



# City of Appleton

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

## Meeting Agenda - Final Common Council

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Wednesday, July 24, 2019

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. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[19-1062](#) Common Council Meeting Minutes of July 10, 2019

**Attachments:** [CC Minutes 7-10-19.pdf](#)

G. BUSINESS PRESENTED BY THE MAYOR

H. PUBLIC PARTICIPATION

I. PUBLIC HEARINGS

[19-0917](#) Public Hearing, Rezoning #6-19, Cypress Homes - N. Haymeadow Avenue Annexation

**Attachments:** [RZ #6-19 Notice of Public Hearing.pdf](#)

J. SPECIAL RESOLUTIONS

[19-1008](#) Initial Resolution for Alley W. of Oneida Street Vacation

**Attachments:** [Initial Resolution - Alley W. of Oneida St.pdf](#)

[19-1005](#) Initial Resolution for W. Water Street Vacation

**Attachments:** [Initial Resolution - W. Water St.pdf](#)

[19-1007](#) Initial Resolution for E. North Island Street Vacation

**Attachments:** [Initial Resolution - E. North Island St.pdf](#)

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

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

[19-0888](#) **R-B-Summer Street**, from Gillet Street to Richmond Street, be reconstructed with asphalt and concrete pavement and curb and gutter. The dimensions of the Summer Street reconstruction project are as follows:

Gillet Street-295' west of Mason Street: New asphalt pavement and concrete curb & gutter to be constructed to a width of 31' from back of curb to back of curb, which is 2' narrower than the existing street within this portion of the project.

285' west of Mason Street- Mason Street: New concrete pavement to be constructed to a width of 33' from back of curb to back of curb, which is the same width as the existing street within this portion of the project.

Mason Street- 100' west of Richmond Street: New asphalt pavement and concrete curb & gutter to be constructed to a width of 31' from back of curb to back of curb, which is 2' narrower than the existing street within this portion of the project.

100' west of Richmond Street- Richmond Street: New asphalt pavement and concrete curb & gutter to be constructed to a width of 33' from back of curb to back of curb, which is the same width as the existing street within this portion of the project.

Existing parking provisions within the project limits will remain unchanged.

**Legislative History**

6/24/19	Municipal Services Committee	recommended for approval
7/10/19	Common Council	referred to the Municipal Services Committee
7/10/19	Common Council	amended
		<i>This Item was amended to have the North side from Gillet Street to 295' West of Mason Street narrowed by 1' for a total street width of 32'.</i>
7/15/19	Municipal Services Committee	recommended for approval

[19-0979](#) Approve Alley Vacation south of College Avenue and west of S. Oneida Street.

**Attachments:** [Alley Vacation south of College Avenue and west of S. Oneida St..pdf](#)

**Legislative History**

7/15/19 Municipal Services recommended for approval  
Committee

[19-0981](#) Approve W. Water Street Vacation for the southeasterly side of W. Water Street located approximately 500' northeast of Jackman Street.

**Attachments:** [W. Water Street Vacation.pdf](#)

**Legislative History**

7/15/19 Municipal Services recommended for approval  
Committee

[19-0982](#) Approve E. North Island Street Vacation west of S. Vulcan Street.

**Attachments:** [E. North Island Street Vacation.pdf](#)

**Legislative History**

7/15/19 Municipal Services recommended for approval  
Committee

[19-0983](#) Request from Boldt to mark a route on the sidewalk from the Fox Cities Exhibition Center to Appleton Beer Factory with chalk shoe prints with the Boldt logo for the September 18, 2019 WHEA Conference. Marked route to be installed no sooner than September 17, 2019 and removed no later than September 20, 2019.

**Attachments:** [Boldt to mark a route on the sidewalk.pdf](#)

**Legislative History**

7/15/19 Municipal Services recommended for approval  
Committee

[19-0984](#) Request from Crescent Lofts-Appleton, LLC for a permanent street occupancy permit to place a ground mounted transformer for Hoersch Home Appliance at the south end of the Alley south of W. Franklin Street.

**Attachments:** [Permanent Street Occupancy-Crescent Lofts-Appleton, LLC.pdf](#)

**Legislative History**

7/15/19 Municipal Services recommended for approval  
Committee

[19-0985](#) Approve proposed changes to Municipal Code Section 19-110 Metered on-street parking and Section 19-111 Metered off-street parking related to red-head meter time limits.

