



City of Appleton

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

Meeting Agenda Common Council

Wednesday, May 20, 2015

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

[15-770](#) Common Council Meeting Minutes from May 6, 2015.

Attachments: [CC Minutes 05-06-2015.pdf](#)

- H. BUSINESS PRESENTED BY THE MAYOR

[15-832](#) Reappointment of Ken Joosten to the Board of Zoning Appeals.

Attachments: [CC 05-20-2015 - COMMITTEE REAPPOINTMENT PFC PLAN ZONING APPE/](#)

[15-833](#) Reappointment of Mark Priddis to the City Plan Commission.

Attachments: [CC 05-20-2015 - COMMITTEE REAPPOINTMENT PFC PLAN ZONING APPE/](#)

[15-834](#) Reappointment of Peter Peregrine and Thomas Werth to the Historic Preservation Commission.

Attachments: [CC 05-20-2015 - COMMITTEE REAPPOINTMENT PFC PLAN ZONING APPE/](#)

[15-836](#) Reappointment of Terry Bergman and John Peterson to the Library Board.

Attachments: [CC 05-20-2015 - COMMITTEE REAPPOINTMENT PFC PLAN ZONING APPE/](#)

[15-837](#) Reappointment of Harvey Samson to the Police and Fire Commission.

Attachments: [CC 05-20-2015 - COMMITTEE REAPPOINTMENT PFC PLAN ZONING APPE/](#)

[15-838](#) Presentation of National Public Works Week Proclamation.

[15-839](#) Vulcan Street Plant Replica Building Dedication Ceremony Announcement.

Attachments: [CC 05-20-2015 - Public Invite for Sign Ded Vulcan Building.pdf](#)

I. PUBLIC HEARINGS

[15-521](#) Public Hearing - Street Vacation - North Douglas Street, Part 2.

Attachments: [CC 05-20-2015 - PH - Street Vacation - Part 2 Douglas Street.pdf](#)

[15-522](#) Public Hearing - Rezoning #1-15.

Attachments: [CC 05-20-2015 - PH - RZ #1-15.pdf](#)

[15-709](#) Public Hearing - Text Amendment - Floodplain Zoning.

Attachments: [CC 05-20-2015 PH Floodplain Zoning.pdf](#)

J. SPECIAL RESOLUTIONS

[15-566](#) Final Resolution - North Douglas Street - Part 2.

Attachments: [CC 05-20-2015 - Final Resolution North Douglas St -Part 2.pdf](#)

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[15-652](#) Request from Appleton Downtown Incorporated for a street occupancy permit for the new banners on College Avenue along with their request to waive the installation fee identified in C.7 of the City of Appleton Banner Policy.

Attachments: [Request from ADI for new banner.pdf](#)

Legislative History

4/28/15	Municipal Services Committee	recommended for approval
		<i>15-652 Amend - Strike all of the "waive the installation fee" language.</i>
		<i>Vote to approve 15-652 as ammended was 3-1 to approve.</i>
5/6/15	Common Council	referred to the Municipal Services Committee
5/12/15	Municipal Services Committee	recommended for approval
		<i>Amendment was made to approve the item as originally requested.</i>

[15-754](#)

Request from Brian & Amanda Jenkins to amend their exception to the Street Terrace Policy relative to the non-front yard portion at 115 N. Green Bay Road to include a 3-foot fence. Contingent upon an updated indemnification agreement.

Attachments: [115 N Green Bay Rd.pdf](#)

Legislative History

5/12/15 Municipal Services recommended for approval
Committee
Amend item 15-754 to add: "Contingent upon an updated indemnification agreement".

[15-755](#)

Request from Christy Vo for a variance to Municipal Code Section 19-91 Front Yard Parking for the property at 1107 E Calumet Street allowing for an 8 foot extension from the original driveway.

Attachments: [1107 E Calumet Street.pdf](#)

Legislative History

5/12/15 Municipal Services recommended for approval
Committee
Item 15-755. Include the language after the words Calumet Street ", allowing for an 8 foot extension from the original driveway".

[15-757](#)

Fair Street:

Fair Street, from Franklin Street to the south end, be reconstructed with asphalt pavement and concrete curb and gutter to a width of 21' from back of curb to back of curb, which is the same width as the existing street. Current on-street parking would remain unchanged.

Legislative History

5/12/15 Municipal Services recommended for approval
Committee

[15-759](#)

Grant Street:

Grant Street, from Nicholas Street to Mason Street, be reconstructed with asphalt pavement and concrete curb and gutter to a width of 31' from back of curb to back of curb, which is two (2') feet narrower than the existing street. Narrowing the street by 2' will save approximately 13 street trees. Current on-street parking would remain unchanged.

