



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, February 7, 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 Williams.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 16 - 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 Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Mayor Timothy Hanna, Alderperson Keir Dvorachek and Alderperson Bob Baker

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

City Attorney Walsh, City Clerk Lynch, Director of Community & Economic Development Harkness, Director of Finance Saucerman, Fire Chief Vander Wyst, Health Officer Eggebrecht, Library Director Rortvedt, Police Chief Thomas, Director of Parks, Recreation & Facilities Gazza, Director of Public Works Vandehey, and Diversity Coordinator Nelson.

*The following were excused:
Information Technology
Human Resources
Utilities
Valley Transit*

F. PUBLIC PARTICIPATION

There was no one signed up to speak during Public Participation.

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[18-0147](#)

Common Council Meeting Minutes of January 17, 2018

Attachments: [CC Minutes 1-17-18.pdf](#)

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

Aye: 15 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears, Aldersperson Chris Croatt, Aldersperson Keir Dvorachek and Aldersperson Bob Baker

Excused: 1 - Mayor Timothy Hanna

- H. BUSINESS PRESENTED BY THE MAYOR
- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY

[18-0132](#)

Approve Resolution for Outagamie County Landfill Siting Negotiation Process.

Attachments: [Resolution Outagamie Cty Landfill.pdf](#)
[Map of proposed Northwest Landfill.pdf](#)

Aldersperson Meltzer moved, seconded by Aldersperson Baranowski, that the Resolution be amended to reflect one representative to negotiate on behalf of the City of Appleton. Roll Call. Motion carried by the following vote:

Aye: 15 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears, Aldersperson Chris Croatt, Aldersperson Keir Dvorachek and Aldersperson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

Aldersperson Baranowski moved, seconded by Aldersperson Croatt, that the Resolution be approved as amended. 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 Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Alderperson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderperson Croatt moved, Alderperson Coenen seconded, to approve the balance of the agenda. The 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 Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Alderperson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[18-0131](#)

Approve the following parking changes related to the "East Residential Zone" near Lawrence University:

*No parking on the west side of Rankin Street between College Avenue and Alton Street.

*No parking on the north side of South Street from South Court to the first driveway west of South Court.

Attachments: [Parking changes East Residential Zone.pdf](#)

This Report Action Item was approved

[18-0133](#)

Appleton Street, from 200' south of Lawrence Street to College Avenue, be reconstructed with concrete pavement and curb and gutter to a width of 45' from back of curb to back of curb. The reconstruction of Appleton Street will implement concepts from the approved Downtown Mobility Study. Appleton Street will be converted from its existing one-way, southbound only designation, into a two-way street. The new, two-way, Appleton Street will consist of 1 travel lane, in each direction, bike lanes along both sides of the street, and dedicated turn lanes at Lawrence Street and College Avenue. On-street parking along this portion of Appleton Street will be eliminated as part of this reconstruction project. An indented loading zone will be constructed adjacent to Houdini Plaza.

Attachments: [Appleton St from 200' south of Lawrence St to College Ave.pdf](#)

This Report Action Item was approved.

[18-0134](#)

Request to postpone the Oneida Street Bridge/Appleton Street/Pedestrian Ramp/Stairs/Rocky Bleier Run and Jones Park Parking Lot Projects until we have further clarity on what may be developed on the Trinity Bluff Site.

Attachments: [Postpone projects related to Trinity Bluff Site.pdf](#)

This Report Action Item was approved.

[18-0135](#)

Approve proposed parking restriction on the 200 block of S. Rankin Street.

Attachments: [Parking restrictions-200 block of S. Rankin St.pdf](#)

This Report Action Item was approved.

[18-0136](#)

Approve proposed parking restriction on Rail Road near Derks Park.

Attachments: [Parking restrictions on Rail Rd near Derks Park.pdf](#)

This Report Action Item was approved.

[18-0137](#)

Install Stop Control on Locust Street at Fifth Street.

Attachments: [Intersection control Locust St-Fifth St.pdf](#)

This Report Action Item was approved.

[18-0138](#) Install Stop Control on Madison Street at McKinley Street.

Attachments: [Intersection traffic control Madison St-McKinely St.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[18-0116](#) Request to Approve Changes to Appleton Municipal Code Chapter 6

Attachments: [Chapter 06 Fire - Redlined \(Official Form\) 01-12-2018.pdf](#)

[Chapter 06 Fire - Clean \(Official Form\) 01-12-2018.pdf](#)

[Memo RE Proposed Changes to Chapter 6 .pdf](#)

This Report Action Item was approved.

[18-0092](#) Operator's Licenses

Attachments: [Operator's Licenses for 1-24-18 S & L.pdf](#)

This Report Action Item was approved.

[18-0098](#) "Class B" Beer/Liquor License application of DCMX LLC, d/b/a Gingerrootz Asian Grille, Mylee Xiong, Agent, 2920 N. Ballard Rd., contingent upon approval from all departments.

Attachments: [Gingerrootz Asian Grille application.pdf](#)

This Report Action Item was approved.

[18-0093](#) "Class B" Beer/Liquor License application of Jong Seng Lee and Patria Lee Vang, d/b/a Shadows Food & Spirit, 211 S. Walter Ave., contingent upon approval from all departments.

Attachments: [Shadows Food & Spirit application.pdf](#)

This Report Action Item was approved.

[18-0094](#) Secondhand Article Dealer License Renewal application of Active Bike & Fitness, Mark A. Fluette, Applicant, 1131 N. Badger Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[18-0097](#)

"Class A" Beer/Liquor License - Change of Agent of Ultimate Mart LLC d/b/a Pick N Save #8187, Shane E. Fischer, Agent, 511 W. Calumet St., contingent upon approval from the Police Department.