**Attachments:** [Proposed Changes to Municipal Code Section 19-110 and Section 19-111.pdf](#)

**Legislative History**

7/15/19          Municipal Services          recommended for approval  
                         Committee

[19-0986](#) Approve proposed change of the seven (7) meters on the north side of College Avenue between Appleton Street and Oneida Street from 2-hour meters to 25-minute red head meters.

**Attachments:** [Red-Head Meter Parking.pdf](#)

**Legislative History**

7/15/19          Municipal Services          recommended for approval  
                         Committee

[19-0988](#) Approve proposed "Yellow Meter Loading Zone" for the first three parking stalls on the southside of College Avenue east of Appleton Street similar to the zone of Oneida Street near City Center.

**Attachments:** [Yellow Meter Loading Zone.pdf](#)

**Legislative History**

7/15/19          Municipal Services          recommended for approval  
                         Committee

[19-0989](#) Approve parking restriction changes on Vulcan Street, south of N. Island Street (Follow-up to six month trial period).

**Attachments:** [Parking changes on Vulcan St, south of North Island Street.pdf](#)

**Legislative History**

7/15/19          Municipal Services          recommended for approval  
                         Committee

[19-0990](#) Approve parking changes related to the College Avenue/Matthias Street RRFB Installation Project.

**Attachments:** [Parking changes on College Av-Matthias St RRFB Installation project.pdf](#)

**Legislative History**

7/15/19          Municipal Services          recommended for approval  
                         Committee

[19-0991](#) Approve parking changes related to the Richmond Street/Winnebago Street RRFB Installation Project.

**Attachments:** [Parking changes to the Richmand St-Winnebago St RRFB Installation Project.p](#)

**Legislative History**

7/15/19 Municipal Services recommended for approval  
Committee

[19-0992](#) Approve parking changes related to the Evergreen Drive Urbanization Project (Haymeadow Avenue to west city limits).

**Attachments:** [Parking changes to Evergreen Dr Urbanization Project .pdf](#)

**Legislative History**

7/15/19 Municipal Services recommended for approval  
Committee

[19-0996](#) Approve Amendment No. 1 to the Collins Engineers, Inc. Contract for the Bridge Inspections to perform additional LRFD loading analysis as requested by WISDOT and to update the Olde Oneida Street Bridge Rehab Report in an amount not to exceed \$7,200 (revised contract amount of \$37,200)

**Attachments:** [Contract for the Bridge Inspections.pdf](#)

**Legislative History**

7/15/19 Municipal Services recommended for approval  
Committee

## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[19-0961](#) "Class B" Liquor and Class "B" Beer License application for Tandem Wine & Beer LLC, George Koenig, Agent, new location at 101 W. Edison Ave Suite 100, contingent upon approvals from all departments.

**Attachments:** [Liquor License -Tandem Wine & Beer S&L 7-10-19.pdf](#)

**Legislative History**

7/17/19 Safety and Licensing recommended for approval  
Committee

[19-0993](#) "Class B" Liquor and Class "B" Beer License application for Old Bavarian, Franz-Josef Schadt, Agent, located at 527 & 529 W. College Ave, contingent upon approval from all departments.

**Attachments:** [Liquor License-Old Bavarian S&L 7-17-19.pdf](#)

**Legislative History**

7/17/19 Safety and Licensing recommended for approval  
Committee

[19-0994](#) Class "B" Beer License application for Pheng Houa Daily Foods, Youa Bee Xiong, Agent, located at 1216 North Division St, contingent upon approval from all departments.

**Attachments:** [Liquor License-Pheng Houa Daily Foods S&L 7-17-19.pdf](#)

**Legislative History**

7/17/19 Safety and Licensing Committee recommended for approval

[19-1033](#) Operator's Licenses

**Attachments:** [Operator's Licenses for 7-17-19.pdf](#)

**Legislative History**

7/17/19 Safety and Licensing Committee recommended for approval

### 3. MINUTES OF THE CITY PLAN COMMISSION

[19-0875](#) Request to approve Rezoning #6-19 for the Cypress Homes - N. Haymeadow Avenue Annexation, formerly part of Town of Grand Chute, consisting of 5.518 acres m/l located south of W. Edgewood Drive and west of N. Haymeadow Avenue (E. Clearfield Lane, E. Stratford Lane and E. Wentworth Lane dead-end at the subject property), (Tax Id #31-6-5802-00, formerly Grand Chute Tax Id #101039315), as shown on the attached maps, from Temporary AG Agricultural District to R-1B Single-Family District

