



City of Appleton

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

Meeting Minutes - Final-revised Common Council

Wednesday, June 4, 2014

7:00 pm

Council Chambers

- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS
- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

PRESENT: Deputy City Clerk Helgeson, City Attorney Walsh, Assistant City Attorney Behrens, Community and Economic Development Director Harkness, Finance Director Saucerman, Fire Chief Vander Wyst, Health Officer Eggebrecht, Director of Human Resources Behnke, Director of Parks, Recreation and Facilities Gazza, Police Chief Helein, Director of Public Works Vandehey, Director of Information Technology Fox, Valley Transit Assistant General Manager La Puma, Library Director Rortvedt.

EXCUSED: Director of Utilities Shaw, Valley Transit General Manager Wetter

- F. PUBLIC PARTICIPATION

Name - Address - Topic

David Krueger - 2701 Apple Hill Blvd. - Apple Hill Trail

- G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

14-962 Approve May 21, 2014 Council Meeting Minutes.

Attachments: [CC Minutes 05-21-2014.pdf](#)

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

Aye: 15 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, 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: 1 - Mayor Hanna

H. BUSINESS PRESENTED BY THE MAYOR

- 14-969** Reappointment of Will Bloedow and Elizabeth Truesdale-Witek to the Library Board.

Attachments: [CC 06-04-2014 - Committee Reappointments to the Library Board.pdf](#)

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

Aye: 15 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, 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: 1 - Mayor Hanna

I. PUBLIC HEARINGS

- 14-963** Public Hearing for Preliminary Resolution 6-P-14 for Sidewalk Construction AND ADOPT FINAL RESOLUTION authorizing street improvements and levying special assessments against benefited property.

Attachments: [CC 06-04-2014-Public Hearing - 6-P-14.pdf](#)

Name - Address
NONE

- 14-964** Public Hearing for Comprehensive Plan Amendment #2-14 - Glenhurst Lane.

Attachments: [CC 06-04-2014 - Public Hearing-Comp. Plan Amendment - Glenhurst.pdf](#)

Name - Address
James Weis - 2112 E. Milestone Drive

- 14-965** Public Hearing for Rezoning #4-14 - Glenhurst Lane.

Attachments: [Public Hearing - Rezoning #4-14.pdf](#)

Name - Address
NONE

J. SPECIAL RESOLUTIONS

14-966 6-P-14 Final Resolution Authorizing Street Improvements and Levying Special Assessments Against Benefited Property.

Attachments: [CC 06-04-2014-Final Resolution - 6-P-14.pdf](#)

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

Aye: 12 - Alderson Croatt, Alderson Dannecker, Alderson Garb, Alderson Jirschele, Alderson Konetzke, Alderson Lobner, Alderson Plank, Alderson Stueck, Alderson Trauger, Alderson Dalton, Alderson Williams and Alderson Meltzer

Nay: 3 - Alderson Coenen, Alderson Martin and Alderson Spears

Excused: 1 - Mayor Hanna

14-967 Resolution Adoption of the Recommended Amendment to the Comprehensive Plan as Prepared by the City of Appleton Plan Commission. (Glenhurst Lane File 14-964)

Attachments: [CC 06-04-2014 - Resolution - Comp. Plan Amendment - Glenhurst.pdf](#)

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

Aye: 15 - Alderson Coenen, Alderson Croatt, Alderson Dannecker, Alderson Garb, Alderson Jirschele, Alderson Konetzke, Alderson Lobner, Alderson Martin, Alderson Plank, Alderson Spears, Alderson Stueck, Alderson Trauger, Alderson Dalton, Alderson Williams and Alderson Meltzer

Excused: 1 - Mayor Hanna

K. ESTABLISH ORDER OF THE DAY

14-895 Request from David Krueger to have the Apple Hill Boulevard trail moved further away from the property line (already moved 5 feet from property line) at 2701 E. Apple Hill Boulevard.

Attachments: [David Krueger-Apple Hill Boulevard Trail.pdf](#)
[Heidi Mitchell-Apple Hill Boulevard Trail.pdf](#)

Alderson Lobner requested that the vote be not-withstanding. An "aye" vote approves the request, a "nay" vote does not.

