



City of Appleton

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

Meeting Agenda

Common Council

Wednesday, July 15, 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
[15-1162](#) Common Council Meeting Minutes from July 1, 2015.

Attachments: [CC Minutes 07-01-2015.pdf](#)

- H. BUSINESS PRESENTED BY THE MAYOR
- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY
- L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[15-1141](#) Request from Memorial Presbyterian Church to appeal their \$50.00 Weed Administration Fee for the vacant lot at 802 E. John Street.

Attachments: [Request from Memorial Presbyterian Church.pdf](#)

Legislative History

7/7/15	Municipal Services Committee	recommended for denial
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[15-1143](#) Award sole source contract with Walker Parking Consultants for professional services related to retrofitting the Green, Yellow and Red Parking Ramps to pay-on-exit design in an amount not to exceed \$46,500.

Attachments: [Award Contract with Walker Parking Consultants.pdf](#)

Legislative History

7/7/15 Municipal Services recommended for approval
Committee

[15-1146](#) Alley north of Spencer Street (Linwood Ave to Victoria St):
The alley north of Spencer Street, from Linwood Avenue to Victoria Street, be reconstructed with concrete pavement to a width of 10' from edge of pavement to edge of pavement, which is the same width as the existing alley.

Legislative History

7/7/15 Municipal Services recommended for approval
Committee

[15-1149](#) Alley north of Spencer Street (Spruce St to Summit St):
The alley north of Spencer Street, from Spruce Street to Summit Street, be reconstructed with concrete pavement to a width of 10' from edge of pavement to edge of pavement, which is the same width as the existing alley.

Legislative History

7/7/15 Municipal Services recommended for approval
Committee

[15-1150](#) Division Street (Franklin St to Atlantic St):
Division Street, from Franklin Street to Packard Street, be reconstructed with concrete pavement and curb and gutter to a width of 39' from back of curb to back of curb, which is 2' wider than the existing street within this block. Current on-street parking would remain unchanged. Three (3) street trees along the east side of Division Street will be removed due to close proximity to the proposed street and poor condition.

Division Street, from Packard Street to Atlantic Street, be reconstructed with concrete pavement and curb and gutter to a width of 34' from back of curb to back of curb, which is 3' narrower than the existing street within this block. Division Street, within this block, would be narrowed by 2' along the west side and 1' along the east side. On-street parking would be removed along the west side of Division Street between Packard Street to Atlantic Street. Four (4) street trees within this block will be removed due to close proximity to the proposed street and poor condition.

Legislative History

7/7/15 Municipal Services recommended for approval
Committee

[15-1151](#)

Glendale Ave (Birchwood Ave to Mason St):

Glendale Avenue, from Birchwood Ave to Linwood Avenue, be reconstructed with concrete pavement and curb and gutter to a width of 33' from back of curb to back of curb, which is four (4') feet narrower than the existing street. Current on-street parking would remain unchanged.

Glendale Avenue, from Linwood Avenue to Mason Street, be reconstructed with concrete pavement and curb and gutter to a width of 37' from back of curb to back of curb, which is the same width as the existing street. Curb bumpouts to improve pedestrian crossings would be constructed at the intersections of Glendale Ave and Nicholas St, Glendale Ave and Outagamie Street, and Glendale Ave and Elinor Street. The north terrace between Gillet Street and Elinor Street, adjacent to Highlands Elementary School, would be reconstructed with concrete sidewalk. Current on-street parking would remain unchanged.

Legislative History

7/7/15	Municipal Services Committee	recommended for approval
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[15-1152](#)

Owaissa Street (Wisconsin Ave to Glendale Ave):

Owaissa Street, from Wisconsin Avenue to Glendale Avenue, be reconstructed with concrete pavement and 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. Current on-street parking would remain unchanged.

Legislative History

7/7/15	Municipal Services Committee	recommended for approval
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[15-1153](#)

Bateman Street (Pacific St to Hancock St):

Bateman Street, from Pacific Street to Atlantic Street, be reconstructed with asphalt pavement and concrete curb and gutter to a width of 28' from back of curb to back of curb, which is 1' narrower than the existing street. Bateman Street, from Pacific Street to Atlantic Street, would be narrowed by 1' along the east side to save 3 existing street trees. Current on-street parking would remain unchanged.

