



# 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, April 2, 2014

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
- [14-557](#) Approve March 19, 2014 Council Meeting Minutes.  
**Attachments:** [CC Minutes 03-19-2014.pdf](#)
- H. BUSINESS PRESENTED BY THE MAYOR
- [14-558](#) Presentation of Fair Housing Month Proclamation.
- I. PUBLIC HEARINGS
- [14-559](#) Public Hearing for Proposed Comprehensive Plan Future Land Use Amendment - Clearwater Creek Development, LLC.  
**Attachments:** [Public Hearing Notice - Comp Plan Amendment - Clearwater Creek.pdf](#)
- [14-560](#) Public Hearing for Rezoning #3-14ClearWater Creek LLC - Northwest Corner of N. Haymeadow Avenue and Morningsun Drive.  
**Attachments:** [Public Hearing - Rezoning #3-14.pdf](#)
- [14-561](#) Public Hearing for Preliminary Resolution 3-P-14 for Asphalt Pavement and Driveway Aprons AND ADOPT FINAL RESOLUTION authorizing street improvements and levying special assessments against benefited property.  
**Attachments:** [Public Hearing - 3-P-14.pdf](#)

[14-562](#) Public Hearing on Preliminary Resolution 4-P-14 for Sanitary Sewer, Storm Sewer and Laterals AND ADOPT FINAL RESOLUTION authorizing street improvements and levying special assessments against benefited property.

**Attachments:** [Public Hearing - 4-P-14.pdf](#)

J. SPECIAL RESOLUTIONS

[14-563](#) Resolution Adoption of the Recommended Amendment to the Comprehensive Plan as Prepared by the City of Appleton Plan Commission. (Clearwater Creek Development, LLC File 14-559)

**Attachments:** [Resolution - Comprehensive Plan Amendment.pdf](#)

[14-564](#) 3-P-14 Final Resolution Authorizing Street Improvements and Levying Special Assessments Against Benefited Property.

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

[14-565](#) 4-P-14 Final Resolution Authorizing Street Improvements and Levying Special Assessments Against Benefited Property.

**Attachments:** [Final Resolution - 4-P-14.pdf](#)

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[14-535](#) The Taxicab Driver's License application of Bruce Blau, 913 S. West Avenue, #104.

[14-550](#) Operator's Licenses

**Attachments:** [Operator's Licenses for 03-27-14 S&L.pdf](#)

[14-501](#) Taxicab Company license application of Fox Valley Taxi and Transportation, Igor Leykin, 719 W. Frances Street, contingent upon approval from all departments.

[14-514](#) Operator's license applications contingent upon completion of the Responsible Beverage Service Course - Kimberly J. Schmidt, 300 W. Foster Street.

[14-531](#) Fire Department Request to Purchase Air Compressor Equipment.

**Attachments:** [Fire - Request to Purchase Air Compressor.pdf](#)

- [14-515](#) The Change of Premises Description - Reserve "Class B" Beer/Liquor License of El Patron Restaurant LLC, d/b/a El Patron Mexican Restaurant, Miguel A. Hernandez, Agent, 100 East College Avenue, to add tables and chairs to the beautification strip, contingent upon approvals from all departments.
- [14-534](#) The Change of Premises Description - "Class B" Beer/Liquor License of The Trout Museum of Art, Inc. d/b/a The Trout Museum of Art, Pamela Williams-Lime, Agent, 111 West College Avenue, to add Third, Fourth and Fifth Floors of the premises and the exterior space on the West side of the premises, contingent upon approvals from all departments.
- [14-536](#) The Special Class "B" License application of Rotary Club of Appleton, Michelle L. Devine Giese, Person in Charge, at OuterEdge Stage, 303 North Oneida Street, on April 11, 2014 from 12:00 p.m. to 10:00 p.m., contingent upon approvals from all departments.
- [14-552](#) Change of Agent - Reserve "Class B" Beer/Liquor License of R & R Mind Ventures LLC, change Agent from Roberto Hernandez-Rivas to Randall B. Retzlaff, 531 West College Avenue, contingent upon approvals from all departments.
- [14-549](#) The Flea Market Application for WI Self Storage, LLC, 1117 West Washington Street, Alex W. Sonnleitner, applicant for April 4 & 5, 2014.  
**Attachments:** [Flea Market Memo 3-21-2014.pdf](#)
- [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 Committee	recommended for approval
3/19/14	Common Council	referred to the Safety and Licensing Committee

