



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, February 17, 2016

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order by Mayor Hanna at 7:06 p.m.

B. INVOCATION

The Invocation was given by Alderperson Spears.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 15 - Alderperson Chris Croatt, Alderperson Greg Dannecker, Alderperson Joe Martin, Alderperson Cathy Spears, Mayor Timothy Hanna, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

City Clerk Scofield, City Attorney Walsh, Deputy City Attorney Behrens, Director of Community and Economic Development Harkness, Director of Finance Saucerman, Fire Chief Vander Wyst, Health Officer Eggebrecht, Director of Human Resources Behnke, Director of Parks, Recreation and Facilities Gazza, Police Chief Thomas, Director of Public Works Vandehey, Valley Transit Assistant General Manager Sandmeier

F. PUBLIC PARTICIPATION

*James Fletcher, GSG East, LLC - CTH JJ & Ballard Rd Project
Todd Vanzeeland, 53 Weimar Ct - CTH JJ & Ballard Rd Project
Debbie Duesing, 2930 W Colleg Ave - CTH JJ & Ballard Rd Project
Doug Pollesch, N9634 Darboy Drive - CTH JJ & Ballard Rd Project
Dennis Jochman, 5600 W Grande Market - CTH JJ & Ballard Rd Project*

Alderperson Baranowski moved, seconded by Alderperson Croatt, that the Council Rules be suspended to allow for the extension of Public Participation. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson Chris Croatt, Alderperson Greg Dannecker, Alderperson Joe Martin, Alderperson Cathy Spears, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

Abstained: 2 - Mayor Timothy Hanna and Alderperson Patti Coenen

F. PUBLIC PARTICIPATION - Extended

*Lee Allinger, 1416 Oakcrest Drive - CTH JJ & Ballard Rd
Troy Mleziva, Kwik Trip - CTH JJ & Ballard Rd*

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[16-241](#)

Common Council Meeting Minutes of February 3, 2016

Attachments: [CC Minutes 02-03-2016.pdf](#)

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

Aye: 14 - Alderperson Chris Croatt, Alderperson Greg Dannecker, Alderperson Joe Martin, Alderperson Cathy Spears, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

Abstained: 1 - Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

Alderperson Lobner moved, seconded by Alderperson Coenen, that the Council convene into the Committee of the Whole to take up Item 15-2051. Roll Call. Motion failed by the following vote:

Aye: 7 - Alderperson Greg Dannecker, Alderperson Cathy Spears, Alderperson Christine Williams, Alderperson Kathleen Plank, Alderperson Margret Mann, Alderperson Patti Coenen and Alderperson Kyle Lobner

Nay: 7 - Alderperson Chris Croatt, Alderperson Joe Martin, Alderperson Vered Meltzer, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski and Alderperson Jeffrey Jirschele

Abstained: 1 - Mayor Timothy Hanna

[15-2051](#)

Recommend to Outagamie County Highway Department to reconstruct CTH JJ from Ballard Road to Lightning Drive as follows:

Option 2 (DPW staff preferred option)

Reconstruct the existing roadway with concrete pavement having the following design components:

- o Construct a raised concrete median east of Ballard Road, from the existing median to 550' east of Lightning Drive and gapped at Lightning Drive intersection (width varies from 3.3' to 18', 5.5' at most locations).
- o Provide an enhanced pedestrian crosswalk of Edgewood Drive at the west side of the Appleton North High School (ANHS) entrance.
- o Construct a single-lane roundabout with east, west, north, and south approaches at the Lightning Drive intersection, with right-of-way sufficient for future roundabout expansion to two lanes, if needed.
- o Construct one 12-foot eastbound and one 12-foot westbound through lane (plus 2.5-foot curb and gutter)
- o Construct one 4-foot eastbound and one 4-foot westbound bike lane (plus 2.5-foot curb and gutter)
- o Construct one 5-foot concrete sidewalk along north right-of-way line and one 10-foot asphalt multi-use trail along south right-of-way line.
- o Construct a dedicated eastbound right-turn lane at the ANHS entrance.
- o Construct a dedicated westbound left-turn lane at Ballard Road.
- o Construct a second through lane for westbound traffic at the approach to Ballard Road.
- o Construct a second through lane for eastbound traffic from Ballard Road to the ANHS right turn lane.
- o Construct approximately 600' of Lightning Drive north of Edgewood Drive with one northbound through lane, one southbound through lane, and a two-way-left-turn lane.
- o Construct a stormwater pond meeting state and local stormwater management requirements northeast of the Edgewood/Lightning intersection.