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

Aye: 7 - Alderson Croatt, Alderson Jirschele, Alderson Konetzke, Alderson Lobner, Alderson Trauger, Alderson Dalton and Alderson Meltzer

Nay: 8 - Alderperson Coenen, Alderperson Dannecker, Alderperson Garb, Alderperson Martin, Alderperson Plank, Alderperson Spears, Alderperson Stueck and Alderperson Williams

Excused: 1 - Mayor Hanna

14-903 Operator's License application of Cory R. Pomeroy, 1108 E. Wisconsin Avenue.

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

Aye: 10 - Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Spears and Alderperson Williams

Nay: 5 - Alderperson Coenen, Alderperson Stueck, Alderperson Trauger, Alderperson Dalton and Alderperson Meltzer

Excused: 1 - Mayor Hanna

14-905 Operator's License application of Tara M. Mannebach, 121 W. Atlantic Street.

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

Aye: 12 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Spears, Alderperson Stueck and Alderperson Williams

Nay: 3 - Alderperson Trauger, Alderperson Dalton and Alderperson Meltzer

Excused: 1 - Mayor Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

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

Aye: 15 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, 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: 1 - Mayor Hanna

1. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

14-850 Class "B" Beer License application for Fronteras, LLC, Hector Mosqueda, Agent, 2311 West College Avenue, contingent upon approvals from all departments.

This Report Action Item was approved.

14-756 Operator's License application of David J. Schmidt, 1632 S. Clara Street.

This Report Action Item was approved.

14-902 Operator's License application of Noel Valencia, 400 N. Division Street.

This Report Action Item was approved.

14-885 CBD Street Vendor's License application of Dalton J. Langlois, 922 N. Richmond Street.

This Report Action Item was approved.

14-883 CBD Street Vendor License application of Bryan D. Maves, 118 S. Washington Street, #A223, Green Bay.

This Report Action Item was approved.

14-920 Operator's Licenses

Attachments: [Operator's Licenses for 05-29-14 S&L.pdf](#)

This Report Action Item was approved.

14-942 Resolution introduced by Alderperson Lobner/Dalton/Martin at the May 21, 2014 Common Council meeting.

#16-R-14 - Lobner/Dalton/Martin

"WHEREAS skateboarding and longboarding is a recreational activity and art form with over half a century of history,

And WHEREAS the City of Appleton is taking steps to become more friendly to skateboarders, as demonstrated by its current project to construct a skate park in Telulah Park,

And WHEREAS the City of Appleton's ordinance banning skateboarding on public property was last amended on August 20, 1992, over 20 years ago.

THEREFORE BE IT RESOLVED that the City of Appleton shall conduct a full review of its ordinances regarding skateboarding, including but not limited to locations where skateboarding is banned and punishments for those found to be in violation of the ordinance."

This Report Action Item was approved.

14-851 Taxicab Company 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.

14-871 Farm Market License application of Festival Foods, 1200 W. Northland Avenue, contingent upon approvals from all departments.

This Report Action Item was approved.

14-923 Operator License Renewals

Attachments: [Operator's Renewal Licenses for 05-29-14 S&L.pdf](#)

This Report Action Item was approved.

- 14-932** 2014-2015 Beer/Liquor License Renewal applications contingent upon approval from all departments.

Attachments: [2014-2015 Beer-Liquor renewal list for S&L 5-29-14.docx](#)

This Report Action Item was approved.

2. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

- 14-892** Approve State/Municipal Agreement for the South Oneida Street Bridge and the Oneida Street/Prospect Avenue intersection Project.

Attachments: [State-Municipal-Agreement-South Oneida Street Bridge.pdf](#)

This Report Action Item was approved.

- 14-893** Request from El Patron for a street occupancy permit to place tables and chairs in the beautification strip at 100 E. College Avenue to be removed at the time business closes or by 2:00 a.m. at the latest.

Attachments: [El Patron request for tables and chairs.pdf](#)

This Report Action Item was approved.

- 14-894** Request from Rebecca Hurst for a street occupancy permit to place tables and chairs in the beautification strip at 205 W. College Avenue to be removed a the time business closes or by 2:00 a.m. at the latest.

Attachments: [Rebecca Hurst request for tables and chairs.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

- 14-690** Comprehensive Land Use Map Amendment #2-14 - North Meadows Investment, Lot 2 of CSM 5679 from Commercial to Multifamily Land Use.

Attachments: [Comp Plan Amend #2-14.pdf](#)

This Report Action Item was approved.

- 14-692** Rezoning #4-14 - North Meadows Investment, Lot 2 of CSM 5679 including to the centerline of the adjacent road right-of-way from C-O Commercial Office District to R-3 Multifamily District.

