



# City of Appleton

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

## Meeting Agenda - Final Common Council

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Wednesday, September 4, 2013

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

[13-1252](#) Approve August 21, 2013 Council Meeting Minutes.

**Attachments:** [CC Minutes 08-21-2013.pdf](#)

H. BUSINESS PRESENTED BY THE MAYOR

I. PUBLIC HEARINGS

[13-1253](#) Public Hearing for Rezoning #8-13 Clear Water Creek LLC.

**Attachments:** [Public Hearing - #8-13.doc](#)

[13-1254](#) Public Hearing for Rezoning #9-13 at 420 W. Prospect Avenue.

**Attachments:** [Public Hearing - #9-13.doc](#)

[13-1255](#) Public Hearing for Comp Plan Amendment #1-13 Future Land Use Map.

**Attachments:** [CC 09-04-2013 Comp Plan Amend 2010-2030 Class I Public Hearing Notice.do](#)

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

## L. COMMITTEE REPORTS

## 1. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[13-1195](#) Operator's Licenses

**Attachments:** [Operator's Licenses for 8-29-13 S & L.doc](#)

**Legislative History**

8/29/13	Safety and Licensing Committee	recommended for approval
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[13-1199](#) "Class B" Beer/Liquor License application of Social Ventures LLC, d/b/a The 513, Kathryn M. Peotter, Agent, 513 W. College Avenue, contingent upon departmental approvals.

**Legislative History**

8/29/13	Safety and Licensing Committee	recommended for approval
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[13-1184](#) The Taxi Cab Driver's License application of Wayne J. Chambers, 2300 S. Schaefer Street.

**Legislative History**

8/29/13	Safety and Licensing Committee	recommended for approval
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[13-1237](#) Operator's License application of Lisa M. Almanza, 1921 W. Russet Court, #2.

**Legislative History**

8/29/13	Safety and Licensing Committee	approved
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*Motion that Felony #1 is substantially related.*

8/29/13	Safety and Licensing Committee	approved
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*Motion that Felony #2 is substantially related.*

8/29/13	Safety and Licensing Committee	approved
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*Motion that Felony #3 is substantially related.*

8/29/13	Safety and Licensing Committee	recommended for denial
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[13-1246](#) Request Authorization to Purchase Station Alerting Radio Equipment.

**Attachments:** [Request Authorization to Purchase Station Alerting Radio Equipment.pdf](#)

**Legislative History**

8/29/13	Safety and Licensing Committee	recommended for approval
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[13-1206](#) The Grant Application - Reserve "Class B" license of Knotted Pianos, 215 E. College Avenue.

**Legislative History**

8/29/13 Safety and Licensing Committee recommended for approval

## 2. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[13-1119](#) Glendale Avenue from Ballard Road to Roemer Road be reconstructed with concrete pavement and curb and gutter to a width of 48' from back of curb to back of curb, which is 1' narrower than the existing street width. The newly reconstructed Glendale Avenue would include an 8' parking lane along the north side of the street, a 3' buffer area between the parking lane and bike lane, a 5' wide bike lane along the north side of the street, two 12.5' travel lanes, and a 6' wide bike lane along the south side of the street. Parking would be removed from the south side of Glendale Avenue within the proposed project limits. New Sidewalks would be constructed to the right-of-way line along both sides of Glendale Avenue within the project limits.

**Legislative History**

8/13/13	Municipal Services Committee	held
8/27/13	Municipal Services Committee	recommended for approval

[13-1163](#) Request from Ed Richter for a variance to the Front Yard Parking Ordinance to extend his driveway more than the allowed 4 feet at 1320 Oakcrest Court.

**Attachments:** [Ed Richter front yard parking.pdf](#)

**Legislative History**

8/27/13	Municipal Services Committee	recommended for approval
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[13-1164](#) Request from Ron & Gail Sabai for a variance to the Street Terrace Policy at 802 N. Appleton Street.

**Attachments:** [Ron & Gail Sabai terrace policy.pdf](#)

**Legislative History**

8/27/13	Municipal Services Committee	recommended for approval
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[13-1165](#) Request from Judy Courtney to not have trees re-planted in the terrace at 718 S. Frederick Street.

**Attachments:** [Judy Courtney terrace.pdf](#)

[Request to not re-plant trees.pdf](#)

**Legislative History**

8/27/13	Municipal Services Committee	recommended for denial
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[13-1166](#) Request from Kay Ponschock to not have tree replanted in the Frederick Street side terrace at 2800 E. Forest Street.

