



# City of Appleton

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

## Meeting Agenda - Final-revised Common Council

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Wednesday, December 5, 2018

7:00 PM

Council Chambers

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- 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
  - [18-1774](#) Common Council Meeting Minutes of November 7, 2018  
**Attachments:** [CC Minutes 11-7-18\\_Reg. Mtg..pdf](#)
  - [18-1775](#) Common Council Meeting Minutes of November 14, 2018 - Budget Adoption  
**Attachments:** [CC Minutes 11-14-18\\_2019 Budget Adoption.pdf](#)
- H. BUSINESS PRESENTED BY THE MAYOR
  - [18-1776](#) Committee Reappointments  
**Attachments:** [COMMITTEE REAPPTS 120518.pdf](#)
  - [18-1777](#) Retirement of Sergeant Jeremy Haney and K-9 Jico  
**Attachments:** [Haney, Jico Retirement \(002\).pdf](#)
- I. PUBLIC HEARINGS
  - [18-1730](#) Public Hearing - Rezoning #11-18, 5500 North Meade Street  
**Attachments:** [Public Hearing Notice\\_RZ #11-18.pdf](#)

- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY
- L. COMMITTEE REPORTS
1. **MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**

[18-1537](#) Approve Scenario 1 parking restrictions related to the Lutz Drive multi-use trail adjacent to the Appleton Yacht Club.

**Attachments:** [Parking restrictions-Lutz Drive.pdf](#)  
[Lutz Drive Parking Restriction Points of Consideration.pdf](#)  
[Lutz Drive Petition.pdf](#)  
[Photos related to Lutz Drive trail.pdf](#)  
[Path of vehicle map.pdf](#)

**Legislative History**

10/22/18	Municipal Services Committee	recommended for approval
11/7/18	Common Council	referred to the Municipal Services Committee
11/26/18	Municipal Services Committee	amended

*Item 18-1537 motion to amend by Croatt, 2nd by Coenen. Amend to stripe a 3 foot section of the trail with 50/50 cost share with Yacht Club. Motion passes 3-1 (Coenen).*

*Amend the amendment to mark along the entire length of the trail where it meets the curb. Motion by Croatt, 2nd by Konetzke. Motion fails 2-2.*

*Motion to amend the amendment #2 by Williams to allow parking and stripe everything where the trail meets the curb (green line on the map). 2nd by Konetzke. Motion passes 3-1 (Coenen).*

*Amend the approved amendment. Motion by Coenen, 2nd by Williams. Shorten the area on the east to end at the main gate by "path of Vehicle" note. Motion passes 4-0.*

[18-1732](#) Request from Red Lion Paper Valley Hotel to change their signage by removing "Radisson Paper Valley Hotel" and adding "Vince Lombardi's Steakhouse" to the College Avenue Skywalk per the June 1994 Development Agreement.

**Attachments:** [Red Lion Paper Valley Hotel-signage.pdf](#)

**Legislative History**

11/26/18	Municipal Services Committee	recommended for approval
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[18-1733](#) Approve changes to Municipal Code Sections 19-106 City-owned parking facilities, 19-109 Hours of operation, 19-110 Metered on-street parking and 19-111 Metered off-street parking, effective January 1, 2019.

**Attachments:** [Municipal Code Sections 19-106, 19-109, 19-110 & 19-111 changes.pdf](#)

**Legislative History**

11/26/18      Municipal Services      recommended for approval  
   Committee

[18-1734](#) Approve Amendment No. 2 to the OMNNI Associates, Inc. Contract for Bridge Maintenance Design to design an extension of the existing Cedar Street retaining wall for the future sidewalk construction in an amount of \$7,200 (revised contract amount of \$72,000).

**Attachments:** [Amendment No. 2 to the OMNNI Associates.pdf](#)

**Legislative History**

11/26/18      Municipal Services      recommended for approval  
   Committee

[18-1755](#) Approve parking restriction change on the east side of Summit Street near Summit Park. (Follow-up to Six Month Trial Period)

**Attachments:** [Parking restriction change on Summit St by Summit Park \(E side\).pdf](#)

**Legislative History**

11/26/18      Municipal Services      recommended for approval  
   Committee

[18-1756](#) Approve parking restriction changes on Glenhurst Drive near Lightning Drive. (Follow-up to Six Month Trial period)

**Attachments:** [Parking restriction change on Glenhurst Dr, east of Lightning Dr \(N side\).pdf](#)

**Legislative History**

11/26/18      Municipal Services      recommended for approval  
   Committee

[18-1757](#) Approve parking restriction change on Taft Avenue east of Oneida Street.

