morrison Street - Hancock Street to Wisconsin Avenue  
 Winnebago Street - Oneida Street to Drew Street  
 Carpenter Street - Taft Avenue to Fremont Street  
 Prospect Avenue - Seminole Road to Haskell Street  
 Opechee Street at Leminwah Street  
 Henry Street - Warner Street to Telulah Avenue  
 Warner Street - Henry Street to College Avenue  
 Harriet Street - Walter Avenue to Telulah Avenue  
 Erb Street - Michigan Street to 100' N/O Michigan Street  
 Randall Street - Oneida Street to Meade Street

**Attachments:** [3-P-19 Public Hearing Notice.pdf](#)

J. SPECIAL RESOLUTIONS

- [19-0651](#) Final Resolution 3-P-19 for Sanitary Laterals, Storm Laterals, and Storm Main

**Attachments:** [3-P-19 Final Resolution.pdf](#)

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

- [19-0648](#) Class "B" Beer and "Class B" Liquor License - Change of Agent application for Appleton Holdings LLC to include Red Lion's Intermezzo, Red Lion Lombardi Bar, Red Lion Banquet Services and Red Lion Clubhouse Bar licenses, Linda M. Garvey, Agent, located at 333 West College Ave, contingent upon approval from the police department.

**Attachments:** [Linda M. Garvey - Appleton Holdings S&L 5-22-19 .pdf](#)

**Legislative History**

5/22/19	Safety and Licensing Committee	recommended for approval
---------	--------------------------------	--------------------------

[19-0649](#) Reserve "Class B" Liquor and Class "B" Beer License - Change of Agent application for Appleton Holdings LLC/Inner Circle Fox Cities LLC d/b/a Fox Cities Exhibition Center, Linda M. Garvey, Agent, located at 355 West Lawrence Street, contingent upon approval from the police department.

**Attachments:** [Linda M. Garvey - Inner Circle Fox Cities S&L 5-22-19.pdf](#)

**Legislative History**

5/22/19 Safety and Licensing recommended for approval  
Committee

[19-0674](#) Reserve "Class B " Liquor and Class "B" Beer license - Change of Agent application for Buffalo Wild Wings, Kimberly Lutzewitz, Agent, located at 3201 E Calumet St.

**Attachments:** [Kimberly M. Lutzewitz S&L 5-22-19.pdf](#)

**Legislative History**

5/22/19 Safety and Licensing recommended for approval  
Committee

[19-0697](#) Class "B" Beer and "Class B" Liquor license application for El Sabor Mexican Grill, Luis A Santiago, Agent, located at 2190 S Memorial Dr., contingent upon approval from all departments.

**Attachments:** [El Sabor Mexican Grill.pdf](#)

**Legislative History**

5/22/19 Safety and Licensing recommended for approval  
Committee

[19-0715](#) Approval of 2019-2020 Beer/Liquor License renewals contingent upon approval from all departments by 12:00 p.m. on June 28, 2019.

**Attachments:** [2019-20 Beer-Liquor License Renewals S&L 5-22.docx](#)

**Legislative History**

5/22/19 Safety and Licensing recommended for approval  
Committee

[19-0726](#) Operator's Licenses

**Attachments:** [Operator's Licenses for 5-22-19 S & L.pdf](#)

**Legislative History**

5/22/19 Safety and Licensing recommended for approval  
Committee

[19-0728](#) RENEWAL Operator's Licenses

**Attachments:** [RENEWAL Operator's Licenses for 5-22-19 S & L.docx](#)

**Legislative History**

5/22/19 Safety and Licensing Committee recommended for approval

[19-0735](#)

Taxi Cab Company Renewal License application of People Movers Inc, (Appleton Yellow Taxi Co), Paul O. Davies, 705 W. Wisconsin Ave, Appleton, contingent upon approval from all departments.