*Referred back by Alderperson Plank*

[14-235](#)

Resolution introduced by Alderperson Coenen at the 2-5-2014 Common Council meeting relating to have an ordinance be created and adopted.

#4-R-14/Coenen -

“Whereas the City of Appleton is dedicated to meeting the needs of our community and enhancing the quality of life; and

Whereas the City of Appleton embraces and celebrates diversity and inclusion and hopes that community members will see Appleton as a welcoming and inclusive place to live, work and play; and

Whereas the practice of providing equal opportunities in housing, employment, public accommodations and city facilities to persons without regard to age, color, family status, gender identity and/or gender expression, marital status, national origin/ancestry, race, religion, color, persons with disability, sex, sexual orientation, source of lawful income or victims of domestic violence, sexual assault or stalking is a desirable goal of the City of Appleton and a matter of legitimate concern to its government; and

Whereas, discrimination against any of Appleton’s residents or visitors endangers the rights and privileges of all;  
Therefore be it resolved by the Common Council of the City of Appleton, that an ordinance be created and adopted to render discrimination in employment and public accommodations unlawful. Language of the ordinance shall include:

- That the City provide, within constitutional limitations, for equal employment opportunity and equal access to public places throughout the city regardless of age, color, family status, gender identity and/or gender expression, marital status, national origin/ancestry, race, religion, color, persons with disability, sex, sexual orientation, source of lawful income or victims of domestic violence, sexual assault or stalking.
- Enforcement of the ordinance shall be considered an exercise of the City for ensuring the protection of the welfare, health, peace, dignity and human rights of the people of this city.”

**Attachments:** [S&L 03-13-2014 for File 14-235 Flores Kathy - SL Nondiscrimination Memo 03-](#)  
[S&L 03-13-2014 for File 14-235 Resolution #4-R-14-Coenen \(Non-Discriminatio](#)

**Legislative History**

2/13/14	Safety and Licensing Committee <i>Refer to City Attorney's Office</i>	referred
2/27/14	Safety and Licensing Committee <i>Held until the March 13, 2014 meeting.</i>	held

3/13/14 Safety and Licensing held  
Committee  
*This item was held until the March 27, 2014 meeting*

## 2. MINUTES OF THE MUNICIPAL SERVICES 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 Committee	recommended for approval
3/19/14	Common Council	referred to the Municipal Services Committee <i>Referred back by Alderperson Martin</i>
3/25/14	Municipal Services Committee	recommended for approval <i>Alderperson Dalton was excused from the meeting at 6:19 PM.</i>

[14-334](#) Approve Amendment No. 1 to Bloom Companies for the design work on Jackman Street, Retaining Wall, Grade Separated Path and Parking Lot.

**Attachments:** [Amendment No. 1-Bloom Companies.pdf](#)

**Legislative History**

2/25/14	Municipal Services Committee	held
	<i>Held until March 11, 2014 meeting.</i>	
3/11/14	Municipal Services Committee	held
	<i>Held until the March 25, 2014 meeting.</i>	
3/25/14	Municipal Services Committee	recommended for approval

[14-520](#) Approve Amendment No. 3 to the State/Municipal Agreement for the Prospect Avenue Bridge over Jackman Street in an amount of \$10,255.05 (City share of \$2,051.01).

