



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, January 17, 2018

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order by Mayor Hanna at 7:00 p.m.

B. INVOCATION

The Invocation was offered by Alderperson Lobner

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 15 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konezke, Alderperson Ed Baranowski, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Mayor Timothy Hanna, Alderperson Keir Dvorachek and Alderperson Bob Baker

Excused: 1 - Alderperson Joe Martin

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

City Attorney Walsh, Deputy City Attorney Behrens, City Clerk Lynch, Director of Community & Economic Development Harkness, Director of Finance Saucerman, Director of Human Resources Matz, 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 were excused:
Fire Chief Vander Wyst, Health Officer Eggebrecht*

F. PUBLIC PARTICIPATION

*The following spoke during public participation:
Chris Burns, W6068 Nolan Drive - Item 17-1684 Alcohol on Commercial Quadricycles
Keith Scott, 6087 E Lyngaas - Exhibition Center Financing Items*

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[18-0081](#)

Common Council Meeting Minutes of December 19, 2017

Attachments: [CC Minutes 12-19-17 Special.pdf](#)**Alderson Baranowski moved, seconded by Alderson Croatt, that the Minutes be approved. Roll Call. Motion carried by the following vote:****Aye:** 14 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears, Alderson Chris Croatt, Alderson Keir Dvorachek and Alderson Bob Baker**Excused:** 1 - Alderson Joe Martin**Abstained:** 1 - Mayor Timothy Hanna[18-0080](#)

Common Council Meeting Minutes of December 20, 2017

Attachments: [CC Minutes 12-20-17.pdf](#)**Alderson Baranowski moved, seconded by Alderson Croatt, that the Minutes be approved. Roll Call. Motion carried by the following vote:****Aye:** 14 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears, Alderson Chris Croatt, Alderson Keir Dvorachek and Alderson Bob Baker**Excused:** 1 - Alderson Joe Martin**Abstained:** 1 - Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR

[18-0082](#)

National Wear Red Day Proclamation

The Proclamation was presented[18-0083](#)

Appointment to the Library Board

Alderson Croatt moved, seconded by Alderson Baranowski, that the appointment of Margaret Mann be approved. Roll Call. Motion carried by the following vote:**Aye:** 14 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears, Alderson Chris Croatt, Alderson Keir Dvorachek and Alderson Bob Baker

Excused: 1 - Alderperson Joe Martin

Abstained: 1 - Mayor Timothy Hanna

I. PUBLIC HEARINGS

[17-2023](#)

Public Hearing - Rezoning #8-17

Attachments: [RZ #8-17 Public Hearing Notice.pdf](#)

The Public Hearing was held. There were no participants during the Public Hearing.

[17-2024](#)

Public Hearing for Text Amendment to Chapter 23 Zoning Ordinance and Map - Article X. Floodplain Zoning

Attachments: [PH Notice Text Amendment.pdf](#)

The Public Hearing was held. There were no participants during the Public Hearing.

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[17-1684](#)

Resolution #22-R-17; Resolution regarding The Social Station and Alcohol Consumption

Attachments: [Resolution #22-R-17 Social Station.pdf](#)
[22-R-17; Alcohol Consumption on the Social Station MEMO to SL .pdf](#)
[Green Bay Ordinance- Comm. Quadricycle.pdf](#)
[Commercial Quadricycle Resolution Options S&L 1-9-18.pdf](#)

Alderson Baranowski moved, seconded by Alderson Lobner, that the Resolution be approved to reflect the Safety & Licensing Committee's amendments on January 10th. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konezke, Alderson Ed Baranowski, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears, Alderson Chris Croatt, Alderson Keir Dvorachek and Alderson Bob Baker

Excused: 1 - Alderson Joe Martin

Abstained: 1 - Mayor Timothy Hanna

[18-0078](#)

Approve the financing recommendation made by Baird for the Fox Cities Exhibition Center

Attachments: [Baird FCEC Presentation 1-8-18.pdf](#)
[Room Tax Collections.pdf](#)
[FCEC Financing Comparison Memo 011518.pdf](#)
[FRED Graph.pdf](#)
[Private Placement Bonds.pdf](#)
[Term Sheet 10.26.17.pdf](#)

Motion by Alderperson Lobner, seconded by Alderperson Baker to approve the financing recommendation.

