

# **City of Appleton**

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

# Meeting Agenda - Final-revised Common Council

Wednesday, July 24, 2013 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

<u>13-993</u> July 10, 2013 Council Minutes

Attachments: CC Minutes 07-10-2013.pdf

# H. BUSINESS PRESENTED BY THE MAYOR

13-1001 Update on TIF's #3 thru #8 and proposed TIF District #9 and #10 by

Community & Economic Development Director Karen Harkness.

Attachments: CC 07-23-2013 Mayors Business Attach 2013 TIF Highlights for CED committee

CC 07-23-2013 Mayors Business Attach Copy of TIF % changes.xlsx

<u>13-1000</u> Police and Fire Commission:

Appointment of Pamela Rae De Leest to fill the remainder of a 5-year

term vacated by Sharon Hulce, to expire May 2018.

<u>Attachments:</u> CC 07-24-2013 Appt Attach Police and Fire Commission.pdf

#### I. PUBLIC HEARINGS

13-984 Public Hearing on Proposed Text Amendment Chapter 23

Attachments: 07-24-2013-PH Text Amendment Chapter 23.pdf

Appearances: Dave Allen, 1920 E. Applecreek Road

<u>13-985</u>	Public Hearing on Proposed Amendment Official Map		
	Attachments:	CC 07-24-2013 Official Map Public Hearing - Sommers Drive.pdf	
	No appearances.		
<u>13-986</u>	Public Hearing on Proposed Change Rezoning #5-13 North Meade Street		
	Attachments:	Rezoing Public Hearing Notice - #5-13.doc	
		Rezoning application #5-13.pdf	
No appearances.		es.	
<u>13-987</u>	-987 Public Hearing on Proposed Zone Change #6-13 St. Joseph (		
	Attachments:	Rezoning Public Hearing Notice - #6-13.doc	
		Rezoning application #6-13.pdf	

Appearances: Frank J. Groh, 1528 N. Ballard Road

J. SPECIAL RESOLUTIONS

Resolution Authorizing and Providing for the Sale and Issuance of \$7,080,000 Water System Revenue Bonds, Series 2013, and All Related Details.

Attachments: CC 07-24-2013 Res for Sale and Issuance of \$7,080,000 Water System Revenue Resolution Authorizing and Providing for the Sale and Issuance of \$6,325,000 Storm Water System Revenue Bonds, Series 2013, and All Related Details.

Attachments: CC 07-24-2013 Res for Sale & Issuance of \$6,325,000 Storm Water System Re

# K. ESTABLISH ORDER OF THE DAY

#### L. COMMITTEE REPORTS

# 1. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

Committee

<u>13-929</u>	The Operator's License application of Michael G. Giesen, 611 Kokke Lane, Kimberly. <u>Legislative History</u>				
	7/18/13	Safety and Licensing Committee	recommended for denial		
<u>13-931</u>	The Operator's License application of Leah R. Sharkey, 419 E. At Street. <u>Legislative History</u>				
	7/18/13	Safety and Licensing	recommended for denial		

<u>13-932</u>	The Taxicab Driver License application of Troy D. McColley, 400 Division Street. <u>Legislative History</u>				
	7/18/13	Safety and Licensing Committee	recommended for denial		
<u>13-936</u>	Change of Agent - "Class B" Beer/Liquor License of Fox Valley Rentals & Investments LLC, d/b/a M.T. Pockets, 2906 E. Newberry Street, Richard J. Baranczyk, Agent, contingent upon approval from the Police Department. <u>Legislative History</u>				
	7/18/13	Safety and Licensing Committee	recommended for approval		
<u>13-937</u>	Change of Agent - "Class B" Beer/Liquor License of Asian Food of Appleton Inc., d/b/a Asian Thai, 201 W. Northland Avenue Unit E, Chuankeng Chen, Agent, contingent upon approval from the Police Department. <u>Legislative History</u>				
	7/18/13	Safety and Licensing Committee	recommended for approval		
<u>13-938</u>	The Change of Premises Description - "Class B" Beer/Liquor License of Elephant and Castle Inc., d/b/a Union Jack, James N. Franz, Agent, 812 S. Olde Oneida Street, contingent upon approvals from all departments.  Legislative History				
	7/18/13	Safety and Licensing Committee	recommended for approval		
<u>13-939</u>	Gingerootz	z LLC, d/b/a GingeRootz, tingent upon approvals fro	of Premises Description - "Class B" Beer/Liquor License of LC, d/b/a GingeRootz, Julia Y. Ng, Agent, 2920A N. Ballard gent upon approvals from all departments.		
	7/18/13	Safety and Licensing Committee	recommended for approval		
<u>13-940</u>	Class "B" Beer and Class "C" Wine License application of KJDT, LLC, d/b/a Bagelicious, Curt J. Konetzke, Agent, 101 E. College Avenue, contingent upon approvals from all departments.  Legislative History				
	7/18/13	Safety and Licensing Committee	recommended for approval		
Reserve "Class B" Beer/Liquor License renewa Ventures, Inc., d/b/a Appleton Beer Factory, Je W. College Avenue, contingent upon approvals Legislative History			Factory, Jeffery E. Fogle, Agent, 603		
	7/18/13	Safety and Licensing Committee	recommended for approval		