Option 3 (Developer preferred option)

Reconstruct the existing roadway with concrete pavement having the same design components as Option A except to incorporate an eastbound left turn lane and associated geometric changes as shown on attached drawing.

Attachments: [CTH JJ Pro-Con List for Options 1-6.pdf](#)
 [Additional items to reconstruct CTH JJ.pdf](#)

This Report Action Item was referred to the Municipal Services Committee due back on 3/8/2016.

[16-213](#)

Request to proceed with the Phase IV services of work related to the Fox Cities Exhibition Center as outlined in the attached Hinshaw & Culbertson Engagement Letter

Attachments: [Memo to CEDC on HC Phase IV 2-5-16.pdf](#)
 [Appleton Phase IV Engagement Letter 2-5-16.pdf](#)

Prior to a final vote on the Motion, two amendments were added. The final action and vote is listed first, followed by the two amendments that were made to the main Motion listed below.

Motion by Konetzke, seconded by Martin to approve the Report Action Item. This Report Action Item was approved as amended with the following two amendments:

The agreement be revised to cap the hourly fees at \$24,000.00 and the agreement be revised to have out of scope services approved by the Appleton Common Council prior to services being provided. Roll Call. The amended Motion carried by the following vote:

Aye: 12 - Alderperson Chris Croatt, Alderperson Greg Dannecker, Alderperson Joe Martin, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

Nay: 2 - Alderperson Cathy Spears and Alderperson Ed Baranowski

Abstained: 1 - Mayor Timothy Hanna

Amendment No. 1

Alderperson Baranowski moved, seconded by Alderperson Spears, that the Motion be amended to cap the hourly fees in the agreement at \$24,000.00. Roll Call. Motion to amend carried by the following vote:

Aye: 13 - Alderperson Chris Croatt, Alderperson Greg Dannecker, Alderperson Joe Martin, Alderperson Cathy Spears, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

Nay: 1 - Alderperson William Siebers

Abstained: 1 - Mayor Timothy Hanna

Amendment No. 2

Alderson Plank moved, seconded by Alderson Lobner, that Motion be amended to include the agreement be revised to read that out of scope services shall be approved in writing by the Appleton Common Council prior to the services being provided. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderson Chris Croatt, Alderson Greg Dannecker, Alderson Joe Martin, Alderson Cathy Spears, Alderson Christine Williams, Alderson Vered Meltzer, Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner and Alderson Jeffrey Jirschele

Abstained: 1 - Mayor Timothy Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

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

Aye: 14 - Alderson Chris Croatt, Alderson Greg Dannecker, Alderson Joe Martin, Alderson Cathy Spears, Alderson Christine Williams, Alderson Vered Meltzer, Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner and Alderson Jeffrey Jirschele

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[16-181](#)

Approve the City of Appleton being a joint grant collaborator with Appleton Downtown Inc. for a Community Foundation Grant for a Downtown Maintenance Program-Downtown CARE Team.

This Report Action Item was approved.

[16-186](#)

Award Railroad Quiet Zone Feasibility & Implementation Plan contract to SRF Consulting Group, Inc. in an amount not to exceed \$27,356.

Attachments: [Railroad Quiet Zone.pdf](#)

This Report Action Item was approved.

[16-242](#) Approve Amendment No. 2 to the R.A. Smith National, Inc. contract for design, plan changes and environmental document revisions in response to the public involvement process and ultimate approved design in an amount not to exceed \$35,264.97 (revised contract amount of \$803,393.84).

