



City of Appleton

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

Meeting Agenda - Final-revised Common Council

Wednesday, June 18, 2014

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
[14-1064](#) Approve June 4, 2014 Council Meeting Minutes.

Attachments: [CC Minutes REVISED - 06-04-2014.pdf](#)
- H. BUSINESS PRESENTED BY THE MAYOR
- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY
- L. COMMITTEE REPORTS
- 1. MINUTES OF THE SAFETY AND LICENSING COMMITTEE**

[14-1024](#)

Resolution introduced by Alderperson Jirschele at the 6-4-2014 Common Council meeting relating to have an ordinance be created and adopted.

#19-R-14 - Jirschele

“Whereas

Appleton Downtown Inc. is working to encourage a vibrant and energetic Downtown central business district, and views sidewalk cafes as an important element of that district, and

Whereas

ADI, on behalf of its members, has requested that the **Appleton Municipal Code Chapter 9, Division 4:9-261 Restrictions** regarding alcoholic beverages within the parameters of the sidewalk café, be altered to remove items #4, “The sidewalk café must be enclosed with a freestanding decorative barrier,” and #8 “An employee must be present between 4 p.m. and 9:30 p.m. Monday through Friday and between 11 a.m. and 9:30 p.m. on Saturday and Sunday,” and

Whereas

The recommendation of ADI on behalf of its members has been discussed by the Safety and Licensing Committee as a concept,

Be it Resolved

That the City of Appleton adopt the ordinance changes as recommended.”

Attachments: [Amendment proposal outdoor cafe 2014.pdf](#)

Legislative History

6/12/14	Safety and Licensing Committee	recommended for denial
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[14-997](#)

"Class B" Beer/Liquor License Renewal applications for Michael W. Rohr, SC, Attorney, for 1st and 2nd floor licenses at 318 West College Avenue, contingent upon approvals from all departments.

Legislative History

6/12/14	Safety and Licensing Committee	recommended for approval
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Granted an inactivity extension for a period of one year.

[14-944](#) Reserve "Class B" Beer/Liquor License Renewal application of MC & C Sales LLC, d/b/a McKnight & Carlson Wines, John Carlson, Agent, 1350 West College Avenue, contingent upon approvals from all departments.

Legislative History

6/12/14 Safety and Licensing recommended for approval
Committee

[14-945](#) Class "B" Beer and Class "C" Wine License Renewal application of Sou Chomsisengphet, d/b/a Basil Cafe, 1513 North Richmond Street, contingent upon approvals from all departments.

Legislative History

6/12/14 Safety and Licensing recommended for approval
Committee

[14-947](#) Class "B" Beer and Class "C" Wine License application of Home Run Pizza LLC, Patricia L. Reinke, Agent, 1216 West Wisconsin Avenue, contingent upon approvals from all departments.

Legislative History

6/12/14 Safety and Licensing recommended for approval
Committee

[14-956](#) Taxicab Company and Limousine Service renewal application of LIR Transportation LLC d/b/a Fox Valley Cab, Igor Leykin, 719 W. Frances Street, contingent upon approvals from all departments.

Legislative History

6/12/14 Safety and Licensing recommended for approval
Committee

[14-958](#) Class "A" Beer License Renewal application of Merina LLC, d/b/a Appleton BP, Prabhu Dhungana, Agent, 1200 West Wisconsin Avenue, contingent upon approvals from all departments.

Legislative History

6/12/14 Safety and Licensing recommended for approval
Committee

[14-959](#) Class "B" Beer License Renewal application of Youa Bee Xiong, d/b/a Pheng Houa Daily Foods, 1216 North Division Street, contingent upon approvals from all departments.

Legislative History

6/12/14 Safety and Licensing recommended for approval
Committee

[14-970](#) "Class B" Beer/Liquor License Renewal application for Super Bowl Inc., Erik A. Gialdella, Agent, 2222 East Northland Avenue, contingent upon approvals from all departments.