**Attachments:** [StaffReport\\_CypressAnnex\\_Rezoning\\_For062519.pdf](#)

**Legislative History**

6/25/19 City Plan Commission recommended for approval  
*Proceeds to Council on July 24, 2019.*

[19-0937](#) Request to approve the street discontinuance to vacate a portion of alley public right-of-way generally located west of South Oneida Street and south of West College Avenue and adopt the Initial Resolution and exhibit map

**Attachments:** [StaffReport\\_AlleyWestOfOneida\\_StreetVacation\\_For07-09-19.pdf](#)

**Legislative History**

7/9/19 City Plan Commission recommended for approval  
*Proceeds to Council on July 24, 2019.*

[19-0939](#) Request to approve the street discontinuance to vacate a portion of East North Island Street public right-of-way generally located west of South Vulcan Street and adopt the Initial Resolution and exhibit map

**Attachments:** [StaffReport\\_ENorthIslandSt\\_StreetVacation\\_For07-09-19.pdf](#)

**Legislative History**

7/9/19 City Plan Commission recommended for approval  
*Proceeds to Council on July 24, 2019.*

[19-0941](#)

Request to approve the street discontinuance to vacate a portion of West Water Street public right-of-way generally located on the southeasterly side of West Water Street, 500' m/l northeast of Jackman Street and adopt the Initial Resolution and exhibit map (Associated with File Item #19-0942)

**Attachments:** [StaffReport WaterStreet StreetVacation For07-09-19.pdf](#)

**Legislative History**

7/9/19 City Plan Commission recommended for approval  
*Proceeds to Council on July 24, 2019.*

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

**5. MINUTES OF THE FINANCE COMMITTEE**

[19-1021](#)

Request to approve \$30,000 payment to the Fox Cities Regional Partnership and approve the related 2019 Budget adjustment:

**TIF Capital Project Funds**

Other Contracts/Obligations - TIF 7	+ \$5,256
Other Contracts/Obligations - TIF 8	+ \$5,971
Other Contracts/Obligations - TIF 9	+ \$2,629
Other Contracts/Obligations - TIF 10	+ \$2,848
Other Contracts/Obligations - TIF 11	+\$10,625
Other Contracts/Obligations - TIF 12	+ \$2,671
Fund Balance (Each Individual TIF Fund)	- \$30,000

to provide funding for payment to the Fox Cities Regional Partnership (2/3 vote of Common Council required)

**Attachments:** [Finance Committee Fox Cities Regional Partnership.pdf](#)

**Legislative History**

7/15/19 Finance Committee recommended for approval

[19-1022](#)

Request to utilize up to \$175,000 of new library funding included in the 2019 Downtown Development Capital Improvement Plan for security enhancements to the current library

**Attachments:** [Finance Committee Library Security Improvements.pdf](#)

**Legislative History**

7/15/19 Finance Committee recommended for approval

- [19-1024](#) Award of contract for Unit BB-19 Edgewood Drive Sanitary Sewer - French Road to Lightning Drive to Kruczek Construction, Inc. for \$479,000 with a 10% contingency of \$47,900 for a total contract not to exceed \$526,900

**Attachments:** [Kruczek Construction BB-19 Award.pdf](#)

**Legislative History**

7/15/19 Finance Committee recommended for approval

- [19-1025](#) Request to approve contract amendment/Change Order No. 1 to Contract 77-19 for Kernan Avenue/East South River Street Storm Sewer Construction for additional funding to complete permanent concrete surface restoration in lieu of temporary asphalt in the amount of \$121,841 with an increase in contingency from \$50,000 to \$70,000. Overall contract increases from \$904,655 to \$1,046,496

**Attachments:** [Unit T-19 Change Order No.1.pdf](#)

**Legislative History**

7/15/19 Finance Committee recommended for approval

- [19-1026](#) Request authorization to engage outside counsel for defense of taxation lawsuit

