



# 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, November 6, 2019

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

[19-1673](#) Common Council Meetings of October 16, 2019

**Attachments:** [CC Minutes 10-16-19.pdf](#)

- G. BUSINESS PRESENTED BY THE MAYOR
- [19-1674](#) Reappointment of Karen Harkness to the Convention & Visitors Bureau Board of Directors

- H. PUBLIC PARTICIPATION

- I. PUBLIC HEARINGS

[19-1497](#) Public Hearing, Rezoning #9-19, NW corner W. Washington Street & N. Richmond Street, C-2 to CBD

**Attachments:** [RZ #9-19 Notice of Public Hearing.pdf](#)

- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY
- L. COMMITTEE REPORTS

## 1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[19-1419](#) R/B-Resolution #11-R-19 regarding the creation of a parking lot on the former ~~Blue Ramp~~ Conway site.

**Attachments:** [Resolution #11-R-19.pdf](#)  
[Resolution #11-R-19\(#2\).pdf](#)

**Legislative History**

9/23/19	Municipal Services Committee	recommended for approval
9/23/19	Municipal Services Committee	recommended for denial
10/2/19	Common Council	referred to the Municipal Services Committee
10/7/19	Municipal Services Committee	referred
<i>Item #19-1914 was referred to staff October 21, 2019.</i>		
10/21/19	Municipal Services Committee	recommended for denial

[19-1593](#) Approve proposed changes to Municipal Code Sections 19-106 and 19-112 related to City owned parking facilities.

**Attachments:** [Changes to Municipal Code Sections 19-106 and 19-112.pdf](#)

**Legislative History**

10/21/19	Municipal Services Committee	recommended for approval
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[19-1594](#) Approve proposed changes to Municipal Code Section 19-90 related to parking violation forfeitures.

**Attachments:** [Changes to Municipal Code Section 19-90.pdf](#)

**Legislative History**

10/21/19	Municipal Services Committee	recommended for approval
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[19-1595](#) Amend 2019 Materials Testing Contract (M-19) with OMNNI Associates, Inc. from an amount not to exceed \$100,000 to an amount not to exceed \$125,000.

**Attachments:** [Amend 2019 Materials Testing Contract M-19.pdf](#)

**Legislative History**

10/21/19	Municipal Services Committee	recommended for approval
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[19-1598](#) Approve parking restriction changes on Ashbury Drive and Lightning Drive near Appleton North High School (Follow-up to six month trial period).

**Attachments:** [Ashbury Drive and Lightning Drive.pdf](#)

**Legislative History**

10/21/19      Municipal Services      recommended for approval  
Committee

[19-1599](#) Approve parking restriction changes on Everett Street, between Lilas Drive and Lynndale Drive (Follow-up to six month trial period).

**Attachments:** [Everett St between Lilas Dr and Lynndale Dr.pdf](#)

**Legislative History**

10/21/19      Municipal Services      recommended for approval  
Committee

[19-1600](#) Anticipated Award for Structural Condition Analysis of City Parking Ramps.

**Attachments:** [Award of Contract-City Parking Ramps.pdf](#)

**Legislative History**

10/21/19      Municipal Services      recommended for approval  
Committee  
*Amend item 1600. Award Structural Condition Analysis to Desman Design Management in an amount not to exceed \$45,935.00*

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

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

[19-1443](#) Request to approve Rezoning #9-19 to rezone the area generally located at the northwest corner of West Washington Street and North Richmond Street (Tax Id #31-5-1188-00 and #31-5-1187-00), including all of the adjacent one-half (1/2) right-of-way of N. Richmond Street, W. Washington Street and Fisk Alley, as shown on the attached maps, from C-2 General Commercial District to CBD Central Business District

**Attachments:** [StaffReport NW Richmond-Washington Rezoning For10-08-19.pdf](#)

**Legislative History**

10/8/19      City Plan Commission      recommended for approval  
*Proceeds to Council on November 6, 2019.*

