



# 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, December 16, 2015

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  
[15-2078](#) Common Council Meeting Minutes of December 2, 2015.

**Attachments:** [CC Minutes 12-02-2015.pdf](#)

- H. BUSINESS PRESENTED BY THE MAYOR  
[15-2136](#) Appointment of Election Inspectors for the 2016-2017 Election Cycle

**Attachments:** [CC 12-16-2015 - Appointment of Election Inspectors for 2016-2017 term.pdf](#)

- I. PUBLIC HEARINGS  
[15-2104](#) Public Hearing - Street Vacation - South Lynndale Drive

**Attachments:** [Public Hearing - Lynndale.pdf](#)

- J. SPECIAL RESOLUTIONS  
[15-2106](#) Final Resolution: South Lynndale Drive

**Attachments:** [CC 12-16-2015 - Lynndale Drive - Final Resolution.pdf](#)

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. **MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**

[15-2015](#)

Approve design for Calumet Street portion of the 2018 S. Oneida Street Concrete Reconstruction Project as follows:

**Calumet Street from 650' west of Oneida Street to Jefferson Street:**

reconstruct the roadway with concrete pavement to accommodate two thru lanes in each direction, bike lanes in each direction, left turn lanes on to Oneida Street and a right turn lane from eastbound Calumet Street on to southbound Oneida Street. Construct a 6' wide sidewalk tight to the back of curb on both sides.

**Attachments:** [Appr. design for Calumet Street.pdf](#)

**Legislative History**

12/8/15	Municipal Services Committee	recommended for approval
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[15-2021](#)

Approve design for Olde Oneida Street portion of the 2018 S. Oneida Street Concrete Reconstruction Project as follows:

**Olde Oneida Street from Oneida Street to E. South River Street:**

reconstruct the roadway with concrete pavement to accommodate one thru lane in each direction, bike lanes in each direction and a right turn lane on to Oneida Street. Construct a 6' wide sidewalk tight to the back of curb on both sides. Construct indented parking along the south side of Olde Oneida Street between Orange Street and Lincoln Street. All other on-street parking would be removed from Olde Oneida Street.

**Attachments:** [Appr. design for Olde Oneida St & Orange St.pdf](#)

**Legislative History**

12/8/15	Municipal Services Committee	recommended for approval
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12/8/15      Municipal Services      recommended for approval  
Committee

[15-2047](#)      Approve changes to City bus loading zone on the north side of Washington Street west of Oneida Street.

**Attachments:** [Approve chgs to City bus loading zone.pdf](#)

**Legislative History**

12/8/15      Municipal Services      recommended for approval  
Committee

[15-2048](#)      Approve parking restrictions on Banta Court near John Street.

**Attachments:** [Appr. parking restr. on Banta Ct.pdf](#)

**Legislative History**

12/8/15      Municipal Services      recommended for approval  
Committee

[15-2049](#)      Approve school bus loading zone at 719 W. Ridgeview Drive.

**Attachments:** [Appr. school bus loading zone at 719 W Ridgeview.pdf](#)

**Legislative History**

12/8/15      Municipal Services      recommended for approval  
Committee

[15-2050](#)      Approve parking restrictions on the west side of Clara Street at Johnston Elementary School.

**Attachments:** [Appr. parking restr. on west side of Clara St.pdf](#)

**Legislative History**

12/8/15      Municipal Services      recommended for approval  
Committee

## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[15-1960](#)      Taxi Cab Driver's License application of David D. Brown, W2961 County Road S, Freedom.

**Legislative History**

12/2/15      Safety and Licensing      held  
Committee

12/2/15      Common Council      held

12/9/15      Safety and Licensing      recommended for denial  
Committee

*Lt. Elliott provided the committee with Mr. Brown's record and the reasons for the recommended denial. Mr. Brown spoke, stating why he feels that his application should be approved.*

[15-2079](#) Operator's License application of Joel Trejo, 1017 London Street, New London.

**Legislative History**

12/9/15 Safety and Licensing Committee recommended for denial

*Lt. Elliott provided the committee with Mr. Trejo's record and the reasons for the recommended denial. Mr. Trejo spoke requesting that the committee approve his application.*

[15-2086](#) Operator's License application of Andrew C. Snider, 1643 W. Weiland Lane.