Bateman Street, from Atlantic Street to Hancock Street, be reconstructed with concrete pavement and curb and gutter to a width of 29' from back of curb to back of curb, which is the same width as the existing street. On-street parking would be removed from this block of Bateman to improve maneuverability for fire trucks entering and exiting from Fire Station #1.

Legislative History

7/7/15	Municipal Services Committee	recommended for approval
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2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[15-1120](#) Operator's License application of Laurie A. Cooper, 2975 W. Lawrence Street, #C5.

Attachments: [Letter-Laura Cooper.pdf](#)

Legislative History

7/8/15 Safety and Licensing Committee recommended for approval

A letter of recommendation was provided to the Committee. Tie vote of 2-2 resulting in no recommendation going to council.

[15-1093](#) Request to accept the Assistance to Firefighters Grant for rehabilitation equipment.

Attachments: [Fire Department Grant for rehab equip.pdf](#)

Legislative History

7/8/15 Safety and Licensing Committee recommended for approval

[15-1094](#) Request to accept the Fox Valley Regional Trauma Advisory Council (RATC) Grant to fund equipment for traumatic active shooter incidents.

Attachments: [Fire Department Grant for equip. for traumatic active shooter incidents.pdf](#)

Legislative History

7/8/15 Safety and Licensing Committee recommended for approval

[15-1102](#) "Class B" Beer/Liquor License application of Nakashima Sushi Inc., d/b/a Katsu-Ya of Japan, Lisa S. Nakashima-Lindberg, Agent, 338 W. College Ave., contingent upon approvals from all departments.

Legislative History

7/8/15 Safety and Licensing Committee recommended for approval

[15-1117](#) Operator's Licenses

Attachments: [Operator's Licenses for 7-8-15 S & L.pdf](#)

Legislative History

7/8/15 Safety and Licensing Committee recommended for approval

[15-1118](#) Renewal Operator's Licenses

Attachments: [Renewal Operator's Licenses for 7-8-15 S & L.pdf](#)

Legislative History

7/8/15 Safety and Licensing Committee recommended for approval

[15-1119](#) Operator License application of Nolan J. Burns, 4608 N. Providence Avenue, #2.

Legislative History

7/8/15 Safety and Licensing Committee recommended for approval

[15-1130](#) Taxicab Company and Limousine Service Renewal License application of L&S Classic Limousine LLC, Leonard M. Trans, W6177 Plymouth Street, contingent upon approvals from all departments.

Legislative History

7/8/15 Safety and Licensing Committee recommended for approval

[15-1155](#) "Class B" Beer/Liquor License application of Tandem Wine and Beer LLC, d/b/a McKnight & Carlson, George H. Koenig, Agent, 1350 W. College Ave., contingent upon approvals from all departments.

Legislative History

7/8/15 Safety and Licensing Committee recommended for approval

[15-1164](#) Amendment to Reserve "Class B" Beer/Liquor License of The Fox Cities Performing Arts Center, Maria S. Van Laanen, Agent, 400 W. College Avenue, for Thursday, July 23, 2015, contingent upon approvals from all departments.

Legislative History

7/8/15 Safety and Licensing Committee recommended for approval

3. MINUTES OF THE CITY PLAN COMMISSION

[15-1116](#) Request to approve Special Use Permit #7-15 to expand an existing tavern, with an outdoor beer garden, with alcohol service, at 906 S. Olde Oneida Street, 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 #7-15 Staff Review.pdf](#)

Legislative History

7/6/15 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[15-1147](#) Action: Award contract to Omni Glass & Paint, Inc. for Erb Pool Main Tank Sealant Restoration and Recoating in the amount of \$74,850 with a 10% contingency of \$7,485 for a contract total not to exceed \$82,335

Attachments: [2015 Erb Pool Main Tank Sealant Restoration and Recoating Proposal Recon](#)

Legislative History

7/6/15 Parks and Recreation Committee recommended for approval

5. MINUTES OF THE FINANCE COMMITTEE

[15-1165](#) CRITICAL TIMING* Approve Contract Amendment/Change Order #3 to Contract 1-13 for Unit T-11 Stormwater Storage Project with Radtke Contractors, Inc. to decrease for structural repairs and waterproofing of new access manhole by MIC in the amount of \$20,000. Overall contract decrease from \$3,512,734.87 to \$3,492,734.87.