Legislative History

5/12/15 Municipal Services recommended for approval
Committee

[15-760](#)

Harriman Street:

Harriman Street, from Atlantic Street to Winnebago Street, be reconstructed with asphalt pavement and concrete curb and gutter to a width of 24' from back of curb to back of curb, which is the same width as the existing street. New 4' wide sidewalk would be constructed to the Right-of-Way line along both sides of Harriman within the project limits. Current on-street parking would remain unchanged.

Legislative History

5/12/15 Municipal Services recommended for approval
 Committee

[15-761](#)

Herbert Street:

Herbert Street, from Pine Street to Rogers Street, be reconstructed with asphalt pavement and concrete curb and gutter to a width of 33' from back of curb to back of curb, which is the same width as the existing street. New sidewalk would be constructed to the Right-of-Way line along the west side of Douglas from Pine Street to Rogers Avenue. Current on-street parking would remain unchanged.

Legislative History

5/12/15 Municipal Services recommended for approval
 Committee

[15-763](#)

Request from Mr. Harold Froehlich to not have a terrace tree planted at 1008 E. Marnie Lane.

Attachments: [1008 E Marnie Lane.pdf](#)

Legislative History

5/12/15 Municipal Services recommended for denial
 Committee

[15-764](#)

Request from Heid Music for a permanent street occupancy permit to install a sign that extends into the College Avenue street right-of-way 5 feet. Guidelines used for administrative approval is a maximum projection of 4 feet into the street right-of-way.

Attachments: [Heid Music.pdf](#)

Legislative History

5/12/15 Municipal Services recommended for approval
 Committee

[15-765](#)

Preliminary Resolution 1-P-15 for Concrete Pavement, Sidewalk Construction and Driveway Aprons be adopted and refer the matter to the Finance Committee to determine the assessment rate.

Attachments: [Preliminary Resolution 1-P-15.pdf](#)

Legislative History

5/12/15 Municipal Services recommended for approval
 Committee

[15-766](#)

Implement the following downtown parking changes in summer 2015:

a. Change on-street meter hours from 9:00 a.m.-9:00 p.m. to 9:00 a.m.-6:00 p.m. Monday through Saturday, with Sundays remaining free.

b. Change on-street meter limit from 2-hours to 12 hours and the rate from \$0.75/hour to \$0.20/hour for all meters north of Washington Street.

Attachments: [Parking meter changes summer 2015.pdf](#)

Legislative History

5/12/15 Municipal Services recommended for approval
Committee

[15-796](#) Approve the Amended State/Municipal Agreement for the STH 47 (Richmond Street)/CTH OO (Northland Avenue) Intersection Improvement Project.

Attachments: [State-Municipal Agreement STH 47 Cty OO.pdf](#)

Legislative History

5/12/15 Municipal Services recommended for approval
Committee

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[15-667](#) Operator's License application of Kristie L. Isaacson, 2416 E. Newberry Street.

Legislative History

4/30/15 Safety and Licensing held
Committee
Hold for next meeting.

5/13/15 Safety and Licensing recommended for denial
Committee

[15-745](#) Taxicab Driver's License application of Peter D. Newton, 2326 W. Prospect Avenue.

Legislative History

5/13/15 Safety and Licensing recommended for approval
Committee

[15-563](#) License Application Process - Draft of Proposed Amendment

Attachments: [Operator Lic Flowchart.pdf](#)
[L-Denied License Application.pdf](#)

Legislative History

4/9/15 Safety and Licensing held
Committee

4/30/15 Safety and Licensing held
Committee
Hold for next meeting - amend flowchart of application process as discussed and bring back draft of applicant letter.

5/13/15 Safety and Licensing recommended for approval
Committee
Staff directed to soften the introduction of the denial letter mailed to applicant.

[15-697](#) "Class B" Beer/Liquor License Transfer - Premise to Premise of LaMichoacana Bar & Grill Inc. d/b/a Lindo Michoacan, Pedro Juarez, Agent. Previously at 211 W. College Ave transferring to 207 N. Richmond St., contingent upon approval from all departments.

Legislative History

5/13/15 Safety and Licensing Committee recommended for approval

[15-684](#) Farm Market Application of Appleton Downtown Incorporated, Wednesday's June 3, 2015 through September 30, 2015, in Houdini Plaza, contingent upon approvals from all departments.

Legislative History

5/13/15 Safety and Licensing Committee recommended for approval

[15-700](#) "Class B" Beer/Liquor License application of Sebastian LLC, d/b/a Mi Casa Mexican Grill, Michael R. Whiting, Agent, 2190 S. Memorial Dr., contingent upon approvals from all departments.