**Attachments:** [Traffic-related ordinance changes for the Oneida St Reconstruction Project..pdf](#)

**Legislative History**

11/26/18      Municipal Services      recommended for approval  
   Committee

[18-1758](#) Install STOP signs on Herbert Street at Pine Street. (Follow-up to Six Month Trial Period)

**Attachments:** [Intersection traffic control-Herbert St-Pine Street intersection.pdf](#)

**Legislative History**

11/26/18      Municipal Services      recommended for approval  
   Committee

**2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE**

[18-1624](#) Secondhand Jewelry License Renewal application of Avenue Jewelers, Jason A. Druxman, Applicant, 303 E. College Ave., contingent upon approval from all departments.

**Legislative History**

11/28/18      Safety and Licensing      recommended for approval  
   Committee

[18-1627](#) Secondhand Article License Renewal application of ecoATM, LLC, Hunter E. Bjorkman, Applicant, 3701 E. Calumet St., contingent upon approval from all departments.

**Legislative History**

11/28/18      Safety and Licensing      recommended for approval  
   Committee

[18-1628](#) Secondhand Jewelry License Renewal application of Tennes Jewelry, Brian D. Frisch, Applicant, 208 E. College Ave., contingent upon approval from all departments.

**Legislative History**

11/28/18      Safety and Licensing      recommended for approval  
   Committee

[18-1629](#) Secondhand Jewelry License Renewal application of Krieger Jewelers, Jamie L. Boyce, Applicant, 934 W. Northland Ave., contingent upon approval from all departments.

**Legislative History**

11/28/18      Safety and Licensing      recommended for approval  
   Committee

[18-1631](#) Secondhand Article License Renewal application of Side Quest Gaming, John J. Steudel, Applicant, 502 W. College Ave., contingent upon approval from all departments.

**Legislative History**

11/28/18 Safety and Licensing recommended for approval  
Committee

[18-1639](#)

Secondhand Article License Renewal application of Warehouse Office Products, 1825 N. Richmond St., Jeff S. Lemery, Applicant, contingent upon approval from all departments.

**Legislative History**

11/28/18 Safety and Licensing recommended for approval  
Committee

[18-1676](#)

Class "B" Beer License application of Nalee Song d/b/a Bangkok Post, 1804 S. Lawe St., Ste 203, contingent on approval from all departments.

**Attachments:** [Nalee Song Bangkok Post - application.pdf](#)

**Legislative History**

11/28/18 Safety and Licensing recommended for approval  
Committee

[18-1677](#)

Secondhand Article License Renewal application of Beatnik Betty's Resale Butik, Monika L. Austin, Applicant, 214 E. College Ave., contingent upon approval from all departments.

**Legislative History**

11/28/18 Safety and Licensing recommended for approval  
Committee

[18-1717](#)

Taxi Cab Company License application of Cavanaugh's Carriages, Rodger Cavanaugh, 3910 Fairview Road, Neenah, contingent upon approval from all departments.

**Legislative History**

11/28/18 Safety and Licensing recommended for approval  
Committee

[18-1718](#)

Secondhand Article License Renewal application of Kay Jewelers, #4739, Megan L. Stepniewski, Applicant, 3845 E. Calumet St., contingent upon approval from all departments.

**Legislative History**

11/28/18 Safety and Licensing recommended for approval  
Committee

[18-1763](#)

"Class B" Beer/Liquor License application of Generation Paulson d/b/a The Daily Pint, Chris D. Paulson, Agent, 830 E. Northland Avenue, contingent upon approval from all departments.

