



# City of Appleton

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

## Meeting Minutes - Final Common Council

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Wednesday, July 20, 2016

7:00 PM

Council Chambers

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A. CALL TO ORDER

*The meeting was called to order by Mayor Hanna at 7:22 p.m.*

B. INVOCATION

*The Invocation was offered by Alderperson Martin.*

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

*Alderperson Spears arrived at 9:06 p.m.*

**Present:** 15 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner, 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:** 1 - Alderperson Greg Dannecker

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*City Clerk Lynch, City Attorney Walsh, Deputy City Attorney Behrens, Director of Finance Saucerman, Fire Chief Vander Wyst, Director of Parks, Recreation and Facilities Gazza, Director of Information Technology Fox, Library Director Rortvedt, Police Captain Nyman, Director of Public Works Vandehey, Director of Utilities Shaw, Valley Transit Asst. General Manager Sandmeier*

**Alderperson Plank moved, seconded by Alderperson Williams, that the Council suspend the rules (2/3 vote) to take up the Public Hearing for Resolution 4-P-16 and the Final Resolution 4-P-16 as the next agenda items. 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 Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Christine Williams and Alderperson Chris Croatt

**Excused:** 2 - Alderperson Greg Dannecker and Alderperson Cathy Spears

**Abstained:** 1 - Mayor Timothy Hanna

## F. PUBLIC PARTICIPATION

*The following spoke during Public Participation:  
David Brost, 229 N Rankin St - Item 16-1083 for a Driveway Variance*

*These individuals spoke regarding Item 16-923 to allow Dogs in City Parks:  
Daniel Kohl, 711 S Buchanan St  
Gigi DeYoung, 630 E Fremont St  
Amy Schneider, W7615 Cty YY, Wautoma, WI  
Laurie Koestner, 845 Fifth St, Menasha, WI  
Donna Gasbarro, 1205 S Douglas St  
Nancy Raasch, 1204 E Fremont St  
Scott Dercks, 2120 N Richmond St  
Kim Cowling, 1640 University Dr, Menasha, WI  
Laura Spoerl, 1621 W Homestead Dr  
Amy Pomeroy, 2717 Crestview Dr  
Nora Johnston, 1316 S Weimar St  
Misty Gedlinske, 491 Southwind Ln, Fondulac, WI  
Jim Dean, 920 E Foxmoor Ln  
Jennifer Stephany, Appleton Downtown Inc.  
Josh Dukelow, 809 E Hancock St  
Gary Allen, 1516 N Edgewood Dr  
Brenda Arts, 1230 W Packard St  
Ali Koestner, 819 E McKinley St*

## G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[16-1141](#)

Common Council meeting minutes of July 6, 2016

**Attachments:** [CC Minutes 7-6-16.pdf](#)

**Aldersperson Konetzke moved, seconded by Aldersperson Baranowski, that the Minutes be approved. 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 Kyle Lobner, Aldersperson Jeffrey Jirschele, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Christine Williams and Aldersperson Chris Croatt

**Excused:** 2 - Aldersperson Greg Dannecker and Aldersperson Cathy Spears

**Abstained:** 1 - Mayor Timothy Hanna

## H. BUSINESS PRESENTED BY THE MAYOR

## I. PUBLIC HEARINGS

[16-1146](#)

Public Hearing for Resolution 4-P-16, Sidewalk Construction

**Attachments:** [4-P-16 Public Hearing Notice.pdf](#)

*The public hearing was held. The following spoke during the public hearing:*  
*Brian Starszak, N175 Van Handel Dr*  
*Ray Dietzen, N199 Van Handel Dr*  
*Boyd Dietzen, 108 Shalimar Ct, Combined Locks, WI*

## J. SPECIAL RESOLUTIONS

[16-1148](#)

Final Resolution 4-P-16 Sidewalk Construction

**Attachments:** [4-P-16 Sidewalk Construction Final Res.pdf](#)

**Aldersperson Baranowski moved, seconded by Aldersperson Lobner, that the Resolution be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 11 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Ed Baranowski, Aldersperson Margret Mann, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Jeffrey Jirschele, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin and Aldersperson Chris Croatt

**Nay:** 2 - Aldersperson Curt Konetzke and Aldersperson Christine Williams

**Excused:** 2 - Aldersperson Greg Dannecker and Aldersperson Cathy Spears

**Abstained:** 1 - Mayor Timothy Hanna

## K. ESTABLISH ORDER OF THE DAY

[16-1083](#)

Request from David Brost, 229 N. Rankin Street, for a variance to Municipal Code 19-91(f)(5) to extend his driveway 10 feet into the front yard, contingent upon property owner paying WE Energies any relocation costs to move the power pole.

