



City of Appleton

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

Meeting Agenda - Final-revised Common Council

Wednesday, March 19, 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
 - [14-487](#) Approve March 5, 2014 Council Meeting Minutes.
Attachments: [CC Minutes 03-05-2014.pdf](#)
- H. BUSINESS PRESENTED BY THE MAYOR
 - [14-485](#) Announcement of the winning poems for the 2014 Sidewalk Poetry Program.
 - [14-494](#) Presentation of International Day of Happiness Recognition.
- I. PUBLIC HEARINGS
 - [14-498](#) Public Hearing for Rezoning #2-14 2000 Block of Plank Road.
Attachments: [CC 03-19-2014 - Public Hearing - RZ #2-14.pdf](#)
 - [14-499](#) Public Hearing for Proposed Text Amendment Chapter 23 - Section 23-101(b) NC Nature Conservancy District - Principal Permitted Uses. (Bow Hunting)
Attachments: [Public Hearing - 2014 - Chapter 23 Text Amendment - Bow Hunting.pdf](#)

[14-500](#) Public Hearing for Proposed Text Amendment Chapter 23 - Article X.
Floodplain Zoning Division.

Attachments: [Public Hearing - 2014 - Chapter 23 Text Amendment - Article X Floodplain Zonir](#)

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[14-302](#) Operator's License application of Christina M. Hester, 751 Madison Street, Neenah.

Legislative History

2/27/14 Safety and Licensing held
Committee
Held until the March 13, 2014 meeting.

3/13/14 Safety and Licensing recommended for denial
Committee

[14-395](#) Operator's Licenses

Attachments: [Operator's Licenses for 03-13-14 S&L.pdf](#)

Legislative History

3/13/14 Safety and Licensing recommended for approval
Committee

[14-463](#) The "Class B" Beer/Liquor License Application of Apollon II, LLC, Craig A. Persha, Agent, 207 North Appleton Street, contingent upon approvals from all departments.

Legislative History

3/13/14 Safety and Licensing recommended for approval
Committee

[14-398](#) Farm Market Application of Appleton Downtown, Inc., Djuanna Hugdahl, corner of Oneida and Washington - grassy area behind City Center Plaza, Wednesdays June 4, 2014 through September 22, 2014 contingent upon approvals from all departments.

Legislative History

3/13/14 Safety and Licensing recommended for approval
Committee

[14-399](#) Farm Market Application of Appleton Downtown, Inc., Djuanna Hugdahl, College Avenue between Appleton and Drew & Houdini Plaza, Saturdays June 18, 2014 through October 25, 2014 contingent upon approvals from all departments.

Legislative History

3/13/14 Safety and Licensing recommended for approval
 Committee

2. **MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**

[14-465](#) Request from Mr. Andrew Knudsen, 1220 W. Lawrence Street, to have his sidewalk snow removal bill of \$75 waived.

Attachments: [Request from Mr. Andrew Knudsen.pdf](#)

Legislative History

3/11/14 Municipal Services recommended for denial
 Committee

[14-413](#) Award 2014 Bridge Inspection Services Contract to Bloom Companies, LLC in an amount not to exceed \$18,948.31.

Attachments: [Award 2014 Bridge Inspection Contract to Bloom Co.pdf](#)

Legislative History

3/11/14 Municipal Services recommended for approval
 Committee

[14-416](#) Eliminate Frances Street (Mason Street to Locust Street) partial reconstruction from our 2014 Asphalt Program and re-budget in 2015.

Attachments: [Contract Award & Funding for 2014 Asphalt.pdf](#)

Legislative History

3/11/14 Municipal Services recommended for approval
 Committee

[14-429](#) Preliminary Resolution 3-P-14 for asphalt paving and driveway aprons be adopted and refer the matter to the Finance Committee to determine the assessment rate.

Attachments: [Preliminary Resolution 3-P-14.pdf](#)

Legislative History

3/11/14 Municipal Services recommended for approval
 Committee

[14-434](#)

Installation of bike lanes on both sides of Fremont Street as follows:

Oneida St to Monroe St (total width =43')

A 6' bike lane be marked on the south side only. Other existing geometry would remain as-is.

No parking.