Attachments: [Rezoning #4-14.pdf](#)

This Report Action Item was approved.

- 14-695** Special Use Permit #4-14 - Paul and Jolene Moran for a Community Living Arrangement (CLA), located on Lot 2 of CSM 5679 serving 50 persons and an exception to the Aldermanic District 13 CLA capacity limitation per Section 23-52(b)(2)a of the Zoning Ordinance, which states "The total capacity of all CLA's with any aldermanic district may not exceed 1% of the total population of that aldermanic district."

Attachments: [Special Use Permit #4-14.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

- 14-888** Action: Award playground equipment purchase and installation at Hoover Park to "Minnesota/Wisconsin Playground" for a contract total not to exceed \$21,235.67

Attachments: [Hoover Park Playground Equipment CIP \(5-28-14 Meeting\) .docx](#)

This Report Action Item was approved.

5. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

6. MINUTES OF THE UTILITIES COMMITTEE

- 14-890** Approve updated Cross Connection Prevention Policy.

Attachments: [Cross Connection Prevention Policy 2014 strike and bold.doc](#)

This Report Action Item was approved.

7. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

14-910 Approve Connector Fare Increase to \$4.00 for Extended Service Area and \$6.00 for Extended Service Hours

Attachments: [Connector Fare Increase Request 052814.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE BOARD OF HEALTH

9. MINUTES OF THE HUMAN RESOURCES COMMITTEE

10. MINUTES OF THE FINANCE COMMITTEE

14-919 Award Unit H-14 Bridge Maintenance to Zenith Tech Inc. in the amount of \$194,112.50 with a 5% contingency of \$9,887.50 for a project total not to exceed \$204,000.00.

Attachments: [Award of Contract H-14.pdf](#)

This Report Action Item was approved.

14-929 Recommendation to reject bids for Telulah Park Skate Park Project.

Attachments: [Telulah Park Skate Park.pdf](#)

This Report Action Item was approved.

14-930 Request to award renovation and addition to Pierce Park Pavilion Project to Milbach Construction Services in the amount of \$328,135 with a contingency of \$46,744 for a contract total not to exceed \$374,879.

Attachments: [Pierce Park.pdf](#)

This Report Action Item was approved.

M. CONSOLIDATED ACTION ITEMS

O. ITEMS HELD

P. ORDINANCES

14-968 Ordinances #41-14 through #51-14.

Attachments: [Ordinances going to 06-04-2014 Council.pdf](#)

This Report Action Item was approved.

Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

R. RESOLUTIONS SUBMITTED BY ALDPERSONS REFERRED TO COMMITTEES OF JURISDICTION

SAFETY AND LICENSING COMMITTEE

#19-R-14 – Jirschele

“Whereas

Appleton Downtown Inc. is working to encourage a vibrant and energetic Downtown central business district, and views sidewalk cafes as an important element of that district, and

Whereas

ADI, on behalf of its members, has requested that the Appleton Municipal Code Chapter 9, Division 4:9-261 Restrictions regarding alcoholic beverages within the parameters of the sidewalk café, be altered to remove items #4, “The sidewalk café must be enclosed with a freestanding decorative barrier,” and #8 “An employee must be present between 4 p.m. and 9:30 p.m. Monday through Friday and between 11 a.m. and 9:30 p.m. on Saturday and Sunday,” and

Whereas

The recommendation of ADI on behalf of its members has been discussed by the Safety and Licensing Committee as a concept,

Be it Resolved

That the City of Appleton adopt the ordinance changes as recommended.”

FINANCE COMMITTEE

#20-R-14 – Plank/Stueck

“Be it resolved the Department of Public Works and Finance Department work together to present an analysis of, and possible modifications to, the Special Assessment Policy in order for any changes to be included in the 2015 budget.”

S. OTHER BUSINESS

14-1072 Lions Park Status Meeting.

Attachments: [Lions Park Invitation to Open House 6-17-14.pdf](#)

T. ADJOURN

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

Aye: 15 - Alderson Coenen, Alderson Croatt, Alderson Dannecker, Alderson Garb, Alderson Jirschele, Alderson Konetzke, Alderson Lobner, Alderson Martin, Alderson Plank, Alderson Spears, Alderson Stueck, Alderson Trauger, Alderson Dalton, Alderson Williams and Alderson Meltzer

Excused: 1 - Mayor Hanna

WENDY M. HELGESON
Deputy City Clerk