**Attachments:** [229 N Rankin St.pdf](#)

**Aldersperson Baranowski moved, seconded by Aldersperson Lobner, that the Variance Request be approved. 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 Kyle Lobner, Aldersperson Jeffrey Jirschele, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Christine Williams and Aldersperson Chris Croatt

**Excused:** 2 - Aldersperson Greg Dannecker and Aldersperson Cathy Spears

**Abstained:** 1 - Mayor Timothy Hanna

[16-923](#)

Resolution #7-R-16  
June 1, 2016  
Submitted by Alderperson Meltzer & Alderperson Reed

**Whereas**, our parks are a valuable community resource, and

**Whereas**, the current ban on dogs in parks restricts access of many members of the community who would otherwise responsibly enjoy this resource,

**Therefore**, be it resolved that the City of Appleton allow dogs in parks under full control of a collared leash by the owner at all times.

*Referred to the Parks & Recreation Committee*

**Attachments:**     [2016 Resolution for Dogs in Parks- PRFMD, Health, PD.pdf](#)  
                                  [WI Department of Tourism National Dog Owner Statistics.pdf](#)

**Alderperson Melzter moved, seconded by Alderperson Coenen that the Item be approved. A notwithstanding vote was requested.**

**Alderperson Plank, seconded by Alderperson Martin moved to call the question. The Motion to call the question failed 6/8.**

**Alderperson Siebers, seconded by Alderperson Coenen moved to call the question. Motion carried 11/2 with Alderperson Baranowski and Alderperson Spears voting 'no'.**

**As an amendment to the Motion passed (see below) the vote to approve the Resolution as amended was taken. Roll Call. Motion failed by the following vote:**

**Aye:** 6 - Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer and Alderperson Chris Croatt

**Nay:** 8 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Joe Martin, Alderperson Christine Williams and Alderperson Cathy Spears

**Excused:** 1 - Alderperson Greg Dannecker

**Abstained:** 1 - Mayor Timothy Hanna

**Alderperson Coenen moved, seconded by Alderperson Baranowski, that the Resolution be amended to specify that dogs would only be allowed on paved trails.**

**After discussion Alderperson Coenen and Alderperson Baranowski withdrew their Motion and second.**

**No action was taken on this amendment.**

Aldersperson Coenen moved, seconded by Aldersperson Meltzer, that the Report Action Item be amended to add the following requirements to the Resolution:

-No person shall bring animals onto park property, with the exception of leashed dogs on roads or paved or gravel trails. Dogs are not allowed on playgrounds, athletic fields, picnic areas, the skateboard parks, lawns or in park shelters.

-All persons shall secure their dog on a leash eight feet or shorter in length and maintain their dog under control, meaning connected to a leash held by a person at all times.

-Dogs are not to run at large. It shall be unlawful for any person, who is the owner of, or in possession of, or charged with the care of a dog, to permit same to run at large within any city park.

-Dogs must display current rabies tag and current registration tags.

-All dog waste must be immediately picked up and disposed of by the dog handler.

-This shall not apply to a service animal, as defined under the American for Disabilities Act, that under control by the use of a harness or other restraint and are accompanying blind, deaf or mobility impaired persons, as provided under Wis. Stats. § 174.056.

Aldersperson Plank called the question, seconded by Aldersperson Martin. Motion carried 12/1 with Aldersperson Jirschele voting 'no'.

