



# City of Appleton

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

## Meeting Minutes - Final Common Council

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Wednesday, September 6, 2017

7:00 PM

Council Chambers

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### A. CALL TO ORDER

*The meeting was called to order by Mayor Hanna at 7:03 p.m.*

### B. INVOCATION

*The Invocation was offered by Alderperson Lobner*

### C. PLEDGE OF ALLEGIANCE TO THE FLAG

### D. ROLL CALL OF ALDERPERSONS

**Present:** 12 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Cathy Spears, Alderperson Chris Croatt, Mayor Timothy Hanna, Alderperson Keir Dvorachek and Alderperson Bob Baker

**Excused:** 4 - Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Joe Martin and Alderperson Christine Williams

### E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*City Clerk Lynch, City Attorney Walsh, Deputy City Attorney Behrens, Director of Community & Economic Development Harkness, Diversity Coordinator Nelson, Director of Finance Saucerman, Fire Chief Vander Wyst, Health Officer Eggebrecht, Director of Information Technology Fox, Library Director Rortvedt, Director of Parks, Recreation & Facilities Gazza, Police Chief Thomas, Director of Public Works Vandehey, Director of Utilities Shaw, and Valley Transit General Manager Mc Donald*

*The following department was excused:  
Human Resources*

### F. PUBLIC PARTICIPATION

*The following spoke during Public Participation:  
Rebecca Kellner, 3226 Bob-O-Link Ln; Item 17-1327 Request for Proposals for Library Project  
Jennifer Stephany, ADI 116 N Appleton St; Item 17-1293 2018 BID Operating Plan*

## G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[17-1350](#)

Common Council Meeting Minutes of August 16, 2017

**Attachments:** [CC Minutes 8-16-17.pdf](#)**Alderson Croatt moved, seconded by Alderson Dvorachek, that the Minutes be approved. Roll Call. Motion carried by the following vote:****Aye:** 11 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Greg Dannecker, Alderson Cathy Spears, Alderson Chris Croatt, Alderson Keir Dvorachek and Alderson Bob Baker**Excused:** 4 - Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Joe Martin and Alderson Christine Williams**Abstained:** 1 - Mayor Timothy Hanna

## H. BUSINESS PRESENTED BY THE MAYOR

[17-1353](#)

League of Women Voters Introduction

## I. PUBLIC HEARINGS

## J. SPECIAL RESOLUTIONS

[17-1334](#)

A Resolution authorizing and providing for the sale and issuance of \$13,885,000 General Obligation Promissory Notes, Series 2017, and all related details

**Attachments:** [Appleton 2017 G.O. Prom Notes - Award Resolution.pdf](#)  
[Appleton 2017 G.O. Prom Notes - Award Resolution 9-6-17\(002\).pdf](#)  
[Baird - Gen. Obligation Promissory Notes 9-6-17.pdf](#)*Brad Viegut of Baird Financial addressed the Council regarding the Resolutions.***Alderson Dannecker moved, seconded by Alderson Croatt, that the Resolution be amended to reflect the amount of \$14,170,000.00 as provided in the updated Resolution distributed at Finance Committee. Roll Call. Motion carried by the following vote:****Aye:** 11 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Greg Dannecker, Alderson Cathy Spears, Alderson Chris Croatt, Alderson Keir Dvorachek and Alderson Bob Baker

**Excused:** 4 - Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Joe Martin and Alderperson Christine Williams

**Abstained:** 1 - Mayor Timothy Hanna

**Alderson Lobner moved, seconded by Alderson Coenen, that the Resolution be approved as amended to \$14,170,000.00. Roll Call. Motion carried by the following vote:**

**Aye:** 11 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Greg Dannecker, Alderson Cathy Spears, Alderson Chris Croatt, Alderson Keir Dvorachek and Alderson Bob Baker

**Excused:** 4 - Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Joe Martin and Alderson Christine Williams

**Abstained:** 1 - Mayor Timothy Hanna

[17-1335](#)

