



City of Appleton

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

Meeting Agenda - Final-revised Common Council

Wednesday, May 17, 2017

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
 - [17-724](#) Common Council Meeting Minutes of the May 3, 2017 meeting.
Attachments: [CC Minutes 5-3-17.pdf](#)
- H. BUSINESS PRESENTED BY THE MAYOR
 - [17-725](#) Presentation of A Week to Celebrate Policing Proclamation
 - [17-726](#) Presentation of Police Officer of the Year Award and Citizen Awards
 - [17-727](#) Presentation of National Public Works Week Proclamation
 - [17-728](#) Appointment of Kim Biedermann and David Merry to the Bicycle and Pedestrian Advisory Committee
Attachments: [COMMITTEE APPTS FOR INFO BIKE PED ADVISORY 051717.pdf](#)
 - [17-729](#) Reappointment of Jan Heifner, Rick Krumwiede, Joe Martin, Bill Moore, Gwen Sargeant and Joe Sargeant to the Bicycle and Pedestrian Advisory Committee
Attachments: [COMMITTEE REAPPTS FOR INFO BIKE PED ADVISORY 051717.pdf](#)
 - [17-730](#) Reappointment of Karen Harkness, Tony Saucerman and Jay Schumerth to the Fox Cities Area Room Tax Commission
Attachments: [REAPPTS TO ROOM TAX COMMISSION CONFIRMATION 051217.pdf](#)

[17-731](#) Appointment of Stephen Olk to the Appleton Housing Authority Board of Commissioners

Attachments: [APPT TO AHA STEPHEN OLK BIO VACATED TERM 051717.pdf](#)

[17-732](#) Appointment of Adrienne Palm to the City Plan Commission

Attachments: [APPT TO PLAN COMM ADRIENNE PALM BIO VACATED TERM 051717.pdf](#)

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[17-661](#) Request from Eric Ehmann, 49-51 Valerie Drive, to have his sidewalk snow removal bill of \$75 waived.

Attachments: [49-51 Valerie-fee waived.pdf](#)

Legislative History

5/9/17	Municipal Services Committee	recommended for denial
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[17-662](#) Request from Garry Kunstman, 703 E. Goodall Street, to have his sidewalk snow removal bill of \$75 waived.

Attachments: [703 E Goodall-fee waived.pdf](#)

Legislative History

5/9/17	Municipal Services Committee	recommended for approval
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[17-663](#) Request from Andrew Graf, 1731 N Briarcliff Drive, for a variance to the Street Terrace Policy to install a 10-foot high hedge along the entire front yard within the street right-of-way.

Attachments: [1731 N Briarcliff-variance.pdf](#)

Legislative History

5/9/17	Municipal Services Committee	recommended for approval
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Amend item 17-663 to require a 5 foot minimum setback from the back of curb to the face of the shrubbery and also require a hold harmless agreement from the property owner. Konetzke motion, 2nd by Coenen. Amendment passed 4-1 (Dannecker).

[17-664](#) Approve Temporary Honorary Street Name Policy.

Attachments: [Temporary Honorary Street Name Policy.pdf](#)

Legislative History

5/9/17 Municipal Services recommended for approval
Committee

[17-684](#) Request from Mark Morgan to not have terrace trees planted per the City of Appleton's Tree Planting Policy at 2311 E. Highpond Crossing.

Attachments: [Mark Morgan-2311 E. Highpond Crossing.pdf](#)

Legislative History

5/9/17 Municipal Services recommended for denial
Committee

[17-699](#) Award "virtual chalking" parking enforcement system to Tannery Creek Systems, Inc. in the amount of \$68,000.

Attachments: [Award of virtual chalking.pdf](#)

Legislative History

5/9/17 Municipal Services recommended for approval
Committee

[17-660](#) Request from Kris Sarver, 1400 E. Amelia Street, to have his sidewalk snow removal bill of \$75 waived.

Attachments: [1400 E Amelia-fee waived.pdf](#)

Legislative History

5/9/17 Municipal Services recommended for denial
Committee

[17-683](#) Request from Antojitos Mexicanos Restaurant for a Street Occupancy Permit to set up heater lamps within the College Avenue beautification strip at 204 E. College Avenue.

Attachments: [Antjitos Mexicanos Restaurant-heat lamp.pdf](#)

Legislative History

5/9/17 Municipal Services recommended for denial
Committee

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[17-611](#) Renewal Taxi Cab Company License application of Dynasty Limousine Service LLC, John Wolters, 314 E. Wilson Avenue contingent upon approvals from all departments.

