



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, September 17, 2014

7:00 PM

Council Chambers

A. CALL TO ORDER

Meeting was called to order at 7:13 PM.

B. INVOCATION

Invocation offered by Alderperson Stueck.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 14 - Alderperson Patti Coenen, Alderperson Sarah Garb, Alderperson Jeffrey Jirschele, Alderperson Curt Konezke, Alderperson Kyle Lobner, Alderperson Joe Martin, Alderperson Kathleen Plank, Alderperson Cathy Spears, Alderperson Peter Stueck, Mayor Timothy Hanna, Alderperson Tim Trauger, Alderperson Polly Dalton, Alderperson Christine Williams and Alderperson Vered Meltzer

Excused: 2 - Alderperson Chris Croatt and Alderperson Greg Dannecker

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

PRESENT: City Clerk Collins, Deputy City Clerk Helgeson, City Attorney Walsh, Deputy City Attorney Behrens, Director of Community and Economic Development Harkness, Finance Director Saucerman, Fire Chief Vander Wyst, Health Officer Eggebrecht, Director of Human Resources Behnke, Director of Parks, Recreation and Facilities Gazza, Deputy Police Chief Olm, Director of Public Works Vandehey, Director of Information Technology Fox, Deputy Director Utilities Stempa, Valley Transit General Manager Wetter, Library Director Rortvedt. EXCUSED: Director of Utilities Shaw, Interim Police Chief Lewis.

F. PUBLIC PARTICIPATION

Name - Address - Topic

Jerry Smith - 1827 N Racine - Reid Golf Course

Moved by Alderperson Garb, seconded by Lobner, to extend time. Motion carried unanimously.

Jenny Farry - 135 S Buchanan - Operator License

Brian Krause - 325 E Timberline - Reid Golf Course

Matt Tabak - 8 Tracy Ct - Reid Golf Course

Ken Amundson - N1851 Mayflower - Reid Golf Course

Tim Clawson - 37 South Meadows - Reid Golf Course

Kevin McDowell - 54 E First St, FonduLac - Union Square Apartments

Moved by Alderperson Konetzke, seconded by Lobner, to extend time. Motion carried unanimously.

Kathy Algers - 3303 E Glory - Reid Golf Course

Scott Thuliens - 1724 E Telulah - Reid Golf Course

John Turner - 1621 S Mohawk - Reid Golf Course

Gene Loiselle - 646 Windmill - Reid Golf Course

Julie Russell - 823 W Franklin - Reid Golf Course

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

14-1597 September 3, 2014 Common Council Meeting Minutes.

Attachments: [CC Minutes 09-03-2014.pdf](#)

Alderperson Lobner moved, seconded by Alderperson Konetzke, that the Minutes be approved. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderperson Coenen, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Spears, Alderperson Stueck, Alderperson Trauger, Alderperson Dalton and Alderperson Meltzer

Excused: 2 - Alderperson Croatt and Alderperson Dannecker

Abstained: 2 - Mayor Hanna and Alderperson Williams

H. BUSINESS PRESENTED BY THE MAYOR

14-1600 Reappointment of Eleanor Maloney to the Board of Zoning Appeals.

Attachments: [CC 09-17-2014 - Committee Reappointment.pdf](#)

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

Aye: 13 - Alderperson Coenen, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Spears, Alderperson Stueck, Alderperson Trauger, Alderperson Dalton, Alderperson Williams and Alderperson Meltzer

Excused: 2 - Alderperson Croatt and Alderperson Dannecker

Abstained: 1 - Mayor Hanna

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

14-1518 Operator's License application of Jenny Sue Farry, 135 S. Buchanan Street.

Alderperson Lobner requested the vote to be notwithstanding. An aye vote will approve the license and a nay vote will deny the license. A total of 8 votes are needed to approve the license.

Alderperson Coenen moved, seconded by Alderperson Trauger, that the Report Action Item be approved. Roll Call. Motion failed by the following vote:

Aye: 7 - Alderperson Coenen, Alderperson Lobner, Alderperson Martin, Alderperson Spears, Alderperson Trauger, Alderperson Dalton and Alderperson Meltzer

Nay: 6 - Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Plank, Alderperson Stueck and Alderperson Williams

Excused: 2 - Alderperson Croatt and Alderperson Dannecker

Abstained: 1 - Mayor Hanna

14-1550 SPECIAL USE PERMIT APPLICATION #11-14 - Emmanuel J. Martinez - 1211 East Wisconsin Avenue.