Attachments: [Amendment No. 2 to the R.A. Smith National, Inc. .pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[16-160](#) Secondhand Article License application of ecoATM, Inc., Hunter E. Bjorkman, Applicant, 3701 E. Calumet St., contingent upon approval from all departments.

This Report Action Item was approved.

[16-203](#) Secondhand Article License Renewal application of Appleton Appliance Parts, Robert H. Caston, Applicant, 136 N. State St., contingent upon approval from all departments.

This Report Action Item was approved.

[16-205](#) Operator's Licenses

Attachments: [Operator's Licenses for 2-10-16 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

[16-184](#) Request to award Unit T-16 John Street Concrete Pavement Reconstruction to Vinton Construction in the amount of \$2,431,110.09 with a 1.6% contingency of \$40,350 for a project total not to exceed \$2,471,460.09.

Attachments: [Award of Contract T-16.pdf](#)

This Report Action Item was approved.

[16-185](#) Request to award Unit H-16 Prospect Avenue and Jackman Street Stairs to NuGen Johnson, LLC in the amount of \$143,989 with a 3.4% contingency of \$5,000 for a project total not to exceed \$148,989.

Attachments: [Award of Contract H-16.pdf](#)

This Report Action Item was approved.

[16-187](#) Request to award Unit U-16 Olde Oneida Street over the Fox River Pier 1 Column Repairs to Nordic Group in the amount of \$51,692.64 with a 9.7% contingency of \$5,000 for a project total not to exceed \$56,692.64.

Attachments: [Award of Contract U-16.pdf](#)

This Report Action Item was approved.

[16-201](#) Request to approve the following 2015 Budget adjustment:

General Fund - Fire Department

State Aids	+\$44,573
Wages - Overtime	+\$44,573

to record reimbursements received from the Wisconsin Department of Military Affairs for training programs held throughout the year.

This Report Action Item was approved.

[16-211](#)

Request to approve the following 2015 Budget adjustment:

Water Treatment Capital Projects

Regulatory Upgrade and Process Improvement Project	- \$130,718
AWTF Generator Emissions Control Project	+\$130,718

to record transfer of positive fund balance from the Regulatory Upgrade and Process Improvement Project to the AWTF Generator Emissions Control Project.

Attachments: [Emissions Control Project 02-05-16.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

[16-209](#) Award the 2016-2018 Biosolids Transportation and Land Application Services Contract to Veolia Environmental Services.

Attachments: [Biosolids Transportation and Land Application Services Contract.pdf](#)

This Report Action Item was approved.

[16-210](#) Approve the Purchase and Installation of Emission Control Equipment on AWTF Generators to FABIC Power Systems for \$115,718 with a contingency of \$15,000 and a project total not to exceed \$130,718.

Attachments: [UC Finance Memo Emissions Control Project 02-05-16.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

[16-193](#) Requesting Approval of Resolution #1-R-16, Renaming the Fox River Properties to the Ellen Kort Peace Park
Alderpersons Mann, Meltzer, Martin & Williams

Attachments: [Resolution #1-R-16 Ellen Kort Peace Park \(2-8-16\).docx](#)

This Item was held in Committee. No discussion or action took place on the item.

O. ORDINANCES

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

SAFETY & LICENSING COMMITTEE

#3-R-16

Lobner

WHEREAS, the Common Council of the City of Appleton, pursuant to Section 66.0409 of the Wisconsin Statutes, has previously regulated the possession of weapons within the Municipal Code of the City of Appleton; and

WHEREAS, on February 6, 2016, the State of Wisconsin enacted 2015 Wisconsin Act 149, which in summary and in pertinent part, repealed Wisconsin State Statute §941.24 (the previous prohibition of switchblade knives); and

WHEREAS, 2015 Wisconsin Act 149 as it relates to Wis. Stat. § 66.0409(2) also now prevents local units of government from enacting or enforcing any ordinance that regulates the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration, or taxation of any knife, unless the ordinance or resolution is the same as or similar to, and no more stringent than a state statute; and

