



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, March 2, 2016

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order by Mayor Hanna at 7:02 p.m.

B. INVOCATION

The Invocation was given by Alderperson Williams.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 12 - Alderperson Chris Croatt, Alderperson Greg Dannecker, Alderperson Joe Martin, Mayor Timothy Hanna, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson William Siebers, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

Excused: 3 - Alderperson Cathy Spears, Alderperson Kathleen Plank and Alderperson Curt Konetzke

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

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

F. PUBLIC PARTICIPATION

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[16-307](#)

Common Council Meeting Minutes of February 17, 2016

Attachments: [CC Minutes 2-17-2016.pdf](#)

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

Aye: 11 - Alderperson Chris Croatt, Alderperson Greg Dannecker, Alderperson Joe Martin, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson William Siebers, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

Excused: 3 - Alderperson Cathy Spears, Alderperson Kathleen Plank and Alderperson Curt Konetzke

Abstained: 1 - Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR

I. PUBLIC HEARINGS

[16-308](#)

Public Hearing- Comprehensive Plan Amendment #3-15

Attachments: [Class I Public Hearing Notice CPA #3-15.pdf](#)

The Public Hearing was held. No one spoke for or against this item.

[16-309](#)

Public Hearing- Rezoning #7-15

Attachments: [Public Hearing - RZ #7-15.pdf](#)

The Public Hearing was held. No one spoke for or against this item.

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[16-300](#)

Resolution #3-R-16 Amending Sec. 10-4 & 10-48 of the Municipal Code pursuant to 2015 Wisconsin Act 149

Attachments: [Resolution #3-R-16 S&L.pdf](#)

#3-R-16

Amending Sec. 10-4 & 10-48 of the Municipal Code pursuant to 2015 Wisconsin Act 149

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.

Alderson Croatt moved, seconded by Alderson Lobner, that Resolution #3-R-16 be approved. Roll Call. Motion carried by the following vote:

Aye: 11 - Alderson Chris Croatt, Alderson Greg Dannecker, Alderson Joe Martin, Alderson Christine Williams, Alderson Vered Meltzer, Alderson William Siebers, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner and Alderson Jeffrey Jirschele

Excused: 3 - Alderson Cathy Spears, Alderson Kathleen Plank and Alderson Curt Konetzke

Abstained: 1 - Mayor Timothy Hanna

16-268

Award Unit K-16 Native Landscape Management Contract to Applied Ecological Services, Inc. in an amount not to exceed \$135,030.41.

Attachments: [K-16 contract award.pdf](#)

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

Aye: 10 - Alderson Chris Croatt, Alderson Greg Dannecker, Alderson Joe Martin, Alderson Christine Williams, Alderson Vered Meltzer, Alderson William Siebers, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen and Alderson Kyle Lobner

Excused: 3 - Alderson Cathy Spears, Alderson Kathleen Plank and Alderson Curt Konetzke

Abstained: 2 - Mayor Timothy Hanna and Alderson Jeffrey Jirschele

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

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

Aye: 11 - Alderson Chris Croatt, Alderson Greg Dannecker, Alderson Joe Martin, Alderson Christine Williams, Alderson Vered Meltzer, Alderson William Siebers, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner and Alderson Jeffrey Jirschele

Excused: 3 - Alderson Cathy Spears, Alderson Kathleen Plank and Alderson Curt Konetzke

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[16-271](#) Approve Variance Policy for Public Buildings and Places of Employment.

Attachments: [Variance Policy for Public Buildings and Places of Employment.pdf](#)

This Report Action Item was approved.

[16-272](#) Request from Dye Painting and Restoration, LLC for waiver of parking meter bag fees (estimated at \$432.00) in conjunction with a proposed temporary street occupancy permit for a dumpster at 318 W. College Avenue.

This Report Action Item was approved.

[16-295](#) Approve parking changes near the Community Early Learning Center (State Street and Seventh Street). Follow-up to Six-Month Trial Period.

Attachments: [Parking changes-Community Early Learning Center.pdf](#)

This Report Action Item was approved.

