



City of Appleton

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

Meeting Minutes Common Council

Wednesday, October 15, 2014

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order at 7:02 PM.

B. INVOCATION

Aldersperson Dalton offered the Invocation.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 14 - Aldersperson Patti Coenen, Aldersperson Greg Dannecker, Aldersperson Sarah Garb, Aldersperson Jeffrey Jirschele, Aldersperson Curt Konetzke, Aldersperson Kyle Lobner, Aldersperson Joe Martin, Aldersperson Cathy Spears, Aldersperson Peter Stueck, Mayor Timothy Hanna, Aldersperson Tim Trauger, Aldersperson Polly Dalton, Aldersperson Christine Williams and Aldersperson Vered Meltzer

Excused: 2 - Aldersperson Chris Croatt and Aldersperson Kathleen Plank

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

PRESENT: City Clerk Collins, City Attorney Walsh, Deputy City Attorney Chris Behrens, Community and Economic Development Director Harkness, Fire Chief Vander Wyst, Health Officer Eggebrecht, Director of Human Resources Behnke, Interim Police Chief Lewis, Director of Public Works Vandehey, Director of Information Technology Fox, Director of Utilities Shaw, Valley Transit General Manager Wetter.

EXCUSED: Finance Director Saucerman, Director of Parks, Recreation and Facilities Gazza, Library Director Rortvedt.

F. PUBLIC PARTICIPATION

Name - Address - Topic

Jenny Ferry - 135 S. Buchanan Street - Operator's License

Fred Petit - 313 E. Juniper Lane - Taxi-Cab Driver's License

Bau Vue - 1335 W. Glendale Avenue - Driveway Permit

Ken Washburn - 2120 S. Gladys Avenue - Pierce Plant

Gregg Kuhlrow - 1511 W. Valley Road - Yard Waste Fee

Jade Thomson - 94 Lynn Drive - Armored Police Vehicle

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

14-1731 Approve Common Council Meeting Minutes from October 1, 2014.

Attachments: [CC Minutes 10-01-2014.pdf](#)

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

Aye: 13 - Aldersperson Coenen, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Spears, Aldersperson Stueck, Aldersperson Trauger, Aldersperson Dalton, Aldersperson Williams and Aldersperson Meltzer

Excused: 2 - Aldersperson Croatt and Aldersperson Plank

Abstained: 1 - Mayor Hanna

H. BUSINESS PRESENTED BY THE MAYOR

14-1750 Presentation of Ambassador of Appleton Award to Cory Chisel and Dave Willems.

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

14-1610 R/B-Spears-Request from Thao Vue for a variance to Municipal Code, Section 19-91 Front Yard Parking, for the property at 1335 W. Glendale Avenue **up to the original expansion. New expansion to be removed.**

Attachments: [Thao Vue variance.pdf](#)
[1335 W. Glendale Ave.pdf](#)

Amendment by Spears: To allow what work that has already been done to stay.

Aldersperson Spears moved, seconded by Aldersperson Dalton, that the Report Action Item be amended. Roll Call. Motion failed by the following vote:

Aye: 6 - Aldersperson Konetzke, Aldersperson Spears, Aldersperson Stueck, Aldersperson Trauger, Aldersperson Dalton and Aldersperson Meltzer

Nay: 7 - Alderperson Coenen, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Lobner, Alderperson Martin and Alderperson Williams

Excused: 2 - Alderperson Croatt and Alderperson Plank

Abstained: 1 - Mayor Hanna

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

Aye: 13 - Alderperson Coenen, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Spears, Alderperson Stueck, Alderperson Trauger, Alderperson Dalton, Alderperson Williams and Alderperson Meltzer

Excused: 2 - Alderperson Croatt and Alderperson Plank

Abstained: 1 - Mayor Hanna

14-1661

Request from Mr. Gregg Kuhlow to waive his \$75 non-compliance yard waste collection fee.

Attachments: [Mr. Gregg Kuhlow fee waived.pdf](#)

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

Aye: 9 - Alderperson Coenen, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Dalton and Alderperson Williams

Nay: 4 - Alderperson Spears, Alderperson Stueck, Alderperson Trauger and Alderperson Meltzer

Excused: 2 - Alderperson Croatt and Alderperson Plank

Abstained: 1 - Mayor Hanna

14-1675

Operator's License application of Zachary R. Robertson, 1720 N. Superior Street.

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

Aye: 9 - Alderperson Coenen, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Spears and Alderperson Dalton

Nay: 4 - Alderperson Stueck, Alderperson Trauger, Alderperson Williams and Alderperson Meltzer

Excused: 2 - Alderperson Croatt and Alderperson Plank

Abstained: 1 - Mayor Hanna

14-1669 Taxi Cab Driver's License application of Frederick A. Petit, 313 E. Juniper Lane.

Aldersperson Dalton requested that the vote be Notwithstanding.