Legislative History

5/10/17 Safety and Licensing Committee recommended for approval

[17-617](#)

Renewal Taxi Cab Company License application of Fox Valley Tours, LLC, Justin Garrett, N5605 Valley Creek Road, Fond Du Lac, contingent upon approvals from all departments.

Legislative History

5/10/17 Safety and Licensing Committee recommended for approval

[17-620](#)

Farm Market Renewal License application of Long Cheng Marketplace, MaiYoua Thao, 1804 S. Lawe Street, contingent upon approvals from all departments.

Legislative History

5/10/17 Safety and Licensing Committee recommended for approval

[17-658](#)

Renewal Mobile Home Park License application of Fox Valley Estates, Scott R. Moore, 4349 Tarnowski Road, Duluth, MN, contingent upon approvals from all departments.

Legislative History

5/10/17 Safety and Licensing Committee recommended for approval

[17-666](#)

Class "B" Beer and "Class C" Wine License application of Board and Brush Creative Studio-Green Bay LLC, d/b/a Board and Brush Creative Studio, Katie M. Forman, Agent, 109 N. Durkee St., contingent upon approval from all departments.

Attachments: [Board and Brush Creative Studio application.pdf](#)

Legislative History

5/10/17 Safety and Licensing Committee recommended for approval

[17-679](#)

Renewal Taxi Cab Company License application of Apple Valley Taxi LLC, James D. Jacobs, 1831 N. Bennett Street, contingent upon approvals from all departments.

Legislative History

5/10/17 Safety and Licensing Committee recommended for approval

[17-680](#) Class "B" Beer and "Class C" Wine License application of The Crafty Woodmaker LLC, d/b/a The Crafty Woodmaker, Katherine E. Wood, Agent, 207 W. College Ave., contingent upon approval from all departments.

Attachments: [The Crafty Woodmaker application.pdf](#)

Legislative History

5/10/17	Safety and Licensing Committee	recommended for approval
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[17-698](#) Operator's Licenses

Attachments: [Operator's Licenses for 5-10-17 S & L.pdf](#)

Legislative History

5/10/17	Safety and Licensing Committee	recommended for approval
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[17-700](#) Renewal Operator Licenses

Attachments: [Renewal Operator's Licenses for 5-10-17 S & L.pdf](#)

Legislative History

5/10/17	Safety and Licensing Committee	recommended for approval
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3. MINUTES OF THE CITY PLAN COMMISSION

[17-559](#) Request to approve Special Use Permit #1-17 for an automobile sales and display lot, at 524 North Clark Street (Tax Id #31-2-0697-00), 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 (2/3 vote required)

Attachments: [StaffReport_VLPerformance_SUP_For05-08-17.pdf](#)

[PublicCommentLetter_Reynolds_VLPerformance_SUP.pdf](#)

[PublicCommentLetter_McNally_VLPerformance_SUP.pdf](#)

[Petition_VLPerformance_SUP#1-17_4-24-17.pdf](#)

Legislative History

4/24/17	City Plan Commission	recommended for approval
5/3/17	Common Council	referred to the City Plan Commission
5/8/17	City Plan Commission	recommended for approval

[17-641](#)

Request to approve Special Use Permit #2-17 to allow alcohol sales and consumption located at 207 West College Avenue (Tax Id #31-2-0080-00), 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 required)

Attachments: [StaffReport_SpecialUsePermit #2-17_TheCraftyWoodmaker.pdf](#)

Legislative History

5/8/17

City Plan Commission

recommended for approval

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

[17-578](#)City of Appleton - **Resolution #6-R-17**

April 19, 2017

Submitted by: Alderperson Lobner - District 13

Referred to: Parks & Recreation Committee

WHEREAS Section 3-15 of the Appleton Municipal Code requires that an animal, when off of its owner's premises, shall be restrained so that the unprovoked animal does not run at large or become a public nuisance.

AND WHEREAS Section 3-14 of the Appleton Municipal Code requires the owner or caretaker of an animal to promptly remove and dispose of, in a sanitary manner, any excrement left or deposited by the animal upon public or private property.

AND WHEREAS Section 3-17 of the Appleton Municipal Code requires all incidents occurring in the City in which any animal bites or scratches a person or another animal, or is suspected of such, to be immediately reported to the Police Department by any person having knowledge of such incident.

AND WHEREAS the aforementioned ordinances and others not mentioned have been deemed sufficient for providing humans and pets an opportunity to operate and interact in a safe and sanitary manner in outdoor spaces including sidewalks, trails and other public spaces.