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

**5. MINUTES OF THE FINANCE COMMITTEE**

- [19-1499](#) Request to approve the 2020 Policy for Special Assessments
- Attachments:** [2020 Assessment Policy.pdf](#)
- Legislative History**
- 10/21/19 Finance Committee recommended for approval
- [19-1500](#) Request to approve Finance Committee Report 4-P-19 for Storm Main Liner
- Attachments:** [Report 4-P-19.pdf](#)
- Legislative History**
- 10/21/19 Finance Committee recommended for approval
- [19-1583](#) Request approval to dispose of eight (8) Valley Transit buses
- Attachments:** [Bus Disposal.pdf](#)
- Legislative History**
- 10/21/19 Finance Committee recommended for approval
- [19-1586](#) Request authorization to engage outside counsel for assistance with current labor negotiations
- Legislative History**
- 10/21/19 Finance Committee recommended for denial
- [19-1602](#) Request to award contract to CleanPower to provide Janitorial services to all City of Appleton facilities/locations for the years 2020 - 2024. The annual contract amounts will be \$406,199 for 2020, \$406,199 for 2021, \$419,417 for 2022, \$419,417 for 2023 and \$419,417 for 2024
- Attachments:** [Housekeeping Contract 2020-2024.pdf](#)
- Legislative History**
- 10/21/19 Finance Committee recommended for approval
- [19-1603](#) Request to approve Contract Amendment and Change Order No. 1 to contract 112-19 for Green and Yellow Parking Ramp Column and Beam Repairs for additional quantities of precast concrete patching and caulking of columns in the amount of \$4,290 resulting in a decrease in contingency from \$4,030 to \$0. Overall contract increases from \$30,898 to \$31,158
- Attachments:** [Parking Ramp Concrete Repairs - Change Order No.1.pdf](#)
- Legislative History**
- 10/21/19 Finance Committee recommended for approval

[19-1609](#)

Resolution introduced by Alderpersons Schultz and Spears at the October 16, 2019 Common Council meeting relating to small cell wireless equipment:

#16-R-19

**WHEREAS**, small cell wireless equipment is designed to boost cellular service from the existing wireless carriers and will enable those carriers to implement 5G technology by placing these installations on existing streetlights and utility poles; and

**WHEREAS**, concerns have been raised about the health risks of 5G technology including small cell installations. Studies have linked low-level wireless radio frequency radiation exposures to adverse biological effects including DNA single and double strand breaks, oxidative damage, disruption of cell metabolism, increased blood brain barrier permeability, melatonin reduction disruption to brain glucose metabolism and generation of stress proteins. This list warrants additional scientific studies before residents are put at risk; and

**WHEREAS**, the health hazards of 5G technology have been intensely debated at the federal level before Congress and the Federal Communications Commission (FCC). There does not appear to be any widely accepted definitive scientific study that proves one way or the other whether small cell installations - emitting extremely high or "millimeter wave" frequencies above 24 GHz - may have an adverse health impact, though in 2011 the World Health Organization classified radio frequency radiation as a possible 2B carcinogen; and

**WHEREAS**, the only applicable FCC standards for radio-frequency radiation emissions were set in 1996 and did not consider the use of modern wireless equipment like small cells that will be located close to residences. Mere compliance with the FCC's outdated standards does not assure safety; and

**WHEREAS**, the State of Wisconsin has preempted local governments from regulating the installation of small cells as it relates to their potential health effects or proximity to residential areas; and

**WHEREAS**, the FCC adopted regulations in 2018 that are intended to facilitate the installation of 5G technology "underscore[ing] the FCC's commitment to ensuring that the United States wins the global race to 5G," as stated in the FCC Press Release dated September 26, 2018; and

**WHEREAS**, global communications and technological advancements are important components of the state and federal economy but need not come at the expense of the public's health. As the world's leading economy the United States can and should "win the global race" while protecting its residents from potential long term health effects that will only further harm the economy in the future; and