Monroe St to Madison St (total width=43')

* 1-8' parking lane (north side of street)

* 2-6' bike lanes

* 2-11.5' travel lanes

Madison St to Kernan Av (total width=36')

* 2-6' bike lanes

* 2-12' travel lanes

* No parking

Kernan Av to Walden Av (total post-reconstruction width=40')

* 2-5' bike lanes

* 2-11' travel lanes

* 1-8' parking lane (south side of street)

Walden Av to Telulah Av (total post-reconstruction width=40')

* 1-8' parking lane (north side of the street)

* 2-5' bike lanes

* 2-11' travel lanes

Attachments: [Fremont Street Bike Lanes.pdf](#)

[5 year Bike Lane and Trail Plan.pdf](#)

[Petition against Bike Lanes on Fremont St.pdf](#)

[2nd Petition against Bike Lanes on Fremont St.pdf](#)

Legislative History

3/11/14 Municipal Services recommended for approval
Committee

3. MINUTES OF THE CITY PLAN COMMISSION

[14-313](#)

Rezoning #2-14 - Prospera Credit Union for Lot 1 of CSM 2618 located along Plank Road and HWY 441 from R-1A Single-family District to R-3 Multi-family Residential District .

Attachments: [CPC Rezoning 2-14 Staff Report 2-24-14.pdf](#)

Legislative History

2/24/14 City Plan Commission recommended for approval
Item goes to Council as action item on March 19

[14-319](#) Zoning Ordinance Text Amendment -Section 23-101(b) NC Nature Conservancy District - Delete Bow Hunting for Deer as a Principal Permitted Use in the NC Nature Conservancy District.

Attachments: [Staff Report Bow hunting Amend Feb 24 2014.pdf](#)

Legislative History

2/24/14 City Plan Commission recommended for approval
Item goes to Council as action item on March 19

[14-321](#) Zoning Ordinance Text and Map Amendment - Floodplain Zoning relating to Section 23-206(b) Official Maps and Revisions and Flood Insurance Rate Map Panel Number 55087C0319D.

Attachments: [Staff Report Flood Plain Amend Feb 24 2014.pdf](#)

Legislative History

2/24/14 City Plan Commission recommended for approval
Item goes to Council as action item on March 19

[14-423](#) SPECIAL USE PERMIT APPLICATION #3-14 - Hoffman Planning, Design & Construction, Inc. - St. Mary's - Group Day Care

Attachments: [CPC St Mary's Staff Report 3-10-14.pdf](#)

Legislative History

3/10/14 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[14-400](#) Approval to adopt the recommended change to Ordinance 13-4; Weapons within City Parks.

Attachments: [Ordinance Language \(3-12-14 Mtg\).pdf](#)

Legislative History

3/12/14 Parks and Recreation Committee recommended for approval

[14-403](#) Approval to award contract for four (4) pool heaters at Erb Pool to PBBS Equipment Corp in the amount of \$53,780, with a contingency of \$5,380 for a contract not to exceed \$59,160

Attachments: [2014 CIP Erb Pool Boilers \(3-12-14 Meeting\).docx](#)

Legislative History

3/12/14 Parks and Recreation Committee recommended for approval

[14-407](#) Award Playground Equipment Purchase at Woodland Park to Miller & Associates

Attachments: [Woodland Park Playground Equipment CIP \(3-12-14 Meeting\).docx](#)

Legislative History

3/12/14 Parks and Recreation Committee recommended for approval

5. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[14-424](#) Update Vacant Lots Northeast Business Park & Southpoint Commerce Park.

Attachments: [Vacant Lot Memo Northeast & Southpoint parks 3-10-14.pdf](#)
[NEBPDevelopmentAgreement 3-10-14.pdf](#)
[Southpoint CEDC 03-10-14.pdf](#)

Legislative History

3/10/14 Community & Economic Development Committee approved
Continue status quo with understanding Economic Development will pursue action to upgrade capabilities with title companies to trigger City's Right of First Refusal (Motion on item 14-424)

6. MINUTES OF THE UTILITIES COMMITTEE

[14-464](#) Preliminary Resolution 4-P-14 for Sanitary Sewer, Sanitary Laterals, Storm Sewer and Storm Laterals be adopted and refer the matter to the Finance Committee to determine the assessment rate.