Legislative History

5/13/15 Safety and Licensing Committee recommended for approval

[15-701](#) "Class B" Beer/Liquor License of Theadocia, LLC d/b/a Spats, Julie A. Neubert, Agent, 733 W. College Ave - Change of Premise Description for August 6 - 9, 2015 to include parking lot, contingent upon approvals from all departments.

Legislative History

5/13/15 Safety and Licensing Committee recommended for approval

[15-706](#) Taxicab Company and Limousine Service renewal application of People Movers Inc./Appleton Yellow Taxi, Paul O. Davies, 705 W. Wisconsin Avenue, contingent upon approvals from all departments.

Legislative History

5/13/15 Safety and Licensing Committee recommended for approval

[15-708](#) Pet Store License Renewal application of Petco #1656, 3829 E. Calumet St., contingent upon approvals from all departments.

Legislative History

5/13/15 Safety and Licensing Committee recommended for approval

[15-767](#) 4 - "Class B" Beer/Liquor License applications of Appleton Holdings LLC, d/b/a Radisson Paper Valley Hotel, Jay I. Schumerth, Agent, 333 W. College Ave., contingent upon approvals from all departments.

Legislative History

5/13/15 Safety and Licensing Committee recommended for approval

[15-788](#) "Class B" Beer/Liquor License application of WHW Gastropub LLC, d/b/a Cheyenne's Sports Bar & Grill, Daniel J. Hoff, Sr., Agent, 124 N. Appleton St., contingent upon approvals from all departments.

Legislative History

5/13/15 Safety and Licensing Committee recommended for approval

3. MINUTES OF THE CITY PLAN COMMISSION

[15-443](#) Request to approve Rezoning #1-15 to rezone the subject vacated North Douglas Street public right-of-way, between N. Badger Avenue and W. Winnebago Street, from R-1B Single-Family District to P-I Public Institutional District as shown on the attached maps

Attachments: [Rezoning #1-15 Staff Review.pdf](#)

Legislative History

3/23/15 City Plan Commission recommended for approval
Proceeds to Council on May 20, 2015.

[15-722](#) Request to approve Special Use Permit #3-15 for a personal storage use located on North Ballard Road, 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

Attachments: [SUP #3-15 Staff Review.pdf](#)

Legislative History

5/11/15 City Plan Commission recommended for approval

[15-724](#) Request to approve Minor Amendment to Special Use Permit #5-12 for an urban farm and recreation facility located at 1101 S. Oneida Street as shown on the attached maps and per attached urban farm management plan subject to the conditions in the attached staff report (Council action required to satisfy condition of approval from 2012)

Attachments: [StaffReport_RiverviewGardens_SUPMinorAmendment_For05-11-15.pdf](#)

Legislative History

5/11/15 City Plan Commission recommended for approval
The management plan with the minor amendment is brought before Common Council due to this condition of approval from 2012: This Special Use Permit will be reviewed by the Plan Commission and Common Council in the spring of 2015 for the purpose of reviewing the Urban Farm Management Plan and status update of the urban farm operation from Riverview Gardens. At that time, Plan Commission and Common Council may consider modifications to the conditions of approval.

[15-725](#) Request to approve Extraterritorial Final Plat for White Hawk Meadows North 2 located in the Town of Grand Chute as shown on the attached maps

Attachments: [Extra Final Plat White Hawk Meadows Grand Chute.pdf](#)

Legislative History

5/11/15 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[15-859](#) Request for approval of Extension Agreement for Radisson Paper Valley Hotel.

Attachments: [Extension Agreement-Clean. 5-19-2015 \(04127277x9F87B\).pdf](#)

[15-860](#) Request for approval of Estoppel and Consent Agreement with Radisson Paper Valley Hotel.

Attachments: [Estopple and Consent. 5-19-2015 Clean \(04127271x9F87B\).pdf](#)

[15-713](#) Request to award contract for Municipal Services Building Trench Drain Reconstruction to Wood Sewer & Excavating, Inc. in the amount of \$199,660 with a contingency of \$20,000 for a contract total not to exceed \$219,660.

Attachments: [2015 MSB Trench Drain Bid Recommendation.pdf](#)

Legislative History

5/12/15 Finance Committee recommended for approval

[15-729](#) Request to award contract for Highview Tennis Courts to MCC, Inc. in the amount of \$136,390 with a contingency of \$5,000 for a contract total not to exceed \$141,390 and to reallocate \$35,890 of the positive variance from the Hardscape Infrastructure Improvement/Replacement Project to this project.

Attachments: [2015 Highview Park Tennis Courts.pdf](#)

Legislative History

5/12/15 Finance Committee recommended for approval

[15-733](#) Request to award contract for Pierce Park Site Work to MCC, Inc. in the amount of \$110,191 with a contingency of \$5,000 for a contract total not to exceed \$115,191 and to reallocate \$33,355 of the positive variance from the Hardscape Infrastructure Improvement/Replacement Capital Improvement Project to this project.

