



# City of Appleton

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

## Meeting Agenda - Final Common Council

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Wednesday, August 2, 2017

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
  - [17-1182](#) Common Council Meeting Minutes of July 19, 2017
    - Attachments:** [CC Minutes 7-19-17.pdf](#)
- H. BUSINESS PRESENTED BY THE MAYOR
  - [17-1187](#) Bird City Presentation
- I. PUBLIC HEARINGS
  - [17-971](#)
    - Public Hearing for Rezoning #4-17
      - Attachments:** [Public Hearing RZ4-17 .pdf](#)
  - [17-1179](#) Public Hearing, 4-P-17 for Sanitary Laterals, Storm Laterals and Storm Main
    - Attachments:** [4-P-17 Sanitary and Storm Public Hearing Notice.pdf](#)
  - [17-1180](#) Public Hearing for Text Amendment to Chapter 23 Zoning Ordinance and Map - Article X. Floodplain Zoning
    - Attachments:** [Class II PH Notice - Floodplain Text Amendment \(2017\).pdf](#)
- J. SPECIAL RESOLUTIONS





[17-1121](#) Approve Amendment No. 1 to the Collins Engineers, Inc. Contract for the Bridge Rehabilitation Reports to perform additional LRFD loading analysis as requested by WISDOT and to update the South Island Street Bridge Rehab Report in an amount not to exceed \$7,600 (revised contract amount of \$33,696.81)

**Attachments:** [Bridge Rehabilitation Report.pdf](#)

**Legislative History**

|         |                              |                          |
|---------|------------------------------|--------------------------|
| 7/24/17 | Municipal Services Committee | recommended for approval |
|---------|------------------------------|--------------------------|

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

[17-1085](#) "Class B" Beer/Liquor License temporary change of premise description of McGuinness Irish Pub, Christopher A. Meyer, Agent, 201 S. Walnut St., August 3 - 6, 2017, contingent upon approval from all departments.

**Attachments:** [Change of Description-McGuinness Irish Pub.pdf](#)

**Legislative History**

|         |                                |                          |
|---------|--------------------------------|--------------------------|
| 7/26/17 | Safety and Licensing Committee | recommended for approval |
|---------|--------------------------------|--------------------------|

[17-1094](#) "Class A" Beer/Liquor License change of premise description of Ultimate Mart LLC d/b/a Pick 'n Save, Richard M. Kostecki, Agent, 2700 N. Ballard Rd., contingent upon approval from all departments.

**Attachments:** [Change of Description-Pick N Save-N Ballard.pdf](#)

**Legislative History**

|         |                                |                          |
|---------|--------------------------------|--------------------------|
| 7/26/17 | Safety and Licensing Committee | recommended for approval |
|---------|--------------------------------|--------------------------|

[17-1095](#) "Class A" Beer/Liquor License change of premise description of Ultimate Mart LLC d/b/a Pick 'n Save, Kenneth A. Voss, Agent, 511 W. Calumet St., contingent upon approval from all departments.

**Attachments:** [Change of Description-Pick N Save-W Calumet.pdf](#)

**Legislative History**

|         |                                |                          |
|---------|--------------------------------|--------------------------|
| 7/26/17 | Safety and Licensing Committee | recommended for approval |
|---------|--------------------------------|--------------------------|

[17-1113](#) Salvage Dealer's License Renewal application of Mr. C's Motorcycles, LLC, Janet Egelseer, Applicant, 724 S. Outagamie St., contingent upon approval from all departments.

**Legislative History**

|         |                                |                          |
|---------|--------------------------------|--------------------------|
| 7/26/17 | Safety and Licensing Committee | recommended for approval |
|---------|--------------------------------|--------------------------|

[17-1116](#) Reserve "Class B" Beer/Liquor License application of RiverHeath Hospitality LLC d/b/a Appleton Marriott Courtyard RiverHeath, Cindy L. Evers, Agent, 101 S. RiverHeath Way, contingent upon approval from all departments.