**Roll Call. Motion to amend the original Motion carried by the following vote:**

**Aye:** 8 - Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Jeffrey Jirschele, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Cathy Spears and Aldersperson Chris Croatt

**Nay:** 6 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Margret Mann, Aldersperson Joe Martin and Aldersperson Christine Williams

**Excused:** 1 - Aldersperson Greg Dannecker

**Abstained:** 1 - Mayor Timothy Hanna

[16-1084](#)

Request from Holton Brothers for a Street Occupancy Permit to place scaffolding in the College Avenue right-of-way for repairs to the City Center Building from July 5, 2016 through September 16, 2016.

**Attachments:** [Holton Brothers.pdf](#)

*Meeting went into Recess at 9:40 p.m.*

*Meeting Reconvened at 9:46 p.m.*

Aldersperson Baranowski moved, seconded by Aldersperson Croatt, that the Street Occupancy Permit be approved. 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 Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

**Excused:** 1 - Alderperson Greg Dannecker

**Abstained:** 1 - Mayor Timothy Hanna

[16-1087](#)

Approve Inter-Governmental Agreement with Outagamie County for the Northland Avenue (Mason Street to Richmond Street) Project.

**Attachments:** [Inter-Governmental Agreement.pdf](#)

**Alderperson Baranowski moved, seconded by Alderperson Croatt, that the Agreement be approved. 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 Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

**Excused:** 1 - Alderperson Greg Dannecker

**Abstained:** 1 - Mayor Timothy Hanna

[16-1068](#)

Operator's License application of Lisa J. Finkler, 954 W. Cecil Street, Neenah.

**Attachments:** [Lisa Finkler application.pdf](#)

**Alderperson Baranowski moved, seconded by Alderperson Lobner, that the Operator's License be approved. Roll Call. Motion carried by the following vote:**

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

**Nay:** 2 - Alderperson Ed Baranowski and Alderperson Jeffrey Jirschele

**Excused:** 1 - Alderperson Greg Dannecker

**Abstained:** 1 - Mayor Timothy Hanna

[16-1105](#)

Approve request for new Memorial Park Ground Sign to be installed within the Witzke Boulevard right-of-way contingent upon placement at least 11 feet from back of island curb.

**Attachments:**     [Memorial Park Ground Sign.pdf](#)

**Aldersperson Baranowski moved, seconded by Aldersperson Martin, that the Request be approved. Roll Call. Motion carried by the following vote:**

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

**Excused:** 1 - Aldersperson Greg Dannecker

**Abstained:** 1 - Mayor Timothy Hanna

## L. COMMITTEE REPORTS

### Balance of the action items on the agenda.

**Aldersperson Konetzke moved, Aldersperson Croatt seconded, to approve the balance of the agenda. The motion carried by the following vote:**

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

**Excused:** 1 - Aldersperson Greg Dannecker

**Abstained:** 1 - Mayor Timothy Hanna

## 1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[16-1004](#)

Adopt City of Appleton Complete Streets Policy.

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

**This Report Action Item was approved.**

[16-1086](#) Approve Amendment #3 to OMNNI Associates, Inc. for survey staking for the CTH JJ/Lightning Drive Project in the amount of \$4,300 for a revised not to exceed amount of \$174,790.60.

**Attachments:** [CTH JJ-Lightning Drive.pdf](#)

This Report Action Item was approved.

[16-1088](#) Award of 2016 Structural Condition Analysis of City Parking Ramps to GRAEF, in an amount not to exceed \$20,000.00.

**Attachments:** [Structural Condition Analysis of City Parking Rams.pdf](#)

This Report Action Item was approved.

[16-1089](#) Request from Appleton Downtown Inc. to purchase up to 18 parking stalls on September 16, 2016 for annual Park(ing) Day.

**Attachments:** [ADI request for parking stalls.pdf](#)

This Report Action Item was approved.

[16-1102](#) Replace YIELD signs with STOP signs on Alexander Street at Lindbergh Street.

**Attachments:** [Alexander Street & Lindbergh Street.pdf](#)

This Report Action Item was approved.

[16-1103](#) Replace YIELD signs with STOP signs on Edgewood Avenue at Grant Street.

**Attachments:** [Edgewood Avenue & Grant St.pdf](#)

This Report Action Item was approved.

[16-1104](#) Replace YIELD signs with STOP signs on Outagamie Street at Franklin Street.