**Attachments:** [People Movers.pdf](#)

**Legislative History**

5/22/19 Safety and Licensing Committee recommended for approval

**3. MINUTES OF THE CITY PLAN COMMISSION**[19-0688](#)

Request to approve Special Use Permit #4-19 for a restaurant with alcohol sales and service located at 1619 West College Avenue, Suite F (Tax Id #31-3-0049-00), 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\\_1619WCollege\\_SUP\\_For5-21-19.pdf](#)

**Legislative History**

5/21/19 City Plan Commission recommended for approval

[19-0556](#)

Request to approve the naming of 22 21 alleys located throughout the City, honoring some of Appleton's historic citizens as depicted in the attached list of names and map, so as to mitigate confusion for public safety personnel, the post office, delivery drivers and residents

**Attachments:** [StaffReport\\_Naming21Alleys\\_For5-21-19.pdf](#)

[ExhibitA\\_Cleggett\\_5-21-19.pdf](#)

[ExhibitB\\_Ord33-77\\_RiverDr\\_5-21-19.pdf](#)

[LtrOpposingAlleyDesignationforRiverDrive\\_5-10-19.pdf](#)

[StaffReport\\_Naming22Alleys\\_For4-23-19.pdf](#)

[PhinneyNameSuggestion\\_Distributedat5-21-19PC.pdf](#)

**Legislative History**

4/23/19 City Plan Commission held

5/21/19 City Plan Commission recommended for approval

[19-0691](#) Request to approve Special Use Permit #5-19 for an existing restaurant with alcohol sales and service and a sidewalk cafe with alcohol sales and service located at 321 East College Avenue (Tax Id #31-2-0007-00), 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 321College SUP For5-21-19.pdf](#)

**Legislative History**

5/21/19 City Plan Commission recommended for approval

[19-0693](#) Request to approve Special Use Permit #6-19 for an indoor personal storage facility located on North Ballard Road, on a landlocked parcel east of 3030 N. Ballard Road (Tax Id #31-1-6726-00), 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 Ballard Road Storage SUP.pdf](#)

**Legislative History**

5/21/19 City Plan Commission recommended for approval

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

**5. MINUTES OF THE FINANCE COMMITTEE**

[19-0720](#) Request to approve agreement with Clearwater Creek Development for Spartan Drive and Stormwater Management Facilities

**Attachments:** [Clearwater Creek Development - Spartan Drive Stormwater Mgmt Facilities - FI](#)

[19-0721](#) Request to approve agreement with ARBB Farm, LLC for Spartan Drive and Stormwater Management Facilities

**Attachments:** [Agreement - ARBB Farm - Spartan Drive Stormwater - FINAL 05-29-2019.pdf](#)

[19-0722](#) Request to approve the following 2019 Budget adjustment:

Parking Utility Fund Balance	- \$120,000
Parking Utility Operations & Maintenance	+\$120,000

to provide funding for unanticipated parking ramp maintenance and construction projects in 2019 (2/3 of Common Council required for approval)

**Attachments:** [Budget Adjustment - Parking Division Projects.pdf](#)

[19-0723](#) Request to approve Finance Committee Report 3-P-19 for Sanitary Laterals, Storm Laterals and Storm Main

**Attachments:** [Report 3-P-19.pdf](#)

## 6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[19-0695](#) Request to approve the REVISED 2019-2020PY Community Development Block Grant (CDBG) funding as specified in the attached community partner allocation recommendations

**Attachments:** [Alloc Recs Memo to CEDC Final Award 05-22-2019.pdf](#)

[Alloc Recs Memo to CEDC 11-28-18.pdf](#)

[REVISED- 2019 CDBG Summary of Recommendations.pdf](#)

[REVISED- 2019 CDBG Simple Summary of Recommendations.pdf](#)

**Legislative History**

5/22/19 Community & Economic Development Committee recommended for approval

[19-0696](#) Request to approve the Development Agreement with Fore Development LLC for improvements and development of the property located at 309 E. Washington Street, 118 N. Durkee Street, and 122 N. Durkee Street in Tax Increment Financing District No. 11

**Attachments:** [Memo Recommend Avant LLC Dev Agrmt.pdf](#)

[Fore Dev - Avant LLC - Dev Agrm - Clean - 05-15-2019.pdf](#)