**Attachments:** [RiverHeath Hospitality LLC application.pdf](#)

**Legislative History**

7/26/17 Safety and Licensing recommended for approval  
Committee

[17-1164](#) Operator's Licenses

**Attachments:** [Operator's Licenses for 07-26-17 S & L.pdf](#)

**Legislative History**

7/26/17 Safety and Licensing recommended for approval  
Committee

### 3. MINUTES OF THE CITY PLAN COMMISSION

[17-966](#) Request to approve Rezoning #4-17 to rezone 525 South Memorial Drive (Tax Id #31-3-0624-00), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from C-2 General Commercial District to R-3 Multi-Family District

**Attachments:** [StaffReport\\_HarborHouse\\_Rezoning\\_For06-27-17.pdf](#)

**Legislative History**

6/27/17 City Plan Commission recommended for approval

[17-1005](#) Request to approve the proposed Zoning Ordinance Text and Map Amendments to Article X Floodplain Zoning of Chapter 23 of the Municipal Code relating to Section 23-206(b)(1)(h) Official maps and revisions, as identified in the attached staff report

**Attachments:** [StaffReport\\_ZOText&MapAmendment\\_FloodplainZoning\\_7-11-17.pdf](#)

**Legislative History**

7/11/17 City Plan Commission recommended for approval  
*Proceeds to Council on August 2, 2017.*

[17-1007](#) Request to approve resolution designating the proposed boundaries and approving a project plan for Tax Incremental Financing District #11 - East College Avenue area

**Attachments:** [Resolution-City Plan Commission TIF 11 .pdf](#)

[TIF District 11 Project Plan 2017 FINAL DRAFT 6-22-17.pdf](#)

[Resolution-Common Council TIF 11 .pdf](#)

**Legislative History**

7/11/17 City Plan Commission recommended for approval  
*Proceeds to Council on August 2, 2017.*

[17-1009](#)

Request to approve resolution designating the proposed boundaries and approving a project plan for Tax Incremental Financing District #12 - Downtown West

**Attachments:** [Resolution-City Plan Commission TIF 12.pdf](#)  
[TIF District 12 Project Plan 2017 FINAL DRAFT 6-22-17.pdf](#)  
[Resolution-Common Council TIF 12 .pdf](#)

**Legislative History**

7/11/17 City Plan Commission recommended for approval  
*Proceeds to Council on August 2, 2017.*

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

**5. MINUTES OF THE FINANCE COMMITTEE**

[17-792](#)

Resolution introduced by Alderpersons Martin, Croatt and Plank at the May 17, 2017 Common Council meeting related to the City Attorney responsibilities:

Resolution #12-R-17 Martin/Croatt/Plank

Whereas, the City Attorney is elected by the voters of Appleton,

And whereas, it is the responsibility of the City Attorney to uphold the constitution of the State of Wisconsin when performing duties of the job he/she is elected to,

And whereas, it is the duty of the Council and Mayor, also elected by the voters, to ensure that the citizens have the legal representation of the Attorney's office in all matters concerning the city,

And whereas, it is critical that the City Attorney be in a work environment that enables and prioritizes that responsibility,

And whereas, State Statute 62.09 (12) states that, "The attorney shall conduct all the law business in which the city is interested",

Therefore be it resolved, the Finance Committee, of which has jurisdiction over the Attorney's office, be charged with creating a policy that reaffirms the City Attorney conducts all legal work when discussing, negotiating, and drafting all agreements and law business the city is a party to, unless special counsel has been retained in circumstances that comply with city policy or State Statute.

**Attachments:** [Agreement Development Policy - Revised 06-06-2017.pdf](#)

**Legislative History**

5/22/17 Finance Committee referred  
7/24/17 Finance Committee recommended for approval

[17-1144](#)

Request approval of the following 2017 Budget Adjustment:

|                                       |            |
|---------------------------------------|------------|
| Water Utility Fund Balance            | - \$55,000 |
| Distribution Operations & Maintenance | +\$55,000  |

to provide funding for additional permanent patch locations associated with water main breaks, lead service and curb box replacements.

**Attachments:** [Water Main Break Patches.pdf](#)

**Legislative History**

7/24/17 Finance Committee recommended for approval

[17-1145](#)

Request approval of Contract Amendment/Change Order No. 1 to contract 39-17 for Unit E-17 Miscellaneous Concrete & Street Excavation Repairs to increase for additional street patches from previous years' water main breaks, lead service line replacements, curb box repairs and valve repairs in the amount of \$55,000.00 resulting in no change to contingency. Overall contract increased from \$530,676.25 to \$585,676.25. NOTE: This contract amendment is contingent upon approval of a \$55,000 Budget Adjustment which is a separate action item on this Committee Agenda.

