



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, July 6, 2016

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order by Mayor Hanna at 7:00 p.m.

B. INVOCATION

The Invocation was offered by Alderperson Williams.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 14 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt and Mayor Timothy Hanna

Excused: 2 - Alderperson Kyle Lobner and Alderperson Greg Dannecker

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

City Clerk Lynch, City Attorney Walsh, Deputy City Attorney Behrens, Director of Community & Economic Development Harkness, Director of Finance Saucerman, Fire Battalion Chief Baker, Health Officer Eggebrecht, Director of Parks, Recreation and Facilities Gazza, Police Chief Thomas, Director of Public Works Vandehey, Director of Utilities Shaw, Valley Transit Asst. General Manager Sandmeier,

F. PUBLIC PARTICIPATION

The following spoke regarding Item 16-706 to approve Special Use Permit #2-16 for a cell tower:

*Ryan Vissers, 2713 Kesting Ct
Rod Roovers, 2708 Kesting Ct*

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[16-1029](#) Common Council Meeting Minutes of June 15, 2016

Attachments: [CC Minutes 6-15-16.pdf](#)

Alderson Baranowski moved, seconded by Alderson Martin, that the Minutes be approved. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Jeffrey Jirschele, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Christine Williams and Alderson Chris Croatt

Excused: 2 - Alderson Kyle Lobner and Alderson Greg Dannecker

Abstained: 2 - Alderson Cathy Spears and Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR

[16-1030](#) Presentation of Appleton Police Department Civilian Medals of Gallantry to Andrew Maltbey and Nicholas Maltbey

[16-1031](#) Presentation of Parks and Recreation Month Proclamation

[16-1032](#) Presentation of Children's Week Proclamation

[16-1033](#) Presentation of Flag Day Parade Awards

[16-1056](#) Appointment of Tanya Rabec to the City Plan Commission

Attachments: [APPT TO CITY PLAN COMM BIOGRAPHY EXPIRED 070516.pdf](#)

Alderson Konetzke moved, seconded by Alderson Croatt, that the Appointment be approved. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Margret Mann, Alderson Patti Coenen, Alderson Jeffrey Jirschele, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Christine Williams, Alderson Cathy Spears and Alderson Chris Croatt

Nay: 1 - Alderson Ed Baranowski

Excused: 2 - Alderson Kyle Lobner and Alderson Greg Dannecker

Abstained: 1 - Mayor Timothy Hanna

I. PUBLIC HEARINGS

[16-1046](#)

Public Hearing for Resolution 3-P-16, Sanitary Sewer, Storm Sewer and Laterals

Attachments: [3-P-16 Public Hearing Notice.pdf](#)

The Public Hearing was held. No one spoke during the Public Hearing.

J. SPECIAL RESOLUTIONS

[16-1034](#)

Resolution 3-P-16, Sanitary Sewer, Storm Sewer & Laterals

Attachments: [3-P-16 Final Resolution Sanitary Storm Sewer Laterals.pdf](#)

Alderson Konetzke moved, seconded by Alderson Baranowski, that the Resolution be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Jeffrey Jirschele, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Christine Williams, Alderson Cathy Spears and Alderson Chris Croatt

Excused: 2 - Alderson Kyle Lobner and Alderson Greg Dannecker

Abstained: 1 - Mayor Timothy Hanna

K. ESTABLISH ORDER OF THE DAY

[16-706](#)

Reconsideration of Request to approve Special Use Permit #2-16 for an 85-foot monopole wireless telecommunication tower with associated antennas and ground equipment located in the 2700 block of N. Kesting Court (Tax Id 31-1-4025-00), as shown on the attached maps and per attached plan of operation, subject to the conditions in the attached staff report

Attachments: [StaffReportReferBack_KestingCtTower_SpecialUsePermit#2-16.pdf](#)
[Kesting Ct Cell Tower Petition.pdf](#)
[Photos submitted to Plan Commission on 5-9-16 re Kesting Ct Tower.pdf](#)

Alderson Baranowski moved, seconded by Alderson Martin, that the Report Action Item be reconsidered. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Jeffrey Jirschele, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Christine Williams, Alderson Cathy Spears and Alderson Chris Croatt

Nay: 1 - Alderson Matt Reed

Excused: 2 - Alderson Kyle Lobner and Alderson Greg Dannecker

Abstained: 1 - Mayor Timothy Hanna

Aldersperson Coenen moved to call the question, seconded by Aldersperson Martin. Motion carried 12/1 with Aldersperson Spears voting Nay.

Aldersperson Jirschele moved, seconded by Aldersperson Plank, that the Special Use Permit be approved. Roll Call. Motion failed by the following vote:

Aye: 5 - Aldersperson Kathleen Plank, Aldersperson Curt Konetzke, Aldersperson Margret Mann, Aldersperson Jeffrey Jirschele and Aldersperson Matt Reed

Nay: 8 - Aldersperson William Siebers, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Christine Williams, Aldersperson Cathy Spears and Aldersperson Chris Croatt

Excused: 2 - Aldersperson Kyle Lobner and Aldersperson Greg Dannecker

Abstained: 1 - Mayor Timothy Hanna

[16-1022](#)

Request to approve the following 2016 Budget adjustment:

TIF #6

Land Purchase	+\$152,749
Fund Balance (advance from General Fund)	- \$152,749

to provide funding for the repurchase of Lot 13 in the Southpoint Commerce Park.