**Attachments:** [Generation Paulson application.pdf](#)

**Legislative History**

11/28/18 Safety and Licensing recommended for approval  
Committee

[18-1764](#) Operator's Licenses

**Attachments:** [Operator's Licenses for 11-28-18 S & L.pdf](#)

**Legislative History**

11/28/18 Safety and Licensing recommended for approval  
Committee

**3. MINUTES OF THE CITY PLAN COMMISSION**

[18-1654](#) Request to approve Rezoning #11-18 for the Randal Leeman, Et al Annexation, formerly part of the Town of Grand Chute, located at 5500 North Meade Street, from Temporary AG Agricultural District to R-1B Single-Family District and including to the centerline of the adjacent right-of-way from R-1A Single-Family District to R-1B Single-Family District as shown on the attached maps

**Attachments:** [StaffReport\\_Rezoning\\_LeemanAnnexation\\_11-13-18.pdf](#)

**Legislative History**

11/13/18 City Plan Commission recommended for approval

[18-1656](#) Request to approve Special Use Permit #7-18 for a private recreational facility including an outdoor pool, indoor fitness center and community room with kitchen facilities for use by the homeowners of Apple Ridge Subdivision and their guests, 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\\_AppleRidgeRecFacility\\_SUP\\_11-13-18.pdf](#)

**Legislative History**

11/13/18 City Plan Commission recommended for approval

[18-1658](#) Request to approve Special Use Permit #8-18 for an essential services facility (utility substation) located at 139 North State Street (Tax Id #31-5-1138-02), 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\\_WeEnergiesStateSt\\_SUP\\_For11-13-18.pdf](#)

**Legislative History**

11/13/18 City Plan Commission recommended for approval

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

**5. MINUTES OF THE FINANCE COMMITTEE**

[18-1788](#)

Request to approve acceptance of a \$25,000 matching grant from I'ACT to provide tools and resources to help individuals cope with emotional stress; and approve the related 2019 Budget adjustment:

**General Fund - Police Department**

Local Aids - Grant	+\$25,000
Other Contracts/Obligations	+\$25,000

**Attachments:** [Award Letter.pdf](#)

[18-1738](#)

Request to approve Finance Committee Report 5-P-18 for Storm Sewer Construction

**Attachments:** [Report 5-P-18.pdf](#)

**Legislative History**

11/26/18 Finance Committee recommended for approval

[18-1739](#)

Request to approve Change Order No. 3 to contract 11-18 for Unit Z-18 Sewer and Water Reconstruction No. 2 for adjustment to final earned / measured quantities in the amount of \$3,114.99 resulting in a decrease to contingency from \$21,196.67 to \$18,081.68. No change to overall contract amount

**Attachments:** [Unit Z-18 Change Order No.3.pdf](#)

**Legislative History**

11/26/18 Finance Committee recommended for approval

[18-1740](#)

Request to award contract for front-load solid waste trash disposal to Advanced Disposal Services

**Attachments:** [Trash Disposal Recomm.Memo to FC-2018.pdf](#)

**Legislative History**

11/26/18 Finance Committee recommended for approval

[18-1748](#)

Request to award Briarcliff and Midway Road Lift Station Improvements project bid to Vinton Construction in the amount of \$194,870 plus a 7.5% contingency of \$14,615 for a total cost not to exceed \$209,485

**Attachments:** [Briarcliff and Midway Improvements Bid Award\\_Vinton.pdf](#)  
[Award Recommendation.pdf](#)

**Legislative History**

11/26/18 Finance Committee recommended for approval

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

[18-1533](#)

Request to counter the Offer to Purchase of Lot 17, Southpoint Commerce Park, Plat 2 from New Morning Coffee Roasters, Inc. at a purchase price of \$168,400 (\$40,000 per acre), comprised of approximately 4.21 acres; and, contingent upon acceptance of that counter-offer, staff is then authorized to negotiate and execute a development or like agreement providing City investment in the project of up to 50% of the land purchase amount (50% of \$168,400 = \$84,200)

**Attachments:** [Memo on Offer to Purchase Lot 17 Southpoint Commerce.pdf](#)  
[New Morning Coffee Roasters\\_OTP\\_Lot 17 Southpoint Plat 2.pdf](#)  
[Map\\_Lot 17 Southpoint Commerce Park Plat 2.pdf](#)

**Legislative History**

11/28/18      Community & Economic      recommended for approval  
 Development Committee

[18-1650](#)

Request to approve 2019-2020PY Community Development Block Grant (CDBG) Community Partner Allocation Recommendations

**Attachments:** [Alloc Recs Memo to CEDC 11-28-18.pdf](#)  
[2019 CDBG Simple Summary of Recommendations.pdf](#)  
[2019 CDBG Community Partner Recommendations.pdf](#)  
[2019 CDBG Advisory Board Membership.pdf](#)  
[CDBG Policy Adopted July 2015.pdf](#)

**Legislative History**

11/28/18      Community & Economic      recommended for approval  
 Development Committee

[18-1666](#)

