



City of Appleton

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

Meeting Agenda Common Council

Wednesday, September 3, 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
[14-1508](#) Approve August 20, 2014 Council Meeting Minutes.

Attachments: [CC Minutes 08-20-14.pdf](#)

- H. BUSINESS PRESENTED BY THE MAYOR
[14-1514](#) Presentation of Wisconsin Department of Health Services Level III Certificate of Designation to the City of Appleton Health Department
- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY
- L. COMMITTEE REPORTS
- 1. **MINUTES OF THE SAFETY AND LICENSING COMMITTEE**

[14-1460](#) Operator's Licenses

Attachments: [Operator's Licenses for 08-28-14 S&L.pdf](#)

Legislative History

8/28/14 Safety and Licensing Committee recommended for approval

2. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE[14-1237](#) Request from Mike Ferris for a variance to Municipal Code Section 19-10(b) obstruction of view at intersection by vegetation, fence, etc. at 3400 S Hemlock Lane.

Attachments: [Mike Ferris Variance Request.pdf](#)

[Michael Ferris-3400 S Hemlock La.pdf](#)

Legislative History

7/22/14 Municipal Services Committee recommended for approval

Alderson Dannecker moved, seconded by Alderson Garb to amend to include 18 feet clearance until property is sold. Roll Call. Motion carried by the following vote :

Aye: 3- Alderson Coenen, Alderson Dalton and Alderson Martin

Nay: 2- Alderson Dannecker and Alderson Garb

8/6/14 Common Council referred to the Municipal Services Committee

Referred back by Alderson Dannecker.

8/26/14 Municipal Services Committee recommended for denial

[14-1381](#) The request from Fox Cities Sign for a permanent street occupancy permit to install a sign 1.5 feet within the Richmond Street right-of-way at 2229 Richmond Street be approved with a minimum vertical clearance of 11 feet.

Attachments: [Fox Cities sign at 2229 N. Richmond St..pdf](#)

Legislative History

8/26/14 Municipal Services Committee recommended for approval

[14-1383](#) The request from Fox Cities Sign for a permanent street occupancy permit to install an awning 3 feet within the College Avenue right-of-way at 226 E. College Avenue with a minimum vertical clearance of 12 feet.

Attachments: [Fox Cities sign at 226 E. College Ave..pdf](#)

Legislative History

8/26/14 Municipal Services Committee recommended for approval

[14-1385](#)

Request from Romenesko Developments, Inc. to appeal their \$160 Weed Administration Fee for parcel #31-9-5712-13.

Attachments: [Romensko Dev. weed appeal.pdf](#)

Legislative History

8/26/14 Municipal Services recommended for denial
Committee

[14-1386](#)

Install STOP Signs on Hidden Acres Street at Gardeners Row Street and on Calumet Street at Gardeners Row Street.

Attachments: [STOP signs on Hidden Acres Street.pdf](#)

Legislative History

8/26/14 Municipal Services recommended for approval
Committee

[14-1447](#)

Request from Kimberly Reoh for free or reduced parking for Valley New School students.

Attachments: [Valley New School -Kimberly Roeh.pdf](#)

Legislative History

8/26/14 Municipal Services recommended for denial
Committee

[14-1448](#)

Resolution #24-R-14, regarding school bus parking for The Building for Kids, to allow for free meter bag parking on College Avenue for busses during scheduled field trips.

Attachments: [School bus parking-The Building for Kids.pdf](#)

Legislative History

8/26/14 Municipal Services recommended for approval
Committee

Aldersperson Dannecker moved, seconded by Aldersperson Garb, to amend to include replace yellow meters with standard meters. Roll Call. Motion carried by the following vote:

Aye: 3- Aldersperson Dannecker, Aldersperson Dalton and Aldersperson Garb

Excused: 2- Aldersperson Coenen and Aldersperson Martin

[14-1469](#)

Convert existing 2-Way STOP control to All-Way STOP control at the intersection of Owaissa Street and Pershing Street.

Attachments: [Owaissa St-Pershing St intersection.pdf](#)

Legislative History

8/26/14 Municipal Services recommended for approval
Committee

[14-1473](#) Request from Reinarts Stained Glass Studios for a street occupancy permit for 302 N. Morrison St (St. Paul's Lutheran Church) through November 4, 2014.