Alderperson Coenen referred this item back to the Finance Committee.

[18-0111](#)

Suspend the Council Rules and Convene into the Committee of the Whole acting as the Finance Committee

Alderperson Plank moved, seconded by Alderperson Dannecker, that the Common Council convene into the Committee of the Whole. Roll Call. Motion carried by the following vote:

Aye: 10 - Alderperson Kathleen Plank, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Alderperson Bob Baker

Nay: 4 - Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski and Alderperson Patti Coenen

Excused: 1 - Alderperson Joe Martin

Abstained: 1 - Mayor Timothy Hanna

[18-0078](#)

Approve the financing recommendation made by Baird for the Fox Cities Exhibition Center

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[FRED Graph.pdf](#)
[Private Placement Bonds.pdf](#)
[Term Sheet 10.26.17.pdf](#)

Alderperson Lobner moved, seconded by Alderperson Baker, that the financing recommendation be approved. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Ed Baranowski, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Alderperson Bob Baker

Nay: 2 - Alderperson Curt Konetzke and Alderperson Patti Coenen

Excused: 1 - Alderperson Joe Martin

Abstained: 1 - Mayor Timothy Hanna

18-0107 Report of COW

Motion by Alderperson Baranowski, seconded by Alderperson Baker to Rise and Report. Roll Call. Motion carried 14/0.

Alderperson Konetzke moved, seconded by Alderperson Coenen, to approve the Report of the Committee of the Whole (Item 18-0078) as amended by substitution to read: Approve the concept of bond financing for the Fox Cities Exhibition Center and immediately solicit bond proposals from multiple sources.

Roll Call. Motion failed by the following vote:

Aye: 2 - Alderperson Curt Konetzke and Alderperson Patti Coenen

Nay: 12 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Ed Baranowski, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Alderperson Bob Baker

Excused: 1 - Alderperson Joe Martin

Abstained: 1 - Mayor Timothy Hanna

Alderperson Lobner moved, seconded by Alderperson Baker, to approve the Report of the Committee of the Whole (Item 18-0078). Roll Call. Motion carried by the following vote:

Aye: 12 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Ed Baranowski, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Alderperson Bob Baker

Nay: 2 - Alderperson Curt Konetzke and Alderperson Patti Coenen

Excused: 1 - Alderperson Joe Martin

Abstained: 1 - Mayor Timothy Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

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

Aye: 14 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears, Alderson Chris Croatt, Alderson Keir Dvorachek and Alderson Bob Baker

Excused: 1 - Alderson Joe Martin

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[18-0029](#)

Approve Amendment No. 2 to SRF Consulting Group, Inc. for additional services related to the Railroad Quiet Zone Feasibility & Implementation Plan in an amount of \$3,000 for a revised not to exceed contract of \$31,856.

Attachments: [Railroad Quiet Zone.pdf](#)

This Report Action Item was approved

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[17-2037](#)

Operator's License application of Cueren M. Egeland, W750 County Road VV, Seymour

Attachments: [Cueren M. Egeland.pdf](#)
[SL Denial 1-10-18.pdf](#)

The recommendation to deny the license was approved.

[17-2032](#)

"Class B" Beer/Liquor License application of Tudy Wilder LLC, d/b/a Wilder's Bistro, 2639 S. Oneida St. Suite 1, Terrace A. Wilder, Agent, contingent upon approval from all departments.

Attachments: [Wilder's Bistro application.pdf](#)

This Report Action Item was approved.

[17-2033](#)

Class "B" Beer License application of McFleshman's Brewing Co LLC, Bobby L. Fleshman, Agent, 115 S. State St., contingent upon approval from all departments.

Attachments: [McFleshmans Brewing Co application.pdf](#)

This Report Action Item was approved.