Legislative History

6/12/14 Safety and Licensing Committee recommended for approval

[14-971](#) Change of Premises Description - "Class B" Beer/Liquor License for Gregg Van Dinter, 906 South Olde Oneida Street, to include a 27 x 45 sq. ft. patio area, contingent upon approvals from all departments.

Legislative History

6/12/14 Safety and Licensing Committee recommended for approval

[14-972](#) Class "B" Beer and Class "C" Wine License Renewal application of Lasubo Inc. d/b/a Atlas Coffee Mill & Cafe, Lawrence R. Bogenschutz, Agent, 425 West Water Street, contingent upon approvals from all departments.

Legislative History

6/12/14 Safety and Licensing Committee recommended for approval

[14-973](#) Class "B" Beer License Renewal application of Mai's Deli, Fong Lee, Agent, 104 South Memorial Street, contingent upon approvals from all departments.

Legislative History

6/12/14 Safety and Licensing Committee recommended for approval

[14-974](#) Taxicab Company and Limousine Service renewal application of Fox Valley Tours, LLC, Justin T. Garrett, 165 Lamplighter Drive, #2, Kaukauna, contingent upon approvals from all departments.

Legislative History

6/12/14 Safety and Licensing Committee recommended for approval

[14-975](#) Mobile Home Park License renewal application of Fox Valley Estates, Richard Moore, 116 W. Hardy St., Duluth, MN, contingent upon approvals from all departments.

Legislative History

6/12/14 Safety and Licensing Committee recommended for approval

[14-978](#) "Class B" Beer/Liquor License Renewal application of VFW Post 2778, Alexander R. White, Agent, 501 North Richmond Street, contingent upon approvals from all departments.

Legislative History

6/12/14 Safety and Licensing recommended for approval
Committee

[14-980](#) "Class B" Beer/Liquor Renewal application of Appleton Souvenir & Cigar Company, Robert J. Zima, Agent, 415 West College Avenue, contingent upon approvals from all departments.

Legislative History

6/12/14 Safety and Licensing recommended for approval
Committee

[14-981](#) Reserve "Class B" Beer/Liquor License application of Timber Mill LLC, d/b/a Timber Mill Theater, Kris L. Oates, Agent, RiverHeath Way, contingent upon approvals from all departments.

Legislative History

6/12/14 Safety and Licensing recommended for approval
Committee

[14-985](#) Class "B" Beer License Renewal application of Gno Bogeys LLC, d/b/a Reid Golf Course, Stacey L. Gassner, Agent, 1100 East Fremont Street, contingent upon approvals from all departments.

Legislative History

6/12/14 Safety and Licensing recommended for approval
Committee

[14-993](#) Change of Premises Description - "Class B" Beer/Liquor License of What the Heck, LLC, d/b/a The Madd Hatter, Steven P. Heckenlaible, Agent, 205 West College Avenue, to include a 9 x 16 sq. ft. sidewalk cafe, contingent upon approvals from all departments.

Legislative History

6/12/14 Safety and Licensing recommended for approval
Committee

[14-994](#) "Class B" Beer/Liquor License Renewal application of Antojitos Mexicanos LLC, d/b/a Antojitos Mexicanos, Fernando Almanza, Agent, 207 North Richmond Street, contingent upon approvals from all departments.

Legislative History

6/12/14 Safety and Licensing recommended for approval
Committee

[14-995](#) Class "B" Beer License Renewal application of Therisa L. Xiong d/b/a Pooh San, 621D West Northland Avenue, contingent upon approvals from all departments.

Legislative History

6/12/14 Safety and Licensing recommended for approval
Committee

[14-996](#) Reserve "Class B" Beer/Liquor License Renewal application of Knotted Pianos Inc, Stefanie M. Hernet, Agent, 215 East College Avenue, contingent upon approvals from all departments.

