



City of Appleton

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

Meeting Agenda - Final Common Council

Wednesday, October 4, 2017

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
 - [17-1500](#) Common Council Meeting Minutes of September 20, 2017
Attachments: [CC Minutes 9-20-17.pdf](#)
- H. BUSINESS PRESENTED BY THE MAYOR
 - [17-1501](#) Breast Cancer Awareness Proclamation
 - [17-1502](#) Fire Prevention Week Proclamation
 - [17-1503](#) Appleton Fire Department Citizen Award
- I. PUBLIC HEARINGS
 - [17-1397](#) Public Hearing - Comprehensive Plan Amendment #2-17
Attachments: [PH Notice for CPA #2-17.pdf](#)
 - [17-1398](#) Public Hearing - Rezoning #6-17
Attachments: [RZ #6-17 Public Hearing Notice.pdf](#)
 - [17-1443](#) Public Hearing - Rezoning #7-17
Attachments: [RZ #7-17 Public Hearing Notice.pdf](#)

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[17-1408](#) Request from Dan Mitchell, 830 W. Spencer Street, for a variance to Municipal Code 19-91(f)(5) to extend his driveway 16 feet into the front yard.

Attachments: [Dan Mitchell-830 W Spencer St..pdf](#)
[Dan Mitchell 830 W Spencer St Revised.pdf](#)

Legislative History

9/11/17 Municipal Services held
Committee
Item 17-1408 held until September 25, 2017 meeting.

9/25/17 Municipal Services recommended for approval
Committee
Approve per the revised drawing with an extension length of 17'-7" as attached.

[17-1468](#) Request from Mobilitie to approve the concept of placing a cell tower on the east stair tower of the Red Ramp. If approved, a lease agreement will be developed for Committee and Council approval.

Attachments: [Mobilitie.pdf](#)

Legislative History

9/25/17 Municipal Services recommended for approval
Committee

[17-1471](#) Request from Nathan Wichman, 1002 N. State Street, for a variance to Municipal Code 19-91(f)(5) to extend his driveway 9 feet into the front yard.

Attachments: [Nathan Wichman 1002 N State St.pdf](#)

Legislative History

9/25/17 Municipal Services recommended for approval
Committee

[17-1472](#) Award of Contract for 2018-2022 Sidewalk & Crosswalk Snow Removal Services to Lakeshore Cleaners, Inc.

Attachments: [Award Contract for 2018-2022 Sidewalk & Crosswalk Snow Removal.pdf](#)

Legislative History

9/27/17 Safety and Licensing Committee recommended for approval

[17-1456](#) Operator's Licenses

Attachments: [Operator's Licenses for 9-27-17 S & L.pdf](#)

Legislative History

9/27/17 Safety and Licensing Committee recommended for approval

[17-1469](#) Class "B" Beer/"Class C" Wine License application of Harmony Pizza LLC d/b/a Harmony Pizza Cafe, Matthew J. Wegehaupt, Agent, 432B W. Wisconsin Avenue, contingent upon approval from all departments.

Attachments: [Harmony Pizza Cafe application.pdf](#)

Legislative History

9/27/17 Safety and Licensing Committee recommended for approval

[17-1484](#) Reserve "Class B" Beer/Liquor License application of Mondo Wine LLC d/b/a Mondo Wine Bar and Retail, David J. Oliver, Agent, 220 W. College Ave., contingent upon approval from all departments.

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

Legislative History

9/27/17 Safety and Licensing Committee recommended for approval

3. MINUTES OF THE CITY PLAN COMMISSION

[17-1221](#) Request for Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-17 for two vacant parcels located along the north side of W. Washington Street, west of N. Bennett Street and east of N. Story Street, (Tax Id #31-5-1225-00 and #31-5-1229-00) from One and Two-Family Residential land use designation to Central Business District land use designation as shown on the attached map

Attachments: [StaffReport_CompPlanAmend#1-17&Rz#5-17_For09-26-17.pdf](#)
[Resolution_CompPlanAmend#1-17.pdf](#)
[Req. to Withdraw RZ#5-17 &CompPlanAmend #1-17 J. May 9-15-17.pdf](#)

Legislative History

8/8/17 City Plan Commission recommended for denial
Proceeds to Council on September 20, 2017.