Attachments: [Change Order #3 - Unit T-11.pdf](#)

[15-1166](#) CRITICAL TIMING* Request approval to sole source contract with Midwest Industrial Coatings for structural repairs and additional waterproofing for the Appleton East Stormwater Storage project in an amount not to exceed \$20,000.

Attachments: [Finance Memo for Unit T-11.pdf](#)

[15-1134](#) Request to reject awarding tennis court construction at Highview Park to MCC, Inc for a contract amount of \$143,239.

Attachments: [2015 Highview Park Tennis Courts Re-Bid Recommendation.pdf](#)

Legislative History

7/7/15 Finance Committee recommended for approval

[15-1136](#) Request to approve Second Addition to Emerald Valley New Subdivision Development Agreement.

Attachments: [Emerald Valley Second Addition Development Agreement.pdf](#)

Legislative History

7/7/15 Finance Committee recommended for approval

[15-1161](#) Request approval to utilize \$845,330 of unassigned fund balance to reduce long-term debt and retain \$70,680 for future uncertainties.

Attachments: [2014 Fund Balance.pdf](#)

Legislative History

7/7/15 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[15-1068](#) Request to approve the installation of infrastructure and paving of Vantage Drive from Lakeland Drive to Eisenhower Drive as the next phase (and final phase for TIF District #6) in Southpoint Commerce Park

Attachments: [Memo on Southpoint Commerce Park Vantage Drive Phase 6-2015 Revised.pdf](#)

[Southpoint Commerce Park Proposed Phasing 2015-2017.pdf](#)

[Southpoint Commerce Park Old Infrastructure Layout 2007.pdf](#)

Legislative History

6/24/15 Community & Economic Development Committee recommended for approval

7/1/15 Common Council referred to the Community & Economic Development Committee

7/8/15 Community & Economic Development Committee recommended for approval

[15-1144](#) Request to approve the proposed amendments to the CDBG Policy as outlined in the attached documents

Attachments: [Memo to CEDC Policy.pdf](#)
[CDBG Policy Draft with markup.pdf](#)
[CDBG Policy Draft Clean.pdf](#)

Legislative History

7/8/15 Community & Economic Development Committee recommended for approval

7. MINUTES OF THE UTILITIES COMMITTEE

[15-1123](#) Approval of Sole Source Contract to Fiberglass Solutions, Inc. for Hypochlorite Fiberglass Reinforced Plastic Tank Conditions Assessment & Repair Work in the amount of \$57,345 plus a 5% contingency of \$2,867 for a total not to exceed \$60,212

Attachments: [Sole Source-Fiberglass Solutions \(7-7-15\).doc](#)

Legislative History

7/7/15 Utilities Committee recommended for approval

[15-1124](#) Approval of a Sole Source Coating Services contract for the Appleton Wastewater Treatment Plant Tank Coating Project to Omni Glass and Paint, Inc. in the amount of \$56,186 plus a 7.5% contingency of \$4,214 for a total not to exceed cost of \$60,400

Attachments: [Sole Source-Omni Glass & Paint, Inc. \(7-7-15\).doc](#)

Legislative History

7/7/15 Utilities Committee recommended for approval

[15-1125](#) Approval of a Sole Source Engineering Services contract for the Appleton Wastewater Treatment Plant Tank Coating Project to McMahon Engineers & Architects in the amount of \$8,000 plus a 5% contingency of \$400 for a total not to exceed cost of \$8,400

Attachments: [Sole Source-McMahon Engineers & Architects \(7-7-15\).doc](#)

Legislative History

7/7/15 Utilities Committee recommended for approval

[15-1126](#) Request from Nancy Lee Carter, 1036 E. Green Tree Ct #A to appeal the change in Appleton's Stormwater Utility billing for the multifamily classifications.