**Legislative History**



[13-950](#) Comprehensive Plan 2010-2030 Future Land Use Map Amendments

**Attachments:** [Comp Plan Attachments 7-15-13.pdf](#)

**Legislative History**

7/15/13	City Plan Commission	recommended for approval
7/24/13	Common Council	approved

[13-1205](#) Special Use #11-13 - Roger Hager, 2639 S. Oneida Street to establish a new and used boat and travel trailer sales and display lot contingent upon departmental conditions of approval.

**Attachments:** [Special Use #11-13 attachment.pdf](#)

**Legislative History**

8/26/13	City Plan Commission	recommended for approval
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*Proceeds to Council on 9/4/13*

[13-1211](#) Resolution designating the proposed boundaries and approving a project plan for Tax Incremental Financing District #9 - E. Wisconsin Avenue area.

**Attachments:** [Resolution-City Plan Commission TIF #9 Attachment.doc](#)  
[TIF District 9 Project Plan 2013 rev 8-19-13 Attachment.pdf](#)  
[Resolution-Common Council TIF #9 Attachment.doc](#)

**Legislative History**

8/26/13	City Plan Commission	recommended for approval
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[13-1214](#) Resolution designating the proposed boundaries and approving a project plan for Tax Incremental Financing District #10 - W. College Avenue area.

**Attachments:** [Resolution-City Plan Commission TIF #10 Attachment.doc](#)  
[TIF District 10 Project Plan 2013 rev 8-19-13 Attachment.pdf](#)  
[Resolution-Common Council TIF #10 Attachment.doc](#)

**Legislative History**

8/26/13	City Plan Commission	recommended for approval
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#### 4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[13-970](#)

#18-R-13/Oswald/Croatt - "Whereas, the City of Appleton has made recent investments and policy changes intended to encourage its residents to recycle more frequently and efficiently, and Whereas, encouraging more frequent and efficient recycling is in the City's interest, whether it be on residential, commercial or public property.

Now, Therefore, Be it Resolved, that the Parks, Recreation and Facilities Management Department install recycling receptacles in City parks and in City facilities with public access where trash receptacles are present."

**Attachments:** [Park & Recreation Recycling Containers \(2013 Oswald Resolution\).doc](#)

**Legislative History**

7/17/13	Parks and Recreation Committee	held
8/28/13	Parks and Recreation Committee	recommended for approval

*Need to insert to encourage its residents"after ". .policy changes intended "in the first sentence of the resolution. Per Ald. Oswald the words were inadvertently omitted on the agenda.*

[13-1173](#)

Award Tennis Court Renovation Contract for Green Meadows Park to Valley Sealcoat, Inc.

**Attachments:** [Memo-Tennis Court Contract Green Meadows.docx](#)

**Legislative History**

8/28/13	Parks and Recreation Committee	recommended for approval
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## 5. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

## 6. MINUTES OF THE UTILITIES COMMITTEE

[13-1182](#)

Anticipated Award of Unit N-13 Sewer Spot Repairs, Protruding Tap & Mineral Deposit Removals. (Bids to be opened Monday, August 26, 2013.)

**Legislative History**

8/27/13	Utilities Committee	recommended for approval
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*The Utilities Committee recommends that Unit N-13 Sewer Spot Repairs, Protruding Tap & Mineral Deposit Removals be awarded to Great Lakes TV & Seal in an amount not to exceed \$138,075.*

[13-1228](#) Award Organic Recycling Contractor Services to Hsu for an initial term ending December 31, 2015. Processing costs will be based on batch volumes processed as indicated in Table 1, Organic Recycling Contractor Services Quotes with a total not to exceed contract cost of \$230,016.

**Attachments:** [Hsu Contract.doc](#)

**Legislative History**

8/27/13 Utilities Committee recommended for approval

[13-1250](#) Approve Heart of the Valley/Village of Little Chute/City of Appleton Agreement for Cherryvale Development.

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

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

[13-1245](#) #22-R-13/Lobner - "WHEREAS pharmacists play a key role in maintaining and improving the health of our citizens and possess a unique area of expertise in the field of medicine.

And WHEREAS the Appleton Municipal Code calls for "a good faith effort" to be made to appoint a registered nurse and physician to the Board of Health.

And WHEREAS membership of the Board of Health also has included a dentist and mortician.

THEREFORE BE IT RESOLVED that the City of Appleton shall add an eighth member to the Board of Health, and a good faith effort shall be made to appoint a licensed and practicing pharmacist to the board."

**Attachments:** [Resolution memo.pdf](#)

[13-1247](#) Request to appeal denial of a noise variance request for Fox River House

**Attachments:** [Fox River House-Aug-Sept 2013.doc](#)

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

[13-1229](#) Request to approve the classification and compensation plan with an 80% minimum and a 120% maximum.