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

Aye: 1 - Aldersperson Dalton

Nay: 12 - Aldersperson Coenen, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Spears, Aldersperson Stueck, Aldersperson Trauger, Aldersperson Williams and Aldersperson Meltzer

Excused: 2 - Aldersperson Croatt and Aldersperson Plank

Abstained: 1 - Mayor Hanna

14-1674 Operator's License application of Mike A. May, 1501 N. Bennett Street.

Aldersperson Spears requested that the vote be Notwithstanding.

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

Aye: 8 - Aldersperson Coenen, Aldersperson Jirschele, Aldersperson Lobner, Aldersperson Spears, Aldersperson Stueck, Aldersperson Trauger, Aldersperson Dalton and Aldersperson Meltzer

Nay: 5 - Aldersperson Dannecker, Aldersperson Garb, Aldersperson Konetzke, Aldersperson Martin and Aldersperson Williams

Excused: 2 - Aldersperson Croatt and Aldersperson Plank

Abstained: 1 - Mayor Hanna

14-1701 Reconsideration (Jirschele) - Operator's License application of Jenny Sue Farry, 135 S. Buchanan Street.

Aldersperson Lobner requested that the vote be Notwithstanding.

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

Aye: 9 - Aldersperson Coenen, Aldersperson Dannecker, Aldersperson Jirschele, Aldersperson Lobner, Aldersperson Martin, Aldersperson Spears, Aldersperson Trauger, Aldersperson Dalton and Aldersperson Meltzer

Nay: 4 - Aldersperson Garb, Aldersperson Konetzke, Aldersperson Stueck and Aldersperson Williams

Excused: 2 - Aldersperson Croatt and Aldersperson Plank

Abstained: 1 - Mayor Hanna

14-1632

Resolution introduced by Alderpersons Dalton/Meltzer at the 09-17-2014 Common Council meeting.

#26-R-14 - Dalton/Meltzer

~~“Whereas crime rates have decreased in the City of Appleton over the last 6 years;~~

~~Whereas the city budget requires allocation for costs of maintaining infrequently used equipment,~~

~~Whereas training for use of infrequently used equipment demands staff time and resources;~~

~~Whereas effective civilian law enforcement does not require the use of military equipment;~~

~~Whereas military equipment is not designed for civilian law enforcement;~~

~~Whereas equipment discontinued for ineffectiveness in urban environments is not conducive to Appleton’s infrastructure~~

~~And whereas civilian law enforcement have used military equipment inappropriately in the United States and in other countries;~~

Be it resolved,

1. Staff return with a budgetary review for the costs of maintenance, insurance, and training resources related to the Mine Resistant Ambush Protected (MRAP Vehicle) within 45 days, and
2. ~~Staff return with options for returning or disposing of the Mine Resistant Ambush Protected vehicle in most expeditious and low cost manner within 60 days~~
3. ~~A review of donated or surplus material acquisition noticing guidelines be presented to council to assure any major donated or surplus material acquisitions by any department are reviewed by the Common Council."~~
4. ~~A public update be presented on public safety issues related to active-shooter situations and warrants, and alternatives be considered that do not require the re-purposing of a military vehicle.”~~

Amendment by Dalton Regarding Point #2: Motion made by Alderperson Dalton, Seconded by Alderperson Meltzer. Motion fails 8-5.

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

Aye: 10 - Alderperson Coenen, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Spears, Alderperson Trauger, Alderperson Dalton and Alderperson Meltzer

Nay: 3 - Alderperson Martin, Alderperson Stueck and Alderperson Williams

Excused: 2 - Alderperson Croatt and Alderperson Plank

Abstained: 1 - Mayor Hanna

14-1683 Operator's Licenses

Attachments: [Operator's Licenses for 10-09-2014 S&L.pdf](#)

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

Aye: 12 - Alderperson Coenen, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Spears, Alderperson Stueck, Alderperson Trauger, Alderperson Williams and Alderperson Meltzer

Excused: 2 - Alderperson Croatt and Alderperson Plank

Abstained: 2 - Mayor Hanna and Alderperson Dalton

14-1708 Request to approve Preliminary Plat - Pierce Plat

Attachments: [StaffReport PreliminaryPlat PiercePlat 10-06-14 Revised.pdf](#)

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

Aye: 11 - Alderperson Coenen, Alderperson Dannecker, Alderperson Garb, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Spears, Alderperson Stueck, Alderperson Trauger, Alderperson Williams and Alderperson Meltzer

Nay: 2 - Alderperson Jirschele and Alderperson Dalton

Excused: 2 - Alderperson Croatt and Alderperson Plank

Abstained: 1 - Mayor Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderperson Konetzke moved, Alderperson Martin seconded, to approve the balance of action items on the agenda. The motion carried by the following vote:

Aye: 13 - Alderperson Coenen, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Spears, Alderperson Stueck, Alderperson Trauger, Alderperson Dalton, Alderperson Williams and Alderperson Meltzer

Excused: 2 - Alderperson Croatt and Alderperson Plank

Abstained: 1 - Mayor Hanna

1. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

14-1644 "Class B" Beer/Liquor License application of 2 x 6 Holdings LLC, d/b/a Maritime Bar, Dan M. Burton, Agent, 336 W. Wisconsin Avenue, contingent upon approvals from all departments.