Attachments: [Action Item-Nancy Carter Appeal \(7-7-15\).pdf](#)

Legislative History

7/7/15 Utilities Committee recommended for denial

[15-1128](#) Request from Donald Fischer, 3229 N. Barkwood Lane to appeal the change in Appleton's Stormwater Utility billing for the multifamily classifications

Attachments: [Action Item-Donald Fischer Appeal \(7-7-15\).pdf](#)

Legislative History

7/7/15 Utilities Committee recommended for denial

[15-1139](#) Action: Award contract to Klinger Painting Company, Inc. for Water Plant exterior wall repair in the amount of \$52,200, with a contingency of \$5,000 for a contract total not to exceed \$57,200

Attachments: [2015 Water Plant Wall Repairs Proposal Recommendation \(2\).doc](#)

Legislative History

7/7/15 Utilities Committee recommended for approval

[15-1156](#) Request from Diane Mandler, 1016 E. Green Tree Ct #B to appeal the change in Appleton's Stormwater Utility billing for the multifamily classifications.

Attachments: [Action Item-Diane Mandler Appeal \(7-7-15\).pdf](#)

Legislative History

7/7/15 Utilities Committee recommended for denial

8. MINUTES OF THE HUMAN RESOURCES COMMITTEE

[15-488](#) Request City Attorney salary for
2016 - 2017
2017 - 2018
2018 - 2019
2019 - 2020

Attachments: [Attorney Rates 4-27-15.pdf](#)

[City attorney job description.pdf](#)

Legislative History

3/23/15 Human Resources Committee held

Next Meeting on April 6

5/11/15 Human Resources Committee held

6/8/15 Human Resources Committee held

6/22/15 Human Resources Committee recommended for approval

2016-17 = \$115,000

1.5% increase in 2017-18, 2018-19, 2019-2020

2017-18 = \$116,725

2018-19 = \$118,476

2019-2020 = \$120,253

7/1/15	Common Council	referred to the Human Resources Committee
<i>Moved by Dannecker, seconded by Martin, to amend to \$117,500 beginning 2016 and 1.5 percent increase each year of term. Motion failed. Aye - 6 (Dannecker, Martin, Dalton, Siebers, Mann, Lobner) Nay - 7 (Spears, Meltzer, Plank, Konetzke, Baranowski, Coenen, Jirschele) Excused - 2 (Croatt, Williams) Abstained - 1 (Hanna).</i>		
7/6/15	Human Resources Committee	approved

[15-1160](#)

#9-R-15 ALDERPERSON: Baranowski

Whereas, Article 11 of the Charter Ordinances of the City of Appleton, defines the structure of elected officials, and whereas, the Mayor and the term of said office is four years effective with the new terms of the office in the year 1968, and whereas, the current term of the Mayor is set to expire in 2016, and whereas, the Common Council of the City of Appleton is required to set the salary for the position of Mayor prior to the statutory date to which candidates for the Mayor are allowed to circulate nomination papers for said office,

Therefore, be it resolved, that the appropriate committee of jurisdiction make a recommendation to the Common Council as to maintaining the current ordinance reflecting the Mayor as an elected official or to move to another structure of government incorporating a City Administrator position in lieu of, or in addition to, a Mayor position. Such recommendation to the Common Council will be made no later than October 07, 2015.

Legislative History

7/6/15	Human Resources Committee	recommended for denial
<i>"or Manager" inserted following "City Administrator" to clarify study would include both Manager and Administrator forms.</i>		
<i>3-0-1 on amendment (Melzer abstained)</i>		

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION**10. MINUTES OF THE BOARD OF HEALTH**[15-1122](#)

Noise Variance Request - Mile of Music

Attachments: [Noise Variance Request - Mile of Music.pdf](#)
[Mile of Music Venue Listing Simple Listing.pdf](#)

Legislative History

7/8/15	Board of Health	recommended for approval
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M. CONSOLIDATED ACTION ITEMS**O. ITEMS HELD**

P. ORDINANCES

Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

R. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

S. OTHER COUNCIL BUSINESS

[15-1163](#) Possible Reconsideration of Item 15-1031 (Aldersperson Croatt) - Request to approve Special Use Permit #5-15 for a 105-ft monopole wireless telecommunication tower

[15-1031](#) Request to approve Special Use Permit #5-15 for a 105-foot monopole wireless telecommunication tower with related ground equipment located at 1610 W. Wisconsin Avenue, as shown on the attached maps and per attached plan of operation, subject to the conditions in the attached staff report

Attachments: [SUP #5-15 Staff Review.pdf](#)

Legislative History

6/22/15	City Plan Commission	recommended for approval
7/1/15	Common Council	approved

Motion failed 5-7 vote.

T. ADJOURN

Dawn A. Collins, City Clerk

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