Attachments: [Special Use Permit 11-14 for 9-8-14.pdf](#)

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

Aye: 13 - Alderperson Coenen, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Spears, Alderperson Stueck, Alderperson Trauger, Alderperson Dalton, Alderperson Williams and Alderperson Meltzer

Excused: 2 - Alderperson Croatt and Alderperson Dannecker

Abstained: 1 - Mayor Hanna

14-1553

Request approval of the Development Agreement for Union Square Apartments, LLC in Tax Increment Financing District No. 9

Attachments: [Union Square Development Agreement \(Commonwealth - Union Square\) 9-04-14 Final.pdf](#)
[Union Square Exhibit A CSM #14.pdf](#)
[Union Square Exhibit B Development Area.pdf](#)
[Union Square Exhibit C Development Plan.pdf](#)
[Union Square Exhibit D Construction Timing and Estimated Property Valuation.pdf](#)
[Union Square TIF9 DevAreasPublicWorks.pdf](#)

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

Aye: 13 - Aldersperson Coenen, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Plank, Aldersperson Spears, Aldersperson Stueck, Aldersperson Trauger, Aldersperson Dalton, Aldersperson Williams and Aldersperson Meltzer

Excused: 2 - Aldersperson Croatt and Aldersperson Dannecker

Abstained: 1 - Mayor Hanna

14-1466

Action: Approve Recommendation to Self-Operate the Golf Operations at Reid Golf Course Commencing for the 2015 Season

Attachments: [Reid Golf Course Action Item \(8-27-14 P & R Meeting\).pdf](#)
[Golf Course Questions \(9-10-14 P & R Meeting\).docx](#)

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

Aye: 10 - Aldersperson Coenen, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Lobner, Aldersperson Martin, Aldersperson Plank, Aldersperson Spears, Aldersperson Dalton, Aldersperson Williams and Aldersperson Meltzer

Nay: 3 - Aldersperson Konetzke, Aldersperson Stueck and Aldersperson Trauger

Excused: 2 - Aldersperson Croatt and Aldersperson Dannecker

Abstained: 1 - Mayor Hanna

14-1237 Request from Mike Ferris for a variance to Municipal Code Section 19-10(b) obstruction of view at intersection by vegetation, fence, etc. at 3400 S Hemlock Lane.

Attachments: [Mike Ferris Variance Request.pdf](#)
[Michael Ferris-3400 S Hemlock La.pdf](#)

Aldersperson Coenen moved, seconded by Aldersperson Spears, that the Report Action Item be denied. Roll Call. Motion carried by the following vote:

Aye: 8 - Aldersperson Coenen, Aldersperson Garb, Aldersperson Lobner, Aldersperson Martin, Aldersperson Plank, Aldersperson Spears, Aldersperson Trauger and Aldersperson Dalton

Nay: 5 - Aldersperson Jirschele, Aldersperson Konezke, Aldersperson Stueck, Aldersperson Williams and Aldersperson Meltzer

Excused: 2 - Aldersperson Croatt and Aldersperson Dannecker

Abstained: 1 - Mayor Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Aldersperson Lobner moved, Aldersperson Martin seconded, to approve the balance of action items on the agenda. The motion carried by the following vote:

Aye: 13 - Aldersperson Coenen, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Konezke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Plank, Aldersperson Spears, Aldersperson Stueck, Aldersperson Trauger, Aldersperson Dalton, Aldersperson Williams and Aldersperson Meltzer

Excused: 2 - Aldersperson Croatt and Aldersperson Dannecker

Abstained: 1 - Mayor Hanna

1. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

14-1576 Taxicab Driver's License application of Bruce J. Vissers, 713 1/2 N. Meade Street.

This Report Action Item was approved.

14-1519 Operator's License application of Krista M. Jost, 1721 S. Lawe Street.

This Report Action Item was approved.

14-1511 Operator's Licenses

Attachments: [Operator's Licenses for 9-11-14 S & L.docx](#)

This Report Action Item was approved.

14-1510 Reserve "Class B" Beer/Liquor License application of Derek Colt Brown, d/b/a Timeless Tavern, 215 E. College Avenue, contingent upon approvals from all departments.

This Report Action Item was approved.

2. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**14-1557** The alley south of College Avenue, from Pierce Avenue to Locust Street, be reconstructed with concrete pavement to a width of 16' to 20' from edge of pavement to edge of pavement, which is the same width as the existing alley.

This Report Action Item was approved.

14-1558 The alley west of Appleton Street, from Commercial Street to Summer Street, be reconstructed with concrete pavement to a width of 14' from edge of pavement to edge of pavement, which is the same width as the existing alley.