WHEREAS, 2015 Wisconsin Act 149 as it relates to Wis. Stat. § 66.0409(3)(c) does allow for a political subdivision to enact or enforce an ordinance or adopt a resolution that prohibits the possession of a knife in a building, or part of a building, that is owned, occupied, or controlled by the political subdivision;

NOW, THEREFORE BE IT RESOLVED, that in order to comply with the newly enacted state statute, the following redactions of Appleton city ordinance 10-4 be approved:

Sec. 10-4. Sale of dangerous weapons to minors.

No person shall buy for, sell or give away to any minor any dangerous weapon, except household-purpose knives or knives having blades less than three (3) inches long, without first having obtained the written consent of the parent or guardian of such minor. For purposes of this section, the term "dangerous weapon" shall mean and include the following instruments: blackjack, billy, sandclub, pistol, revolver, any instrument which impels a missile by compressed air, spring or other means, any weapon in which loaded or blank cartridges are used, cross knuckles of any metal, barbed or blade-type Bowie knife, nunchaku or nunchuck sticks, throwing stars or shurikens, dirk knife, dirk, dagger, switchblade knife or any knife which has a blade within itself but is automatically opened by a slight pressure on the handle or some other part of the knife and is commonly known as a switchblade knife, or straight edge razor or other knife having a blade three (3) inches or longer.

BE IT FURTHER RESOLVED, that in order to comply with state statute as well as meet the safety needs of Appleton residents and promote Appleton as a safe community, that the following redactions of Appleton city ordinance Sec. 10-48 be approved:

Sec. 10-48. Firearms restricted in certain City buildings.

(a) Definitions.

(1) Firearm means a weapon that acts by force of gunpowder.

(2) Law enforcement officer means a person who is employed by a law enforcement agency as defined in Wisconsin Statutes Section 175.49(1)(f) for the purpose of engaging in, or supervising others engaging in, the prevention, detection, investigation or prosecution of, or the incarceration of any person for, any violation of law and who has statutory powers of arrest.

(3) Weapon means a handgun, an electronic weapon as defined as Wis. Stats. §941.295 (1c)(a), a knife other than a switchblade knife under s. 941.24, or a billy club.

(b) In addition to the provisions of Wis. Stats. §175.60 enumerating places where the carrying of a weapon or a firearm is prohibited, including exceptions thereto, it shall

be unlawful for any person other than a law enforcement officer to enter any posted building, or portion of a posted building owned, occupied or controlled by the City of Appleton while carrying a firearm or concealed weapon.

(c) Signs meeting the requirements of Wis. Stats. §943.13(2)(bm)1 shall be posted in prominent places near all entrances of such buildings regarding such restriction.

(d) Any person who enters or remains in any aforementioned City building contrary to such signage shall be considered a trespasser subject to penalty as proscribed under §10-26 of this code.

MAYOR'S OFFICE

#4-R-16

Spears

WHEREAS, the City of Appleton has spent over \$453,131.30 for consultant legal fees and,

over 2 million dollars for land acquisition and,

plans on completing public works projects totaling \$1,428,792.00.

THEREFORE, BE IT RESOLVED that the Common Council be provided with a timeline that includes; a list of tasks, steps and goals with projected budget for each task and the responsible staff and potential consultants listed, by the March 2, 2016 Common Council meeting

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Aldersperson Baranowski moved, seconded by Aldersperson Lobner, that the meeting be adjourned at 8:52 p.m. Roll Call. Motion carried by the following vote:

Aye: 15 - Aldersperson Chris Croatt, Aldersperson Greg Dannecker, Aldersperson Joe Martin, Aldersperson Cathy Spears, Mayor Timothy Hanna, Aldersperson Christine Williams, Aldersperson Vered Meltzer, Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Margret Mann, Aldersperson Patti Coenen, Aldersperson Kyle Lobner and Aldersperson Jeffrey Jirschele

Kami Scofield, City Clerk