



City of Appleton

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

Meeting Agenda - Final-revised Common Council

Wednesday, December 5, 2018

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
 - [18-1774](#) Common Council Meeting Minutes of November 7, 2018
Attachments: [CC Minutes 11-7-18_Reg. Mtg..pdf](#)
 - [18-1775](#) Common Council Meeting Minutes of November 14, 2018 - Budget Adoption
Attachments: [CC Minutes 11-14-18_2019 Budget Adoption.pdf](#)
- H. BUSINESS PRESENTED BY THE MAYOR
 - [18-1776](#) Committee Reappointments
Attachments: [COMMITTEE REAPPTS 120518.pdf](#)
 - [18-1777](#) Retirement of Sergeant Jeremy Haney and K-9 Jico
Attachments: [Haney, Jico Retirement \(002\).pdf](#)
- I. PUBLIC HEARINGS
 - [18-1730](#) Public Hearing - Rezoning #11-18, 5500 North Meade Street
Attachments: [Public Hearing Notice_RZ #11-18.pdf](#)

- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY
- L. COMMITTEE REPORTS
1. **MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**

[18-1537](#) Approve Scenario 1 parking restrictions related to the Lutz Drive multi-use trail adjacent to the Appleton Yacht Club.

Attachments: [Parking restrictions-Lutz Drive.pdf](#)
[Lutz Drive Parking Restriction Points of Consideration.pdf](#)
[Lutz Drive Petition.pdf](#)
[Photos related to Lutz Drive trail.pdf](#)
[Path of vehicle map.pdf](#)

Legislative History

10/22/18	Municipal Services Committee	recommended for approval
11/7/18	Common Council	referred to the Municipal Services Committee
11/26/18	Municipal Services Committee	amended

Item 18-1537 motion to amend by Croatt, 2nd by Coenen. Amend to stripe a 3 foot section of the trail with 50/50 cost share with Yacht Club. Motion passes 3-1 (Coenen).

Amend the amendment to mark along the entire length of the trail where it meets the curb. Motion by Croatt, 2nd by Konetzke. Motion fails 2-2.

Motion to amend the amendment #2 by Williams to allow parking and stripe everything where the trail meets the curb (green line on the map). 2nd by Konetzke. Motion passes 3-1 (Coenen).

Amend the approved amendment. Motion by Coenen, 2nd by Williams. Shorten the area on the east to end at the main gate by "path of Vehicle" note. Motion passes 4-0.

[18-1732](#) Request from Red Lion Paper Valley Hotel to change their signage by removing "Radisson Paper Valley Hotel" and adding "Vince Lombardi's Steakhouse" to the College Avenue Skywalk per the June 1994 Development Agreement.

Attachments: [Red Lion Paper Valley Hotel-signage.pdf](#)

Legislative History

11/26/18	Municipal Services Committee	recommended for approval
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11/28/18 Safety and Licensing recommended for approval
Committee

[18-1639](#)

Secondhand Article License Renewal application of Warehouse Office Products, 1825 N. Richmond St., Jeff S. Lemery, Applicant, contingent upon approval from all departments.

Legislative History

11/28/18 Safety and Licensing recommended for approval
Committee

[18-1676](#)

Class "B" Beer License application of Nalee Song d/b/a Bangkok Post, 1804 S. Lawe St., Ste 203, contingent on approval from all departments.

Attachments: [Nalee Song Bangkok Post - application.pdf](#)

Legislative History

11/28/18 Safety and Licensing recommended for approval
Committee

[18-1677](#)

Secondhand Article License Renewal application of Beatnik Betty's Resale Butik, Monika L. Austin, Applicant, 214 E. College Ave., contingent upon approval from all departments.

Legislative History

11/28/18 Safety and Licensing recommended for approval
Committee

[18-1717](#)

Taxi Cab Company License application of Cavanaugh's Carriages, Rodger Cavanaugh, 3910 Fairview Road, Neenah, contingent upon approval from all departments.

Legislative History

11/28/18 Safety and Licensing recommended for approval
Committee

[18-1718](#)

Secondhand Article License Renewal application of Kay Jewelers, #4739, Megan L. Stepniewski, Applicant, 3845 E. Calumet St., contingent upon approval from all departments.

Legislative History

11/28/18 Safety and Licensing recommended for approval
Committee

[18-1763](#)

"Class B" Beer/Liquor License application of Generation Paulson d/b/a The Daily Pint, Chris D. Paulson, Agent, 830 E. Northland Avenue, contingent upon approval from all departments.