9/20/17 Common Council referred to the City Plan Commission

9/26/17 City Plan Commission recommended for denial

[17-1223](#)

Request for Rezoning #5-17 for two vacant parcels located along the north side of W. Washington Street, west of N. Bennett Street and east of N. Story Street, (Tax Id #31-5-1225-00 and #31-5-1229-00), including to the centerline of the adjacent right-of-way, as shown on the attached map, from R-1C Central City Residential District to CBD Central Business District (3/4 vote required)

Attachments: [StaffReport_CompPlanAmend#1-17&Rz#5-17_For09-26-17.pdf](#)
[Req. to Withdraw RZ#5-17 &CompPlanAmend #1-17 J. May 9-15-17.pdf](#)

Legislative History

8/8/17	City Plan Commission	recommended for denial <i>Proceeds to Council on September 20, 2017.</i>
9/20/17	Common Council	referred to the City Plan Commission
9/26/17	City Plan Commission	recommended for denial

[17-1290](#)

Request to approve Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-17 for 1000 E. Florida Avenue (Tax Id #31-1-4995-00) from One and Two-Family Residential land use designation to Public/Institutional land use designation as shown on the attached map and approve the attached resolution

Attachments: [StaffReport_MtOliveChurch_CompPlan+Rezoning_For08-22-17.pdf](#)

Legislative History

8/22/17	City Plan Commission	recommended for approval <i>Proceeds to Council on October 4, 2017.</i>
---------	----------------------	--

[17-1292](#)

Request to approve Rezoning #6-17 to rezone 1000 E. Florida Avenue (Tax Id #31-1-4995-00), including to the centerline of the adjacent right-of-way, as shown on the attached map, from R-1A Single-Family District to P-I Public Institutional District

Attachments: [StaffReport_MtOliveChurch_CompPlan+Rezoning_For08-22-17.pdf](#)

Legislative History

8/22/17	City Plan Commission	recommended for approval <i>Proceeds to Council on October 4, 2017.</i>
---------	----------------------	--

[17-1365](#)

Request to approve Rezoning #7-17 to rezone 611 North Superior Street (Tax Id #31-2-0687-00), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from R-2 Two-Family District to C-2 General Commercial District

Attachments: [StaffReport_Rezoning #7-17 611 N Superior.pdf](#)

Legislative History

9/12/17	City Plan Commission	recommended for approval <i>Proceeds to Council on October 4, 2017.</i>
---------	----------------------	--

[17-1451](#) Request to approve Special Use Permit #9-17 for an exhibition center and outdoor plaza area with alcohol sales and consumption located at 355 W. Lawrence Street (Tax Id #31-2-0116-00), 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 Exhibition Center SUP For09-26-17.pdf](#)

Legislative History

9/26/17 City Plan Commission recommended for approval

[17-1453](#) Request to approve Special Use Permit #10-17 for a restaurant with alcohol sales and service located at 432 W. Wisconsin Avenue, Unit B (Tax Id #31-6-0677-00), 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 HarmonyPizza SUP For09-26-17.pdf](#)

Legislative History

9/26/17 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[17-284](#) Resolution 19-R-09 regarding Borders

NOTE: Please see the video from August 9, 2017 Community and Economic Development Committee meeting for Mayor's presentation.

Attachments: [19-R-09.pdf](#)

[5R17- Boarder Resolution.pdf](#)

[2016 Growth Report.pdf](#)

Legislative History

3/7/17 Finance Committee referred

9/11/17 Finance Committee held

9/25/17 Finance Committee approved as amended

Amendment by Alderperson Baranowski, seconded by Alderperson Croatt stating the Mayor has committed to emphasize the intent of the action called out in this resolution into the City Comprehensive Plan and the accountability of the Comprehensive Plan action will be measured through the annual Growth Report. Amendment approved 4-0.