[17-2034](#)

Secondhand Article Dealer License Renewal application of The Attique Resale, James A. Boylan, 415 N. Oneida Street, contingent upon approval from all departments.

This Report Action Item was approved.

[17-2041](#)

Operator Licenses

Attachments: [Operator's Licenses for 1-10-18 S & L.pdf](#)

This Report Action Item was approved.

[18-0003](#)

"Class B" Beer/Liquor License temporary change of premise description of Dairyland Brew Pub, Dorri Schmit, 1216 E. Wisconsin Avenue, January 27, 2018 or February 10, 2018, contingent upon approval from all departments.

Attachments: [Change of Description - Dairyland Brew Pub.pdf](#)

This Report Action Item was approved.

[18-0020](#)

"Class A" Liquor License application of Fishtail LLC, Buddi S. Subedi, 415 S. Memorial Drive, contingent upon approval from all departments.

Attachments: [Memorial Petroleum.pdf](#)

This Report Action Item was approved.

[18-0034](#)

Secondhand Article Dealer License Renewal application of Heid Music, Kristin J. Masarik, Applicant, 308 E. College Avenue, contingent upon approval from all departments.

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[17-1902](#)

Request to approve the proposed Zoning Ordinance Text and Map Amendments to Article X Floodplain Zoning of Chapter 23 of the Municipal Code relating to Section 23-206(b)(1)(i) Official maps and revisions, as identified in the attached staff report

Attachments: [StaffReport_ZOText&MapAmendment_FloodplainZoning_12-12-17.pdf](#)

This Report Action Item was approved.

[17-1907](#)

Request to approve Rezoning #8-17 for Creekside Estates, as shown on the attached maps, from R-1A Single-Family District and R-2 Two-Family District to R-1B Single-Family District

Attachments: [StaffReport_Rezoning #8-17_Creekside Estates_12-12-17.pdf](#)

This Report Action Item was approved.

[17-1909](#)

Request to approve the Creekside Estates Preliminary Plat as shown on the attached maps and subject to the attached conditions

Attachments: [StaffReport_Preliminary Plat_Creekside Estates_12-12-17.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[18-0077](#)

Resolution #23-R-17

Resolution Regarding Financing Option for the Fox Cities Exhibition Center

Submitted by: Alderperson Plank - District 7 & Alderperson Baranowski
- District 5

Referred to: Mayor's Office

Be It Resolved:

Upon receipt of work performed by R.W. Baird with respect to financing of the Fox Cities Exhibition Center, a report of their findings be presented to the Finance Committee and/or the full Common Council in a timely manner.

The presentation will be conducted by a representative employed by R.W. Baird. The City Attorney and Finance Director of the City of Appleton will be present for consultation.

The Finance Committee and/or Common Council will then determine and authorize the financing mechanism to be used to fund the Fox Cities Exhibition Center.

This Report Action Item was approved.

[18-0079](#)

Resolution #24-R-17

Resolution Regarding Pledge & Security Agreement with Respect to Financing of the Fox Cities Exhibition Center

Submitted by: Alderperson Plank - District 7 & Alderperson Baranowski
- District 5

Referred to: Attorney's Office

Be It Resolved:

The Finance Committee and/or Common Council, with consultation from the Office of the City Attorney of Appleton, review the Pledge and Security Agreement document authorizing financing of the Fox Cities Exhibition Center.

Upon this review, the Common Council will approve the document in final form prior to its execution.

This Report Action Item was approved.

[18-0007](#)

Request to approve short-term loan not to exceed \$31,000,000 to the Appleton Redevelopment Authority (ARA) for the construction of the Fox Cities Exhibition Center to be repaid upon ARA's closing of long-term financing for the project which is anticipated in early 2018.

Attachments: [FCEC Financing - ARA Loan 2018.pdf](#)

This Report Action Item was approved.

[18-0008](#)

Request to approve the following 2017 Budget adjustment:

Facilities Management Capital Projects Fund

Fire Station #4 Repair Project	+\$23,000
MSB Fire Protection System Upgrade Project	- \$23,000

to reallocate funds for the emergency repairs of the garage floor at Fire Station #4.