A Resolution authorizing and providing for the sale and issuance of \$5,000,000 Storm Water System Revenue Bonds, Series 2017, and all related details

**Attachments:** [Appleton 2017 Storm Water Revenue Bonds - Award Resolution.pdf](#)  
[Appleton 2017 Storm Water Revenue Bonds - Award Resolution \(002\) 9-6-17.pdf](#)  
[Baird - Storm Water Revenue Bonds 9-6-17.pdf](#)

**Alderson Croatt moved, seconded by Alderson Meltzer, that the Resolution be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 11 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Greg Dannecker, Alderson Cathy Spears, Alderson Chris Croatt, Alderson Keir Dvorachek and Alderson Bob Baker

**Excused:** 4 - Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Joe Martin and Alderson Christine Williams

**Abstained:** 1 - Mayor Timothy Hanna

K. ESTABLISH ORDER OF THE DAY

[17-1354](#)

Convene into Committee of the Whole

**Alderson Croatt moved, seconded by Alderson Lobner, that the Common Council convene into Committee of the Whole acting as the Community & Economic Development Committee. Roll Call. Motion carried by the following vote:**

**Aye:** 11 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Cathy Spears, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Alderperson Bob Baker

**Excused:** 4 - Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Joe Martin and Alderperson Christine Williams

**Abstained:** 1 - Mayor Timothy Hanna

[17-1357](#)

Variance to the Declaration of Covenants and Restrictions for the Northeast Business Park PID 1-6510-52, Lightning Office LLC

**Attachments:** [GLK Variance Memo9-5-17.pdf](#)  
[NEBP Covenants-Restrictions.pdf](#)  
[GLK variance letter 9-5-17.pdf](#)  
[GLK Final Perspective Rendering.pdf](#)

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

**Aye:** 11 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Cathy Spears, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Alderperson Bob Baker

**Excused:** 4 - Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Joe Martin and Alderperson Christine Williams

**Abstained:** 1 - Mayor Timothy Hanna

[17-1355](#)

Reconvene to Common Council

**Alderperson Croatt moved, seconded by Alderperson Baker, that the Council rise and report and reconvene to the Common Council. Roll Call. Motion carried by the following vote:**

**Aye:** 11 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Cathy Spears, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Alderperson Bob Baker

**Excused:** 4 - Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Joe Martin and Alderperson Christine Williams

**Abstained:** 1 - Mayor Timothy Hanna

[17-1356](#)

Report of the Committee of the Whole

**Alderperson Croatt moved, seconded by Alderperson Dvorachek, that the Report of the Committee of the Whole be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 11 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Cathy Spears, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Alderperson Bob Baker

**Excused:** 4 - Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Joe Martin and Alderperson Christine Williams

**Abstained:** 1 - Mayor Timothy Hanna

L. COMMITTEE REPORTS

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

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

**Aye:** 11 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Cathy Spears, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Alderperson Bob Baker

**Excused:** 4 - Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Joe Martin and Alderperson Christine Williams

**Abstained:** 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[17-1317](#)

Approve Intergovernmental Agreement with Calumet County for the Lake Park Road Reconstruction Project between Plank Road and Midway Road.

**Attachments:** [Intergovernmental Agreement with Calumet County.pdf](#)

**This Report Action Item was approved.**

[17-1319](#)

Approve proposed changes to Municipal Code Section 19-93 related to recreational vehicle parking from 2:00 a.m. to 5:00 a.m.

**Attachments:** [Update Municipal Code 19-93.pdf](#)

**This Report Action Item was approved.**

[17-1320](#)

Approve request for Street Occupancy Permit to place tables and chairs in the Richmond Street right-of-way at 400 N Richmond Street contingent upon maintaining a minimum clearance of 11 feet from back of curb to proposed boundary and 10 feet from all power poles.