This Report Action Item was approved.

- 14-1560** Hancock Street: (Lawe Street to Rankin Street)
- Hancock Street, from Lawe Street to Meade Street, be reconstructed with concrete pavement and curb and gutter to a width of 27' from back of curb to back of curb, which is the same width as the existing street. All on-street parking be removed from this block of Hancock Street.
 - Hancock Street, from Meade Street to Rankin Street, be reconstructed with asphalt pavement and concrete curb and gutter to a width of 27' from back of curb to back of curb, which is the same width as the existing street. Parking to remain unchanged.

This Report Action Item was approved.

- 14-1561** Sampson Street: (North Street to Atlantic Street)
- Sampson Street, from North Street to Pacific Street, be reconstructed with asphalt pavement and concrete curb and gutter to a width of 25' from back of curb to back of curb, which is the same width as the existing street. Parking to remain unchanged.
 - Sampson Street, from Pacific Street to Atlantic Street, be reconstructed with asphalt pavement and concrete curb and gutter to a width of 27' from back of curb to back of curb, which is one foot narrower than the existing street. The one foot narrowing will take place along the south curb line. Parking to remain unchanged.

This Report Action Item was approved.

- 14-1536** Request for contract extension with Lake Shore Cleaners, Inc. for parking ramp snow removal services through winter 2016/2017.

Attachments: [Contract extension with Lake Shore Cleaners Inc.pdf](#)

This Report Action Item was approved.

- 14-1537** Approve revised State/Municipal Agreement for the WIS 47/Appleton Road Interchange. Agreement includes \$0 Municipal project funds, but future maintenance requirements as outlined in agreement.

Attachments: [State-Municipal Agreement for WIS 47-Appleton Road interchange.pdf](#)

This Report Action Item was approved.

- 14-1568** Approve new parking changes on Lightning Drive at Milestone Drive.

Attachments: [Recommended parking changes on Lightning Drive at Milestone Dr.pdf](#)

This Report Action Item was approved.

- 14-1570** Approve new traffic ordinance changes related to the 2014 Mason St. Parking Cut-In Project.

Attachments: [Traffic ordinance changes to 2014 Mason St Parking Cut-In Proj.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION**4. MINUTES OF THE PARKS AND RECREATION COMMITTEE**

14-1534 Action: Award Stairway Repairs and Lighting Upgrades at Arbutus Park to Milbach Construction in the amount of \$52,200 with a contingency of \$900 for a project total not to exceed \$53,100

Attachments: [Arbutus Park-Milbach Contract.docx](#)

This Report Action Item was approved.

5. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

14-1554 Request for Variance to Setback Requirements for Lot 2, CSM 5726 Northeast Business Park

Attachments: [FVHO memo for 9-8-14.pdf](#)

This Report Action Item was approved.

14-1555 Request Variance to Setback Requirements for 2105 E. Enterprise Dr., Northeast Business Park

Attachments: [OSI memo for 9-8-14.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE UTILITIES COMMITTEE

14-1533 Award Metal Roof and Soffit Coating to Klinger Painting in the amount of \$43,280 with a 10% contingency of \$4,328 for a project total not to exceed \$47,608.

Attachments: [Metal Roof and Soffit Coating Award.docx](#)

This Report Action Item was approved.

14-1556 Approval of a Coating Services contract for the Appleton Wastewater Treatment Plant Tank Coating Project to Omni Glass and Paint, Inc. in the amount of \$116,878 plus a 5% contingency of \$5,844 for a total cost of \$122,722.

Attachments: [WW Coating Services Award.doc](#)

This Report Action Item was approved.

14-1559 Approve Preliminary Resolution 8-P-14 declaring intent to exercise special assessment powers for Sanitary Sewer, Storm Sewer, and Laterals.

Attachments: [8-P-14 Sanitary Sewer Laterals.doc](#)

This Report Action Item was approved.

7. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

14-1484 Approval to Release RFP for Valley Transit II/Connector

Attachments: [FCTC Auth to issue RFP ADA Ancillary and Connector Services RFP.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE BOARD OF HEALTH

9. MINUTES OF THE HUMAN RESOURCES COMMITTEE

14-1398 Request to approve Aldermanic salaries for election year 2016

Attachments: [HR Committee - Aldermanic Compensation Questions 08-18-14.pdf](#)
[Aldermanic salary percentages 8-11-14.pdf](#)
[Aldermanic Salary history 8-11-14.pdf](#)
[Aldersperson Salaries 9-8-14.xls](#)

This Report Action Item was approved.

