



# City of Appleton

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

## Meeting Minutes Common Council

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Wednesday, June 18, 2014

7:00 pm

Council Chambers

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A. CALL TO ORDER

*The meeting was called to order at 7:00 P.M.*

B. INVOCATION

*Aldersperson Jirschele offered the Invocation.*

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

**Present:** 15 - Aldersperson Patti Coenen, Aldersperson Chris Croatt, Aldersperson Sarah Garb, Aldersperson Jeffrey Jirschele, Aldersperson Curt Konetzke, Aldersperson Kyle Lobner, Aldersperson Joe Martin, Aldersperson Kathleen Plank, Aldersperson Cathy Spears, Aldersperson Peter Stueck, Mayor Timothy Hanna, Aldersperson Tim Trauger, Aldersperson Polly Dalton, Aldersperson Christine Williams and Aldersperson Vered Meltzer

**Excused:** 1 - Aldersperson Greg Dannecker

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*PRESENT: Deputy City Clerk Helgeson, City Attorney Walsh, Community and Economic Development Director Harkness, Finance Director Saucerman, Health Officer Eggebrecht, Director of Human Resources Behnke, Police Chief Helein, Director of Public Works Vandehey, Director of Utilities Shaw, Library Director Rortvedt, Battalion Chief Shannon Young.*

*EXCUSED: Fire Chief Vander Wyst, Director of Parks, Recreation and Facilities Gazza, Director of Information Technology Fox, Valley Transit General Manager Wetter*

**F. PUBLIC PARTICIPATION**

*Name - Address - Topic*

*Karen Bachhuber - 1818 East Lindbergh Street - Appleton Move to Amend*

*Gary Maynard - 1518 East Calumet Street - Request for variance*

*Ed Klug - 3422 East Paris Way - Foremost Property*

*Tim Rinn - 2210 E. John Street - Foremost Property*

*Mike Rohr - 16620 West Bluemound Road, Brookfield - Liquor License Renewal*

*Rachel Crowl - 324 East Franklin Street - Ordinance*

*G. Helen Kramer - 324 East Franklin Street - Ordinance*

*Leah Schoenbohm - 902 East Alton Street - Foremost Property*

*Peter Elliker - 909 East Alton Street - Foremost Property*

*Tami Elliker - 909 East Alton Street - Foremost Property*

*Lauren Marshall - 1353 West Rogers Avenue - Ordinance*

*Kelly Denk - 161 South 1st Street, Milwaukee - Foremost Property*

*John Vetter - 161 South 1st Street, Milwaukee - Foremost Property*

*Jennifer Stephany - ADI - Sidewalk Cafe and Foremost Property*

*Dave Allen - Foremost Property*

**Aldersperson Plank moved, seconded by Aldersperson Coenen, to allow two additional persons speak who did not sign up prior to the meeting. Roll Call.**

**Motion carried by the following vote:**

**Aye:** 14 - Aldersperson Coenen, Aldersperson Croatt, 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:** 2 - Aldersperson Dannecker and Mayor Hanna

**G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES**

**14-1064** Approve June 4, 2014 Council Meeting Minutes.

**Attachments:** [CC Minutes REVISED - 06-04-2014.pdf](#)

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

**Aye:** 14 - Aldersperson Coenen, Aldersperson Croatt, 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:** 2 - Aldersperson Dannecker and Mayor Hanna

**H. BUSINESS PRESENTED BY THE MAYOR**

*Finance Director Tony Saucerman handed out a copy of the Comprehensive Annual Financial Report to Council members.*

## I. PUBLIC HEARINGS

## J. SPECIAL RESOLUTIONS

## K. ESTABLISH ORDER OF THE DAY

**14-986** Request from Gary Maynard for a Variance to the Front Yard Parking Ordinance to extend his driveway more than 4 feet at 1518 E. Calumet Street.