**WHEREAS**, the FCC's action allows private cell providers the right to put antennas and transmission control boxes on city-owned streetlight poles and privately-owned utility wood poles subject to only minimal limitations. This means that a 5G antenna could be mounted on the streetlight or utility pole in front of a resident's home, and there would be little the resident could do about it. Given the health concerns described above, the City believes this should cause great concern for all City residents; and

**WHEREAS**, the City of Appleton's **Health in All Policy** Ordinance states that Stakeholder engagement is essential for ensuring the Health and Well-being of our citizens when reviewing technology advancement and their potential health risks, and

**WHEREAS**, **we the undersigned** find it is in the best interest of the residents to urge the state and federal governments to initiate independent scientifically reliable studies of the health effects of small cell wireless and 5G technology on residential populations and develop guidelines for the installation of this technology that will protect the health and welfare of the public.

**NOW, THEREFORE, BE IT RESOLVED**; ~~The Mayor and the City of~~ Appleton hereby urge the state and federal governments to initiate independent scientifically reliable studies of the health effects of small cell wireless and 5G technology on residential populations and develop guidelines for the installation of this technology that will protect the health and welfare of the public.

**BE IT FURTHER RESOLVED**; The Common Council hereby directs the City Clerk to transmit a copy of this Resolution to all appropriate entities.

**Legislative History**

10/21/19 Finance Committee recommended for approval  
*amend second last paragraph "strike mayor portion" by Lobner second by Meltzer*  
*approved 5-0*

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

[19-1571](#)

Request to amend the Development Agreement with EP Development, Inc. for Eagle Point located at 955 East John Street to incorporate updated Phase II (Eagle Court) at 975 East John Street in Tax Increment Financing District No. 8

**Attachments:** [Memo Amended DA Eagle Point Phase 2-Eagle Court.pdf](#)  
[Eagle Point Development Agreement Amendment\\_10-28-19\\_FINAL.pdf](#)  
[Eagle Point Development Agreement\\_3-7-17.pdf](#)  
[Eagle Court-A100-SITE PLAN.pdf](#)  
[Eagle Court-A201-FIRST FLOOR PLAN.pdf](#)  
[Eagle Court-A301-BUILDING ELEVATIONS.pdf](#)  
[Eagle Court-A302-BUILDING ELEVATIONS.pdf](#)  
[TIF8.pdf](#)

**Legislative History**

11/5/19	Community & Economic Development Committee	recommended for approval
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[19-1662](#)

Request to approve 2020-2021PY Community Development Block Grant (CDBG) Community Partner Allocation Recommendations

**Attachments:** [Alloc Recs Memo to CEDC 11-5-19.pdf](#)  
[2020 CDBG Advisory Board Membership.pdf](#)  
[CDBG Policy Adopted July 2015.pdf](#)  
[2020 CDBG Community Partner & Simple Summary Recommendations.pdf](#)  
[2020 CDBG Affordable Housing Project Recommendations.pdf](#)  
[2020 CDBG Simple Summary Recommendations.pdf](#)

**Legislative History**

11/5/19	Community & Economic Development Committee	recommended for approval
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[19-1663](#)

Variance request to the Declaration of Covenants and Restrictions to allow for restaurant use (with or without alcohol) at 2101 East Evergreen Drive (Parcel #31-1-6622-00) in the Northeast Business Park Plat 3

**Attachments:** [Memo on Variance Request for 2101 E Evergreen Drive NEBP Plat 3.pdf](#)  
[Rollie Winter Letter 10-22-19.pdf](#)  
[A1.0-Floor Plan Elevations Winters Development.pdf](#)  
[R1.0-3D-Renderings\\_Winters Development.pdf](#)  
[NEBP Plat 3 Covenants.pdf](#)  
[CEDC 09-10-2007.pdf](#)  
[Dev Agrmt Gateway of Appleton and Steve Winter June 2005.pdf](#)  
[NEBP Plat 3 Map.pdf](#)  
[AerialMap\\_2101EEvergreenDr.pdf](#)

**Legislative History**

11/5/19 Community & Economic recommended for approval  
Development Committee

[19-1668](#)