**Legislative History**

7/15/19 Finance Committee recommended for approval

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

- [19-1000](#) Request to approve the Development Agreement with Block 800, LLC for improvements and redevelopment of the property located at 823-825 and 827 W. College Avenue in Tax Increment Financing District No. 12

**Attachments:** [Memo Recommend 800 Block W College Ave Dev Agrmt.pdf](#)  
[Block 800 LLC - Draft Development Agreement 6-13-19.pdf](#)

**Legislative History**

7/17/19 Community & Economic Development Committee recommended for approval

## 7. MINUTES OF THE UTILITIES COMMITTEE



[19-1009](#)

Request the Approval of the Electronic Compliance Maintenance Annual Report (eCMAR) for 2018 (attached) and Request the following Resolution be presented to the Common Council for approval:

Whereas, the City of Appleton has successfully been operating a biosolids compost program in cooperation with the Outagamie Department of Solid Waste; and

Whereas, Outagamie County has committed to continue to allowing biosolids composting during the next five years on over five acres of County property; and

Whereas, the City of Appleton had applied for and has now been re-issued a Wisconsin Pollution Discharge Elimination System (WPDES) permit; and

Whereas, the WPDES permit application requested and the facility was approved for a biosolids compost program and outfall; and

Whereas, the City of Appleton now meets requirements of NR 204 for biosolids storage due to the reissuance of the WPDES permit as of April 1, 2017;

Now, therefore, be it resolved by the City Council that the City of Appleton:

Article 1. Continues supporting an active biosolids compost program.

Article 2. Continue planning for a long term composting facility as the County site is limited to the next five years.

**Attachments:** [eCMAR memo 2018.pdf](#)

[Compliance Maintenance Annual Report.pdf](#)

**Legislative History**

7/16/19

Utilities Committee

recommended for approval

[19-1010](#) Award the Lindbergh Painting Project to Classic Protective Coatings in the amount of \$693,850 with a 10% contingency of \$69,385 for a project total not to exceed \$763,235.

**Attachments:** [Lindbergh - Contractor Award.pdf](#)  
[Lindbergh - Contractor Award Rev 071719.pdf](#)

**Legislative History**

7/16/19 Utilities Committee recommended for approval

**8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE**

[19-1012](#) Request to approve Public Works table of organization change a CEA Serviceperson position to a CEA Master Mechanic position.

**Attachments:** [DPW reog Serviceperson to Mechanic.pdf](#)  
[Public Works draft 7-17-19.pdf](#)

**Legislative History**

7/17/19 Human Resources & Information Technology Committee recommended for approval

[19-1018](#) Request to approve changes to the Salary Administration Policy.

**Attachments:** [Salary Administration Policy 7-17-19.pdf](#)

**Legislative History**

7/17/19 Human Resources & Information Technology Committee recommended for approval

[19-1019](#) Request to approve changes to the Travel Policy.

**Attachments:** [Travel Policy Summary of Changes 7-17-19.pdf](#)  
[Travel Policy 7-17-19.pdf](#)

**Legislative History**

7/17/19 Human Resources & Information Technology Committee recommended for approval

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

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

**M. CONSOLIDATED ACTION ITEMS**

[19-1064](#)      Consolidated Action Items: Oneida St. & College Ave. Alley Vacation  
Item 19-1008 Special Resolutions  
Item 19-0979 Municipal Services  
Item 19-0937 Plan Commission

[19-1065](#)      Consolidated Action Items- W. Water St. Vacation  
Item 19-1005 Special Resolutions  
Item 19-0981 Municipal Services Committee  
Item 19-0941 Plan Commission

[19-1066](#)      Consolidated Action Items - E. North Island St. Vacation  
Item 19-1007 Special Resolutions  
Item 19-0982 Municipal Services Committee  
Item 19-0939 Plan Commission

N.      ITEMS HELD

O.      ORDINANCES

[19-1037](#)      Ordinances 71-19 to 75-19

Attachments: [Ordinances going to Council 7-24-19.pdf](#)

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

[19-1063](#)      The Common Council may convene into closed session to confer with legal  
         counsel concerning strategy to be adopted by the body with respect to  
         litigation in which it is involved or likely to become involved regarding real  
         estate tax assessments pursuant to the exceptions contained in  
         §19.85(1)(g) of the Wisconsin Statutes. The Common Council will then  
         reconvene into open session.

T.      ADJOURN

Kami Lynch, City Clerk

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