**Attachments:** [Request from Gary Maynard for a Variance .pdf](#)

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

**Aye:** 14 - Alderson Coenen, Alderson Croatt, 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:** 2 - Alderson Dannecker and Mayor Hanna

**14-987** Approval of an Engineering Services contract for the Appleton Wastewater Treatment Plant Tank Coating Project to McMahon Engineers & Architects in the amount of \$27,900 plus a 5% contingency of \$1,395 for a total cost of \$29,295.

**Attachments:** [Utilities Memo\\_WW Coating Inspection Engineering 06-05-14.pdf](#)

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

**Aye:** 13 - Alderson Coenen, Alderson Croatt, Alderson Garb, Alderson Jirschele, Alderson Lobner, Alderson Martin, Alderson Plank, Alderson Spears, Alderson Stueck, Alderson Trauger, Alderson Dalton, Alderson Williams and Alderson Meltzer

**Nay:** 1 - Alderson Konetzke

**Excused:** 2 - Alderson Dannecker and Mayor Hanna

**14-940** Ordinance #40-14 (Referred back by Alderperson Plank from the May 21, 2014 Common Council meeting).

**Attachments:** [Ordinance 40-14 REVISED.pdf](#)  
[#40-14.pdf](#)

*A motion was made by Alderperson Lobner, seconded by Alderperson Martin to Call the Question. Voice Vote: 14-1/Jirschele.*

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

**Aye:** 12 - Alderperson Coenen, Alderperson Croatt, Alderperson Garb, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Spears, Alderperson Trauger, Alderperson Dalton, Alderperson Williams and Alderperson Meltzer

**Nay:** 2 - Alderperson Jirschele and Alderperson Stueck

**Excused:** 2 - Alderperson Dannecker and Mayor Hanna

**14-1023** Consider approval of the Vetter Denk Ganther Development Agreement.

**Attachments:** [CEDC Foremost Memo 6 4 2014.pdf](#)  
[ARA Decision Matrix 5-07-14.pdf](#)  
[ARA LU Letter Adressing Neighborhood Issues.pdf](#)  
[ARA Neighborhood survey Feb 2014.pdf](#)  
[ARA Revised Traffic Impact Analysis Oct 24 2013.pdf](#)  
[ARA Vetter Denk Ganther DA with Exhibits.pdf](#)  
[ARA Memo Foremost 5 10 2014 3.pdf](#)  
[Vetter Denk Presentation 5 28 14.pdf](#)

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

**Aye:** 13 - Alderperson Coenen, Alderperson Croatt, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Spears, Alderperson Stueck, Alderperson Trauger, Alderperson Williams and Alderperson Meltzer

**Nay:** 1 - Alderperson Dalton

**Excused:** 2 - Alderperson Dannecker and Mayor Hanna

**14-1024**

Resolution introduced by Alderperson Jirschele at the 6-4-2014 Common Council meeting relating to have an ordinance be created and adopted.

#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.”

**Attachments:**     [Amendment proposal outdoor cafe 2014.pdf](#)

*Amendment submitted by Alderperson Lobner -*

*Amendment by substitution:*

*“Be it resolved that the Appleton Municipal Code Chapter 9, Division 4:9-261 Restrictions regarding alcoholic beverages within the parameters of the sidewalk cafe be altered to remove item #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.”*

**Alderperson Lobner moved, seconded by Alderperson Garb, that the Report Action Item be amended. Roll Call. Motion failed by the following vote:**

**Aye:** 4 - Alderperson Croatt, Alderperson Garb, Alderperson Lobner and Alderperson Spears

**Nay:** 10 - Alderperson Coenen, Alderperson Jirschele, Alderperson Konetzke, Alderperson Martin, Alderperson Plank, Alderperson Stueck, Alderperson Trauger, Alderperson Dalton, Alderperson Williams and Alderperson Meltzer

**Excused:** 2 - Alderperson Dannecker and Mayor Hanna

*Alderperson Martin moved, seconded by Alderperson Konetzke to Call the Question. Voice vote: 14-0.*

*The Mayor stated that the vote will be Not-Withstanding. An "aye" vote will approve the Resolution, a "nay" vote will not.*

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

**Aye:** 12 - Alderperson Coenen, Alderperson Croatt, Alderperson Jirschele, Alderperson Konetzke, Alderperson Martin, Alderperson Plank, Alderperson Spears, Alderperson Stueck, Alderperson Trauger, Alderperson Dalton, Alderperson Williams and Alderperson Meltzer

**Nay:** 2 - Alderperson Garb and Alderperson Lobner

**Excused:** 2 - Alderperson Dannecker and Mayor Hanna

**14-1066**

Petition - MOVE TO AMEND.