**Attachments:** [Amendment No. 3-Bloom Companies.pdf](#)

**Legislative History**

3/25/14	Municipal Services Committee	recommended for approval
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[14-521](#) Request from Appleton Downtown Inc. for a temporary street occupancy permit for a Sidewalk Sale in the 600 W. College Avenue to 300 E. College Avenue blocks on Saturday, May 10, 2014 from 7:00 am. to 3:00 pm.

**Attachments:** [ADI-street occupancy-sidewalk sale.pdf](#)

**Legislative History**

3/25/14	Municipal Services Committee	recommended for approval
	<i>Amended to include contingent upon no conflicts with adjacent businesses.</i>	

[14-522](#) Request from Amanda Geller, 1023 W. Wisconsin Avenue, to have her sidewalk snow removal bill of \$75 waived.

**Attachments:** [Amanda Geller-snow removal.1.pdf](#)

**Legislative History**

3/25/14	Municipal Services Committee	recommended for denial
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[14-523](#) Approve funding reallocation request of \$7,500 for replacement of three Sign Shop field laptops.

**Attachments:** [Funding reallocation-Sign Shop.pdf](#)

**Legislative History**

3/25/14	Municipal Services Committee	recommended for approval
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[14-524](#) Approve the City of Appleton Parking Ramp Usage Policy.

**Attachments:** [Parking Ramp Usage Policy.pdf](#)

**Legislative History**

3/25/14 Municipal Services recommended for approval  
Committee

[14-525](#) Approve proposed truck route designation changes by removing designated truck routes on Drew Street (Water Street to College Avenue), Water Street (Olde Oneida Street to Drew Street) and Olde Oneida Street (South Island Street to Water Street).

**Attachments:** [Truck route changes Drew Street.pdf](#)

**Legislative History**

3/25/14 Municipal Services recommended for approval  
Committee

[14-526](#) Preliminary Resolution 5-P-14 for sidewalk installation on Linwood Avenue be adopted and refer the matter to the Finance Committee to determine the assessment rate.

**Attachments:** [Preliminary Resolution 5-P-14.pdf](#)

**Legislative History**

3/25/14 Municipal Services recommended for approval  
Committee

### 3. MINUTES OF THE CITY PLAN COMMISSION

[14-315](#) Comprehensive Land Use Map Amendment #1-14 - Clearwater Creek Development, LLC for Lot 120 of First Addition to Clearwater Creek from Multifamily Residential to One -Two Family Residential Land Use.

**Attachments:** [CPC Clearwater Creek 1-14 and 3-14 for 2-24-14.pdf](#)

**Legislative History**

2/24/14 City Plan Commission recommended for approval  
*Goes to Council as action item on April 2 with rezoning #3-14*

[14-317](#) Rezoning #3-14 - Clearwater Creek Development, LLC for Lot 120 of First Addition to Clearwater Creek from PD/R-3 Planned Development Multifamily District to R-1B Single-family District

**Attachments:** [CPC Clearwater Creek 1-14 and 3-14 for 2-24-14.pdf](#)

**Legislative History**

2/24/14 City Plan Commission recommended for approval  
*Item goes to Council as action item on April 2 with Comprehensive Plan Amendment #1-14*

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

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

6. **MINUTES OF THE UTILITIES COMMITTEE**

[14-506](#) Approval of 2013 Annual Report under MS4 General Permit No. WI-S050075-1 (NR216 Phase II Stormwater Report)

**Attachments:** [2013 Annual Report MS4 General Permit.docx](#)

**Legislative History**

3/25/14 Utilities Committee recommended for approval

[14-519](#) Award Unit F-14, Sanitary and Storm Sewer Cleaning & Televising, to Green Bay Pipe & TV, LLC in an amount not to exceed \$236,500.