Attachments: [Commercial Horizons LOI 6-7-16.pdf](#)
[SubjectParcel06162016.pdf](#)

Aldersperson Konetzke moved, seconded by Aldersperson Martin, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:

Aye: 12 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Margret Mann, Aldersperson Patti Coenen, Aldersperson Jeffrey Jirschele, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Christine Williams and Aldersperson Chris Croatt

Nay: 1 - Aldersperson Cathy Spears

Excused: 2 - Aldersperson Kyle Lobner and Aldersperson Greg Dannecker

Abstained: 1 - Mayor Timothy Hanna

[16-1004](#)

Adopt City of Appleton Complete Streets Policy.

Attachments: [Adopt City of Appleton Complete Streets Policy.pdf](#)

Alderson Reed referred this item back to the Municipal Services Committee.

This Report Action Item was referred to the Municipal Services Committee

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderson Baranowski moved, Alderson Martin seconded, to approve the balance of the agenda. The motion carried by the following vote:

Aye: 13 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Jeffrey Jirschele, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Christine Williams, Alderson Cathy Spears and Alderson Chris Croatt

Excused: 2 - Alderson Kyle Lobner and Alderson Greg Dannecker

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[16-996](#)

Request from Jim Ackerman to appeal his \$50 Weed Administration Fee for 131 W. Winrowe Drive.

Attachments: [131 W. Winrowe Drive.pdf](#)

This Report Action Item was approved as recommend, the appeal was denied.

[16-1003](#)

Approve Red Ramp Pedestrian Access Agreement with SOMA Corp.

Attachments: [Red Ramp Pedestrian Access Agreement.pdf](#)

This Report Action Item was approved.

[16-1008](#)

Preliminary Resolution 4-P-16 for Sidewalk Construction be adopted and refer the matter to the Finance Committee to determine the assessment rate.

Attachments: [Resolution #4-P-16.pdf](#)

This Report Action Item was approved.

[16-1023](#) Anticipated award for P-16 Epoxy Contract.

Attachments: [Unit P-16.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[16-956](#) Reserve "Class B" Beer/Liquor License application of El Jaripeo Appleton LLC, Antonio Sandoval, Agent, 3401 E. Evergreen Drive, contingent upon approval from all departments.

This Report Action Item was approved.

[16-961](#) Taxi Cab and Limousine Service renewal application of A2B Taxi LLC, Bradley Pingel, 1348 W. Summer Street, contingent upon approvals from all departments.

This Report Action Item was approved.

[16-994](#) Taxi Cab and Limousine Service renewal application of LIR Transportation LLC, Igor Leykin, 719 W. Frances Street, contingent upon approvals from all departments.

This Report Action Item was approved.

[16-995](#) Farm Market application of Long Cheng Marketplace, Mai Youa Thao, 1804 S. Lawe Street, every day from July to October, 2016, contingent upon approval from all departments.

This Report Action Item was approved.

[16-1010](#) Operator's Licenses

Attachments: [Operator's Licenses for 6-22-16 S & L.pdf](#)

This Report Action Item was approved.

[16-1011](#) Renewal Operator's Licenses

Attachments: [Renewal Operator's Licenses for 6-22-16 S & L.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION**4. MINUTES OF THE PARKS AND RECREATION COMMITTEE****5. MINUTES OF THE FINANCE COMMITTEE****[16-1015](#)**

Request to award Unit H-15 Spartan Drive and Haymeadow Avenue Sewer and Force Main Construction to Kruczek Construction Inc. in the amount of \$427,427 with a 4.7% contingency of \$20,000 for a project total not to exceed \$447,427.

Attachments: [Unit H-15.pdf](#)

This Report Action Item was approved.

[16-1016](#)

Request to reject bid received for Unit Y-16 Arbutus Park Storm Lift Station Rehabilitation and rebid in Fall, 2016.

Attachments: [Unit Y-16.pdf](#)

This Report Action Item was approved.

[16-1017](#)

Request to approve Finance Committee Report 4-P-16 for Sidewalk Construction.

Attachments: [Report 4-P-16.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**[16-977](#)**

Request to waive repurchase rights for Lot 2 of CSM 3490 in the Northeast Business Park, allowing the transfer from Nicolet National Bank to C3 Corporation or Assigns; this waiver is not transferable, survivable, or assignable and the City's repurchase rights would remain on this property

Attachments: [Repurchase waiver Lot 2 CSM 3490.pdf](#)
[CovenantsandRestrictions_CSM3490Lot2.pdf](#)
[Venture Offer.pdf](#)
[AvailableSites_06122016.pdf](#)

This Report Action Item was approved.

