



# City of Appleton

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

## Meeting Agenda - Final-revised Common Council

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Wednesday, March 4, 2020

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. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[20-0318](#) Common Council Meeting Minutes of February 19, 2020

**Attachments:** [CC Minutes 2-19-20.pdf](#)

G. BUSINESS PRESENTED BY THE MAYOR

[20-0333](#) Presentation of a check from M. A. T. C. H. (Making Appleton Tennis Courts Happen)

[20-0311](#) Historic Preservation Commission Appointments

**Attachments:** [Hist Pres. Reappointments REV.pdf](#)

H. PUBLIC PARTICIPATION

I. PUBLIC HEARINGS

[20-0321](#) Public Hearing for Rezoning #13-19 E. Glenhurst Lane

**Attachments:** [ClassIIPublicHearingNoticeNewspaper\\_Glenhurst\\_Rezoning.pdf](#)

[20-0322](#) Public Hearing on Amending the Comprehensive Plan Future Land Use Plan #3-19

**Attachments:** [PublicHearing\\_CPA E Glenhurst Lane.pdf](#)

J. SPECIAL RESOLUTIONS

## K. ESTABLISH ORDER OF THE DAY

## L. COMMITTEE REPORTS

## 1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[20-0280](#) Request from FORE Development to convert two metered parking stalls on the east side of S. Morrison Street to designated parking only for the financial institution that will be located on the first floor of Gabriel Lofts, Monday through Friday from 8:00 am to 5:00 pm, be approved until such time Morrison Street is reconstructed. At that time, alternative locations to be considered.

**Attachments:** [FORE Development-metered parking stalls.pdf](#)

**Legislative History**

2/24/20	Municipal Services Committee	recommended for approval
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[20-0282](#) Award contract for 2020 Bridge Inspections to Westbrook Associated Engineers, Inc. in an amount not to exceed \$30,000.

**Attachments:** [Contract for 2020 Bridge Inspections-Westbrook Ass. Eng.pdf](#)

**Legislative History**

2/24/20	Municipal Services Committee	recommended for approval
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[20-0285](#) Award Contract for 2020 Bridge Dive Inspections to Collins Engineers, Inc. in an amount not to exceed \$36,098.25.

**Attachments:** [Contract for 2020 Bridge Dive Inspections.pdf](#)

**Legislative History**

2/24/20	Municipal Services Committee	recommended for approval
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[20-0289](#) Request from OMNNI Associates for a permanent street occupancy permit to install two (2) groundwater monitoring wells in Foster Street and Oneida Street for 1725 S. Oneida Street.

**Attachments:** [OMNNI Associates permanent street occ.pdf](#)

**Legislative History**

2/24/20	Municipal Services Committee	recommended for approval
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[20-0293](#) Request from Cozy Corner (111 N. Walnut Street) for a permanent street occupancy permit to place their two dumpsters in the Johnston Street right-of-way blocking the sidewalk.

**Attachments:** [Cozy Corner permanent street occupancy.pdf](#)

**Legislative History**

2/24/20          Municipal Services          recommended for denial  
Committee

[20-0298](#) Request from Casey Bungert for a permanent street occupancy permit for an underground dog fence within the street terrace and sidewalk area at 1011 E. Rustic Road be denied.

**Attachments:** [Casey Bungert-1011 E. Rustic Rd.pdf](#)

**Legislative History**

2/24/20          Municipal Services          recommended for approval  
Committee

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

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

[20-0093](#) Request to approve Comprehensive Plan 2010-2030 Future Land Use Map Amendment #3-19 for the subject parcels generally located on East Glenhurst Lane, west of North Lightning Drive (Tax Id #31-1-6501-03 and #31-1-6501-04) from future Multi-Family Residential land use designation to One and Two-Family Residential land use designation as shown on the attached map and approve the attached Resolution (Associated with Action Item #20-0095)

**Attachments:** [StaffReport\\_Glenhurst\\_CompPlan+Rezoning\\_For1-21-20.pdf](#)

**Legislative History**

1/21/20          City Plan Commission          recommended for approval  
*Proceeds to Council on March 4, 2020.*

[20-0095](#) Request to approve Rezoning #13-19 to rezone the subject parcels generally located on East Glenhurst Lane, west of North Lightning Drive (Tax Id #31-1-6501-03 and #31-1-6501-04), including all of the adjacent one-half right-of-way of East Glenhurst Lane and North Lightning Drive, as shown on the attached maps, from C-O Commercial Office District to R-1B Single-Family District (Associated with Action Item #20-0093)

**Attachments:** [StaffReport\\_Glenhurst\\_CompPlan+Rezoning\\_For1-21-20.pdf](#)

**Legislative History**

1/21/20          City Plan Commission          recommended for approval  
*Proceeds to Council on March 4, 2020.*