**Attachments:** [400 N Richmond St..pdf](#)

This Report Action Item was approved.

## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

## 3. MINUTES OF THE CITY PLAN COMMISSION

[17-1288](#)

Request to approve Special Use Permit #8-17 for a hotel/restaurant and outdoor patio/common area with alcohol sales and consumption located at 101 S. RiverHeath Way (Tax Id #31-4-0828-09), 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 and approve attached Resolution (2/3 vote required)

**Attachments:** [StaffReport SpecialUsePermit #8-17 Courtyard by Marriott.pdf](#)

This Report Action Item was approved.

[17-1293](#)

**\*\*CRITICAL TIMING\*\*** Annual review and request to approve the Downtown Appleton Business Improvement District (BID) 2018 Operating Plan

**Attachments:** [StaffReport 2018BIDOperatingPlan For08-22-17.pdf](#)

[2018 BID Operational Plan.pdf](#)

[2016 BID Annual Report.pdf](#)

[2016 BID Audit.pdf](#)

This Report Action Item was approved.

## 4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[17-1314](#)

Direct staff to negotiate potential land acquisition.

This Report Action Item was approved.

## 5. MINUTES OF THE FINANCE COMMITTEE

[17-1284](#)

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

**Attachments:** [Riverside Cemetery.pdf](#)

**This Report Action Item was approved.**

[17-1285](#)

Request to approve the following 2017 Budget adjustment:

**Public Safety Capital Projects Fund**

Fire Personal Protective Equipment	+\$10,440
Training Tower Project	- \$10,440

to reallocate funds to pay for Fire Department personal protective equipment (2/3 vote required)

**Attachments:** [Fire PPE Adj 2017.pdf](#)

**This Report Action Item was approved.**

[17-1239](#)

Request to adopt the 2018 City of Appleton Policy for Special Assessments.

**Attachments:** [2018 Assessment Policy - 2018 - Draft 06.28.17.pdf](#)

**This Report Action Item was approved.**

[17-1294](#)

Request to approve resolution amending the May 1, 2010 Foremost Farms financing agreement

**Attachments:** [Foremost Bonds.pdf](#)

**This Report Action Item was approved.**

[17-1295](#)

Request to approve the following 2017 Budget adjustment:

**Valley Transit**

Bus Washer Upgrade Project	+\$110,110
State Grants	+ \$88,088
Depreciation Fund Balance	+ \$22,022

to record the 2017 WISDOT capital fund grant to upgrade the bus washer at the Valley Transit garage (2/3 vote required)

**Attachments:**     [VT Bus Washer Grant 2017.pdf](#)

**This Report Action Item was approved.**

[17-1299](#)

Request to award the 2017 Wastewater Tunnel painting project to M.V. Klinger Painting Co. Inc for a not-to-exceed contract of \$90,000.

**Attachments:**     [2017 Wastewater Tunnel Painting.pdf](#)

**This Report Action Item was approved.**

[17-1310](#)

Request to award the Lutz Park Trail and Riverbank improvements contract to Vinton Construction Company in the amount of \$305,868 with a contingency of 7% for a project not to exceed \$327,279.

**Attachments:**     [2017 Lutz Park Trail and Riverbank Project .pdf](#)

**This Report Action Item was approved.**

[17-1324](#)

Request to award the 2017 Telulah skate Park additions project to Miron Construction Co, Inc. in the amount of \$157,993 with a contingency of \$17,257 for a project total not to exceed \$175,250 and the following related 2017 Budget adjustment:

**Facilities Capital Projects Fund**

Telulah Park skateboard project	\$60,000
Police Department deck surfacing project	-60,000

To reallocate funds for the Telulah Park skateboard project (2/3 vote required)

**Attachments:**     [2017 Telulah Skate Park Upgrades and Budget adjustment.pdf](#)

**This Report Action Item was approved.**



[17-1328](#) Request to approve the sale of City property to the State for detention pond.