**Attachments:** [Unit F-14.pdf](#)

**Legislative History**

3/25/14 Utilities Committee recommended for approval

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

[14-540](#) Acceptance of Two Federal Transit Administration Bus and Bus Facilities Capital Grants of \$709,697

**Attachments:** [Acceptance of Two Federal Transit Administration Bus and Bus Facilities Capita](#)

**Legislative History**

3/26/14 Fox Cities Transit Commission recommended for approval

[14-541](#) Acceptance from Wisconsin DOT of Two Federal Transit Administration Capital Grants for \$165,992

**Attachments:** [Acceptance of Two Federal Transit Administration Capital Grants from Wisconsi](#)

**Legislative History**

3/26/14 Fox Cities Transit Commission recommended for approval

8. **MINUTES OF THE BOARD OF HEALTH**

9. **MINUTES OF THE HUMAN RESOURCES COMMITTEE**

10. **MINUTES OF THE FINANCE COMMITTEE**

[14-352](#) Amendment to Municipal Code to clarify and strengthen the City's ability to withhold issuance of licenses until delinquent debts are satisfied.

**Attachments:** [Delinquent Debt Collection from License & Permit Applicants.pdf](#)

**Legislative History**

3/12/14 Finance Committee held

3/26/14 Finance Committee recommended for approval



[14-440](#)

Request to approve the 2013-2014 Budget appropriations:

1. Items not under contract -\$4,251,418 (2/3 vote required)
2. Special consideration -\$672,548 (2/3 vote required)

**Attachments:** [13-14 carryover - not under contract.pdf](#)

[13-14 carryover - special consideration.pdf](#)

**Legislative History**

3/26/14 Finance Committee recommended for approval

[14-532](#)

Request to approve Finance Committee Report 5-P-14 for Sidewalk Construction on Linwood Avenue

**Attachments:** [Report 5-P-14.pdf](#)

**Legislative History**

3/26/14 Finance Committee recommended for approval

[14-533](#)

Request to award Unit C-14 Sidewalk Sawcutting to Sidewalk Savers, LLC in an amount not to exceed \$30,000.00.

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

**Legislative History**

3/26/14 Finance Committee recommended for approval

[14-547](#)

Request to approve acceptance of two grants from Wisconsin DOT for \$92,794 and approve the following budget adjustment:

Valley Transit	
Service vehicle replacement	+\$25,000
Bus replacement	+\$90,992
FTA capital grant from WisDOT	+\$92,794
Fund balance (depreciation rsv)	+\$23,198

to record award of two Federal Transit Administration capital grants from Wisconsin Department of Transportation.

**Attachments:** [VT Memo1.pdf](#)

**Legislative History**

3/26/14 Finance Committee recommended for approval

[14-548](#) Request to approve acceptance of two Federal Transit Administration Bus and Bus Facilities capital grants of \$567,758 and approve the following Budget adjustment:

Valley Transit	
Bus replacement	+\$709,697
FTA bus facilities capital grant	+\$567,758
Fund balance (depreciation rsv)	+\$141,939

to record award of Federal Transit Administration Bus Facilities capital grants.

**Attachments:** [VT Memo2.pdf](#)

**Legislative History**

3/26/14 Finance Committee recommended for approval

M. CONSOLIDATED ACTION ITEMS

[14-568](#) Consolidated Action - Preliminary Resolution 5-P-14 for sidewalk installation on Linwood Avenue.

- a. File 14-526, Municipal Services Committee
- b. File 14-532, Finance Committee

**Attachments:** [Resolution 5-P-14.pdf](#)

[14-569](#) Consolidate Action - Acceptance of Two Federal Transit Administration Bus and Bus Facilities Capital Grants of \$709,697.

- a. File 14-540, Fox Cities Transit Commission
- b. File 14-548, Finance Committee

[14-578](#) Consolidated Action - Acceptance from Wisconsin DOT of Two Federal Transit Administration Capital Grants for \$165,992.

- a. File 14-541, Fox Cities Transit Commission
- b. File 14-547, Finance Committee

O. ITEMS HELD

P. ORDINANCES

[14-566](#) Ordinances #10-14 through #14-14.

**Attachments:** [Ordinances going to 04-02-2014 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

T. ADJOURN

CHARLENE M. PETERSON, CMC/WCMC  
City Clerk

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