**Legislative History**

12/9/15 Safety and Licensing Committee recommended for approval

*Lt. Elliott provided the background on the recommendation for denial. During this discussion it was discovered that the violations did not pertain to the applicant. The committee proceeded to recommend approval of the application.*

[15-1976](#) Secondhand Article License Renewal application of Beatnik Betty's Resale Butik, Monika L. Austin, Applicant, 214 E. College Avenue, contingent upon approval from all departments.

**Legislative History**

12/9/15 Safety and Licensing Committee recommended for approval

[15-1977](#) Secondhand Article License Renewal application of Studio 123, LLC, Cherie J. Greek, Applicant, 213 E. College Avenue, contingent upon approval from all departments.

**Legislative History**

12/9/15 Safety and Licensing Committee recommended for approval

[15-1978](#) Secondhand Article License application of Replay Toys, Chris L. Freimuth, Applicant, 1131 N. Badger Avenue, contingent upon approval from all departments.

**Legislative History**

12/9/15 Safety and Licensing Committee recommended for approval

[15-2004](#) Secondhand Article License Renewal application of Tiffani's Bridal & Consignment, Tiffani Ebben, Applicant, 1314 W. College Avenue, #6, contingent upon approval from all departments.

**Legislative History**

12/9/15 Safety and Licensing Committee recommended for approval

[15-2069](#) Operator's Licenses

**Attachments:** [Operator's Licenses for 12-09-2015 S&L.pdf](#)

### 3. MINUTES OF THE CITY PLAN COMMISSION

[15-2060](#) Request to approve Special Use Permit #16-15 for a community living arrangement (CLA) serving 80 persons located along the north side of E. Glenhurst Lane (Tax Id #31-1-6501-00 & 31-1-6501-02) to run with the land, with an exception to the Aldermanic District 13 CLA capacity limitation per Section 23-52(b)(2)(a) of the Zoning Ordinance, subject to the conditions in the attached staff report and as shown on the attached maps

**Attachments:** [StaffReport\\_CenturyOaksII-80\\_SUP\\_For12-07-15.pdf](#)

**Legislative History**

12/7/15 City Plan Commission recommended for approval

[15-2065](#) Request to approve the double frontage lot request to create a lot with frontage on N. Fernmeadow Drive and N. Hawthorne Drive as shown on the attached maps

**Attachments:** [StaffReport\\_FernmeadowDr\\_DoubleFrontageLot\\_For12-07-15.pdf](#)

**Legislative History**

12/7/15 City Plan Commission recommended for approval

[15-2066](#) Request to approve Certified Survey Map #8-15, which crosses a plat boundary, for Norka Holdings, LLC to combine 3001 E. Newberry Street (Tax Id #31-4-5744-00) and 2905 E. Newberry Street (Tax Id #31-4-5745-00) as shown on the attached map

**Attachments:** [CSM #8-15 Staff Review.pdf](#)

**Legislative History**

12/7/15 City Plan Commission recommended for approval

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

### 5. MINUTES OF THE FINANCE COMMITTEE

[15-1534](#) Adopt the 2016 City of Appleton Policy for Special Assessments

**Attachments:** [Assessment Policy 2016.pdf](#)

**Legislative History**

9/22/15 Finance Committee recommended for approval  
*Motion to hold by Alderperson Lobner fails for lack of a second*

10/7/15 Common Council referred to the Finance Committee

- 10/13/15 Finance Committee recommended for approval  
*Aldersperson Plank moved, seconded by Aldersperson Lobner to amend the policy to the 0% Rural to Urban Conversion. Roll Call. Motion carried by the following vote:*  
*Aye - 4*  
*Excused - 1*
- 10/21/15 Common Council referred to the Finance Committee  
*Amendment No. 1 (Lobner): Amend Pages 1 and 2 to create a fourth column, titled "Rural to Urban Conversion where Grade and Gravel was previously assessed." For this group, assessment shall be 75% for R1 property and 100% for all other zoning, minus the amount property owners were previously assessed for grade and gravel.*
- A vote was taken on the amendment and carried. Upon questions by Director Vandehey and subsequent confusion as to the intent of the amendment, this item was ultimately referred back to the Finance Committee by Aldersperson Lobner.*
- 12/8/15 Finance Committee recommended for approval  
*Aldersperson Lobner moved, seconded by Aldersperson Plank to eliminate page two reference from his original amendment, approved 5-0*
- Aldersperson Plank moved, seconded by Aldersperson Martin to strike entire amendment by Lobner approved 4-1*