**Attachments:** [Comp Plan Implementation proposal 8-27-13.pdf](#)

**Legislative History**

8/26/13 Human Resources Committee approved

[13-1230](#) Request to approve the implementation of the Classification and Compensation Plan effective upon Council approval.

**Attachments:** [Comp Plan Implementation memo 8-22-13.pdf](#)

**Legislative History**

8/26/13 Human Resources Committee approved

**10. MINUTES OF THE FINANCE COMMITTEE**

[13-1233](#) Request to approve the following 2013 Budget Adjustment:

General Fund - Community and Economic Development  
Salaries and Benefits - \$5,000

General Fund - Unclassifieds  
Transfer out to Special Revenue Fund +\$5,000

Special Revenue Fund - Neighborhood Revitalization Program  
Transfer in - General Fund +\$5,000  
Consulting Services +\$5,000

to fund the neighborhood academy so that all City residents can participate in the program (2/3 vote required).

**Attachments:** [Budget Adj for Neighborhood Academy.pdf](#)

**Legislative History**

8/28/13 Finance Committee recommended for denial

[13-792](#) Request for Finance Director to sell \$5,250,000 General Obligation Notes. Item held from 7/31/13 Finance Committee Meeting.

**Attachments:** [2013 GO Issue.pdf](#)

**Legislative History**

6/26/13 Finance Committee held

7/17/13 Finance Committee held

7/31/13 Finance Committee held

8/28/13 Finance Committee recommended for approval

*Substitute Amendment to delay the debt issue for the 2013 CIPs and include instead in the 2014 debt issue*

[13-1170](#) Approve the transfer of \$85,000 from the Municipal Services Roof Replacement CIP to the replace the trench drains located in the vehicle storage areas at the Municipal Services Building (2/3 vote required).

**Attachments:** [MSB Trench Drain Transfer of Funds Request 2013.doc](#)

**Legislative History**

8/28/13 Finance Committee recommended for approval



[13-1171](#) Request to approve Regional Hazardous Materials Response Contract

**Attachments:** [Regional HazMat Response Contract.pdf](#)

**Legislative History**

8/28/13 Finance Committee recommended for approval

[13-1180](#) Request to assess a special charge for the Risk Management fund for unfavorable loss trend in excess of funds available in 2012. Allocation completed based on the same percentage calculated for expected loss allocations for the 2013 Budget (internal service funds excluded).

**Attachments:** [Loss Special Charge.pdf](#)

**Legislative History**

8/28/13 Finance Committee recommended for approval

[13-1221](#) RIVERSIDE CEMETERY ASSOCIATION submitting a request for payment for maintenance of Veteran's graves

**Attachments:** [Riverside Cemetery.pdf](#)

**Legislative History**

8/28/13 Finance Committee recommended for approval

## M. CONSOLIDATED ACTION ITEMS

## O. ITEMS HELD

[13-942](#) The Mobile Home Park License renewal application of Moore Enterprises Inc., d/b/a Fox Valley Estates, Suzanne Moore, 1106 E. Primrose Lane, contingent upon approvals from all departments. At 7/24/13 Council meeting, Ald. Jirschele requested this item be held to the first Council meeting in September.

**Legislative History**

7/18/13 Safety and Licensing Committee recommended for approval

7/24/13 Common Council held  
*Held by Alderperson Jirschele t the first Council meeting in September.*

## P. ORDINANCES

[13-1256](#) Ordinances #75-13 through #79-13.

**Attachments:** [Ordinances going to 09-04-2013 Council.docx](#)

## Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

## R. RESOLUTIONS SUBMITTED BY ALDPERSONS REFERRED TO COMMITTEES OF JURISDICTION

## S. OTHER BUSINESS

**13-1257** Reconsideration of Resolution 21-R-13. (Request by Alderperson Croatt)

File #13-1029 Resolution #21-R-13/Jirschele - "Be it resolved that the City of Appleton allocate \$25,000 to engage an industry-accomplished professional to serve as consultant and project manager/driver to determine the willingness of LNR to give the community the protection it needs to assure the continued viability of the proposed exhibition center and

- a) Review the current state of the project and negotiations among the various parties to evaluate and profile the strengths, weaknesses and potential of the current situation by September 15, 2013, and
- b) Identify a prudent, practical plan to move negotiations/planning forward on behalf of the people of Appleton and its neighbors throughout the Fox Cities by November 2, 2013, and
- c) Negotiate that plan through to final resolution, or terminate the initiative, by January 1, 2014." (Referred back from 8/7/13 Common Council to Community & Economic Development Committee.)

At 8/21/2013 Common Council meeting, motion to approve failed with 6 ayes and 6 nays.

## T. ADJOURN

CHARLENE M. PETERSON, CMC/WCMC  
City Clerk

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