AND WHEREAS the same ordinances would allow an opportunity for humans and pets an opportunity to operate and interact in a safe and sanitary manner in parks if not for Section 13-5, subsection N of the Appleton Municipal Code, which prohibits dogs in all parks except on trails.

THEREFORE BE IT RESOLVED that the City of Appleton shall repeal Municipal Code Section 13-5, subsection N.

Attachments: [5-8-17 Dogs in Parks Document.pdf](#)

Legislative History

4/24/17 Parks and Recreation held
Committee
Amended to limit to Lutz, Vulcan Heritage, (future) Ellen Kort Peace Park, Peabody, Telulah and Jones Parks. (3-2 Spears, Siebers).

Held and referred to staff to report back at the next scheduled meeting.

- 5/8/17 Parks and Recreation Committee recommended for approval
- Motion made by Martin, seconded by Dvorachek to amend the Resolution to as originally submitted and remove the restrictions specific to parks. (4-1, Siebers)*
- Motion made by Dvorachek, seconded by Reed to amend the Resolution to include the restrictions identified by the Parks and Recreation Department. (3-2, Spears, Siebers)*
- Amendments are as follows:*
- < *Dogs be allowed in parks with an 8 foot or less leash and must stay on a sidewalk, trail or road and not be allowed on playgrounds, athletic fields, picnic areas, lawns, courts, skateboard parks, disc golf courses or park pavilions. In addition, dogs not be allowed access to pool areas with the exception of dog swim day sponsored by the Parks & Recreation Department.*
 - < *Dogs must have and display a current rabies and current registration and license tags.*
 - < *All dog waste must be immediately picked up and disposed of by the dog handler per Appleton Municipal Code Section 3-14.*
 - < *Double all fines that pertain to violations of the adopted ordinance. The reason is to penalize the few pet owners who display non-compliant behavior.*
 - < *Dogs are not allowed at special events, unless approved by the organizers of the Special Event and the Special Event Committee.*
 - < *These restrictions will not apply to a service animal, as defined under the American for Disabilities Act that are under control by the use of a harness or other restraint and are accompanying blind, deaf or mobility impaired persons, as provided under Wis. Stats. § 174.056.*

[17-668](#)

Award the City of Appleton "2017 Kiwanis Playground Equipment Project" contract to Lee Recreation, LLC in an amount not to exceed \$70,000.

Attachments: [2017 Kiwanis Playground award.pdf](#)

Legislative History

- 5/8/17 Parks and Recreation Committee recommended for approval
- Aldersperson Reed left the meeting.*

5. MINUTES OF THE FINANCE COMMITTEE

[17-549](#)

Request to approve professional services contract with von Briesen & Roper, S.C. for Phase V services related to the financing of the Fox Cities Exhibition Center and approve the related 2017 Budget adjustment below:

Exhibition Center Capital Projects Fund

Consulting Services	+\$462,500
Debt Proceeds/Room Tax	+\$462,500

to provide funding for consulting services related to the financing of the Fox Cities Exhibition Center.

Attachments: [Memo to Finance Von Briesen Phase V Engagement Letter2.pdf](#)
[Engagement Agreement - Loan Documents and Closing.PDF](#)
[FCEC Professional Services Agreement, Phase IV 3-01-2016.pdf](#)

Legislative History

4/25/17	Finance Committee	recommended for approval
5/3/17	Common Council	referred to the Finance Committee
5/8/17	Finance Committee	recommended for approval

[17-632](#)

Request to approve bid packages and project related expenses into the Guaranteed Maximum Price Amendment to Miron Construction for the Fox Cities Exhibition Center for a contract not to exceed \$5,458,967.

Attachments: [2017 Expo Center Bid Package #5 .pdf](#)

Legislative History

5/8/17	Finance Committee	recommended for approval
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[17-633](#)

Request to reject bids from H.J. Martin & Sons, Inc. and Bernie's Equipment for not meeting the bidding guidelines. In addition, reject bids from Martell Construction which substantially exceeded our budgeted amount. The scope will be reviewed and modified to rebid.