10. MINUTES OF THE FINANCE COMMITTEE

14-1563 Approve Finance Committee Report 8-P-14 for Sanitary Sewer Laterals on Jackman Street, Lightning Drive and State Street.

Attachments: [Report 8-P-14 for Sanitary Sewer Laterals for 09-10-14.pdf](#)

This Report Action Item was approved.

14-1564 Approve Relocation Order for the Lawe Street Bridge over the Power Canal.

Attachments: [Relocation Order for Lawe Street Bridge over Power Canal for 9-10-14.pdf](#)

This Report Action Item was approved.

14-1565 Recommendation to Reject Bids for Wastewater Treatment Plant Asphalt Paving Project.

Attachments: [WWTP-Asphalt Project-Recommendation to Reject Bids 9-10-14.pdf](#)

This Report Action Item was approved.

14-1566 Request to approve the following 2014 Budget adjustment:

Universal Playground Fund

Program Costs	\$5,100
Fund Balance	\$5,100

To authorize funding of maintenance and equipment upgrades to the Universal Playground in Memorial Park (2/3 vote required)

Attachments: [UPP Special Revenue Fund-Additional Spending Auth 9-10-14a.pdf](#)

This Report Action Item was approved.

14-1572 Award Contract for the AWTF PAC Fire Suppression and Monitoring Project to Pieper Electric in the amount of \$173,800 with a 15 % of contingency of \$26,070 for a project total not to exceed \$199,870 and approve the following 2014 Budget adjustment:

Water Utility	
Contractor Fees - PAC Fire Monitoring System	\$86,750
Equipment - Security Camera Project	(\$58,100)
Equipment - Tower Mixer	(\$28,650)

To transfer funds for the additional cost to complete the PAC fire monitoring project.

Attachments: [PAC Fire Supression Construction Memo 09-10-14.pdf](#)

This Report Action Item was approved.

14-1573 Request to approve the following 2014 Budget adjustment:

TIF 9

Infrastructure Construction	\$180,000
Advance from General Fund	(\$180,000)

To approve funding for the cost of new watermain installation for the Union Square apartment complex.

Attachments: [Union Square Watermain Memo 9-10-14.pdf](#)

This Report Action Item was approved.

M. CONSOLIDATED ACTION ITEMS

14-1599 Consolidated Action - Preliminary Resolution 8-P-14 for Sanitary Sewer, Storm Sewer and Laterals.

- a. Item #14-1559 - Utilities Committee
- b. Item #14-1563 - Finance Committee

This Report Action Item was approved.

O. ITEMS HELD

P. ORDINANCES

14-1598 Ordinances #63-14 through #65-14.

Attachments: [Ordinances going to 09-17-2014 Council.pdf](#)

This Report Action Item was approved.

Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

R. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

SAFETY AND LICENSING COMMITTEE

#26-R-14 – Dalton/Meltzer

“Whereas crime rates have decreased in the City of Appleton over the last 6 years,

Whereas the city budget requires allocation for costs of maintaining infrequently used equipment,

Whereas training for use of infrequently used equipment demands staff time and resources,

Whereas effective civilian law enforcement does not require the use of military equipment,

Whereas military equipment is not designed for civilian law enforcement,

Whereas equipment discontinued for ineffectiveness in urban environments is not conducive to Appleton’s infrastructure

And whereas civilian law enforcement have used military equipment inappropriately in the United States and in other countries;

Be it resolved,

- 1. Staff return with a budgetary review for the costs of maintenance, insurance, and training resources related to the Mine Resistant Ambush Protected (MRAP Vehicle) within 45 days*
- 2. Staff return with options for returning or disposing of the Mine Resistant Ambush Protected vehicle in most expeditious and low-cost manner within 60 days*
- 3. A review of donated or surplus material acquisition noticing guidelines be presented to council to assure any major donated or surplus material acquisitions by any department are reviewed by the Common Council*
- 4. A public update be presented on public safety issues related to active shooter situations and warrants, and alternatives be considered that do not require the re-purposing of a military vehicle.”*

S. OTHER BUSINESS

T. ADJOURN

Meeting adjourned at 8:40 PM.

Aldersperson Stueck moved, seconded by Aldersperson Dalton, that the meeting be adjourned. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson Coenen, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Spears, Alderperson Stueck, Alderperson Trauger, Alderperson Dalton, Alderperson Williams and Alderperson Meltzer

Excused: 2 - Alderperson Croatt and Alderperson Dannecker

Abstained: 1 - Mayor Hanna

Dawn A. Collins, City Clerk