[16-296](#) Approve parking changes near Huntley Elementary School (Marquette Street, Byrd Street, Lindbergh Street and Ullman Street). Follow-up to Six-Month Trial Period.

Attachments: [Parking changes-Huntley School.pdf](#)

This Report Action Item was approved.

[16-297](#) Approve parking changes near Richmond Elementary School (Kernan Avenue and Dewey Street). Follow-up to Six-Month Trial Period.

Attachments: [Parking changes-Richmond School.pdf](#)

This Report Action Item was approved.

[16-298](#) Approve revised State/Municipal agreement for the construction of the Lawe Street Bridge over the power canal.

Attachments: [Lawe Street Bridge.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[16-274](#) Operator's Licenses

Attachments: [Operator's Licenses for 2-24-16 S & L.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[16-032](#) Request to approve Comprehensive Plan 2010-2030 Future Land Use Map Amendment #3-15 for Lot 1 (Tax Id #31-2-0116-00), Lot 2 (Tax Id #31-2-0126-01), and Lot 3 (Tax Id #31-2-0126-00) of CSM 5460 from Public/Institutional and Multifamily designation to Central Business District designation as shown on the attached map and approve the attached resolution

Attachments: [Comp Plan Amendment #3-15 Staff Report.pdf](#)

This Report Action Item was approved.

[16-034](#) Request to approve Rezoning #7-15 for Lot 1 (Tax Id #31-2-0116-00), Lot 2 (Tax Id #31-2-0126-01), and Lot 3 (Tax Id #31-2-0126-00) of CSM 5460, including to the centerline of the adjacent right-of-way, as shown on the attached maps, from P Parking District and R-3 Multifamily District to CBD Central Business District

Attachments: [Rezoning #7-15 Staff Report.pdf](#)

This Report Action Item was approved.

[16-247](#) Request to approve the Pond View Estates Final Plat as shown on the attached maps and subject to the attached conditions

Attachments: [Pond View Estates Final Plat Staff Report.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[16-260](#)

Action: Request Approval of Updated Parks, Pavilions and Special Areas-Rental & Fee Schedule Policy

Attachments: [Memo-Updated Parks, Pavilions & Special Areas Policy \(2-22-16\).doc](#)
[Park Facilities - Rental and Fee Schedule Redlined 2-18-16.pdf](#)
[Park Pavilions and Special Areas - Rental and Fee Schedule Clean 2-18-16.doc](#)

This Report Action Item was approved.

5. MINUTES OF THE FINANCE COMMITTEE

[16-277](#)

Request to award Unit W-16 Sewer and Water Main Reconstruction No. 1 to Jossart Brothers, Inc. in the amount of \$2,547,865 with a 3.7% contingency of \$93,135 for a project total not to exceed \$2,641,000.

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

This Report Action Item was approved.

[16-305](#)

Request to approve Land Dedication Agreements with ARBB Farm, LLC and Clearwater Creek Development, LLC for Haymeadow Avenue, Spartan Drive and Spartan Lift Station.

Attachments: [Land Dedication Agreements.pdf](#)
[ARBB Agreement.pdf](#)
[Clearwater Agreement.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

[16-267](#)

A Resolution authorizing the Department of Public Works to enter a grant agreement with the Wisconsin Department of Natural Resources for construction of the Northland Detention Pond.

Attachments: [Northland Pond MFC Grant Resolution Memo.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

O. ORDINANCES

[16-311](#) Ordinances 14-16 and 15-16

Attachments: [Ordinances going to Council 03-02-2016.pdf](#)

This Report Action Item was approved.

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Alderson Baranowski moved, seconded by Alderson Martin, that the meeting be adjourned at 7:31 p.m. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderson Chris Croatt, Alderson Greg Dannecker, Alderson Joe Martin, Mayor Timothy Hanna, Alderson Christine Williams, Alderson Vered Meltzer, Alderson William Siebers, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner and Alderson Jeffrey Jirschele

Excused: 3 - Alderson Cathy Spears, Alderson Kathleen Plank and Alderson Curt Konetzke

Kami Scofield, City Clerk