Request approval of engineering services for wetland delineation of Southpoint Commerce Park to be performed by R.A. Smith at a cost of \$20,300 with a contingency of \$3,045, for a project total not to exceed \$23,345

**Attachments:** [Memo on Southpoint Commerce Park Redelineation of Wetlands October 2019.](#)  
[RA Smith Proposal Wetland Delineation SPCP October 2019.pdf](#)  
[Map of Southpoint Commerce Park with Wetlands October 2019.pdf](#)

**Legislative History**

11/5/19 Community & Economic recommended for approval  
Development Committee

[19-1569](#)

**\*\*CRITICAL TIMING\*\*** Request to accept the Amendment to the Offer to Purchase from Messenger Property Management, LLC (MPM LLC) and/or assignee to purchase only Lot 11 (removing Lot 5) in Southpoint Commerce Park Plat 1, consisting of approximately 3.25 acres, now at a purchase price of \$130,000 (\$40,000 per acre) and staff be 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 \$130,000 = \$65,000)

**Attachments:** [Messenger Property Management Amendment to OTP Memo to CEDC 10-23-1](#)  
[WB-40 Amendment MPM LLC Lot 11.pdf](#)  
[Messenger Property Management OTP Memo to CEDC 6-12-19.pdf](#)  
[Messenger Property Management OTP Lots 5 & 11.pdf](#)  
[Messenger Property Management OTP Lots 5 & 11 pages 4,5.pdf](#)  
[SPCP Messenger Property Management Map.pdf](#)  
[SPCP Deed Restrictions.pdf](#)

**Legislative History**

10/23/19 Community & Economic recommended for approval  
Development Committee

## 7. MINUTES OF THE UTILITIES COMMITTEE

[19-1414](#)

Preliminary Resolution 4-P-19 for Storm Main Liner be adopted and refer the matter to the Finance Committee to determine the assessment rate.

**Attachments:** [4-P-19 Storm Main Liner.pdf](#)

**Legislative History**

10/22/19 Utilities Committee recommended for approval



[19-1543](#) Reaffirm the following properties that have an Assessor land use code of single family or duplex be considered commercial property for stormwater billing purposes.

- a. 203 S. State Street
- b. 1935 E. John Street
- c. 6600 N. Ballard Road
- d. 8711 N. French Road

**Attachments:** [203 S State combined.pdf](#)  
[1935 E John St combined.pdf](#)  
[6600 Ballard combined.pdf](#)  
[8711 N French Combined.pdf](#)

**Legislative History**

10/22/19 Utilities Committee recommended for approval

[19-1546](#) Request to waive stormwater utility billing for parcel 31-1-9202-00.

**Attachments:** [Memo 311920200.pdf](#)

**Legislative History**

10/22/19 Utilities Committee recommended for approval

[19-1580](#) Award consulting contract for Wastewater Rate Study to Trilogy Consulting LLC in the amount of \$19,965.

**Attachments:** [Rate Study Consultant Contract Award Oct 2019.pdf](#)

**Legislative History**

10/22/19 Utilities Committee recommended for approval

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

[19-1492](#) Request to approve the Aldermanic Salary for the 2021 election year.

**Attachments:** [Elected Alderperson official salary.pdf](#)  
[alderperson comparison 2019.pdf](#)

**Legislative History**

10/9/19 Human Resources & Information Technology Committee held

## 9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

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

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[19-1610](#) Ordinance #92-19, Rezoning NW corner W. Washington Street & N. Richmond Street, C-2 to CBD  
Ordinances #93-19 to #96-19

*Attachments:* [Ordinances going to Council 11-6-19.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

[19-1676](#) Discussion and Potential Action/Suspension of the Council Rules regarding the January 2020 Council Meeting Schedule.

S. CLOSED SESSION

[19-1672](#) The Common Council will go into closed session according to State Statute § 19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session regarding the bluff site development and then reconvene into open session.

T. ADJOURN

Kami Lynch, City Clerk

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