Legislative History

8/26/14 Municipal Services recommended for approval
Committee

3. MINUTES OF THE CITY PLAN COMMISSION

[14-1498](#) Request to approve Planned Development Amendment to PD #1-12 for Autozone Inc. at 3200 E Calumet Street.

Attachments: [Development Amendment PD #1-12 Report 8-25-14 #2.pdf](#)

Legislative History

8/25/14 City Plan Commission recommended for approval

[14-1500](#) Annual review of the Business Improvement District (BID) 2015 Operating Plan.

Attachments: [Staff Report August 25 2014.pdf](#)

[2015 BID Operating Plan.pdf](#)

[2013 BID Annual Report.pdf](#)

[2013 Year End BID Communication Report.pdf](#)

[2013 Year End BID Financial Statements Report.pdf](#)

Legislative History

8/25/14 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

6. MINUTES OF THE UTILITIES COMMITTEE

[14-1463](#) Approve contract amendment for StormTrap for Unit T-11 Appleton East Underground Stormwater Storage to perform engineering review of adding an access manhole in an amount not to exceed \$1,500.

Attachments: [T-11 StormTrap Contract Amend Access MH Memo.docx](#)

Legislative History

8/26/14 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**

10. **MINUTES OF THE FINANCE COMMITTEE**

[14-1192](#)

Resolution introduced by Alderperson Martin at the July 3, 2014 Common Council meeting relating to wheel tax.

#22-R-14 - Martin

“WHEREAS, Wisconsin law allows a city to collect an annual municipal or county vehicle registration fee (wheel tax) in addition to the regular annual registration fee paid for a vehicle

WHEREAS, All vehicles with automobile registration or truck registration at 8,000 lbs. or less (except dual purpose farm registration) kept in the municipality are subject to the wheel tax

WHEREAS, The Wisconsin Department of Transportation collects wheel taxes for the municipality, keeps an administrative fee of 10 cents per vehicle application and sends the rest to the municipality

WHEREAS, Special assessments for public roads can cost thousands of dollars and assessed back to the property owner, causing some of our elderly, young families, and single parent with children financial hardships that are unbearable

NOW THEREFORE BE IT RESOLVED, The City of Appleton implement a wheel tax starting in 2015 to assist with existing road construction replacement. Planned for 2015, the wheel tax would not be more than twenty dollars.”

Attachments: [Appleton Vehicle Counts.docx](#)

[Wheel Tax FAQ 2014.docx](#)

Legislative History

7/9/14	Finance Committee	held
7/23/14	Finance Committee	held
8/13/14	Finance Committee	recommended for approval

Lobner motion to amend resolution to replace the words "assist with" with "replace special assessments for". Fails for lack of a second.

Motion by Konezke, second by Lobner, enact a \$20 wheel tax effective 1/01/2015. Registration fees to be retained and used for road reconstruction projects. Funds shall be kept in a segregated account for that purpose. Passed 4-1 (Plank)

- 8/20/14 Common Council referred to the Finance Committee
Alderson Plank referred back.
Alderson Coenen moved, seconded by Alderson Garb, to go into Committee of the Whole to discuss Item 14-1192, requiring a suspension of the rules (9 votes). Roll Call. Ayes - Coenen, Garb, Martin, Stueck, Trauger, Dalton, Meltzer. Noes - Croatt, Dannecker, Jirschele, Lobner, Plank, Spears. Motion fails 6-7.
- 8/20/14 Common Council referred to the Finance Committee
- 8/27/14 Finance Committee recommended for approval
Alderson Konetzke motioned, second by Alderson Coenen, to amend to replace road reconstruction special assessment revenue with wheel tax revenue. Amendment passed 4-1 (Plank).

[14-1334](#)

Request to approve Section I and Section II, Street Construction and Reconstruction (including Asphalt and Grade and Gravel) and Sidewalks, of the Special Assessment Policy for 2015.