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[18-0088](#)

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

Attachments: [Staff Report Creekside Estates Final Plat 1-23-18.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[18-0110](#)

Action Item: Request Approval of the Updated Athletic Facilities - Rental and Fee Schedule Policy

Attachments: [2018 Athletic Facilities Rental and Fee Schedule Policy Memo.doc](#)
[2018 Athletic Facilities Policy - Redlined.pdf](#)
[2018 Athletic Facilities Policy - FINAL.pdf](#)

This Report Action Item was approved.

5. MINUTES OF THE FINANCE COMMITTEE

[18-0119](#)

Request to award Unit T-18 Telulah Avenue Sewer & Water Main Reconstruction No. 1 to Kruczek Construction, Inc in the amount of \$1,477,778 with a 5% contingency of \$73,889 for a project total not to exceed \$1,551,667.

Attachments: [Award of Contract Unit T-18.pdf](#)

This Report Action Item was approved.

[18-0120](#)

Request to approve Finance Committee Report 1-P-18 for Sanitary Laterals

Attachments: [Report 1-P-18.pdf](#)

This Report Action Item was approved.

[18-0128](#)

Resolution introduced by Alderperson Baranowski at January 17, 2018 Common Council meeting relating to short-term loan to Appleton Redevelopment Authority for the construction of the Fox Cities Exhibition Center.

Resolution #1-R-18

Submitted by: Alderperson Baranowski - District 5

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 March 1, 2018, 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.

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE[18-0090](#)

Request to approve recommended funding of \$15,000 for 2018 sponsorships for Appleton Downtown Inc. (ADI) programs as outlined in the attached documents

Attachments: [Memo to CEDC on ADI Sponsorships 2018.pdf](#)
[Proposed City Sponsorships for ADI 2018.pdf](#)

This Report Action Item was approved.

7. MINUTES OF THE UTILITIES COMMITTEE

[18-0099](#) Preliminary Resolution 1-P-18 for Sanitary Sewer Laterals be adopted and refer the matter to the Finance Committee to determine the assessment rate.

Attachments: [1-P-18.pdf](#)

This Report Action Item was approved.

[18-0104](#) Request to add Sanitary Sewer and Storm Sewer construction on Durkee Street between Atlantic Street and Summer Street to our 2018 Reconstruction Program.

Attachments: [Durkee Street Sanitary Sewer and Storm Sewer Construction.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

[18-0012](#) Approve the Memorandum of Understanding Between The City of Appleton, Valley Transit and Community Care Inc. for Specialized Transportation Services for 2018

Attachments: [2018 Contract Valley Transit and Community Care.pdf](#)

This Report Action Item was approved.

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

[18-0150](#) Consolidated Action Items
18-0126 (Finance Committee)
18-0117 (Safety & Licensing Committee)

This Report Action Item was approved.

[18-0126](#) Request to apply for the FEMA FY17 Assistance to Firefighter's Grant for personal protective equipment

Attachments: [Intent to Apply - FY2017 Assistance to Firefighter's Grant - 1-18-18.pdf](#)

This Report Action Item was approved.

[18-0117](#)

Request to Apply for the FEMA FY17 Assistance to Firefighter's Grant for Personal Protective Equipment

This Report Action Item was approved.

N. ITEMS HELD

O. ORDINANCES

[18-0149](#)

Ordinances 16-18 to 18-18

Attachments: [Ordinances going to Council 2-7-18.pdf](#)

The Ordinances were approved.

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

Resolution #2-R-18

Submitted by: Edward S Baranowski

Date: February 7, 2018

Referred to: Attorney, Board of Health

*Whereas, the City of Appleton's Municipal Code identifies noise as a serious hazard to the public health, welfare, safety and quality of life and,
Whereas, the people have a right to an environment free from excessive sound that may jeopardize their health, welfare, or safety, or degrade the quality of life and,
Whereas the Municipal Code states that no person shall operate, play or permit the operation or playing of any radio, television, phonograph, musical instrument, sound amplifier or similar device in such a manner as to create a noise disturbance and,
Whereas as special variance permit may be issued upon request provided that the work producing such noise is necessary to promote the public health or welfare and reasonable steps are taken to keep such noise at the lowest practical level and,
Whereas a variance may be issued for special events and similar gatherings, festivals, presentations and the like, which are limited in duration and are generally acceptable to the people of the community provided that precautions are taken to maintain the noises produced at the lowest practical level and,
Whereas, Section 12-76 of the Municipal Code does not have a definition of Special Community Events, or what constitutes a Special Community Event along with it's make up in terms of, but not limited to, its frequency and its benefit to the community vs. an organization or business and,
Whereas the Health Officer or designee, is authorized to issue a variance permit pursuant to the applicable section of the Municipal Code upon receiving a completed application therefore,*

Be it resolved, prior to authorizing any further noise variances under the Municipal Code, the City Attorney's Office along with the Board of Health review and define what constitutes a Special Community Event along with it's make up in terms of, but not limited to, its frequency, its necessity to promote the public health and welfare, and its benefit to the community vs. an organization or business.

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Alderson Baranowski moved, seconded by Alderson Dannecker, that the meeting be adjourned at 7:30 p.m. Roll Call. Motion carried by the following vote:

Aye: 16 - 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 Joe Martin, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears, Alderson Chris Croatt, Mayor Timothy Hanna, Alderson Keir Dvorachek and Alderson Bob Baker

Kami Lynch, City Clerk