Attachments: [4-P-14 Sanitary Storm Sewer Laterals.doc](#)

Legislative History

3/11/14 Utilities Committee recommended for approval

[14-469](#) Award sole source Phosphorus Effluent Analyzer to Hach Company in the amount of \$15,522.50.

Attachments: [Hach Effluent Analyzer.doc](#)

Legislative History

3/11/14 Utilities Committee recommended for approval

7. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

[14-449](#) Approval to Purchase Truck for Maintenance to Replace 1995 Mobile Repair Truck

Attachments: [Service Vehicle Memo.pdf](#)

Legislative History

3/12/14 Fox Cities Transit Commission recommended for approval
Assistant General Manager Sal LaPuma presented a request for quote for the purchase of a maintenance service vehicle. The truck used for emergency road-calls for in-service buses and bus shelter maintenance, installation and removal is a 1995 pickup truck that is experiencing numerous mechanical issues and has a floor that is rusted through. The cost of repairs the truck requires far exceeds the value of the truck. The funding for the truck will come from the unspent balance of an existing capital grant with the remainder coming from Valley Transit's 2013 capital grant allocation.

8. MINUTES OF THE BOARD OF HEALTH

[14-392](#)

Noise variance request for Fox River House

Attachments: [Fox River House noise variance request 2014.docx](#)
[Neighborhood letter-FRH 2014.pdf](#)
[Emails against Fox River House noise variance.pdf](#)
[Neutral email.pdf](#)
[Emails in support of Fox River House music1.pdf](#)

Legislative History

3/5/14 Board of Health held
Hold for Special Board of Health meeting 3-19-14

9. MINUTES OF THE HUMAN RESOURCES COMMITTEE

[14-430](#)

Request to approve recommended compensation adjustments for specific Utilities Department personnel

Attachments: [Utilites compensation adjustment Memo 03-10-14.pdf](#)
[Utilites Compensation evaluation 03-10-14.pdf](#)
[Utilites Compensation adjustment costing 03-10-14.pdf](#)

Legislative History

3/10/14 Human Resources Committee recommended for approval

10. MINUTES OF THE FINANCE COMMITTEE

[14-495](#)

****CRITICAL TIMING ISSUE****

Subdivision Fund

Request to approve the carryover of \$136,000 of unused 2013 budget funds into 2014 to complete construction of all streets approved in the 2014 Budget (2/3 vote required).

[14-353](#)

Award Unit A-14 Concrete Paving to Ptaschinski Construction, Inc. in the amount of \$5,579,362.11 with a 2% contingency of \$115,000.00 for a project total not to exceed \$5,694,362.11.

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

Legislative History

3/12/14 Finance Committee recommended for approval

[14-409](#)

Request to Donate Obsolete SCBAs to the Outagamie County Sheriff's Department.

Attachments: [Donation of SCBAs to Outagamie County Sheriff's Department.pdf](#)

Legislative History

3/12/14 Finance Committee recommended for approval

[14-439](#) Request to approve the postponement of the Frances Street asphalt reconstruction project from 2014 to 2015, the reallocation of these funds to other 2014 approved asphalt street projects, and the following 2014 Budget adjustment:

General Fund - DPW	
Asphalt Reconstruction	+\$95,000
Concrete Reconstruction	- \$95,000

to record transfer of funding for award of contract for Unit B-14 (2/3 vote required).

Attachments: [Asphalt Reconstruction Memo.pdf](#)

Legislative History

3/12/14 Finance Committee recommended for approval

[14-441](#) Request to deny claim for excessive assessment for Walgreens, Co., real estate property keys 31-4-6162-01, 31-5-1173-00, 31-6-7601-00, 31-5-4253-00, 31-5-4250-00.

Attachments: [Walgreens.pdf](#)

Legislative History

3/12/14 Finance Committee recommended for approval

[14-442](#) Request to deny claim for excessive assessment for CVS Pharmacy, real estate property key 31-5-2381-00.

Attachments: [CVS Pharmacy.pdf](#)

Legislative History

3/12/14 Finance Committee recommended for approval

[14-443](#) Request to deny claim for unlawful personal property tax for Prime Design parcel number 31-4-0872-00.