Attachments: [Street Reconstruction SA Policy.pdf](#)

Legislative History

- 8/13/14 Finance Committee held
Stueck motion to amend the policy to reflect alternate method of funding other than special assessments. Fails for lack of a second.
Plank, second by Coenen, motioned to amend policy to reflect wheel tax as a funding source for road reconstruction. Fails 5-0.
Konetzke, second by Coenen, motioned to hold until Council acts on wheel tax resolution. Passed 3-2 (Stueck, Lobner).
- 8/27/14 Finance Committee recommended for approval
Alderson Plank motioned, seconded by Alderson Konetzke to eliminate specific line items in Section I of the special assessment policy leaving only concrete pavement and curb and gutter costs related to concrete reconstruction, and asphalt pavement costs related to asphalt reconstruction, asphalt overlay and asphalt following grade and gravel subject to assessment. Amendment failed 2-3 (Stueck, Lobner, Coenen).
Alderson Lobner motioned, seconded by Alderson Stueck to eliminate street reconstruction special assessments and replace lost revenue with wheel tax revenue. Amendment passed 4-1 (Plank).

[14-1446](#)

RIVERSIDE CEMETERY ASSOCIATION submitting a request for payment for maintenance of Veteran's graves.

Attachments: [Riverside Cemetery.pdf](#)

Legislative History

- 8/27/14 Finance Committee recommended for approval

[14-1454](#) Request to enter into Intergovernmental Agreement with Appleton Area School District to borrow short term cash in an amount not to exceed \$18 million from time to time as needed. The note shall be dated as of date of issuance, shall bear interest at the rate of 2% above the average Federal Funds rate from its dated date until paid; and shall mature no later than June 30, 2015. Interest on the note shall be paid at maturity or redemption.

Attachments: [AASD 2014 - 2015 Bond Counsel Letter.pdf](#)
[2014 - 2015 School district Resolution Exhibit A-1.pdf](#)

Legislative History

8/27/14 Finance Committee recommended for approval

[14-1492](#) Request to award Appleton Memorial Park Parking Lot Repaving Project to Northeast Asphalt, Inc. for a Contract Not to Exceed \$81,882.60.

Attachments: [Bid Recommendation-AMP Paving 8-27-14.pdf](#)

Legislative History

8/27/14 Finance Committee recommended for approval

[14-1493](#) Request approval of a construction contract in the amount of \$730,922 plus a 15% contingency of \$109,638 for a total of \$840,560 to August Winter & Sons Construction Company for the Bar Screen Replacement Project.

Attachments: [Bar Screen Replacement Project Utilities Memo 082714.pdf](#)

Legislative History

8/27/14 Finance Committee recommended for approval

[14-1494](#) Request to approve anticipated Award of Unit U-14 Girder End Repairs - Olde Oneida Street Bridge over the Mill Race (Bids to be opened on Monday, August 25, 2014)

Attachments: [Unit U-14.pdf](#)

Legislative History

8/27/14 Finance Committee recommended for approval
Award to Zenith Tech in amt of \$76,000 with 5.2% contingency of \$4,000 for total not to exceed \$80,000.

[14-1496](#) Request to approve the following 2014 Budget adjustment:

General Fund - Health Dept

Misc Reimbursements

\$19,119

Salaries

\$14,119

Fringe Benefits

\$5,000

To record additional reimbursement from Oneida Heights for nursing services.

Legislative History

8/27/14 Finance Committee recommended for approval

[14-1501](#) Request to approve the following 2014 Budget adjustment:

General Fund - City Attorney

Attorney Fees

\$50,100

Consulting Services

\$75,000

Reserve for Contingencies

-\$125,100

To transfer contingency funds for the cost of legal and professional fees associated with the CVS Pharmacy excessive assessment litigation.

Attachments: [CVS Budget Memo 8-27-14.pdf](#)

Legislative History

8/27/14 Finance Committee recommended for approval

M. CONSOLIDATED ACTION ITEMS

O. ITEMS HELD

P. ORDINANCES

[14-1509](#) Ordinances #60-14 and #61-14.

Attachments: [Ordinances going to 09-03-2014 Council.docx](#)

Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

- R. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION
- S. OTHER BUSINESS
- T. ADJOURN

Dawn A. Collins, City Clerk

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