



City of Appleton

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

Meeting Agenda - Final Common Council

Wednesday, March 21, 2018

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
 - [18-0407](#) Common Council meeting minutes of March 7, 2018
 - Attachments:** [CC Minutes 3-7-18.pdf](#)
- H. BUSINESS PRESENTED BY THE MAYOR
 - [18-0406](#) Announcement of the winning poems for the 2018 sidewalk poetry program
- I. PUBLIC HEARINGS
 - [18-0221](#) Public Hearing - Rezoning #1-18
 - Attachments:** [RZ #1-18 Public Hearing Notice.pdf](#)
 - [18-0332](#) Public Hearing on Special Resolution 1-P-18; Telulah Avenue from Calumet Street to Marion Street Sanitary Laterals
 - Attachments:** [1-P-18 Public Hearing Notice.pdf](#)
- J. SPECIAL RESOLUTIONS
 - [18-0333](#) Resolution 1-P-18 Telulah Avenue from Calumet Street to Marion Street Sanitary Laterals
 - Attachments:** [1-P-18 Final Resolution.pdf](#)

[18-0409](#) Resolution Approving a Lease, Transfer of Exhibition Center Property, and Amendment to Redevelopment Plan for the Fox Cities Exhibition Center

Attachments: [Appleton RDA 2018 Exhibition Center City Resolution Approving Lease ARA PI](#)
[Appleton RDA 2018 Fox Cities Exhibition Center - Lease.pdf](#)

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[18-0372](#) Approve Amendment No. 1 to OMNNI Associates, Inc. for additional services related to the Banta Court stairs and Jackman Street retaining wall in an amount of \$2,300 for a revised not to exceed contract of \$65,000.

Attachments: [Amendment No. 1 to OMNNI Associates Inc..pdf](#)

Legislative History

3/12/18	Municipal Services Committee	recommended for approval
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[18-0373](#) Approve proposed Six-Month Trial Period for parking changes on streets near Erb Park.

Attachments: [Proposed parking change near Erb Park.pdf](#)

Legislative History

3/12/18	Municipal Services Committee	recommended for approval
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2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[18-0364](#) Operator's Licenses

Attachments: [Operator's Licenses for 3-14-18 S & L.pdf](#)

Legislative History

3/14/18	Safety and Licensing Committee	recommended for approval
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[18-0365](#) Request to Apply for the Leary Foundation Grant

Attachments: [The Leary Foundation Grant application-Fire.pdf](#)

Legislative History

3/14/18	Safety and Licensing Committee	recommended for approval
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3. MINUTES OF THE CITY PLAN COMMISSION

[18-0242](#) Request to approve Rezoning #1-18 for the Fifth Addition to Emerald Valley, as shown on the attached maps, from AG Agricultural District to R-1B Single-Family District

Attachments: [StaffReport_Rezoning #1-18_5thAddEmeraldValley_2-27-18.pdf](#)

Legislative History

2/27/18 City Plan Commission recommended for approval
Proceeds to Council on March 21, 2018.

[18-0243](#) Request to approve the Fifth Addition to Emerald Valley Preliminary Plat as shown on the attached maps and subject to the attached conditions

Attachments: [StaffReport_PreliminaryPlat_5thAddEmeraldValley_2-27-18.pdf](#)

Legislative History

2/27/18 City Plan Commission recommended for approval
Proceeds to Council on March 21, 2018.

[18-0363](#) Request to approve the Fourth Addition to Emerald Valley Final Plat as shown on the attached maps and subject to the attached conditions

Attachments: [StaffReport_FinalPlat_4thAddEmeraldValley_3-13-18.pdf](#)

Legislative History

3/13/18 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE**5. MINUTES OF THE FINANCE COMMITTEE**

[18-0354](#)

Request to approve the following 2017 Budget adjustments:

Police Grants Fund

State Grants	+\$96,531
Grant Payments	+\$96,531

to record additional seatbelt and drug enforcement grant revenue and related expenditures

Room Tax Fund

Room Taxes Received	+\$123,654
Debt Premium	+\$123,654

to record additional room taxes received in 2017 and related payment to the FCCVB

Debt Service Fund

Debt Issuance Costs	+\$27,173
Debt Premium	+\$27,173

to record debt service costs funded by current year premiums received on debt issuance