Request to consider reallocation or refund of the \$25,000 from the 2018 budget to fund the Fox Cities Regional Partnership program, Talent Upload, which was cancelled

**Attachments:** [Memo to CEDC\\_Talent Upload Support 2018\\_Nov.28.18.pdf](#)  
[Talent Upload Funds 2018 Attachments.pdf](#)  
[Fox Cities Regional Partnership PowerPoint Presentation.pdf](#)

**Legislative History**

11/28/18      Community & Economic      recommended for approval  
 Development Committee

*Alderson Dvorachek moved, seconded by Coenen, that the Report Action Item be held until the December 12 CEDC meeting. Roll Call. Motion failed by the following vote: Aye: 2 - Dvorachek and Coenen, Nay: 2 - Baker and Reed*

*Clarification on the motion to approve: The recommendation is to approve reallocation of the funds to other programming within the Fox Cities Regional Partnership, not refund.*

## 7. MINUTES OF THE UTILITIES COMMITTEE



[18-1767](#) Authorize the 2018 Request from Outagamie County Recycling and Solid Waste (OCRSW) to Discharge Leachate from the proposed Northwest Landfill Expansion Project and reject discharges from the East and Northeast Landfills.

**Attachments:** [Utilities Memo NW Landfill Leachate Request OCRSW.pdf](#)  
[Landfill Dwg.pdf](#)

**Legislative History**

11/27/18 Utilities Committee recommended for approval

[18-1768](#) Amend 2017F Evergreen Drive and Alvin Street Stormwater Management Design and Permitting with McMahon Associates, Inc. in an amount not to exceed \$4,000.

**Attachments:** [2017 Evergreen Alvin Amend DESIGN Contract Nov 2018.pdf](#)

**Legislative History**

11/27/18 Utilities Committee recommended for approval

[18-1769](#) Award of 2019A Stormwater Consulting Services Contract for 2019 Stormwater Management Plan Reviews to Brown and Caldwell in an amount not to exceed \$50,000.

**Attachments:** [2019 A Plan Review Award Util Memo BC.pdf](#)

**Legislative History**

11/27/18 Utilities Committee recommended for approval

[18-1770](#) Award of 2019B Stormwater Consulting Services Contract for North Edgewood Estates Stormwater Engineering Services to McMahon Associates, Inc. in an amount not to exceed \$48,400.

**Attachments:** [2019 B North Edgewood Stormwater Approval Memo McMahon.pdf](#)

**Legislative History**

11/27/18 Utilities Committee recommended for approval

[18-1771](#) Preliminary Resolution 5-P-18 for storm sewer construction, Evergreen Drive from Alvin Street to Haymeadow Avenue, be adopted and refer the matter to the Finance Committee to determine the assessment rate.

**Attachments:** [5-P-18 Storm Sewer.pdf](#)

**Legislative History**

11/27/18 Utilities Committee recommended for approval

## 8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

[18-1418](#) Resolution #12-R-18 Medical Marijuana

**Attachments:** [REVISED Resolution #12-R-18 Medical Marijuana.pdf](#)  
[#12-R-18 Medical Marijuana.pdf](#)  
[NASEM Report - Health Effects of Cannabis and Cannabinoids - SUMMARY.pdf](#)  
[WPHA Resolution-Access to Therapeutic Marijuana-Cannabis.pdf](#)

**Legislative History**

10/10/18 Board of Health presented

11/14/18 Board of Health recommended for approval

*A motion to amend the resolution was made by Dr. Nelson, seconded by Cathy Spears, to revise the first paragraph to read "control epileptic seizures and other health conditions as identified by the attached study titled 'The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research', published by the National Academy of Sciences" . Motion carried 4-0. A second motion was made by Cathy Spears, seconded by Dr. Nelson, to amend the resolution to also change wording in third paragraph to "held" instead of "have" and add "in each community, residents voted in support". Motion carried 4-0. A third motion was made by Dr. Nelson, seconded by Cathy Spears, to amend the resolution to add that the Board of Health stands in support of recommending removal of marijuana from Schedule I Classification (Federal law) so it can be used in research to look at potential uses in medical care. Motion carried 4-0. A motion was made by Dr. Nelson, seconded by Cathy Spears, to approve Resolution, as amended.*

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[18-1729](#) Ordinances 102-18 to 110-18

**Attachments:** [Ordinances going to Council 12-5-18.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. ADJOURN

Kami Lynch, City Clerk

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