15-2016

Recommendation to donate CPAT Equipment to Fox Valley Technical College

**Attachments:** [CPAT donation to Fox Valley Technical College.pdf](#)

**Legislative History**

12/8/15 Finance Committee recommended for approval

15-2018

Recommendation to donate Command Trailer to Outagamie County CERT

**Attachments:** [Command trailer donation to Outagamie County CERT.pdf](#)

**Legislative History**

12/8/15 Finance Committee recommended for approval

[15-2053](#) Request to approve the following 2015 Budget adjustments:

**TIF 5 Capital Projects Fund**

Transfer to General Fund	+\$237,923
Fund Balance	- \$237,923

**General Fund - Unclassified**

Transfer from TIF 5	- \$237,923
Fund Balance	+\$237,923

to record the closeout of TIF 5 and the transfer of the City portion of fund balance to the General Fund (2/3 vote required)

**Attachments:** [Appleton, City TID No. 5 2015 FS.pdf](#)

**Legislative History**

12/8/15 Finance Committee recommended for approval

[15-2054](#) Request to approve the following 2015 Budget adjustment:

**General Fund - Legal Services**

Legal Fees	+\$52,513
Fund Balance	- \$52,513

to record additional legal fees incurred in connection with the CVS assessment litigation (2/3 vote required)

**Legislative History**

12/8/15 Finance Committee recommended for approval

[15-2055](#) Request to approve the following Budget adjustment:

**Risk Management Fund**

Legal Fees	+\$400,000
Insurance Proceeds	+\$400,000

to record additional legal fees and related insurance reimbursement in connection with the Fox River cleanup litigation (2/3 vote required)

**Legislative History**

12/8/15 Finance Committee recommended for approval

[15-2057](#) Request to write off \$116,436.88 of accounts receivable invoices and \$18,824.83 of personal property taxes (outstanding over one year).

**Attachments:** [written off accounts lists.pdf](#)

**Legislative History**



12/8/15 Finance Committee recommended for approval

[15-2068](#)

Request to approve AT&T cell phone antenna lease amendments

**Attachments:** [Finance Committee - Memo re Changes to Lease Agreements with ATT.pdf](#)  
[Proposed Amendment - Memorial Park Monopole.pdf](#)  
[Proposed Amendment - Oneida Street Water Tower.pdf](#)

**Legislative History**

12/8/15 Finance Committee recommended for approval

[15-2073](#)

Request to approval of Amendment to Emerald Valley Development Agreement

**Attachments:** [Emerald Valley 2nd Amendment to Dev Agrm \(City 12-02-15\).pdf](#)

**Legislative History**

12/8/15 Finance Committee recommended for approval

[15-2074](#)

Request the approval of Amendment to Clearwater Creek Development Agreement.

**Attachments:** [Clearwater Creek - 1st Amendment to Dev Agrm \(City 12-03-15\).pdf](#)

**Legislative History**

12/8/15 Finance Committee recommended for approval

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

[15-2011](#)

Request to approve the Revised Eagle Flats Development Agreement

**Attachments:** [Revised Eagle Flats Development Agreement.pdf](#)  
[Eagle Flats Dev Agreement 2011.pdf](#)  
[EagleFlatsExhibitLot3.pdf](#)  
[Grant of Easement-Eagle Flats 2011.pdf](#)  
[Covenants-Eagle Flats 2011.pdf](#)

**Legislative History**

12/9/15 Community & Economic Development Committee recommended for approval

[15-2012](#)

Anticipated Award for Appleton's Rewrite of the Downtown Plan & Five Year Comprehensive Plan Update

**Attachments:** [Memo Anticipated Contract Award Appleton Comp Plan and Downtown Plan.pdf](#)  
[RFP Appleton Downtown Plan and Comp Plan Update 2015 Final.pdf](#)  
[Memo Recommended Contract Award Appleton Comp Plan and Downtown Plan](#)  
[Support letter for SEH from ADI.pdf](#)

**Legislative History**

12/9/15 Community & Economic Development Committee recommended for approval

## 7. MINUTES OF THE UTILITIES COMMITTEE

[15-1999](#) Approve amendments to Municipal Code Section 4-275, Clearwater Inspections.

**Attachments:** [Clearwater Ordinance \(Dec 2015\).pdf](#)

**Legislative History**

12/8/15 Utilities Committee recommended for approval

[15-2000](#) Award sole source Phosphorus Effluent Analyzer and Filter System to Hach Company in the amount of \$23,680.