General Fund

Fringe Benefits - Health Department	+\$3,418
Fringe Benefits - Finance Department	+\$10,664
Fringe Benefits - HR Department	+\$18,873
Fringe Benefits - Parks & Recreation Department	+\$18,932
Fringe Benefits - Police Department	+\$172,791
Fringe Benefits - Fire Department	+\$276,462
Fund Balance	-\$501,140

to record the use of general fund balance to cover the cost of health care costs

General Fund

Salaries/Fringe Benefits - HR Department	+\$2,845
Salaries/Fringe Benefits - Police Department	+\$181,824
Salaries/Fringe Benefits - Fire Department	+\$66,428
Wage Reserve	- \$251,097

to allocate wage reserve funds

Information Technology Capital Projects Fund

Transfer Out - Facilities Capital Projects Fund	+\$90,000
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Fund Balance - \$90,000

Facilities Capital Projects Fund

Transfer In - Information Technology Cap Project Fund +\$90,000

Fund Balance +\$90,000

to transfer remaining proceeds from the 2016 G.O. Note borrowing from the IT Capital Projects fund to the Facilities Capital Projects Fund in order to meet spend down requirements

Attachments: [2017 Final budget adjustments.pdf](#)

Legislative History

3/12/18 Finance Committee recommended for approval

[18-0376](#)

Request to approve award Unit O-18 Sanitary Sewer CIPP Lining to Visu-Sewer, Inc. in the amount of \$145,834.70 with a 9.7% contingency of \$14,165.30 for a project total not to exceed \$160,000.00.

Attachments: [Award of Contract Unit O-18.pdf](#)

Legislative History

3/12/18 Finance Committee recommended for approval

[18-0377](#)

Request to approve award Unit Z-18 Sewer & Water Main Reconstruction No. 3 to Van Straten Construction Co., Inc. in the amount of \$1,193,933.33 with a 5.0% contingency of \$59,696.67 for a project total not to exceed \$1,253,630.00.

Attachments: [Award of Contract Unit Z-18.pdf](#)

Legislative History

3/12/18 Finance Committee recommended for approval

[18-0378](#)

Request to approve Finance Committee Report 2-P-18 for Sanitary Laterals, Storm Laterals and Storm Main.

Attachments: [Report 2-P-18.pdf](#)

Legislative History

3/12/18 Finance Committee recommended for approval

[18-0387](#)

Request to approve waiving the City's interest in future annexation of 3236 E Northland Ave

Attachments: [Annexation Feasibility Study - 3236 E Northland Ave - RMB Comments.pdf](#)

Legislative History

3/12/18 Finance Committee recommended for approval

- [18-0391](#) Request to approve the 2017-2018 Budget appropriations:
1. Items not under contract \$7,236,198
 2. Special consideration \$22,000

Attachments: [Consolidated 17-18 carryover FINAL - N.pdf](#)
[Consolidated 17-18 carryover FINAL - S.pdf](#)

Legislative History

3/12/18 Finance Committee recommended for approval

- [18-0395](#) Request to approve Resolution accepting Petition for Annexation for the Leona Pond.

Attachments: [Leona Pond Annexation - Resolution.pdf](#)

Legislative History

3/12/18 Finance Committee recommended for approval

- [18-0394](#) Request approval of agreement with the Village of Fox Crossing to settle the pending litigation. **The settlement amount agreed to in mediation be paid immediately to the City**

Legislative History

3/12/18 Finance Committee approved as amended
Amendment: the settlement amount shall be paid immediately.

3/12/18 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

- [18-0152](#) Request to approve recommended funding of \$25,000 for 2018 sponsorship of Talent Upload program to the Fox Cities Regional Partnership

Attachments: [Memo to CEDC on Talent Upload Sponsorship 2018.pdf](#)
[Talent Upload Sponsorship Request 2018.pdf](#)

Legislative History

3/14/18 Community & Economic Development Committee recommended for approval

- [18-0321](#) Request to grant staff authority to authorize or approve administratively the use of insulated metal panels with the appearance of exterior insulation and finish systems (EIFS) or stucco as requested in the Northeast Business Park, Northeast Industrial Park and Southpoint Commerce Park

Attachments: [Memo Building Materials Standards Bus-Ind Parks.pdf](#)
[Southpoint Deed Restrictions.pdf](#)
[Insulated Panel Brochure.pdf](#)

Legislative History

3/14/18 Community & Economic Development Committee recommended for approval

[18-0325](#)

The "low profile design" language in the Deed Restrictions and Covenants as it relates to signs in the Northeast Business Park, Northeast Industrial Park and Southpoint Commerce Park, be interpreted to mean monument style signs, not to exceed 10 feet in height

