



City of Appleton

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

Meeting Agenda - Final Common Council

Wednesday, August 19, 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
[15-1344](#) Common Council Meeting Minutes from August 5, 2015

Attachments: [CC Minutes 08-05-2015.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**

[15-1153](#)

R/B as Amended-Aldersperson Croatt-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 be removed from the east side of the street.

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 recommended for approval
 Committee

7/15/15 Common Council referred to the Municipal Services
 Committee

7/21/15 Municipal Services recommended for approval
 Committee
Item 15-1153 be re-affirmed for approval.

8/5/15 Common Council referred to the Municipal Services
 Committee

Amendment 1 (Meltzer): Bateman Street (Pacific St to Hancock St): Amend final sentence to read, "Current on-street parking shall be removed from the east side of the street.

Aldersperson Meltzer moved, seconded by Aldersperson Siebers, that the Report Action Item be amended. Roll Call. Motion carried by the following vote: 8-4

This item, as amended, was then referred back to the Municipal Services Committee by Aldersperson Croatt.

8/11/15 Municipal Services recommended for approval
 Committee

[15-1295](#)

Request from Peter Bartman for an exception to the Street Terrace Policy to construct a planter box within the Rankin Street terrace area at 218 N. Rankin Street.

Attachments: [Peter Bartman-Rankin St.pdf](#)

Legislative History

8/11/15 Municipal Services recommended for approval
 Committee

- [15-1296](#) Approve parking changes on the south side of Capitol Drive at Northbreeze Drive.

Attachments: [Parking changes on Capitol Dr at Northbreeze Dr.pdf](#)

Legislative History

8/11/15	Municipal Services Committee	recommended for approval
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- [15-1297](#) Approve parking changes on the south side of McArthur Street at Morrison Street.

Attachments: [Parking changes on McArthur St at Morrison St.pdf](#)

Legislative History

8/11/15	Municipal Services Committee	recommended for approval
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- [15-1298](#) Approve installation of bike lanes on Prospect Avenue from Oneida Street to Sixth Street.

Attachments: [Bike lanes on Prospect Ave from Oneida St to Sixth St.pdf](#)

Legislative History

8/11/15	Municipal Services Committee	recommended for approval
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- [15-1299](#) Approve proposed ordinance that establishes standards for composting in the City of Appleton.

Attachments: [Proposed Ordinance-Composting.pdf](#)

Legislative History

8/11/15	Municipal Services Committee	recommended for approval
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2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

- [15-1167](#) "Class B" Beer/Liquor License application of Thao Enterprises Inc, d/b/a Chung's Sandwich Bar, Maiyoua Thao, Agent, 1804 S. Lawe Street, Suite 203, contingent upon approval from all departments.

Legislative History

7/22/15	Safety and Licensing Committee	recommended for approval
8/5/15	Common Council	referred to the Safety and Licensing Committee
8/12/15	Safety and Licensing Committee	recommended for approval

[15-1250](#)

"Class B" Beer/Liquor License application of International and Caribbean Food Company LLC d/b/a Paninoteca, Freddy A. Orozco, Agent 2025 N. Richmond St., contingent upon approvals from all departments.

Legislative History

8/12/15 Safety and Licensing recommended for approval
Committee

[15-1255](#)

"Class A" Liquor (Cider only) License Application of Kwik Trip, Inc. d/b/a Kwik Trip #678, Toua Lee, Agent, 3232 South Oneida Street, contingent upon approval from all departments.

Legislative History

8/12/15 Safety and Licensing recommended for approval
Committee

[15-1256](#)

"Class A" Liquor (Cider only) License Application of Kwik Trip, Inc. d/b/a Kwik Trip #639, Isaac A. Peterson, Agent, 2175 South Memorial Drive, contingent upon approval from all departments.

Legislative History

8/12/15 Safety and Licensing recommended for approval
Committee

[15-1257](#)

"Class A" Liquor (Cider only) License Application of Kwik Trip, Inc. d/b/a Kwik Trip #685, Eric R. Forbes, Agent, 4085 East Calumet Street, contingent upon approval from all departments.

Legislative History

8/12/15 Safety and Licensing recommended for approval
Committee

[15-1258](#)

"Class A" Liquor (Cider only) License Application of Kwik Trip, Inc. d/b/a Tobacco Outlet Plus #556, Kathleen A. Bayer, Agent, 1342 West Prospect Avenue, contingent upon approval from all departments.