[20-0238](#) Request to approve Special Use Permit #1-20 for a restaurant and sidewalk cafe with alcohol sales and service located at 500 West College Avenue (Tax Id #31-5-1070-00), 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 of Common Council required for approval)

**Attachments:** [StaffReport\\_ACOCACoffee\\_SUP\\_For02-25-20.pdf](#)

**Legislative History**

2/25/20 City Plan Commission recommended for approval

[20-0241](#) Request to approve the dedication of land for public right-of-way for a portion of West Lawrence Street and a portion of South Appleton Street, generally located south and east of their intersection (part of Tax Id #31-2-0142-00), as shown on the attached maps

**Attachments:** [StaffReport\\_LawrenceStAppletonSt\\_StreetDedication\\_For02-25-20.pdf](#)

**Legislative History**

2/25/20 City Plan Commission recommended for approval

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

[20-0270](#) Request Approval of the Updated Recreation Program Fee Policy

**Attachments:** [Recreation Program Fee Policy Request.pdf](#)

**Legislative History**

2/24/20 Parks and Recreation Committee recommended for approval

#### 5. MINUTES OF THE FINANCE COMMITTEE

[19-1586](#) Request authorization to engage outside counsel for assistance with current labor negotiations

**Legislative History**

10/21/19	Finance Committee	recommended for denial
11/6/19	Common Council	referred to the Finance Committee
12/9/19	Finance Committee	held
1/13/20	Finance Committee	held
2/19/20	Finance Committee	recommended for denial

[20-0277](#) Request approval of Pre-Annexation Agreement regarding Plamann Park between Outagamie County and the City of Appleton, contingent on County approval

**Attachments:** [Plamann Park - Pre Annexaton Agreement - City - CLEAN 02-12-2020.pdf](#)

**Legislative History**

2/24/20 Finance Committee recommended for approval

[20-0299](#)

Request to award Unit B-20 Asphalt Paving to Vinton Construction Company in the amount of \$2,395,748 with a 1.8% contingency of \$42,000 for a project total not to exceed \$2,437,748

**Attachments:** [Award of Contract Unit B-20.pdf](#)

**Legislative History**

2/24/20 Finance Committee recommended for approval

[20-0300](#)

Request to award Unit H-20 Spartan Drive area Utilities, Grade and Gravel, and Stormwater Ponds to MCC, Inc in the amount of \$968,523 with a 6.5% contingency of \$62,949 for a project total not to exceed \$1,031,472

**Attachments:** [Award of Contract Unit H-20.pdf](#)

**Legislative History**

2/24/20 Finance Committee recommended for approval

[20-0301](#)

Request to award Unit Y-20 Newberry Street Sewer & Water Reconstruction No. 2 to PTS Contractors, Inc in the amount of \$2,535,221 with a 4% contingency of \$101,409 for a project total not to exceed \$2,636,630

**Attachments:** [Award of Contract Unit Y-20.pdf](#)

**Legislative History**

2/24/20 Finance Committee recommended for approval

[20-0302](#)

Request to award Unit Z-20 Ballard Road Water Reconstruction to Advance Construction in the amount of \$1,108,331 with a 4% contingency of \$44,333 for a project total not to exceed \$1,152,664

**Attachments:** [Award of Contract Unit Z-20.pdf](#)

**Legislative History**

2/24/20 Finance Committee recommended for approval

[20-0305](#)

Resolution introduced by Alderperson Meltzer-District 2, Alderperson Firkus -District 3, Alderperson Martin -District 4, Alderperson Van Zeeland-District 5, Alderperson Fenton -District 6, Alderperson Thao -District 7, Alderperson Schultz -District 9, Alderperson Williams -District 10, Alderperson Coenen -District 11, Alderperson Spears -District 12, Alderperson Lobner -District 13, Alderperson Croatt -District 14, Alderperson Otis-District 15 at the February 19, 2020 Common Council meeting relating to redistricting legislative districts at its next session following federal census:

#3-R-20

WHEREAS the Wisconsin State Legislature is directed to redistrict legislative districts at its next session following each federal census.

AND WHEREAS the goal of redistricting should be the creation of fair maps, not partisan gain.

AND WHEREAS transparency is necessary in executing any governmental responsibility.

AND WHEREAS on April 3, 2018, Outagamie County held an advisory referendum in which 72% of the voters supported a nonpartisan redistricting process.

AND WHEREAS a January 2019 Marquette University Law School poll showed that 72% of respondents supported having a nonpartisan commission draw the maps.

THEREFORE BE IT RESOLVED that the Appleton Common Council supports a transparent non-partisan redistricting process for the State of Wisconsin.