**Attachments:** [Hach effluent analyzer purchase.pdf](#)

**Legislative History**

12/8/15 Utilities Committee recommended for approval

[15-2001](#) Award 2016A Stormwater Consulting Services Contract for 2016 Stormwater Management Plan Reviews to RA Smith National in an amount not to exceed \$75,000.

**Attachments:** [2016 A Contract Award RA Smith National.pdf](#)

**Legislative History**

12/8/15 Utilities Committee recommended for approval

[15-2071](#) Request from Mark Fogarty to relocate the existing fire hydrant at 2825 E. Incline Way at property owner expense.

**Attachments:** [Request to relocate Fire Hydrant.pdf](#)

**Legislative History**

12/8/15 Utilities Committee approved as amended  
*Motion made by Alderperson Baranowski, seconded by Alderperson Martin to approve contingent on the three conditions outlined in the memo. (1) the Fire Department agrees to the new location, (2) the neighboring property owner agrees, in writing, to the new location, and (3) the Requesting property owner pays 100% of the relocation costs. Vote approved 5-0.*

## 8. MINUTES OF THE HUMAN RESOURCES COMMITTEE

[15-1636](#) Request to approve to overhire the position of Personal Property Assessment Technician to allow for cross training for two weeks with the current employee before their last day.

**Attachments:** [Request for overhire of PP tech.pdf](#)

**Legislative History**

12/7/15 Human Resources Committee recommended for approval

[15-2017](#) Request to approve new Nursing Mothers Policy.

**Attachments:** [Nursing Mothers policy.pdf](#)

**Legislative History**

12/7/15 Human Resources recommended for approval  
Committee

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

[15-2113](#) Approval of Payments

**Attachments:** [Check Register 10-21-15 through 12-07-15.pdf](#)

[15-2114](#) Approval to Award of ADA Certification Services Contract to Affinity Occupational Health

**Attachments:** [ADA Certs Award of Contract 2016.pdf](#)

[15-2115](#) Approve the Intermunicipal Agreement with Outagamie County for Specialized Transportation Services for 2016 Contingent on Outagamie County Approval

**Attachments:** [Intermunicipal Agreement with Outagamie County for Specialized Transportatio](#)

[15-2116](#) Approve the Intermunicipal Agreement with Winnebago County for Specialized Transportation Services for 2016 Contingent on Winnebago County Approval

**Attachments:** [Intermunicipal Agreement with Winnebago County for Specialized Transportatio](#)

[15-2117](#) Approve the Intermunicipal Agreement with Calumet County for Specialized Transportation Services for 2016 Contingent on Calumet County Approval

**Attachments:** [Intermunicipal Agreement with Calumet County for Specialized Transportation.p](#)

[15-2118](#) Approve the Intermunicipal Agreement with the City of Neenah and the Town of Menasha for the Northern Winnebago Dial-A-Ride Service for 2016 Contingent on City of Neenah and Town of Menasha Approval

**Attachments:** [Intermunicipal Agreement with City of Neenah and Town of Menasha for Northe](#)

[15-2119](#) Approve the Six Month Temporary Extension to the Agreement with Kobussen Buses to Provide Outagamie Rural Specialized Transportation Services

**Attachments:** [Six Month Extension with Kobussen for Outagamie Rural Specialized Transport](#)

[15-2120](#) Approve the Six Month Temporary Extension to the Agreement with Kobussen Buses to Provide Specialized Transportation in Outagamie County

**Attachments:** [Six Month Extension with Kobussen for Outagamie County Specialized Transpo](#)

[15-2121](#) Approve the Six Month Temporary Extension to the Agreement with Fox Valley Cab to Provide Winnebago Dial-A-Ride Service

**Attachments:** [Six Month Extension with Fox Valley Cab for Winnebago Dial-A-Ride Service.pc](#)

[15-2122](#) Approve the Six Month Extension of Neenah Industrial Park Employment Shuttle (Route33) Pilot Project

**Attachments:** [Neenah Industrial Park Shuttle New Rate Approval.pdf](#)

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

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

[15-2141](#) District 8 Vacancy

**Attachments:** [District 8 Vacancy in Office Letter 12-02-2015.pdf](#)

S. ADJOURN

Kami Scofield, City Clerk

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