<u>13-942</u>	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. <u>Legislative History</u>			
	7/18/13	Safety and Licensing Committee	recommended for approval	
13-944	The Taxicab Company License renewal application of Kidz Kab LLC Georgia Anderson, 3019 W. Spencer Street, contingent upon approfrom all departments. <u>Legislative History</u>			
	7/18/13	Safety and Licensing Committee	recommended for approval	
<u>13-945</u>	The Taxicab Company License renewal application of Aloh Chadwick Fiestadt, 5710 W. Sandra Drive, contingent upo from all departments. <u>Legislative History</u>			
	7/18/13	Safety and Licensing Committee	recommended for approval	
Non-Renewal Hearing for the Operator's License of F W. Summer Street.			or's License of Ryan Huebner, 928	
	Attachments:	Ryan Huebner.pdf		
	Legislative Hi	<u>story</u>		
	7/18/13	Safety and Licensing Committee	recommended for denial	
<u>13-955</u>		wal Hearing for the Operato 1320 Geneva Road #9, Me	•	
	Attachments:	Emmy L. Steinberg.pdf		
	7/18/13	Safety and Licensing Committee	recommended for denial	
<u>13-973</u>	The Taxicab Company License renewal application of Bell Taxi, Forrest R. Belanger, Sr., 317 W. North Avenue, contingent upon approvals from all departments.  Legislative History			
	7/18/13	Safety and Licensing Committee	recommended for approval	
<u>13-977</u>	Operator's	License applications.		
	7/18/13	Safety and Licensing Committee	recommended for approval	

13-978 Operator's License applications contingent upon completion of the Responsible Beverage Service Course.

Legislative History

7/18/13 Safety and Licensing recommended for approval

Committee

R/B Ald. Martin - The Class "B" Beer and Class "C" Wine License application of Fortinos Bistro, Ross Kleinmann, Agent, 204 East College Avenue contingent upon approvals from all departments.

Legislative History

7/18/13 Safety and Licensing recommended for approval

Committee

#### 2. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

13-902 Request from Environmental Forensic Investigations, Inc. for a permanent street occupancy permit to install three (3) well vaults in Atlantic Street and Lawe Street for environmental investigation for 600 E. Hancock Street.

<u>Attachments:</u> Environmental Forensics.pdf

Legislative History

7/16/13 Municipal Services recommended for approval

Committee

Sidewalk be installed on the west side of Sharon Street between Commercial Street and Spring Street in conjunction with the water

restoration work to be completed in 2014.

Attachments: Sidewalk on Sharon St.pdf

Legislative History

7/16/13 Municipal Services recommended for approval

Committee

<u>13-904</u> Proposed Parking changes on the south side of Johnston Street

between Walnut Street and State Street.

Attachments: Parking changes-Johnston St.pdf

Legislative History

7/16/13 Municipal Services recommended for approval

Committee

Proposed parking changes related to the 2013 Ballard Road
Reconstruction Project on Glendale Avenue and Pershing Street.