**Attachments:** [Franklin Street & Outagamie St.pdf](#)

This Report Action Item was approved.

## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE



[16-1048](#) Request to modify Appleton Municipal Code Chapter 6.

***Attachments:*** [Modify Municipal Code Chapter 6.pdf](#)

This Report Action Item was approved.

[16-1049](#) Request Authorization to Single Source the Purchase of a Fire Pumper

***Attachments:*** [Memo - Request to Sole Source Purchase Fire Pumper - 2016.pdf](#)

This Report Action Item was approved.

[16-1027](#) "Class B" Beer/Liquor License - Change of Premise Description of Emmetts Bar & Grill, Sharon L. Reader, Agent, 139 N. Richmond St., for the dates of August 4-7, 2016, contingent upon approval from all departments.

***Attachments:*** [Emmetts Bar & Grill.pdf](#)

This Report Action Item was approved.

[16-1038](#) Operator's Licenses

***Attachments:*** [Operator's Licenses for 7-13-16 S & L.pdf](#)

This Report Action Item was approved.

[16-1039](#) Renewal Operator's Licenses

***Attachments:*** [Renewal Operator's Licenses for 7-13-16 S & L.pdf](#)

This Report Action Item was approved.

[16-1047](#) "Class B" Beer/Liquor License - Change of Agent application of Apple Hospitality Group LLC, d/b/a Applebee's Neighborhood Grill & Bar, Vincenzo Annisi, Agent, 3040 E. College Ave., contingent upon approval from the Police Department.

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

[16-1096](#)

Request to award the Highview Park 2016 Tennis and Basketball Courts contract to MCC, Inc. in the amount of \$131,351.38 with a contingency of 10% for a project not to exceed \$144,486.52.

**Attachments:** [Highview Park courts.pdf](#)

This Report Action Item was approved.

[16-1108](#)

**\*\*Critical Timing\*\***

Request to approve the following 2016 Budget adjustment:

**TIF 6**

Storm Sewer Construction	+\$249,700
Sanitary Sewer Construction	+ \$74,440
Water Main Construction	+\$144,200
Fund Balance (advance from General Fund)	- \$468,340

to provide funding for infrastructure construction related to the extension of Milis Drive in the Southpoint Commerce Park (2/3 vote required).

**Attachments:** [Additional TIF 6 Spending Authority.pdf](#)  
[Finance 16-1108.pdf](#)

This Report Action Item was approved.

## 6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

## 7. MINUTES OF THE UTILITIES COMMITTEE

[16-1043](#)

Award Matthias Tower Contract Amendment #1 to McMahon and Associates, Inc. for Engineering and Field Services in the amount of \$12,000.

**Attachments:** [utilities memo - Matthias Tower Engineering Award Memo 06-21-16.pdf](#)

This Report Action Item was approved.

## 8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[16-1076](#)

Request to award contract to Nexum Inc. for their First Defense Monitored Services for outside firewall monitoring of our Palo Alto Firewalls. Monthly cost of \$1,362.22 with a one-time installation fee of \$1,362.22 for a total of \$17,708.86 for year one 2016 CIP Funds to be used in first year.

**Attachments:** [First Defense Monitored ServicesHR-IT Committee Memo.pdf](#)

This Report Action Item was approved.

**9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION****10. MINUTES OF THE BOARD OF HEALTH**

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

*Resolution 8-R-16  
Submitted by Alderperson Lobner*

*WHEREAS a well-maintained lawn is a high priority for many Appleton residents,*

*AND WHEREAS sumac plants growing near property lines may spread across boundaries and become difficult to remove in unwanted areas without damaging the affected lawns,*

*THEREFORE BE IT RESOLVED that the City of Appleton shall ban the planting of sumac plants near property boundaries.*

*Referred to the Municipal Services Committee*

R. OTHER COUNCIL BUSINESS

S. CLOSED SESSION

T. ADJOURN

**Alderson Baranowski moved, seconded by Alderson Coenen, that the meeting be adjourned at 10:04 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 15 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner, 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:** 1 - Alderperson Greg Dannecker

Kami Lynch, City Clerk