Attachments: [Generation Paulson application.pdf](#)

Legislative History

11/28/18 Safety and Licensing recommended for approval
Committee

[18-1764](#) Operator's Licenses

Attachments: [Operator's Licenses for 11-28-18 S & L.pdf](#)

Legislative History

11/28/18 Safety and Licensing recommended for approval
Committee

3. MINUTES OF THE CITY PLAN COMMISSION

[18-1654](#) Request to approve Rezoning #11-18 for the Randal Leeman, Et al Annexation, formerly part of the Town of Grand Chute, located at 5500 North Meade Street, from Temporary AG Agricultural District to R-1B Single-Family District and including to the centerline of the adjacent right-of-way from R-1A Single-Family District to R-1B Single-Family District as shown on the attached maps

Attachments: [StaffReport_Rezoning_LeemanAnnexation_11-13-18.pdf](#)

Legislative History

11/13/18 City Plan Commission recommended for approval

[18-1656](#) Request to approve Special Use Permit #7-18 for a private recreational facility including an outdoor pool, indoor fitness center and community room with kitchen facilities for use by the homeowners of Apple Ridge Subdivision and their guests, 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 and approve attached Resolution (2/3 vote required)

Attachments: [StaffReport_AppleRidgeRecFacility_SUP_11-13-18.pdf](#)

Legislative History

11/13/18 City Plan Commission recommended for approval

[18-1658](#) Request to approve Special Use Permit #8-18 for an essential services facility (utility substation) located at 139 North State Street (Tax Id #31-5-1138-02), 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 and approve attached Resolution (2/3 vote required)

Attachments: [StaffReport_WeEnergiesStateSt_SUP_For11-13-18.pdf](#)

Legislative History

11/13/18 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[18-1788](#)

Request to approve acceptance of a \$25,000 matching grant from I'ACT to provide tools and resources to help individuals cope with emotional stress; and approve the related 2019 Budget adjustment:

General Fund - Police Department

Local Aids - Grant	+\$25,000
Other Contracts/Obligations	+\$25,000

Attachments: [Award Letter.pdf](#)

[18-1738](#)

Request to approve Finance Committee Report 5-P-18 for Storm Sewer Construction

Attachments: [Report 5-P-18.pdf](#)

Legislative History

11/26/18 Finance Committee recommended for approval

[18-1739](#)

Request to approve Change Order No. 3 to contract 11-18 for Unit Z-18 Sewer and Water Reconstruction No. 2 for adjustment to final earned / measured quantities in the amount of \$3,114.99 resulting in a decrease to contingency from \$21,196.67 to \$18,081.68. No change to overall contract amount

Attachments: [Unit Z-18 Change Order No.3.pdf](#)

Legislative History

11/26/18 Finance Committee recommended for approval

[18-1740](#)

Request to award contract for front-load solid waste trash disposal to Advanced Disposal Services

Attachments: [Trash Disposal Recomm.Memo to FC-2018.pdf](#)

Legislative History

11/26/18 Finance Committee recommended for approval

[18-1748](#)

Request to award Briarcliff and Midway Road Lift Station Improvements project bid to Vinton Construction in the amount of \$194,870 plus a 7.5% contingency of \$14,615 for a total cost not to exceed \$209,485

Attachments: [Briarcliff and Midway Improvements Bid Award_Vinton.pdf](#)
[Award Recommendation.pdf](#)

Legislative History

11/26/18 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[18-1533](#)

Request to counter the Offer to Purchase of Lot 17, Southpoint Commerce Park, Plat 2 from New Morning Coffee Roasters, Inc. at a purchase price of \$168,400 (\$40,000 per acre), comprised of approximately 4.21 acres; and, contingent upon acceptance of that counter-offer, staff is then authorized to negotiate and execute a development or like agreement providing City investment in the project of up to 50% of the land purchase amount (50% of \$168,400 = \$84,200)

Attachments: [Memo on Offer to Purchase Lot 17 Southpoint Commerce.pdf](#)
[New Morning Coffee Roasters_OTP_Lot 17 Southpoint Plat 2.pdf](#)
[Map_Lot 17 Southpoint Commerce Park Plat 2.pdf](#)

Legislative History

11/28/18 Community & Economic recommended for approval
 Development Committee

[18-1650](#)

Request to approve 2019-2020PY Community Development Block Grant (CDBG) Community Partner Allocation Recommendations

Attachments: [Alloc Recs Memo to CEDC 11-28-18.pdf](#)
[2019 CDBG Simple Summary of Recommendations.pdf](#)
[2019 CDBG Community Partner Recommendations.pdf](#)
[2019 CDBG Advisory Board Membership.pdf](#)
[CDBG Policy Adopted July 2015.pdf](#)