Attachments: Traffic ordinance changes 2013 Ballard Rd Project.pdf

Legislative History

7/16/13 Municipal Services recommended for approval

Committee

Request from the Appleton Police Department for designation of a 13-906 dedicated parking spot for crossing guard at McKinley Elementary School. Attachments: Crossing guard parking McKinley Elem.pdf Legislative History 7/16/13 Municipal Services recommended for approval Committee 13-907 Proposed parking changes on South Court, south of South Street. Parking changes South Ct.pdf Attachments: Legislative History 7/16/13 Municipal Services recommended for approval Committee 13-909 Request from Appleton Downtown Inc. to purchase 8 to 16 parking stalls on September 20th from 10:00 a.m. to 10:00 p.m. to be used as "parks" be approved contingent upon meeting all Appleton Police Department's safety requirements. Attachments: ADI Parking stalls to be used as PARKS.pdf Legislative History 7/16/13 Municipal Services recommended for approval Committee 13-910 Request from Curt Konetzke for a permanent street occupancy permit to place tables and chairs in the College Avenue beautification strip at 101/103 E. College Avenue to be removed at the time business closes or by 2:00 a.m. at the latest. Attachments: Curt Konetzke Street Occupancy.pdf Legislative History 7/16/13 Municipal Services recommended for approval Committee 13-911 Request from Mark Behnke for a permanent street occupancy permit to install patio furniture and fencing in the 20 foot street right-of-way behind 107 & 109 W. College Avenue. <u>Attachments:</u> Mark Behnke Street Occupancy.pdf Legislative History 7/16/13 Municipal Services recommended for approval Committee 13-914 Request from Fortino's for a permanent street occupancy permit to place tables, chairs and umbrellas in the beautification strip at 204 E. College Avenue to be removed at the time business closes or by 2:00 a.m. at the latest. Attachments: Fortino's Street Occupancy.pdf

Legislative History

7/16/13

Municipal Services Committee recommended for approval

### 3. MINUTES OF THE CITY PLAN COMMISSION

Text amendments to Chapter 23 of the Municipal Code, relating to the Zoning Ordinance Section 23-22 Words and terms defined, Section 23-62. Plan Commission, Section 23-64. Administration, Section 23-66. Special Use Permits related to Outdoor Storage of Recreational Vehicles when accessory to Personal Storage facilities (Self-storage/mini-warehouse), Section 23-113. C-2 General Commercial District and Section 23-132. M-2 General Industrial District.

Attachments: Text Amendment - Outdoor RV Storage Attachments.pdf

Legislative History

6/24/13 City Plan Commission recommended for approval

13-776 Official Map Amendment - Sommers Drive alignment correction

<u>Attachments:</u> <u>Sommers Drive Attachment.pdf</u>

Legislative History

6/24/13 City Plan Commission recommended for approval

13-777 Rezoning #5-13 - N. Meade (31-6-6100-50) from Ag to R-1A, including

the adjacent N. Meade Street right-of-way

<u>Attachments:</u> Rezoning 5-13 Attachments.pdf

Legislative History

6/24/13 City Plan Commission recommended for approval

13-775 Rezoning #6-13 - St. Joseph Cemetery - Rezoning approximately 1.5

acres of property located at 1709 E. Wisconsin Avenue (31-1-1219-00) from C-2 to P-I. Also rezoning approximately 35 acres of property known as St. Joseph's Cemetery along the southwest corner of E.

Wisconsin Avenue and Ballard Road (31-1-1220-00, 31-1-1221-00,

31-1-1221-01, 31-1-1223-00, 31-1-1224-00, 31-1-1370-00,

31-1-1371-00 and 31-1-6900-00) from R-1B to P-I.

Attachments: Rezoning 6-13 Attachments.pdf

Legislative History

6/24/13 City Plan Commission recommended for approval

13-867 Special Use Permit #8-13 - 101 E. College Avenue for a restaurant and

sidewalk cafe' with alcohol sales and consumption contingent upon

departmental conditions of approval.

Attachments: Special Use 8-13 Attachment.pdf

Special Use 8-13 Amended Attachment.pdf

Legislative History

7/15/13 City Plan Commission recommended for approval

Special Use Permit #9-13 - St. Joseph Cemetery to construct a 13-868 mausoleum and officially establish the existing cemetery use located at 1709 E. Wisconsin Avenue and the area known as St. Joseph Cemetery contingent upon departmental conditions of approval. Special Use 9-13 Attachment.pdf Attachments: Legislative History 7/15/13 City Plan Commission recommended for approval 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 13-869 Amend Special Use Permit #21-03 - 2920 N. Ballard Road to expand the existing outdoor patio resulting in an overall increase of less than ten (10) percent of the existing area of the restaurant/patio with alcohol sales and to replace the existing fencing with a minimum three (3) foot high fence with retractable top and sides. Special Use 21-03 Attachment.pdf Attachments:

Legislative History

7/15/13 City Plan Commission recommended for approval

- 4. MINUTES OF THE PARKS AND RECREATION COMMITTEE
- 5. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE
- 6. MINUTES OF THE UTILITIES COMMITTEE
- 7. MINUTES OF THE FOX CITIES TRANSIT COMMISSION
  - Approval to Accept \$80,000 Federal Planning Grant (\$64,000 federal, \$16,000 local funds) administered by the Wisconsin Department of Transportation for Strategic Planning and Rider Survey.

