



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, August 19, 2015

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order at 7:45 p.m.

B. INVOCATION

Offered 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, Alderperson Polly Dalton, 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

Presiding: 1 - Mayor Timothy Hanna

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

PRESENT: Deputy City Clerk Sova, 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, Director of Information Technology Fox, Library Director Rortvedt, Director of Utilities Shaw, Communications Coordinator Doran.

EXCUSED: Valley Transit General Manager Wetter

F. PUBLIC PARTICIPATION

Name - Address - Topic

Mai Youa Thao - 206 South Memorial Drive - Class B Beer/Liquor License

Larry Cain - 630 East Sierra Lane - Bees

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[15-1344](#)

Common Council Meeting Minutes from August 5, 2015

Attachments: [CC Minutes 08-05-2015.pdf](#)

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

Aye: 13 - Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Martin, Aldersperson Spears, Aldersperson Dalton, Aldersperson Williams, Aldersperson Meltzer, Aldersperson Plank, Aldersperson Siebers, Aldersperson Konetzke, Aldersperson Baranowski, Aldersperson Lobner and Aldersperson Jirschele

Absent: 1 - Mayor Hanna

Abstained: 2 - Aldersperson Mann and Aldersperson Coenen

- H. BUSINESS PRESENTED BY THE MAYOR
- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY

[15-1138](#)

Request approval of ordinance permitting absent Alderspersons to appear by phone.

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

This Report Action Item was referred to the Finance Committee

[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.

This Report Action Item was referred to the Finance Committee

[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](#)

This Report Action Item was referred to the Board of Health

[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.

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

Aye: 15 - Alderperson Croatt, Alderperson Dannecker, Alderperson Martin, Alderperson Spears, Alderperson Dalton, Alderperson Williams, Alderperson Meltzer, Alderperson Plank, Alderperson Siebers, Alderperson Konezke, Alderperson Baranowski, Alderperson Mann, Alderperson Coenen, Alderperson Lobner and Alderperson Jirschele

Abstained: 1 - Mayor Hanna

[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](#)

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

Aye: 15 - Alderperson Croatt, Alderperson Dannecker, Alderperson Martin, Alderperson Spears, Alderperson Dalton, Alderperson Williams, Alderperson Meltzer, Alderperson Plank, Alderperson Siebers, Alderperson Konezke, Alderperson Baranowski, Alderperson Mann, Alderperson Coenen, Alderperson Lobner and Alderperson Jirschele

Abstained: 1 - Mayor Hanna

[15-1153](#)

R/B as Amended-Alderperson 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.

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

Aye: 15 - Alderperson Croatt, Alderperson Dannecker, Alderperson Martin, Alderperson Spears, Alderperson Dalton, Alderperson Williams, Alderperson Meltzer, Alderperson Plank, Alderperson Siebers, Alderperson Konezke, Alderperson Baranowski, Alderperson Mann, Alderperson Coenen, Alderperson Lobner and Alderperson Jirschele

Abstained: 1 - Mayor Hanna

[15-1262](#)

Noise Variance Request - 2201 South Kensington Avenue

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

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

Aye: 15 - Alderperson Croatt, Alderperson Dannecker, Alderperson Martin, Alderperson Spears, Alderperson Dalton, Alderperson Williams, Alderperson Meltzer, Alderperson Plank, Alderperson Siebers, Alderperson Konezke, Alderperson Baranowski, Alderperson Mann, Alderperson Coenen, Alderperson Lobner and Alderperson Jirschele

Abstained: 1 - Mayor Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderperson Croatt moved, Alderperson Martin seconded, to approve the report. The motion carried by the following vote:

Aye: 15 - Alderperson Croatt, Alderperson Dannecker, Alderperson Martin, Alderperson Spears, Alderperson Dalton, Alderperson Williams, Alderperson Meltzer, Alderperson Plank, Alderperson Siebers, Alderperson Konezke, Alderperson Baranowski, Alderperson Mann, Alderperson Coenen, Alderperson Lobner and Alderperson Jirschele

1. MINUTES OF THE MUNICIPAL SERVICES 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](#)

This Report Action Item was approved.