Attachments: [2015 Pierce Park Site Redevelopment.pdf](#)

Legislative History

5/12/15 Finance Committee recommended for approval

[15-735](#) CRITICAL TIMING ISSUE
Request approval of the Settlement Agreement between Walgreen Co. and the City of Appleton and the refund of a portion of the 2011 - 2014 property taxes.

Attachments: [2014 claims Walgreens and KFC.pdf](#)
[Walgreens Settlement 2015.pdf](#)

Legislative History

5/12/15 Finance Committee recommended for approval

[15-736](#)

CRITICAL TIMING ISSUE

Request approval of the Settlement Agreement between H&K Partners, LLC and the City of Appleton and the refund of a portion of the 2014 property taxes.

Attachments: [KFC settlement memo 5-12-15.pdf](#)

Legislative History

5/12/15 Finance Committee recommended for approval

[15-790](#)

Request to approve acceptance of a grant from the Fox Cities Convention & Visitors Bureau for design services related to the proposed exhibition center.

Attachments: [FCCVB Expo Ctr Grant 2015.pdf](#)

Legislative History

5/12/15 Finance Committee recommended for approval

[15-791](#)

Approve Finance Committee Report 1-P-15 for Concrete Pavement, Sidewalk Construction and Driveway Aprons.

Attachments: [Report 1-P-15.pdf](#)

Legislative History

5/12/15 Finance Committee recommended for approval

[15-792](#)

Request to award the Glendale Water Tower Project to Caldwell Tanks in the amount of \$2,467,000 with a 10% contingency in the amount of \$246,700 for a project total not to exceed \$2,713,700.

Attachments: [Glendale Water tower memo - Contract Award Memo 05-06-15.pdf](#)

Legislative History

5/12/15 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[15-727](#)

Request to approve Metropolitan Milwaukee Fair Housing Council (MMFHC), in partnership with their Fair Housing Center of Northeast Wisconsin (FHCNW) satellite office, as the Fair Housing Services Provider for the 2015 CDBG Program Year

Attachments: [Memo to CEDC for fair housing RFP 2015.pdf](#)

[MMFHC Fair Housing Proposal.pdf](#)

Legislative History

5/13/15 Community & Economic Development Committee recommended for approval

[15-772](#)

****CRITICAL TIMING**** Request to approve Southpoint Commerce Park Farmland Lease

Attachments: [SP Farm Memo 5-7-15.pdf](#)

Legislative History

5/13/15 Community & Economic recommended for approval
Development Committee

7. MINUTES OF THE UTILITIES COMMITTEE

[15-716](#) Request for credit adjustment for water and sewer charges to Shawn O'Brien and Robert Pedersen for 1305 S Lutz Drive for use accrued during the period of 2/2/2012 - 11/4/2013.

Attachments: [1305 S Lutz Drive Adjustment.pdf](#)

Legislative History

5/12/15 Utilities Committee recommended for denial

[15-717](#) Award of Northland Pond Materials Testing Contract to OMNNI Associates, Inc. in an amount not to exceed \$45,000.

Attachments: [Materials Testing OO Pond 2015 Award.pdf](#)

Legislative History

5/12/15 Utilities Committee recommended for approval

[15-783](#) Request to amend Section 20-237 of Chapter 20 of the Municipal Code related to customer classifications for Stormwater Utility charges.

Attachments: [Section 20-237 of Chapter 20.pdf](#)

Legislative History

5/12/15 Utilities Committee recommended for approval

8. MINUTES OF THE HUMAN RESOURCES COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

[15-849](#) Consolidated Action: 1-P-15 - Concrete Pavement.
Finance Committee - Item 15-791
Municipal Services Committee - Item 15-765

[15-702](#) Consolidated Action:
Item 15-612 - City Plan Commission
Item 15-652 - Municipal Services Committee

O. ITEMS HELD

[15-612](#)

Request to approve the Appleton Downtown, Inc. request for installation of twenty-one (21) interchangeable banners on light poles, which would hang in the public right-of-way a minimum of eight (8) feet above the sidewalk, along College Avenue between Badger Avenue and Drew Street pending approval by the Municipal Services Committee

Attachments: [StaffReport ADI BannerRequest For04-27-15.pdf](#)

Legislative History

4/27/15	City Plan Commission	approved
5/6/15	Common Council	held

Held at Common Council.

P. ORDINANCES

[15-850](#)

Ordinances 37-15 - 50-15.

Attachments: [Ordinances going to 05-20-2015 Council.pdf](#)

Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

R. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

S. OTHER COUNCIL BUSINESS

T. ADJOURN

Dawn A. Collins, City Clerk

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