Attachments: Planning Grants memo.pdf

#### Legislative History

7/17/13 Fox Cities Transit recommended for approval

Commission

Approval to Accept \$12,000 grant from unrestricted funds within the Community Foundation for the Fox Valley Region, Inc. for Strategic Planning.

# Legislative History

7/17/13 Fox Cities Transit recommended for approval

Commission

#### 8. MINUTES OF THE BOARD OF HEALTH

#### MINUTES OF THE HUMAN RESOURCES COMMITTEE

#### 10. MINUTES OF THE FINANCE COMMITTEE

13-795 Adopt the 2014 City of Appleton Policy for Special Assessments.

Approved by a vote of Aye: 3 - Alderperson Martin, Alderperson Plank and Alderperson Konetzke; Nay: 1 - Alderperson Stueck; Excused: 1 - Alderperson Dannecker. At the 7/24/13 Council meeting, Alderperson

Lobner REFERRED BACK to Committee.

Attachments: Proposed Changes to SA Policy for 2014.pdf

Referred back to Finance Committee by Alderperson Lobner.

Legislative History

6/26/13 Finance Committee held

7/17/13 Finance Committee recommended for approval

13-796 Approval of proposed land swap between City of Appleton and property

owner at 306 E South River Street.

Attachments: Land Swap (2).pdf

East South River Street Land Swap.pdf

Legislative History

6/26/13 Finance Committee held

7/17/13 Finance Committee recommended for approval

13-960 Request to award "Installation of Fire Sprinkler System at Fire Station 2"

to Firestopping Specialists, LLC. for a contract amount of \$17,748, and a contingency of \$3,000 for a contract total not to exceed \$20,748.

Attachments: FS2 Sprinkler 2013.doc

Legislative History

7/17/13 Finance Committee recommended for approval

13-962 Request to approve the transfer of \$3,000 from the Mead Pool Pump

House Roof Replacement CIP to the Tennis Court Renovation CIP (2/3

vote required)

<u>Attachments:</u> Tennis Court Transfer of Funds Request 2013.docx

Legislative History

7/17/13 Finance Committee recommended for approval

<u>13-964</u> The following 2013 Budget Adjustment be approved:

Valley Transit

Federal Grant + \$64,000
Community Foundation Local Grant + \$12,000
Advertising - \$4,000
Consulting + \$80,000

To accept grants for Strategic Planning and Rider Survey (2/3 vote required).

Attachments: Approval to Accept Two Planning Grants 071013.doc

Legislative History

7/17/13 Finance Committee recommended for approval

13-969 Resolution Accepting Petition for Annexation - North Meadows

Annexation, Town of Grand Chute.

Attachments: North Meadows Annexation Resolution.pdf

Legislative History

7/17/13 Finance Committee recommended for approval

13-958 Request to write off, for financial statement purposes, second quarter 2013 parking tickets in the amount of \$290.00. This does not preclude

the City from continued collection efforts.

Attachments: 2nd Qtr 2013 Write off Parking Tkts.pdf

Legislative History

7/17/13 Finance Committee recommended for approval

# M. CONSOLIDATED ACTION ITEMS

13-990 Resolution of Common Council Accepting Petition for Annexation - North

Meadow Investment/Evergreen Drive Annexation.

Finance Agenda: Item #13-969

Attachments: North Meadows - Resolution.doc

13-992 Finance: File ID #13-964 Budget Adjustment Valley Transit +\$64,000

and Federal Grant +\$12,000.

Fox Cities Transit: File ID #13-952 Federal Planning Grant \$64,000 and

File ID #13-953 \$12,000 Grant.

#### O. ITEMS HELD

# P. ORDINANCES

<u>13-991</u> Ordinances #53-13 through #54-13.

Attachments: Ordinances going to 07-24-2013 Council.pdf

- Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION
- R. RESOLUTIONS SUBMITTED BY ALDPERSONS REFERRED TO COMMITTES OF JURISDICTION
- T. CLOSED SESSION
  - The Council will meet in 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 Open Records Request regarding Appleton Police Department pursuant to the exceptions contained in Section 19.85(1)(g) of the Wisconsin Statutes. The Council will then reconvene into an open session and conduct further business.
  - The Council will then reconvene into an open session and conduct further business.
- S. OTHER BUSINESS
- T. ADJOURN

CHARLENE M. PETERSON, CMC/WCMC City Clerk

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