[17-1461](#)

Request to approve the following 2017 Budget adjustment:

Facilities Management Capital Projects Fund

Fire Station #4 Repair Project	+\$138,435
Erb Pool & Park Project	- \$138,435

to reallocate funds for the emergency repairs of the garage floor at Fire Station #4

Attachments: [Fire Station #4.pdf](#)

Legislative History

9/25/17 Finance Committee recommended for approval

[17-1462](#)

Request to approve payment to von Briesen & Roper, S.C. for real estate services performed under the "Hourly Services" provision of the Phase III agreement related to the construction of the Fox Cities Exhibition Center and approve the following related 2017 Budget Adjustment:

Exhibition Center Capital Projects Fund

Consulting Services	+\$203
Debt Proceeds/Room Tax	+\$203

to provide funding for real estate services related to the construction of the Fox Cities Exhibition Center

Attachments: [Vonbriesen Bill 7-31-17.pdf](#)

Legislative History

9/25/17 Finance Committee recommended for approval

[17-1464](#)

Request to approve Finance Committee Report 5-P-17 for Northland Avenue Frontage Road sidewalk construction.

Attachments: [Report 5-P-17.pdf](#)

Legislative History

9/25/17 Finance Committee recommended for approval

[17-1465](#)

Request to approve the Development Agreement for the Third Addition to Emerald Valley Subdivision.

Attachments: [3rd Addn to Emerald Valley Subdivision - Development Agreement.pdf](#)

Legislative History

9/25/17 Finance Committee recommended for approval

[17-1467](#) Request to award the 2017 Parks Lighting Upgrades Project to Bodart Electric Service, Inc in the amount of \$70,893 with a contingency of 10% for a project total not to exceed \$77,983

Attachments: [2017 Parks Lighting Upgrades.pdf](#)

Legislative History

9/25/17 Finance Committee recommended for approval

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

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

[17-1111](#) CONSOLIDATED ACTION ITEMS:
Municipal Services Item 17-991
City Plan Commission Item 17-1003
Initial Resolution Item 17-1110

Legislative History

7/19/17	Common Council	held
8/2/17	Common Council	held
8/16/17	Common Council	held
9/6/17	Common Council	held
9/20/17	Common Council	held

[17-991](#) Approve Discontinuance of Locust Street at the CN Railroad Crossing Number 179 919F.

Attachments: [Discontinuance of Locust St at the CN Railroad crossing.pdf](#)

Legislative History

7/10/17	Municipal Services Committee	recommended for approval
7/19/17	Common Council	held
8/2/17	Common Council	held
8/16/17	Common Council	held
9/6/17	Common Council	held

9/20/17 Common Council held

[17-1003](#)

Request to approve the street discontinuance to vacate a portion of South Locust Street public right-of-way in the 100 block at the CN Railroad Crossing Number 179 919F, as shown on the attached maps and legal description, pending approval by the Municipal Services Committee, and adopt the Initial Resolution

Attachments: [StaffReport_StreetVacation_SLocustStreet.pdf](#)

Legislative History

7/11/17	City Plan Commission	recommended for approval
7/19/17	Common Council	held
8/2/17	Common Council	held
8/16/17	Common Council	held
9/6/17	Common Council	held
9/20/17	Common Council	held

[17-1110](#)

Initial Resolution- South Locust Street Vacation

Attachments: [Locust Street RR Xing - Initial Resolution.pdf](#)

Legislative History

7/19/17	Common Council	held
8/2/17	Common Council	held
8/16/17	Common Council	held
9/6/17	Common Council	held
9/20/17	Common Council	held

[17-1446](#)

Resolution Authorizing a Pledge and Security Agreement for the Fox Cities Exhibition Center Project

Attachments: [Resolution for Pledge and Security Agreement - City of Appleton 9-20-17.pdf](#)

Legislative History

9/20/17	Common Council	held
---------	----------------	------

[17-1447](#)

Resolution Authorizing an Interest Reserve Fund Balance Guaranty for the Fox Cities Exhibition Center Project

Attachments: [Resolution for Interest Reserve Fund Balance Guaranty - City of Appleton-9-20-](#)

Legislative History

9/20/17	Common Council	held
---------	----------------	------

O. ORDINANCES

[17-1457](#)

Ordinances 63-17 to 77-17

Attachments: [Ordinances going to Council 10-4-17.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
- S. CLOSED SESSION

[17-1504](#)

The Common Council will go into closed session according to State Statute §19.85(1)(e) for the purpose of discussions of real estate negotiations regarding the railroad trestles and reconvene into open session.

- T. ADJOURN

Kami Lynch, City Clerk

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