Attachments: [2017 Expo Center Bid Package #5 \(002\).pdf](#)

Legislative History

5/8/17	Finance Committee	recommended for approval
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6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[17-646](#) Request to approve the City of Appleton maintain its current selling prices for industrial park land as described in the attached documents

Attachments: [Land Value Memo 4-21-17.pdf](#)
[Southpoint11_17.pdf](#)
[Industrial Land Price Comparison 4-7-17.pdf](#)
[Sales Ask Price Comparison 4-7-17.pdf](#)
[Industrial Land Listings 4-18-17.pdf](#)

Legislative History

5/10/17 Community & Economic Development Committee recommended for approval

[17-685](#) Request to approve the Offer to Purchase from Alco Tech to purchase Lot 8, Plat 1 of Southpoint Commerce Park, consisting of approximately 3.34 acres, at a purchase price of \$150,300 (\$45,000 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

Attachments: [Alco Tech Cover Ltr.pdf](#)
[AlcoTechMemo Lot 8 Plat 1 Southpoint 5-4-17.pdf](#)
[Alco Tech OTP vacant land updated 05-03-17 .pdf](#)
[Alco Tech Map.pdf](#)

Legislative History

5/10/17 Community & Economic Development Committee recommended for approval

[17-716](#) ****CRITICAL TIMING**** Request to award Vantage Drive and Milis Drive gas, electric, and lighting project as sole source contract to WE Energies in the amount of \$100,983.17 with a 10% contingency of \$10,098.32 for a project total not to exceed \$111,081.49

Attachments: [Vantage Milis Gas Elec Memo5-10-17.pdf](#)
[3803259 Vantage Drive Lighting.pdf](#)
[3850623 Milis Drive Lighting.pdf](#)
[3802081 Vantage Drive Natural Gas Cost Packet.pdf](#)
[3948673 Milis Drive Natural Gas Cost Packet.pdf](#)
[3801595 Vantage Drive Line Extension.pdf](#)
[3850159 Milis Drive Line Extension.pdf](#)
[SouthpointGasandElec.pdf](#)

Legislative History

5/10/17 Community & Economic Development Committee recommended for approval

7. MINUTES OF THE UTILITIES COMMITTEE

[17-637](#) 2016 Pretreatment Streamlining Changes for Wisconsin Industries and Municipal Pretreatment Programs. Amend City of Appleton Sewer Use Ordinance: Chapter 20.

Attachments: [Pretreatment Streamlining Changes.pdf](#)

Legislative History

5/9/17 Utilities Committee recommended for approval

[17-638](#) Recommendation to Sole Source Award a Professional Services Contract to Complete a Gas Utilization Study to Donohue and Associates in the amount of \$24,800.

Attachments: [Gas Utilization Study Engineering Award memo 05-02-17 .pdf](#)

Legislative History

5/9/17 Utilities Committee recommended for approval

[17-681](#) Award the 2017 AWWTP Improvements Project Engineering Phase to Donohue in the amount of \$228,464 with a 15% contingency of \$34,270 for a project total not to exceed \$262,734.

Attachments: [2017 AWWTP Improvements Project.pdf](#)

Legislative History

5/9/17 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

[17-397](#) Noise Variance Request - Fox River House

Attachments: [Noise Variance Request - Fox River House 5-3-17.pdf](#)

Legislative History

4/12/17 Board of Health recommended for approval

Hanna moved, seconded by Spears, that the Noise Variance Request - Fox River House be recommended for approval for the following 2017 dates: May 19, 20, 26, 27 until 11pm. Remaining dates, June through September, will be brought back to the Board of Health on May 10, 2017.

4/19/17 Common Council approved

5/10/17 Board of Health recommended for approval

Spears moved, seconded by Nelson, that the Noise Variance Request - Fox River House be recommended for approval with the amendment from midnight to 11pm on the Mile of Music Nights, August 3-5. The Board of Health also provided suggestions on how the owner can minimize neighborhood disputes in regards to loud music. Motion carried 5/0.

[17-452](#) Resolution #4-R-17 Bees on Rooftops

Attachments: [Resolution #4-R-17 - Bees on Rooftops.pdf](#)
[Pl, Commerical and Urban Farm Apiary REQUIREMENTS 5-3-17.pdf](#)
[Pl, Commercial and Urban Farm Apiary Permit Application 2017.pdf](#)
[Appleton Code - 3-52 Restricted Species.pdf](#)

Legislative History

4/12/17	Board of Health	held
5/10/17	Board of Health	recommended for approval

[17-678](#) Resolution #8-R-17 - Chicken Run Size

Attachments: [Resolution - Chicken Run Size.pdf](#)
[Chicken Coop Example.pdf](#)

Legislative History

5/10/17	Board of Health	recommended for denial
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- M. CONSOLIDATED ACTION ITEMS
- N. ITEMS HELD
- O. ORDINANCES
- 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

[17-733](#) The Common Council may convene in closed session pursuant to State Statute §19.85(1)(e) for the purpose of deliberating the purchasing of public properties and/or the investing of public funds in certain property located in downtown Appleton. The Common Council will then reconvene in open session.

- T. ADJOURN

Kami Lynch, City Clerk

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