Legislative History

8/12/15 Safety and Licensing recommended for approval
Committee

[15-1259](#)

"Class A" Liquor (Cider only) License Application of Kwik Trip, Inc. d/b/a Kwik Trip 200, Thomas F. Emme, Agent, 2120 East Edgewood Drive, contingent upon approval from all departments

Legislative History

8/12/15 Safety and Licensing recommended for approval
Committee

- [15-1260](#) "Class A" Liquor (Cider only) License Application of Kwik Trip, Inc. d/b/a Kwik Trip 181, Bryan D. Hartjes, Agent, 730 East Wisconsin Avenue, contingent upon approval from all departments

Legislative History

8/12/15 Safety and Licensing recommended for approval
Committee

- [15-1261](#) "Class A" Liquor (Cider only) License Application of Kwik Trip, Inc. d/b/a Kwik Trip 182, Jessica A. Hartjes, Agent, 306 North Richmond Street, contingent upon approval from all departments

Legislative History

8/12/15 Safety and Licensing recommended for approval
Committee

- [15-1269](#) "Class A" Liquor (Cider only) License application of Ballard GCS LLC, d/b/a Ballard Grand Central, Daniel J. Pamperin, Agent, 1910 E. Capitol Dr., contingent upon approval from all departments.

Legislative History

8/12/15 Safety and Licensing recommended for approval
Committee

- [15-1292](#) Change of Agent - "Class A" Beer/Liquor of Albertfest, Inc., d/b/a Festival Foods, 1200 W. Northland Ave., Jason S. Stingl, Agent, contingent upon approval from the Police Department.

Legislative History

8/12/15 Safety and Licensing recommended for approval
Committee

- [15-1293](#) Change of Agent - "Class A" Beer/Liquor License of Ultimate Mart LLC, d/b/a Copps Food Center #8187, 511 W. Calumet St., Andrew D. Rosenberg, Agent, contingent upon approval from the Police Department.

Legislative History

8/12/15 Safety and Licensing recommended for approval
Committee

- [15-1306](#) Operator's Licenses

Attachments: [Operator's Licenses for 08-12-2015 S&L.pdf](#)

Legislative History

8/12/15 Safety and Licensing recommended for approval
Committee

[15-1308](#) Renewal Operator's Licenses

Attachments: [Renewal Operator's Licenses for 08-12-2015 S&L.pdf](#)

Legislative History

8/12/15 Safety and Licensing recommended for approval
Committee

[15-1329](#) Change of Agent - "Class A" Beer/Liquor License of Ultimate Mart LLC,
d/b/a Copps Food Center #8123, 2700 N. Ballard Rd., Shane E.
Fischer, Agent, contingent upon approval from the Police Department.

Legislative History

8/12/15 Safety and Licensing recommended for approval
Committee

[15-1331](#) Special Class "B" Beer License applications filed after the agenda was
published.

Legislative History

8/12/15 Safety and Licensing recommended for approval
Committee

[15-1321](#) Request to Sole Source the Training Tower Window Modifications
Project for a Cost Not to Exceed \$30,000.

Attachments: [Request to Sole Source the Training Tower Window Modifications Project for a](#)

Legislative History

8/12/15 Safety and Licensing recommended for approval
Committee

3. MINUTES OF THE CITY PLAN COMMISSION

[15-1289](#) Request to approve Special Use Permit #9-15 for a community hall and
restaurant with outdoor seating with alcohol sales and service, at 1804
S. Lawe 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 #9-15 Staff Review.pdf](#)

Legislative History

8/10/15 City Plan Commission recommended for approval
*Alderperson Konetzke amended the motion to preclude alcohol sales and service
on the front side (outside) of the building should the applicant ask for this
additional space in the future. Vandehey seconded the amendment. Amendment
failed 1-Konetzke/4-Mayor Hanna, Priddis, Uslabar, Vandehey*

- [15-1291](#) Request to approve Special Use Permit #10-15 for a restaurant with alcohol sales and service, at 338 W. College Avenue, 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 #10-15 Staff Review.pdf](#)

Legislative History

8/10/15 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

- [15-1138](#) Request approval of ordinance permitting absent Alderpersons to appear by phone.

Attachments: [Sec 2-29 Alderperson Appearances \(amended\) .pdf](#)

Legislative History

7/7/15 Finance Committee held

8/11/15 Finance Committee recommended for approval
Motion to amend by Alderperson Lobner to use "electronically" in place of "by telephone" throughout the amendment; second by Alderperson Konetzke.

- [15-1188](#) Request to approve contract to Northern Electric for Municipal Services Electrical Upgrades in the amount of \$181,900 with a contingency of \$8,100 for a contract not to exceed \$190,000 and to reallocate a not-to-exceed amount of \$90,000 of the positive variance from the Municipal Services Building Trench Drain Repair Capital Improvement Project to perform the Municipal Services Electrical Upgrade project.

Attachments: [2015 Muncipal Services Building Emergency Power Upgrades.pdf](#)

Legislative History

8/11/15 Finance Committee recommended for approval

- [15-1254](#) RIVERSIDE CEMETERY ASSOCIATION submitting a request for payment for maintenance of Veteran's graves.