Legislative History

6/12/14 Safety and Licensing recommended for approval
Committee

[14-1015](#) Operator's Licenses

Attachments: [Operator's Licenses for 06-12-14 S&L.pdf](#)

Legislative History

6/12/14 Safety and Licensing recommended for approval
Committee

[14-1016](#) Operator License Renewals

Attachments: [Operator's Renewal Licenses for 06-12-14 S&L.pdf](#)

Legislative History

6/12/14 Safety and Licensing recommended for approval
Committee

[14-1040](#) "Class B" Beer/Liquor Renewal application of Images, LLC, Kelly J. Kirchner, Agent, 1200 South Oneida Street, contingent upon approvals from all departments.

Legislative History

6/12/14 Safety and Licensing recommended for approval
Committee

[14-1041](#) "Class B" Beer/Liquor License Renewal application of Appleton Elks Club, James B. Marks, Agent, 1103 West College Avenue, contingent upon approvals from all departments.

Legislative History

6/12/14 Safety and Licensing recommended for approval
Committee

[14-1042](#) Class "B" Beer License application of Youa Bee Xiong, d/b/a Pheng Houa Daily Foods, 1216 North Division Street, to comply with stipulations of Special Use Permit #1-14, contingent upon approvals from all departments.

Legislative History

6/12/14 Safety and Licensing Committee recommended for approval

2. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[14-984](#) Proposed changes to commercial recycling collection rates.

Attachments: [Proposed changes to comm. recycling coll. rates.pdf](#)

Legislative History

6/10/14 Municipal Services Committee recommended for approval

[14-986](#) Request from Gary Maynard for a Variance to the Front Yard Parking Ordinance to extend his driveway more than 4 feet at 1518 E. Calumet Street.

Attachments: [Request from Gary Maynard for a Variance .pdf](#)

Legislative History

6/10/14 Municipal Services Committee recommended for approval

[14-991](#) Request from Appleton Downtown Inc. for a reduced meter bag fee of \$6.00 for the sixteen weeks of Midweek Market starting June 11, 2014.

Attachments: [Reservation of Parking Meters.pdf](#)

Legislative History

6/10/14 Municipal Services Committee recommended for approval

[14-1008](#) Award of the Downtown Appleton Parking Study to Walker Parking Consultants in an amount not to exceed \$68,239.

Attachments: [Award of the Downtown Appleton Parking Study.pdf](#)

Legislative History

6/10/14 Municipal Services Committee recommended for approval

[14-1009](#) Request from LaMichoacana Bar & Grill for a street occupancy permit to place tables and chairs in the beautification strip at 211 W. College Avenue to be removed at the time business closes or by 2:00 am at the latest.

Attachments: [LaMichoacana Seating Outside.pdf](#)

Legislative History

6/10/14 Municipal Services Committee recommended for approval

3. MINUTES OF THE CITY PLAN COMMISSION

[14-1007](#) Extraterritorial Preliminary Plat/White Hawk Meadows North - Town of Grand Chute.

Attachments: [White Hawk Meadows North Grand Chute.pdf](#)

Legislative History

6/9/14 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE**5. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**

[14-1023](#) Consider approval of the Vetter Denk Ganther Development Agreement.

Attachments: [CEDC Foremost Memo 6 4 2014.pdf](#)

[ARA Decision Matrix 5-07-14.pdf](#)

[ARA LU Letter Addressing Neighborhood Issues.pdf](#)

[ARA Neighborhood survey Feb 2014.pdf](#)

[ARA Revised Traffic Impact Analysis Oct 24 2013.pdf](#)

[ARA Vetter Denk Ganther DA with Exhibits.pdf](#)

[ARA Memo Foremost 5 10 2014 3.pdf](#)

[Vetter Denk Presentation 5 28 14.pdf](#)

Legislative History

6/9/14 Community & Economic Development Committee recommended for approval

6. MINUTES OF THE UTILITIES COMMITTEE

[14-987](#) Approval of an Engineering Services contract for the Appleton Wastewater Treatment Plant Tank Coating Project to McMahon Engineers & Architects in the amount of \$27,900 plus a 5% contingency of \$1,395 for a total cost of \$29,295.