**Attachments:** [Unit E-17 Contract Amendment-Change Order No.1.pdf](#)

**Legislative History**

7/24/17 Finance Committee recommended for approval

[17-1146](#)

Request approval of Contract Amendment/Change Order No. 3 to contract 9-17 for Unit U-17 Sewer and Water Reconstruction No.2 to increase for an additional 25 L.F. of 42" water main reconstruction in the amount of \$27,500.00 resulting in no change to contingency. Overall contract increased from \$2,480,984.92 to \$2,508,484.92.

**Attachments:** [Unit U-17 Contract Amendment-Change Order No.3.pdf](#)

**Legislative History**

7/24/17 Finance Committee recommended for approval

[17-1147](#)

Request for approval to deed City owned land between Ballard Road and Smoketree Pass (Tax Key 1-8303-11) to the two abutting property owners at 6433 N. and 6505 N. Smoketree Pass.

**Attachments:** [Request to deed City owned Parcel 1-8303-11.pdf](#)

**Legislative History**

7/24/17 Finance Committee recommended for approval

- [17-1151](#) Request to award the 2017 Wastewater Lighting upgrades project to VOE Power and Systems, LLC in the amount of \$41,740 with a contingency of \$10,000 for a project total not to exceed \$51,740.

**Attachments:** [2017 Wastewater Lighting Upgrades.pdf](#)

**Legislative History**

7/24/17 Finance Committee recommended for approval

- [17-1152](#) Request to award the 2017 MSB Fire Alarm project to VOE Power and Systems, LLC in the amount of \$68,177 with a contingency of \$10,000 for a project total not to exceed \$78,177.

**Attachments:** [2017 MSB Fire Alarm.pdf](#)

**Legislative History**

7/24/17 Finance Committee recommended for approval

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

**7. MINUTES OF THE UTILITIES COMMITTEE**

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

- [17-1059](#) Request to approve Public Works reorganization to create a Lead Clerical position and move the clerical staff supervision under the Assistant City Engineer.

**Attachments:** [DPW TO reorganization 7-11-17.pdf](#)

**Legislative History**

7/26/17 Human Resources & Information Technology Committee recommended for approval

- [17-1062](#) Request to approve new Bone Marrow and Organ Donation Leave policy

**Attachments:** [Bone Marrow and Organ Donation Leave Policy.pdf](#)

**Legislative History**

7/26/17 Human Resources & Information Technology Committee recommended for approval

**9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION**



**10. MINUTES OF THE BOARD OF HEALTH****M. CONSOLIDATED ACTION ITEMS**

[17-1190](#) Plan Commission Item 17-1007  
Special Resolution Item 17-1188

[17-1191](#) Plan Commission Item 17-1009  
Special Resolution Item 17-1189

**N. ITEMS HELD**

[17-1111](#) CONSOLIDATED ACTION ITEMS:  
Municipal Services Item 17-991  
City Plan Commission Item 17-1003  
Initial Resolution Item 17-1110

**Legislative History**

7/19/17 Common Council held

[17-991](#) Approve Discontinuance of Locust Street at the CN Railroad Crossing Number 179 919F.

**Attachments:** [Discontinuance of Locust St at the CN Railroad crossing.pdf](#)

**Legislative History**

7/10/17 Municipal Services Committee recommended for approval

7/19/17 Common Council held

[17-1003](#) Request to approve the street discontinuance to vacate a portion of South Locust Street public right-of-way in the 100 block at the CN Railroad Crossing Number 179 919F, as shown on the attached maps and legal description, pending approval by the Municipal Services Committee, and adopt the Initial Resolution

**Attachments:** [StaffReport\\_StreetVacation\\_SLocustStreet.pdf](#)

**Legislative History**

7/11/17 City Plan Commission recommended for approval

7/19/17 Common Council held

[17-1110](#) Initial Resolution- South Locust Street Vacation

**Attachments:** [Locust Street RR Xing - Initial Resolution.pdf](#)

**Legislative History**

7/19/17 Common Council held

**O. ORDINANCES**

[17-1178](#) Ordinances 52-17 to 57-17

**Attachments:** [Ordinances going to Council 8-2-17.pdf](#)

- P. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION
- Q. OTHER COUNCIL BUSINESS
- R. ADJOURN

Kami Lynch, City Clerk

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