Attachments: [Riverside.pdf](#)

Legislative History

8/11/15 Finance Committee recommended for approval

[15-1336](#)

Request for approval of the Northland-Weiland Relocation Order for Storm Sewer Construction.

Attachments: [Northland-Weiland Pond - Relocation Order.pdf](#)

Legislative History

8/11/15 Finance Committee recommended for approval

[15-1338](#)

Request to transfer \$15,000 of unused CIP funds from the Application Development project to a Security Assessment Project for 2015.

Attachments: [Fund Transfer Request Finance Memo.pdf](#)

Legislative History

8/11/15 Finance Committee recommended for approval

[15-1343](#)

Resolution introduced by Alderpersons Plank, Lobner and Martin at the August 5, 2015 Common Council meeting relating to Ordinance #9-23 regarding renewal of operating licenses and delinquent accounts:

#12-R-15 ALDERPERSONS: Plank/Lobner/Martin

Whereas ...The City made changes to ordinance #9-23 in order to strengthen the consequences for property owners who are delinquent on payments of taxes and fees to the city, by denying the ability to renew various operating licenses for their premises and,
Whereas ...Tenants of these owners and landlords with delinquent bills have suffered, and could potentially suffer the unintended consequences of not being able to obtain the necessary licensing to continue to conduct business at that rented premises,
Therefore be it resolved that ...The following language be added to the municipal code:

Tenants paying rent to Property Owners, who are indirectly affected by this ordinance, after notification of their Landlord's delinquent bills, and at the expiration of their current operating license, may be issued a 3 6-month provisional license for their business on that premises.
And that ...In order to expedite the process and assist any business owners currently suffering from hardship due to these circumstances, the Finance Committee send a recommendation to the Common Council for consideration at their meeting on August 19.

Legislative History

8/11/15 Finance Committee recommended for approval
Motion by Alderperson Coenen, second by Alderperson Martin to amend language to a "6 month" provisional license.

[15-1345](#) Request to approve Rescission of Resolutions of Necessity

Attachments: [Finance - Library - Recission of Resolutions of Necessity - 08-11-15.pdf](#)

Legislative History

8/11/15 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

[15-1302](#) Request approval of electronic Compliance Maintenance Annual Report (eCMAR) for 2014 and request the following Resolution be presented to the Common Council for approval:

RESOLVED, that the City of Appleton inform the Department of Natural Resources that the following actions were taken by the Common Council:

1. Review and approval of the Compliance Maintenance Annual Report (CMAR), which is attached to this Resolution.
2. Set forth the following actions to maintain requirements contained in the WPDES Permit:
 - a) Department of Utilities continue to evaluate the compost demonstration project and further reduce infiltration and inflow from our collection system.

Attachments: [2014 eCMAR memo.pdf](#)
[2014 eCMAR Summary Page.pdf](#)

Legislative History

8/11/15 Utilities Committee recommended for approval

[15-1304](#) Award contract to Steinmetz Corporation for Electrical Transformer Testing at the Wastewater Treatment Plant in the amount of \$17,120 with a contingency of \$2,000 for a contract total not to exceed \$19,120.

Attachments: [2015 Wastewater Plant Transformer Testing.pdf](#)

Legislative History

8/11/15 Utilities Committee recommended for approval

8. MINUTES OF THE HUMAN RESOURCES COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

[15-1262](#) Noise Variance Request - 2201 South Kensington Avenue

Attachments: [Noise Variance Request - 2201 South Kensington Ave.pdf](#)

Legislative History

8/12/15 Board of Health recommended for approval

[15-1267](#) Noise Variance Request - Prospect Ave, Jackman St Overhead

Attachments: [Noise Variance Request - Prospect Ave Jackman St Overhead.pdf](#)

Legislative History

8/12/15 Board of Health recommended for approval

[15-967](#) Referral from City Plan Commission; Resolution #8-R-15 - Dalton/Meltzer

Attachments: [Bee Resolution.pdf](#)

[Bees in Residential Zone.pdf](#)

[Beekeeping Permit Requirements .pdf](#)

[Apiary Permit Application 2015.pdf](#)

Legislative History

6/8/15 City Plan Commission held

6/22/15 City Plan Commission referred to the Board of Health

7/8/15 Board of Health presented

8/12/15 Board of Health recommended for approval

M. CONSOLIDATED ACTION ITEMS

O. ITEMS HELD

[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

7/15/15 Common Council held

This item will be held until the August 19, 2015 Common Council meeting.

- [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

7/15/15 Common Council held

This item will be held until the August 19, 2015 Common Council meeting.

P. ORDINANCES

- [15-1346](#) Ordinances 56-15 thru 65-15.

Attachments: [Ordinances going to 08-19-2015 Council.pdf](#)

Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

R. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

S. OTHER COUNCIL BUSINESS

T. ADJOURN

Jamie L. Sova, Deputy City Clerk

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