Legislative History

2/24/20

Finance Committee

recommended for approval

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

[20-0265](#) Request to approve the City of Appleton maintain its current selling prices for business/industrial park land and adjust option fees as described in the attached documents

**Attachments:** [Business-Industrial Park Land Value Memo 2-5-20.pdf](#)  
[Exhibit A-Ind Land Sales Comparison.pdf](#)  
[Exhibit B-Ind Land Asking Price Comparison.pdf](#)  
[Southpoint Commerce Park Map.pdf](#)  
[NE Business Park Map.pdf](#)

**Legislative History**

2/26/20 Community & Economic Development Committee recommended for approval

## 7. MINUTES OF THE UTILITIES COMMITTEE

[20-0222](#) Request to calculate Stormwater Utility bill for parcel 31-1-9221-00 (7500 N. Purdy Parkway) by creating a residential area and a non-residential area as shown on the attached map.

**Attachments:** [Stormwater Utility Bill for 7500 N. Purdy Parkway.pdf](#)

**Legislative History**

2/25/20 Utilities Committee recommended for approval

[20-0231](#) Approve 2019 Annual Stormwater Report to WDNR

**Attachments:** [2019 MS4 Annual report to UC w attachments.pdf](#)

**Legislative History**

2/25/20 Utilities Committee recommended for approval

[20-0242](#) Award single source 2020E Spartan Drive Stormwater Ponds and Roadway Construction Related Services Contract to Brown & Caldwell, in an amount not to exceed \$43,900.

**Attachments:** [Brown Caldwell 2020E Spartan Ponds and Roadway CRS Contract Util Memo F](#)

**Legislative History**

2/25/20 Utilities Committee recommended for approval

[20-0263](#) Award Engineering Services Contract for the Ridgeway Tower Recoating Project to Strand Associates, Inc., in the amount of \$41,900 and a 10% contingency of \$4,200 for a project total not to exceed \$46,100.

**Attachments:** [Ridgeway Tower Engineering Award 0219-20.pdf](#)

**Legislative History**

2/25/20 Utilities Committee recommended for approval

- [20-0266](#) Approve Updates to Municipal Code Chapter 20, Article VII, Illicit Discharges and Connections, specifically:
- Section 20-401 relating to definitions
  - Section 20-412 relating to allowed discharges
  - Section 20-423 relating to requirement to prevent, control and reduce stormwater pollutants by the use of best management practices
  - Section 20-433 relating to Notice of Violation

**Attachments:** [2020 IDDE Ord Update Util Memo.pdf](#)  
[2020 IDDE Ordinance changes.pdf](#)

**Legislative History**

2/25/20            Utilities Committee            recommended for approval

- [20-0269](#) Award of Single Source Contract with NES Ecological Services for 2020 Wetland Delineation Services in an amount not to exceed \$22,778.55.

**Attachments:** [2020F Wetland Delineations Contract Award Memo Util Cmte final 02-18-2020.r](#)

**Legislative History**

2/25/20            Utilities Committee            recommended for approval

- [20-0306](#) Approve proposed modifications to the Water Leak Policy.

**Attachments:** [Water Leak Policy.pdf](#)

**Legislative History**

2/25/20            Utilities Committee            recommended for approval

- [20-0307](#) Approve proposed modifications to Municipal Code Chapter 20, Article II - Water Utility.

**Attachments:** [Municipal Code - Water Utility.pdf](#)

**Legislative History**

2/25/20            Utilities Committee            recommended for approval

- [20-0327](#) Award AWWTP Filtrate Tank Joint Repair Contract to R-Industries in the amount of \$12,400 plus a 15% contingency of \$1,860 for a total cost not to exceed \$14,260.

**Attachments:** [200227 UC Memo Filtrate Tank Joint Repair RFQ Work Award Memo.pdf](#)

- [20-0328](#) Award AWWTP Filtrate Tank Piping Repair and Modifications Contract to Great Lakes Mechanical in the amount of \$39,969 plus a 7.5% contingency of \$3,000 for a total cost not to exceed \$42,969.

**Attachments:** [200227 UC Memo Filtrate Tank Pipe Repair RFQ Work Award Memo.pdf](#)



**8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE****9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION**

[20-0114](#) Transit Development Plan Discussion and Adoption

**Attachments:** [Maps combined.pdf](#)

[City-of-Appleton-Transit-Development-Plan-2019.pdf](#)

**Legislative History**

1/28/20	Fox Cities Transit Commission	held
2/25/20	Fox Cities Transit Commission	recommended for approval

**10. MINUTES OF THE BOARD OF HEALTH**

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[20-0320](#) Ordinances 16-20 and 17-20

**Attachments:** [Ords for 3-4-2020 CC.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.*