Attachments: [2017 Fire Station #4 Emergency Repairs and Budget Adjustment .pdf](#)

This Report Action Item was approved.

[18-0021](#)

Request to approve payment to von Briesen & Roper, S.C. for real estate services performed under the "Hourly Services" provision of the Phase III agreement related to the construction of the Fox Cities Exhibition Center and approve the following related 2017 Budget adjustment:

Exhibition Center Capital Projects Fund

Consulting Services	+ \$489
Debt Proceeds/Room Tax	+ \$489

to provide funding for real estate services related to the construction of the Fox Cities Exhibition Center.

Attachments: [von Briesen Bill 10-31-17.pdf](#)

This Report Action Item was approved.

[18-0031](#)

Request to approve Rocky Bleier Run/Water Street Relocation Order.

Attachments: [Rocky Bleier-Water St - Relocation Order \(FINAL\).pdf](#)

This Report Action Item was approved.

[18-0046](#)

Request to approve accepting the professional construction management services of Miron Construction for the Jones Park renovation conditioned upon Miron's offer to donate their fee.

Attachments: [2018 Jones Park Renovation Sole Source \(002\).pdf](#)

This Report Action Item was approved.

[18-0048](#)

Request to approve Rocky Bleier Run/Water Street Relocation Order (north side of street).

Attachments: [Rocly Bleier Run \(north side of street\) - Relocation Order 1.pdf](#)

This Report Action Item was referred back to the Finance Committee

[18-0049](#)

Request to approve North Edgewood Estates Development Agreement.

Attachments: [Coenen Dev Agrm - City - Clean - 01-05-2018.pdf](#)

This Report Action Item was approved.

6. **MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**
7. **MINUTES OF THE UTILITIES COMMITTEE**
8. **MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE**

[18-0040](#)

Request to overhire for the Waste Water Operations Supervisor position to be able to train the new employee prior to retirement date of current employee.

Attachments: [Ops Supervisor Overhire 01-05-09.pdf](#)

This Report Action Item was approved.

[18-0041](#)

Request from Police to approve the Support Services Division to be moved from the Assistant Chief to the Investigative Services Captain. Also to create two Lead positions, one in the Communication Specialist Unit and one in the Records Unit.

Attachments: [Police TO reorg memo.pdf](#)
[Police Lead Positions memo request Allcox.pdf](#)
[Police TO approved 3-1-17.pdf](#)
[Police TO draft Jan 2018.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

[18-0085](#)

Ordinances 1-18 to 15-18

Attachments: [Ordinances going to Council 1-17-18.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

*City of Appleton – Resolution #1-R-18
January 17, 2018
Submitted by: Alderperson Baranowski – District 5
Referred to: Finance Committee*

*Whereas, the City of Appleton approved a short-term loan not to exceed \$31,000,000 to the Appleton Redevelopment Authority (ARA) for the construction of the Fox Cities Exhibition Center and,
Whereas, the short-term loan is to be repaid upon ARA's closing of long-term financing for the project and,
Whereas an estimate of the amount of interest income not received due to the amounts paid to fund the Fox Cities Exhibition Center, projecting through 3/1/18, would be approximately \$237,500 therefore,
Be it resolved, the City of Appleton is repaid from the hotel room tax fund, upon ARA's closing of long-term financing for the project, any and all interest income it would have earned on the funds the City loaned to ARA for the Fox Cities Exhibition Center project.*

R. OTHER COUNCIL BUSINESS

[18-0084](#)

Explanation of next steps regarding the financing of the Fox Cities Exhibition Center

This Item was presented

S. ADJOURN

Alderperson Konetzke moved, seconded by Alderperson Baranowski, that the meeting be adjourned at 8:03 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 Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Mayor Timothy Hanna, Alderperson Keir Dvorachek and Alderperson Bob Baker

Excused: 1 - Alderperson Joe Martin

Kami Lynch, City Clerk