Legislative History

11/28/18 Community & Economic recommended for approval
 Development Committee

[18-1666](#)

Request to consider reallocation or refund of the \$25,000 from the 2018 budget to fund the Fox Cities Regional Partnership program, Talent Upload, which was cancelled

Attachments: [Memo to CEDC_Talent Upload Support 2018_Nov.28.18.pdf](#)
[Talent Upload Funds 2018 Attachments.pdf](#)
[Fox Cities Regional Partnership PowerPoint Presentation.pdf](#)

Legislative History

11/28/18 Community & Economic recommended for approval
 Development Committee
Alderson Dvorachek moved, seconded by Coenen, that the Report Action Item be held until the December 12 CEDC meeting. Roll Call. Motion failed by the following vote: Aye: 2 - Dvorachek and Coenen, Nay: 2 - Baker and Reed

Clarification on the motion to approve: The recommendation is to approve reallocation of the funds to other programming within the Fox Cities Regional Partnership, not refund.

7. MINUTES OF THE UTILITIES COMMITTEE

[18-1767](#) Authorize the 2018 Request from Outagamie County Recycling and Solid Waste (OCRSW) to Discharge Leachate from the proposed Northwest Landfill Expansion Project and reject discharges from the East and Northeast Landfills.

Attachments: [Utilities Memo NW Landfill Leachate Request OCRSW.pdf](#)
[Landfill Dwg.pdf](#)

Legislative History

11/27/18 Utilities Committee recommended for approval

[18-1768](#) Amend 2017F Evergreen Drive and Alvin Street Stormwater Management Design and Permitting with McMahon Associates, Inc. in an amount not to exceed \$4,000.

Attachments: [2017 Evergreen Alvin Amend DESIGN Contract Nov 2018.pdf](#)

Legislative History

11/27/18 Utilities Committee recommended for approval

[18-1769](#) Award of 2019A Stormwater Consulting Services Contract for 2019 Stormwater Management Plan Reviews to Brown and Caldwell in an amount not to exceed \$50,000.

Attachments: [2019 A Plan Review Award Util Memo BC.pdf](#)

Legislative History

11/27/18 Utilities Committee recommended for approval

[18-1770](#) Award of 2019B Stormwater Consulting Services Contract for North Edgewood Estates Stormwater Engineering Services to McMahon Associates, Inc. in an amount not to exceed \$48,400.

Attachments: [2019 B North Edgewood Stormwater Approval Memo McMahon.pdf](#)

Legislative History

11/27/18 Utilities Committee recommended for approval

[18-1771](#) Preliminary Resolution 5-P-18 for storm sewer construction, Evergreen Drive from Alvin Street to Haymeadow Avenue, be adopted and refer the matter to the Finance Committee to determine the assessment rate.

Attachments: [5-P-18 Storm Sewer.pdf](#)

Legislative History

11/27/18 Utilities Committee recommended for approval

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

[18-1418](#) Resolution #12-R-18 Medical Marijuana

Attachments: [REVISED Resolution #12-R-18 Medical Marijuana.pdf](#)

[#12-R-18 Medical Marijuana.pdf](#)

[NASEM Report - Health Effects of Cannabis and Cannabinoids - SUMMARY.pdf](#)

[WPHA Resolution-Access to Therapeutic Marijuana-Cannabis.pdf](#)

Legislative History

10/10/18 Board of Health presented

11/14/18 Board of Health recommended for approval

A motion to amend the resolution was made by Dr. Nelson, seconded by Cathy Spears, to revise the first paragraph to read "control epileptic seizures and other health conditions as identified by the attached study titled 'The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research', published by the National Academy of Sciences" . Motion carried 4-0. A second motion was made by Cathy Spears, seconded by Dr. Nelson, to amend the resolution to also change wording in third paragraph to "held" instead of "have" and add "in each community, residents voted in support". Motion carried 4-0. A third motion was made by Dr. Nelson, seconded by Cathy Spears, to amend the resolution to add that the Board of Health stands in support of recommending removal of marijuana from Schedule I Classification (Federal law) so it can be used in research to look at potential uses in medical care. Motion carried 4-0. A motion was made by Dr. Nelson, seconded by Cathy Spears, to approve Resolution, as amended.

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[18-1729](#) Ordinances 102-18 to 110-18

Attachments: [Ordinances going to Council 12-5-18.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. ADJOURN

Kami Lynch, City Clerk

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