Attachments: [Memo_Signage_Standards_Bus-Ind Parks.pdf](#)
[Southpoint Deed Restrictions.pdf](#)
[Examples of Single-Multi Tenant Signage.pdf](#)

Legislative History

3/14/18 Community & Economic Development Committee recommended for approval

[18-0326](#)

Request to approve the City of Appleton maintain its current selling prices for business/industrial park land as described in the attached documents

Attachments: [Memo on Business-Industrial Park Land Value.pdf](#)
[Exhibit A-Ind Land Sales Comparison.pdf](#)
[Exhibit B-Ind Land Asking Price Comparison.pdf](#)
[Southpoint11-17.pdf](#)

Legislative History

3/14/18 Community & Economic Development Committee recommended for approval

[18-0379](#)

Request to allow short sale of 1426 N. Durkee Street by Hillary Minor (n/k/a Hillary Line) based on a payment to the City of Appleton of at least 50% of our outstanding homeowner rehabilitation loan

Attachments: [Memo_Short Sale Appeal_Hillary Minor \(Line\).pdf](#)

Legislative History

3/14/18 Community & Economic Development Committee recommended for approval

The motion was to accept the partial payment of \$4,500 and forgive the remaining debt.

7. MINUTES OF THE UTILITIES COMMITTEE

[18-0344](#)

Approve 2017 Annual Stormwater Report to the Wisconsin Department of Natural Resources.

Attachments: [2017 MS4 Annual Report to Utilities Committee.pdf](#)

Legislative History

3/13/18 Utilities Committee recommended for approval

[18-0345](#) Preliminary Resolution 2-P-18 for Sanitary Laterals, Storm Laterals and Storm Main be adopted and refer the matter to the Finance Committee to determine the assessment rate.

Attachments: [Resolution 2-P-18.pdf](#)

Legislative History

3/13/18 Utilities Committee recommended for approval

[18-0346](#) Award Water System Distribution Master Planning Study Update to AECOM in an amount not to exceed \$125,000.

Attachments: [Water System Distribution Master Plan Study AECOM.pdf](#)

Legislative History

3/13/18 Utilities Committee recommended for approval

[18-0347](#) Approve TMDL Compliance Summary Tables.

Attachments: [TMDL Compliance Summary March 2018.pdf](#)

Legislative History

3/13/18 Utilities Committee recommended for approval

[18-0388](#) Approval of an Engineering contract for the Briarcliff and Midway Road Lift Station Improvements Projects to McMahon in the amount of \$37,375 plus a 15% contingency of \$5,606 for a total cost of \$42,981.

Attachments: [UC Memo Briarcliff and Midway Road Lift Station Improve Award McMahon.pdf](#)

Legislative History

3/13/18 Utilities Committee recommended for approval

[18-0389](#) Approval of an Engineering contract for the Compost Facility Preliminary Engineering Project for Design and Consulting Services to Coker Composting and Consulting in the amount of \$62,142 plus a 15% contingency of \$9,321 for a total cost not to exceed \$71,463.

Attachments: [UC Memo Compost Facility Prelim Design Award Coker.pdf](#)

Legislative History

3/13/18 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

18-0166 Fox River House Noise Variance Request

Attachments: [Fox River House Noise Variance Request.pdf](#)
[Fox River House Noise Variance Email.pdf](#)
[Fox River House Noise Variance Email \(2\).pdf](#)
[Letters-Fox River House Noise Variance Request 3-14-18.pdf](#)
[Letters-Fox River House Noise Variance Request 3-19-18.pdf](#)
[Compromised Special Community Event Variance Request.pdf](#)

Legislative History

2/14/18	Board of Health	recommended for denial
2/21/18	Common Council	referred to the Board of Health
3/14/18	Board of Health	held
3/19/18	Board of Health	approved as amended

Approved request, as amended:

Amend compromised Special Community Event variance request to allow that on a date or dates determined by Health Officer Eggebrecht and the establishment, a band will be available to allow for testing of the sound barrier equipment prior to the requested variance dates.

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

18-0396 Ordinances 27-18 to 33-18

Attachments: [Ordinances going to Council 3-21-18.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. CLOSED SESSION

18-0408 The Common Council will convene into closed session according to State Statute §19.85(1)(e) for the purpose of conferring with legal counsel regarding pending litigation concerning the Village of Fox Crossing pursuant to §19.85(1)(g) and then will reconvene in open session.

T. ADJOURN

Kami Lynch, City Clerk

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