Attachments: [Utilities Memo_WW Coating Inspection Engineering 06-05-14.pdf](#)

Legislative History

6/10/14 Utilities Committee recommended for approval

[14-990](#)

Request approval of electronic Compliance Maintenance Annual Report (eCMAR) for 2013 and request the following Resolution be presented to the Common Council for approval:

RESOLVED, that the City of Appleton inform the Department of Natural Resources that the following actions were taken by the Common Council:

1. Review and approval of the Compliance Maintenance Annual Report (CMAR), which is attached to this Resolution.
2. Set forth the following actions to maintain requirements contained in the WPDES Permit:
 - a) Department of Utilities continue to evaluate the compost demonstration project and further reduce infiltration and inflow from our collection system.

Attachments: [eCMAR memo 2013.docx](#)
[2013 summary page.pdf](#)

Legislative History

6/10/14 Utilities Committee recommended for approval

[14-1039](#)

Approval of Engineered Contract Services to Dixon Engineering to conduct Regulatory Inspections of both the Water Plant North and South Clearwells as well as the Lindbergh Standpipe in the amount of \$16,650 with a 5% contingency of \$830 for a project total not to exceed \$17,480.

Attachments: [Utilities Memo Tower Inspections Engineering 06-04-14.pdf](#)

Legislative History

6/10/14 Utilities Committee recommended for approval

7. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

8. MINUTES OF THE BOARD OF HEALTH

9. MINUTES OF THE HUMAN RESOURCES COMMITTEE

[14-1030](#)

Request to approve the new Critical Incident Stress Debriefing Policy

Attachments: [cisd - non sworn staff.doc](#)

Legislative History

6/9/14 Human Resources recommended for approval
 Committee

- [14-1034](#) Request approval of grade changes for the following positions on the 2014 Seasonal Pay Plan:
 Facility Manager I
 Program/Activity Leader II and III
 Lifeguard II and III
 Lifeguard I (new)
 Changes to be effective in 2015

Attachments: [Seasonal Pay plan memo Behnke.pdf](#)
[Seasonal reclassification memo 6-9-14.pdf](#)
[Seasonal Salary Schedule 2014 \(with Recreation Positions\).pdf](#)
[Seasonal rates comparison 2014.pdf](#)

Legislative History

6/9/14	Human Resources Committee	recommended for approval
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10. MINUTES OF THE FINANCE COMMITTEE

- [14-1036](#) Award Unit X-14 Sewer & Water Main Reconstruction #2 to Kruczek Construction, Inc. in the amount of \$2,271,444.00 with a 4.4% contingency of \$100,000.00 for a project total not to exceed \$2,371,444.00.

Attachments: [Award of Contract X-14.pdf](#)

Legislative History

6/11/14	Finance Committee	recommended for approval
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M. CONSOLIDATED ACTION ITEMS

O. ITEMS HELD

P. ORDINANCES

- [14-940](#) Ordinance #40-14 (Referred back by Alderperson Plank from the May 21, 2014 Common Council meeting).

Attachments: [Ordinance 40-14 REVISED.pdf](#)
[#40-14.pdf](#)

Legislative History

5/29/14	Safety and Licensing Committee	held
6/12/14	Safety and Licensing Committee	recommended for approval

[14-1065](#) Ordinance #52-14.

Attachments: [#52-14.doc](#)

Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

R. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

S. OTHER BUSINESS

[14-1066](#) Petition - MOVE TO AMEND.

Attachments: [Move to Amend Letter to Council.pdf](#)

[Petition - MOVE TO AMEND.pdf](#)

T. ADJOURN

Wendy Helgeson, Deputy City Clerk

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