**Attachments:** [Move to Amend Letter to Council.pdf](#)

[Petition - MOVE TO AMEND.pdf](#)

**Alderperson Williams moved, seconded by Alderperson Plank, that the Report Action Item be held until the July 2, 2014 meeting. Roll Call. Motion failed by the following vote:**

**Aye:** 4 - Alderperson Croatt, Alderperson Plank, Alderperson Stueck and Alderperson Williams

**Nay:** 10 - Alderperson Coenen, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Spears, Alderperson Trauger, Alderperson Dalton and Alderperson Meltzer

**Excused:** 2 - Alderperson Dannecker and Mayor Hanna

*Alderperson Konetzke moved, seconded by Alderperson Lobner to Call the Question. Voice Vote: 13-1/Croatt.*

**Alderperson Lobner moved, seconded by Alderperson Stueck, that the petition be placed on the November ballot to be voted on by the voters of the city of Appleton. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Alderperson Coenen, Alderperson Croatt, 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:** 2 - Alderperson Dannecker and Mayor Hanna

L. COMMITTEE REPORTS

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

**Alderson Stueck moved, Alderson Konetzke seconded, to approve the balance of actions items on the agenda. The motion carried by the following vote:**

**Aye:** 14 - Alderson Coenen, Alderson Croatt, 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:** 2 - Alderson Dannecker and Mayor Hanna

**1. MINUTES OF THE SAFETY AND LICENSING COMMITTEE**

**14-997** "Class B" Beer/Liquor License Renewal applications for Michael W. Rohr, SC, Attorney, for 1st and 2nd floor licenses at 318 West College Avenue, contingent upon approvals from all departments.

**This Report Action Item was approved.**

**14-944** Reserve "Class B" Beer/Liquor License Renewal application of MC & C Sales LLC, d/b/a McKnight & Carlson Wines, John Carlson, Agent, 1350 West College Avenue, contingent upon approvals from all departments.

**This Report Action Item was approved.**

**14-945** Class "B" Beer and Class "C" Wine License Renewal application of Sou Chomsisengphet, d/b/a Basil Cafe, 1513 North Richmond Street, contingent upon approvals from all departments.

**This Report Action Item was approved.**

**14-947** Class "B" Beer and Class "C" Wine License application of Home Run Pizza LLC, Patricia L. Reinke, Agent, 1216 West Wisconsin Avenue, contingent upon approvals from all departments.

**This Report Action Item was approved.**

**14-956** Taxicab Company and Limousine Service renewal application of LIR Transportation LLC d/b/a Fox Valley Cab, Igor Leykin, 719 W. Frances Street, contingent upon approvals from all departments.

**This Report Action Item was approved.**

**14-958** Class "A" Beer License Renewal application of Merina LLC, d/b/a Appleton BP, Prabhu Dhungana, Agent, 1200 West Wisconsin Avenue, contingent upon approvals from all departments.

**This Report Action Item was approved.**

**14-959** Class "B" Beer License Renewal application of Youa Bee Xiong, d/b/a Pheng Houa Daily Foods, 1216 North Division Street, contingent upon approvals from all departments.

**This Report Action Item was approved.**

**14-970** "Class B" Beer/Liquor License Renewal application for Super Bowl Inc., Erik A. Gialdella, Agent, 2222 East Northland Avenue, contingent upon approvals from all departments.

**This Report Action Item was approved.**

**14-971** Change of Premises Description - "Class B" Beer/Liquor License for Gregg Van Dinter, 906 South Olde Oneida Street, to include a 27 x 45 sq. ft. patio area, contingent upon approvals from all departments.