**Legislative History**

5/22/19 Community & Economic Development Committee recommended for approval

[19-0702](#) Request to approve the Development Agreement with 320 East College LLC for redevelopment of the property located at 320 E. College Avenue in Tax Increment Financing District No. 11

**Attachments:** [Memo Recommend 320 E College Ave Dev Agrmt.pdf](#)

[320 East College LLC - Dev Agrm 5-16-19 Draft 1.pdf](#)

[Memo Recommend ARA Rescind Approved Funds for 320 E College Ave.pdf](#)

**Legislative History**

5/22/19 Community & Economic Development Committee recommended for approval

[19-0703](#)

**\*\*CRITICAL TIMING\*\*** Request to submit Counter-Offer #3 to the Offer-to-Purchase from Valley Tool, Inc. or its assigns to purchase Lots 1, 2, and 3 on Goodland Drive in the Northeast Industrial Park Plat No. 4, consisting of approximately 4.36 acres, at a purchase price of \$160,000 (\$36,697.25 per acre) with Counter-Offer #3 amending various lines in the Offer as referenced in the attached documents and approving a variance to the Deed Restrictions and Covenants to allow for a loading dock and overhead door facing east towards Zuehlke Drive subject to staff approval of final site plans and elevations of east side

**Attachments:** [Valley Tool Memo 5-15-19.pdf](#)  
[Valley Tool - Counter Offer No. 3.pdf](#)  
[Valley Tool Memo 4-19-19.pdf](#)  
[Valley Tool\\_OTP\\_Lots 1-2-3 Goodland Dr\\_4-17-19.pdf](#)  
[Valley Tool - Counter Offer 1\\_2.pdf](#)  
[NEIP Plat No 4 Covenants and Restrictions.pdf](#)  
[Map\\_Available Sites NE Bus Park\\_04182019.pdf](#)  
[NEBPUilities.pdf](#)

**Legislative History**

5/22/19	Community & Economic Development Committee	recommended for approval
---------	---	--------------------------

[19-0755](#)

Request to approve the Offer to Purchase from Alco Tech Properties, LLC to purchase Lot 9, Plat 1 of Southpoint Commerce Park, consisting of approximately 3.48 acres, at a purchase price of \$144,072 (\$41,400 per acre)

**Attachments:** [Alco Tech Lot 9 Memo 5-16-19.pdf](#)  
[Alco Tech Lot 9 Offer to Purchase.pdf](#)  
[SP Deed Restrictions.pdf](#)  
[Office Use Memo from 11-10-08\\_Lots 9 & 12 Southpoint.pdf](#)  
[Alco Tech Map Lot 9.pdf](#)

**Legislative History**

5/22/19	Community & Economic Development Committee	recommended for approval
---------	---	--------------------------

**7. MINUTES OF THE UTILITIES COMMITTEE**[19-0708](#)

Preliminary Resolution 3-P-19 for Sanitary Laterals, Storm Laterals and Storm Main be adopted and refer the matter to the Finance Committee to determine the assessment rate.

**Attachments:** [3-P-19.pdf](#)

**8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE****9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION****10. MINUTES OF THE BOARD OF HEALTH****M. CONSOLIDATED ACTION ITEMS****N. ITEMS HELD**

[19-0635](#) Farm Market Renewal Application, Long Cheng Marketplace, Maiyoua Thao, 1804 S. Lawe St, contingent upon approval from all departments.

**Attachments:** [Long Cheng Farm Market.pdf](#)

**Legislative History**

5/8/19	Safety and Licensing Committee	recommended for approval
5/15/19	Common Council	held

**O. ORDINANCES**

[19-0777](#) Ordinances 42-19, 56-19 to 67-19

**Attachments:** [Ordinances going to Council 6-5-19.pdf](#)

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

[19-0780](#) Discussion regarding the vacancy for Alderperson District 15

**Attachments:** [KD Resignation 5-19.pdf](#)

**S. CLOSED SESSION**



[19-0781](#)

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.*