**Attachments:** [land sale to State.pdf](#)

This Report Action Item was approved.

[17-1327](#) Request for Proposals Library project.

**Attachments:** [July 2017 Board memo.pdf](#)

This Report Action Item was approved.

[17-792](#) Resolution introduced by Alderpersons Martin, Croatt and Plank at the May 17, 2017 Common Council meeting related to the City Attorney responsibilities:

Resolution #12-R-17 Martin/Croatt/Plank

**Attachments:** [#12-R-17 City Attorney.pdf](#)  
[Legal Business of the City 8.21.17.pdf](#)

This Report Action Item was approved.

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

## 7. MINUTES OF THE UTILITIES COMMITTEE

[17-1233](#) Request for Program Modifications - 2017 Wastewater Capital Improvements (5431)

**Attachments:** [2017 Wastewater CIP Program Modifications.pdf](#)

This Report Action Item was approved.

[17-1312](#) Amend Unit K-17 Native Landscape Management Contract with Applied Ecological Services, Inc. in an amount not to exceed \$20,000.

**Attachments:** [K-17 Amend 1 Memo Util Cmte Memo 08-16-2017 final.pdf](#)

This Report Action Item was approved.

[17-1313](#)

Award sole source purchase of Water Plant High Service Pump #3 & #6 Variable Frequency Drive (VFD) equipment and installation services to Werner Electric in the amount of \$85,813.75.

**Attachments:** [High Lift Service Pump VFD 08-08.17.pdf](#)

This Report Action Item was approved.

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

9. **MINUTES OF THE FOX CITIES TRANSIT COMMISSION**

10. **MINUTES OF THE BOARD OF HEALTH**

M. **CONSOLIDATED ACTION ITEMS**

N. **ITEMS HELD**

[17-1111](#)

CONSOLIDATED ACTION ITEMS:  
Municipal Services Item 17-991  
City Plan Commission Item 17-1003  
Initial Resolution Item 17-1110

**Aldersperson Croatt moved, seconded by Aldersperson Spears to hold the Consolidated Action Items and authorize the City Attorney to actively re-engage with the Surface Transportation Board, if necessary, to keep this process moving forward. Roll Call. Motion carried by the following vote:**

**Aye:** 11 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Greg Dannecker, Aldersperson Cathy Spears, Aldersperson Chris Croatt, Aldersperson Keir Dvorachek and Aldersperson Bob Baker

**Excused:** 4 - Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Joe Martin and Aldersperson Christine Williams

**Abstained:** 1 - Mayor Timothy Hanna

[17-1110](#)

Initial Resolution- South Locust Street Vacation

**Attachments:** [Locust Street RR Xing - Initial Resolution.pdf](#)

This Report Action Item was held

[17-991](#) Approve Discontinuance of Locust Street at the CN Railroad Crossing Number 179 919F.

**Attachments:** [Discontinuance of Locust St at the CN Railroad crossing.pdf](#)

This Report Action Item was held

[17-1003](#) Request to approve the street discontinuance to vacate a portion of South Locust Street public right-of-way in the 100 block at the CN Railroad Crossing Number 179 919F, as shown on the attached maps and legal description, pending approval by the Municipal Services Committee, and adopt the Initial Resolution

**Attachments:** [StaffReport\\_StreetVacation\\_SLocustStreet.pdf](#)

This Report Action Item was held

O. ORDINANCES

[17-1348](#) Ordinances 58-17 and 59-17

**Attachments:** [Ordinances going to Council 9-6-17.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 Lobner moved, seconded by Alderson Croatt, that the meeting be adjourned at 7:43 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 12 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Greg Dannecker, Alderson Cathy Spears, Alderson Chris Croatt, Mayor Timothy Hanna, Alderson Keir Dvorachek and Alderson Bob Baker

**Excused:** 4 - Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Joe Martin and Alderson Christine Williams

Kami Lynch, City Clerk