Attachments: [Prime Design.pdf](#)

Legislative History

3/12/14 Finance Committee recommended for approval

[14-444](#) Request to deny claim for unlawful personal property tax for Winnebago Dental Lab parcel number 31-5-4316-00.

Attachments: [Winnebago Dental Lab.pdf](#)

Legislative History

3/12/14 Finance Committee recommended for approval

[14-445](#) Request to approve claim for unlawful personal property tax for Eyemart Express parcel number 31-7-0725-25, and refund \$111.44.

Attachments: [Eyemart Express.pdf](#)

Legislative History

3/12/14 Finance Committee recommended for approval

[14-458](#)

CEA Review Committee Report from February 25, 2014.

Attachments: [CEA Committee Report.pdf](#)**Legislative History**

3/12/14 Finance Committee recommended for approval

[14-459](#)

Approve Finance Committee Report 3-P-14 for Asphalt Pavement and Driveway Aprons.

Attachments: [Report 3-P-14.pdf](#)**Legislative History**

3/12/14 Finance Committee recommended for approval

[14-460](#)

Approve Finance Committee Report 4-P-14 for Sanitary Sewer, Storm Sewer and Laterals.

Attachments: [Report 4-P-14.pdf](#)**Legislative History**

3/12/14 Finance Committee recommended for approval

[14-461](#)

Award Unit W-14 Sewer & Water Main Reconstruction #1 to Kruczek Construction, Inc. in the amount of \$2,112,000.00 with a 3.5% contingency of \$75,000.00 for a project total not to exceed \$2,187,000.00.

Attachments: [Award of Contract W-14.pdf](#)**Legislative History**

3/12/14 Finance Committee recommended for approval

[14-462](#)

Award Unit B-14 Asphalt Pavement Reconstruction to Vinton Construction in the amount of \$1,000,149.95 with a 2.5% contingency of \$25,000.00 for a project total not to exceed \$1,025,149.95. Contingent on approval of Item 14-439.

Attachments: [Award of Contract B-14.pdf](#)**Legislative History**

3/12/14 Finance Committee recommended for approval

[14-466](#) Request for the Recommended Compensation Adjustments for Specific Utilities Department Personnel and the following 2014 Budget Adjustment be approved:

Water Utility	
Salaries	+\$21,400
Fringe Benefits	+ \$3,190
Fund Balance	- \$24,590

to fund additional salary and fringe benefit costs related to adjusting staff salaries to market rates (2/3 vote required).

Attachments: [Utilites and HR Memo 03-05-14 rev1 \(2\).docx](#)
[Utility Compensation Adjustment .pdf](#)

Legislative History

3/12/14	Finance Committee	recommended for approval
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M. CONSOLIDATED ACTION ITEMS

[14-484](#) Consolidated Action Item:

Request to approve recommended compensation adjustments for specific Utilities Department personnel.
 File #14-430 Human Resources Committee Action Item;
 File #14-466 Finance Committee Action Item;
 File #14-470 Utilities Committee Information Item.

O. ITEMS HELD

[14-336](#) Request from owner Mario Maggiorana to have the City of Appleton collect refuse and recycling at the Walden Square Townhouses.

Attachments: [Mario Maggiorana-Refuse and Recycling.pdf](#)

Legislative History

2/25/14	Municipal Services Committee	recommended for denial
3/5/14	Common Council	held

P. ORDINANCES

[14-486](#) Ordinance #9-14

Attachments: [Ordinance going to 03-19-2014 Council.pdf](#)

Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

R. RESOLUTIONS SUBMITTED BY ALDPERSONS REFERRED TO
COMMITTEES OF JURISDICTION

S. OTHER BUSINESS

[14-483](#) The Common Council will meet in closed session to confer with legal counsel concerning strategy to be adopted by the body with respect to litigation in which it is involved or likely to become involved regarding Fox River PCBs issues pursuant to the exceptions contained in §19.85(1)(g) of the Wisconsin Statutes. The Common Council will then reconvene into an open session and conduct further business.

[14-502](#) Approval of City payment for Fox River clean up.

T. ADJOURN

CHARLENE M. PETERSON, CMC/WCMC
City Clerk

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