[16-1019](#)

Request to authorize staff to accept the basic terms of the Letter of Intent from Commercial Horizons dated June 7, 2016 and continue to negotiate terms toward offer to purchase and development agreement for Lots 12 and 13 of Plat 1 in the Southpoint Commerce Park (Associated with Action Item #16-1020)

Attachments: [Commercial Horizons LOI 6-7-16.pdf](#)
 [SubjectParcel06162016.pdf](#)
 [Southpoint Deed Restrictions.pdf](#)

This Report Action Item was approved.

[16-1020](#)

Request to authorize staff to proceed with the repurchase of Lot 13 of Plat 1 in the Southpoint Commerce Park under the terms outlined in Section 13 - Repurchase Rights (Associated with Action Item #16-1019)

Attachments: [Commercial Horizons LOI 6-7-16.pdf](#)
 [SubjectParcel06162016.pdf](#)
 [Southpoint Deed Restrictions.pdf](#)

This Report Action Item was approved.

[16-1026](#)

Request to approve a Variance to the Deed Restrictions and Covenants allowing for a fence setback less than fifteen (15) feet from the lot line at 2619 E. Capitol Drive, specifically to allow a setback of six and one-half (6 1/2) feet on the western property boundary and five (5) feet on the southern boundary

Attachments: [2619 E Capitol Var 6-16-16.pdf](#)
 [Variance Request 2619 E. Capitol.pdf](#)
 [Northeast Business Park Map.pdf](#)
 [NEIP Deed Restrictions.pdf](#)

This Report Action Item was approved.

7. **MINUTES OF THE UTILITIES COMMITTEE**
8. **MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE**
9. **MINUTES OF THE FOX CITIES TRANSIT COMMISSION**
10. **MINUTES OF THE BOARD OF HEALTH**

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[16-1028](#)

Ordinance 50-16 and 51-16

Attachments: [Ordinances going to Council 7-6-16.pdf](#)**This Report Action Item was approved.**

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

[16-1053](#)

Convene into Committee of the Whole

*The Common Council convened into the Committee of the Whole at 7:56 p.m.***Aldersperson Baranowski moved, seconded by Aldersperson Croatt, to convene into Committee of the Whole. Roll Call. Motion carried by the following vote:****Aye:** 13 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Margret Mann, Aldersperson Patti Coenen, Aldersperson Jeffrey Jirschele, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Christine Williams, Aldersperson Cathy Spears and Aldersperson Chris Croatt**Excused:** 2 - Aldersperson Kyle Lobner and Aldersperson Greg Dannecker**Abstained:** 1 - Mayor Timothy Hanna[16-1057](#)

Award contract to Zimmerman Architectural Studios for design and engineering services for the Fox Cities Exhibition Center for a contract of \$1,819,114 and a 10% design contingency for a contract not to exceed \$2,001,025.

Attachments: [2016 Expo Center Architect and Engineer \(002\).pdf](#)**Aldersperson Konetzke moved, seconded by Aldersperson Martin, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:**

Aye: 13 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

Excused: 2 - Alderperson Kyle Lobner and Alderperson Greg Dannecker

Abstained: 1 - Mayor Timothy Hanna

[16-1058](#)

Award contract to Miron Construction for Construction Manager at Risk services for the Fox Cities Exhibition Center for a contract of \$589,315 and \$25,000 for reimbursable expenses for a contract not to exceed \$614,315.

Attachments: [2016 Expo Center Construction Manager.pdf](#)

Alderperson Konetzke moved, seconded by Alderperson Martin, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

Excused: 2 - Alderperson Kyle Lobner and Alderperson Greg Dannecker

Abstained: 1 - Mayor Timothy Hanna

[16-1059](#)

Request to approve the following 2016 Budget adjustment:

Exhibition Center Capital Projects Fund

Architect Fees	\$2,001,025
Contractor Fees	\$614,315
Proceeds of Debt/Hotel Room Tax	\$2,615,340

To record cost of architect and construction management fees for the construction of the Exhibition Center.

Costs will be funded by the hotel room tax.

2/3 vote is required

Alderperson Konetzke moved, seconded by Alderperson Martin, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

Excused: 2 - Alderperson Kyle Lobner and Alderperson Greg Dannecker

Abstained: 1 - Mayor Timothy Hanna

[16-1055](#)

Reconvene to Common Council

The Common Council reconvened at 7:59 p.m.

Alderperson Meltzer moved, seconded by Alderperson Spears, that they reconvene to the Common Council. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

Excused: 2 - Alderperson Kyle Lobner and Alderperson Greg Dannecker

Abstained: 1 - Mayor Timothy Hanna

[16-1060](#)

Report of the Committee of the Whole

Alderperson Konetzke moved, seconded by Alderperson Martin, that the Report of the Committee of the Whole be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

Excused: 2 - Alderperson Kyle Lobner and Alderperson Greg Dannecker

Abstained: 1 - Mayor Timothy Hanna

S. ADJOURN

Alderperson Baranowski moved, seconded by Alderperson Spears, that the meeting be adjourned at 8:19 p.m. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt and Mayor Timothy Hanna

Excused: 2 - Alderperson Kyle Lobner and Alderperson Greg Dannecker

Kami Lynch, City Clerk