[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](#)

This Report Action Item was approved.

Aye: 15 - Alderperson Croatt, Alderperson Dannecker, Alderperson Martin, Alderperson Spears, Alderperson Dalton, Alderperson Williams, Alderperson Meltzer, Alderperson Plank, Alderperson Siebers, Alderperson Konezke, Alderperson Baranowski, Alderperson Mann, Alderperson Coenen, Alderperson Lobner and Alderperson Jirschele

[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](#)

This Report Action Item was approved.

[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](#)

This Report Action Item was approved.

[15-1299](#)

Approve proposed ordinance that establishes standards for composting in the City of Appleton.

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

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[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.

This Report Action Item was approved.

[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.

This Report Action Item was approved.

[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.

This Report Action Item was approved.

[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.

This Report Action Item was approved.

[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.

This Report Action Item was approved.

[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

This Report Action Item was approved.

[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

This Report Action Item was approved.

[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

This Report Action Item was approved.

[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.

This Report Action Item was approved.

[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.

This Report Action Item was approved.

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

This Report Action Item was approved.

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

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

This Report Action Item was approved.

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

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

This Report Action Item was approved.

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

This Report Action Item was approved.

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

This Report Action Item was approved.

[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 Cost Not to Exceed \\$30,000.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[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](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[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 Municipal Services Building Emergency Power Upgrades.pdf](#)

This Report Action Item was approved.

[15-1254](#)

RIVERSIDE CEMETERY ASSOCIATION submitting a request for payment for maintenance of Veteran's graves.

Attachments: [Riverside.pdf](#)

This Report Action Item was approved.

[15-1336](#) Request for approval of the Northland-Weiland Relocation Order for Storm Sewer Construction.

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

This Report Action Item was approved.

[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](#)

This Report Action Item was approved.

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

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

This Report Action Item was approved.

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](#)

This Report Action Item was approved.

[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](#)

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

[15-1267](#)

Noise Variance Request - Prospect Ave, Jackman St Overhead

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

This Report Action Item was approved.

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](#)

This Report Action Item was approved.

[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](#)

This Report Action Item was approved.

P. ORDINANCES

[15-1346](#)

Ordinances 56-15 thru 65-15.

Attachments: [Ordinances going to 08-19-2015 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

MUNICIPAL SERVICES COMMITTEE

#13-R-15 ALDERPERSON: Baranowski

Propose a No Parking trial period, from April 01, 2016 through September 02, 2016, on the north side of Rail Road, from Kensington Ave extending west, up to but not including, 3316 Rail Road. The purpose of the trial period is to provide a level of safety for users of Derks Park who typically may park on the north side of Rail Road and cross the street to the park, while understanding the impact of added parking on the south side of Rail Road and the potential impact on those who may now chose park on Guyette Drive. The trial period may be shortened or concluded if the Committee determines the No Parking restriction successfully increases the level of safety while minimalizing the impact on the surrounding neighborhood, thereby permanently restricting No Parking along the north side of Rail Road as proposed or if the impact to the neighborhood is negative while still allowing for an adequate measure of safety as we would expect.

S. OTHER COUNCIL BUSINESS

T. ADJOURN

Meeting was adjourned at 8:22 p.m.

This was adjourned

Aye: 15 - Alderperson Croatt, Alderperson Dannecker, Alderperson Martin, Alderperson Spears, Alderperson Dalton, Alderperson Williams, Alderperson Meltzer, Alderperson Plank, Alderperson Siebers, Alderperson Konetzke, Alderperson Baranowski, Alderperson Mann, Alderperson Coenen, Alderperson Lobner and Alderperson Jirschele

Jamie L. Sova, Deputy City Clerk