**This Report Action Item was approved.**

**14-972** Class "B" Beer and Class "C" Wine License Renewal application of Lasubo Inc. d/b/a Atlas Coffee Mill & Cafe, Lawrence R. Bogenschutz, Agent, 425 West Water Street, contingent upon approvals from all departments.

**This Report Action Item was approved.**

**14-973** Class "B" Beer License Renewal application of Mai's Deli, Fong Lee, Agent, 104 South Memorial Street, contingent upon approvals from all departments.

**This Report Action Item was approved.**



- 14-974** Taxicab Company and Limousine Service renewal application of Fox Valley Tours, LLC, Justin T. Garrett, 165 Lamplighter Drive, #2, Kaukauna, contingent upon approvals from all departments.
- This Report Action Item was approved.**
- 14-975** Mobile Home Park License renewal application of Fox Valley Estates, Richard Moore, 116 W. Hardy St., Duluth, MN, contingent upon approvals from all departments.
- This Report Action Item was approved.**
- 14-978** "Class B" Beer/Liquor License Renewal application of VFW Post 2778, Alexander R. White, Agent, 501 North Richmond Street, contingent upon approvals from all departments.
- This Report Action Item was approved.**
- 14-980** "Class B" Beer/Liquor Renewal application of Appleton Souvenir & Cigar Company, Robert J. Zima, Agent, 415 West College Avenue, contingent upon approvals from all departments.
- This Report Action Item was approved.**
- 14-981** Reserve "Class B" Beer/Liquor License application of Timber Mill LLC, d/b/a Timber Mill Theater, Kris L. Oates, Agent, RiverHeath Way, contingent upon approvals from all departments.
- This Report Action Item was approved.**
- 14-985** Class "B" Beer License Renewal application of Gno Bogeys LLC, d/b/a Reid Golf Course, Stacey L. Gassner, Agent, 1100 East Fremont Street, contingent upon approvals from all departments.
- This Report Action Item was approved.**
- 14-993** Change of Premises Description - "Class B" Beer/Liquor License of What the Heck, LLC, d/b/a The Madd Hatter, Steven P. Heckenlaible, Agent, 205 West College Avenue, to include a 9 x 16 sq. ft. sidewalk cafe, contingent upon approvals from all departments.
- This Report Action Item was approved.**

**14-994** "Class B" Beer/Liquor License Renewal application of Antojitos Mexicanos LLC, d/b/a Antojitos Mexicanos, Fernando Almanza, Agent, 207 North Richmond Street, contingent upon approvals from all departments.

**This Report Action Item was approved.**

**14-995** Class "B" Beer License Renewal application of Therisa L. Xiong d/b/a Pooh San, 621D West Northland Avenue, contingent upon approvals from all departments.

**This Report Action Item was approved.**

**14-996** Reserve "Class B" Beer/Liquor License Renewal application of Knotted Pianos Inc, Stefanie M. Hernet, Agent, 215 East College Avenue, contingent upon approvals from all departments.

**This Report Action Item was approved.**

**14-1015** Operator's Licenses

**Attachments:** [Operator's Licenses for 06-12-14 S&L.pdf](#)

**This Report Action Item was approved.**

**14-1016** Operator License Renewals

**Attachments:** [Operator's Renewal Licenses for 06-12-14 S&L.pdf](#)

**This Report Action Item was approved.**

**14-1040** "Class B" Beer/Liquor Renewal application of Images, LLC, Kelly J. Kirchner, Agent, 1200 South Oneida Street, contingent upon approvals from all departments.

**This Report Action Item was approved.**

**14-1041** "Class B" Beer/Liquor License Renewal application of Appleton Elks Club, James B. Marks, Agent, 1103 West College Avenue, contingent upon approvals from all departments.

**This Report Action Item was approved.**

- 14-1042** Class "B" Beer License application of Youa Bee Xiong, d/b/a Pheng Houa Daily Foods, 1216 North Division Street, to comply with stipulations of Special Use Permit #1-14, contingent upon approvals from all departments.

This Report Action Item was approved.

## 2. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

- 14-984** Proposed changes to commercial recycling collection rates.

Attachments: [Proposed changes to comm. recycling coll. rates.pdf](#)

This Report Action Item was approved.

- 14-991** Request from Appleton Downtown Inc. for a reduced meter bag fee of \$6.00 for the sixteen weeks of Midweek Market starting June 11, 2014.

Attachments: [Reservation of Parking Meters.pdf](#)

This Report Action Item was approved.

- 14-1008** Award of the Downtown Appleton Parking Study to Walker Parking Consultants in an amount not to exceed \$68,239.

Attachments: [Award of the Downtown Appleton Parking Study.pdf](#)

This Report Action Item was approved.

- 14-1009** Request from LaMichoacana Bar & Grill for a street occupancy permit to place tables and chairs in the beautification strip at 211 W. College Avenue to be removed at the time business closes or by 2:00 am at the latest.

Attachments: [LaMichoacana Seating Outside.pdf](#)

This Report Action Item was approved.

## 3. MINUTES OF THE CITY PLAN COMMISSION

- 14-1007** Extraterritorial Preliminary Plat/White Hawk Meadows North - Town of Grand Chute.

Attachments: [White Hawk Meadows North Grand Chute.pdf](#)

This Report Action Item was approved.

## 4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

**5. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE****6. MINUTES OF THE UTILITIES COMMITTEE**

**14-990** Request approval of electronic Compliance Maintenance Annual Report (eCMAR) for 2013 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:** [eCMAR memo 2013.docx](#)  
[2013 summary page.pdf](#)

**This Report Action Item was approved.**

**14-1039** Approval of Engineered Contract Services to Dixon Engineering to conduct Regulatory Inspections of both the Water Plant North and South Clearwells as well as the Lindbergh Standpipe in the amount of \$16,650 with a 5% contingency of \$830 for a project total not to exceed \$17,480.

**Attachments:** [Utilities Memo Tower Inspections Engineering 06-04-14.pdf](#)

**This Report Action Item was approved.**

**7. MINUTES OF THE FOX CITIES TRANSIT COMMISSION****8. MINUTES OF THE BOARD OF HEALTH****9. MINUTES OF THE HUMAN RESOURCES COMMITTEE**

**14-1030** Request to approve the new Critical Incident Stress Debriefing Policy

**Attachments:** [cisd - non sworn staff.doc](#)

This Report Action Item was approved.

**14-1034** Request approval of grade changes for the following positions on the 2014 Seasonal Pay Plan:  
Facility Manager I  
Program/Activity Leader II and III  
Lifeguard II and III  
Lifeguard I (new)  
Changes to be effective in 2015

**Attachments:** [Seasonal Pay plan memo Behnke.pdf](#)  
[Seasonal reclassification memo 6-9-14.pdf](#)  
[Seasonal Salary Schedule 2014 \(with Recreation Positions\).pdf](#)  
[Seasonal rates comparison 2014.pdf](#)

This Report Action Item was approved.

## 10. MINUTES OF THE FINANCE COMMITTEE

**14-1036** Award Unit X-14 Sewer & Water Main Reconstruction #2 to Kruczek Construction, Inc. in the amount of \$2,271,444.00 with a 4.4% contingency of \$100,000.00 for a project total not to exceed \$2,371,444.00.

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

This Report Action Item was approved.

M. CONSOLIDATED ACTION ITEMS

O. ITEMS HELD

P. ORDINANCES

**14-1065** Ordinance #52-14.

**Attachments:** [#52-14.doc](#)

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
- S. OTHER BUSINESS
- T. ADJOURN

*The meeting adjourned at 8:29 P.M.*

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

**Aye:** 14 - Alderson Coenen, Alderson Croatt, 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:** 2 - Alderson Dannecker and Mayor Hanna

Wendy Helgeson, Deputy City Clerk