This Report Action Item was approved.

14-1645 Secondhand Article License application of Tina Marie's Unique Boutique, Tina Marie Ahrens, Applicant, 206 E. College Avenue, contingent upon approvals from all departments.

This Report Action Item was approved.

14-1677 Operator's License application contingent upon completion of the Responsible Beverage Service Course - Marc A. Sieber, 3220 E. Aquamarine Avenue.

This Report Action Item was approved.

14-1709 Reserve "Class B" Beer/Liquor License application of Rye, Inc., Ronald C. Schoenfeld, Agent, 300 W. College Avenue, contingent upon approvals from all departments.

This Report Action Item was approved.

2. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

14-1657 Approve modified Street Occupancy Permit Policy.

Attachments: [Modified Street Occupancy Permit Policy.pdf](#)

This Report Action Item was approved.

14-1660 Approve modified Driveway Opening Policy.

Attachments: [Driveway opening policy.pdf](#)

This Report Action Item was approved.

14-1662 Approve FREE parking for Small Business Saturday (November 29, 2014).

Attachments: [FREE parking for Small Business Saturday.pdf](#)

This Report Action Item was denied.

3. MINUTES OF THE CITY PLAN COMMISSION

14-1688 Request to approve Special Use Permit Application #13-14 - to allow a new medical office building that exceeds thirty-five (35) feet in height, not to exceed forty-two (42) feet in height, in a C-2 General Commercial District.

Attachments: [Special Use Permit 13-14 for 10-6-14.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE**5. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**

14-1698 Request to approve variance to building height restriction requirements for Lot 2, CSM 5726 Northeast Business Park

Attachments: [FVHO Variance 10-6-14.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE UTILITIES COMMITTEE

- 14-1672** Award Replacement and Repair of doors at Wastewater Plant to Tri-City Glass and Door in the amount of \$28,692 with a contingency of \$1,308 for a project total not to exceed \$30,000.

Attachments: [Door Replacement-Repairs 2014.docx](#)

This Report Action Item was approved.

- 14-1689** Approve Contract Amendment #1 for the AWWTP Evaluation of Phosphorous Treatment Optimization and TMDL Compliance Project to CH2M Hill for additional consulting services in the amount of \$15,285 resulting in a decrease in contingency from \$15,285 to \$0.

Attachments: [TMDL Compliance Project Contract Amendment #1.doc](#)

This Report Action Item was approved.

7. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

- 14-1703** Approve the Award of the Valley Transit Tire and Tire Related Services Contract to Pomp's Tire Service

Attachments: [Approve the Award of the Valley Transit Tire and Tire Related Services Contract to Pomp's Tire Service.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE BOARD OF HEALTH**9. MINUTES OF THE HUMAN RESOURCES COMMITTEE**

- 14-1719** Request to approve 2015 medical and dental plan designs and pricing for benefited non union employees.

Attachments: [2015 medical insurance.pdf](#)
[Insurance planning presentation 7-7-14.pdf](#)

This Report Action Item was approved.

10. MINUTES OF THE FINANCE COMMITTEE

14-1666 Request to approve the following 2014 Budget adjustments:

Facilities Management Fund

Charges for Services \$(15,900)

Janitorial Services \$(15,900)

To decrease janitorial service expense and the charges to the Parks Department for pavilion cleaning now being performed by Parks Department staff

General Fund - Parks Dept

Part-time Wages \$15,900

Facilities Charges \$(15,900)

To increase part-time wages and reduce facilities charges for pavilion cleaning now being done by part-time staff rather than contracted through the Facilities Management Dept.

Attachments: [Pavilion Housekeeping 2014 Budget Adjustment.doc](#)

This Report Action Item was approved.

14-1695 Request to award Unit S-14 Sewer & Water Reconstruction No. 3 to Dorner, Inc. in the amount of \$313,546.50 with a 4.7% contingency of \$15,100.00 for a project total not to exceed \$328,646.50.

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

This Report Action Item was approved.

14-1696 Request to award Green Parking Ramp Stair Replacement to Hietpas Welding, Inc. in the amount of \$59,266.00 with a 5.0% contingency of \$2,963.30 for a project total not to exceed \$62,229.30.

Attachments: [Award of Contract - Green Ramp Stair Replacement.pdf](#)

This Report Action Item was approved.

M. CONSOLIDATED ACTION ITEMS

O. ITEMS HELD

P. ORDINANCES

14-1730 Ordinance #73-14

Attachments: [Ordinances going to 10-16-2013 Council.pdf](#)

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

FINANCE COMMITTEE

#30-R-14 – Konetzke/Jirschele

“Whereas the cost of the proposed re-siting of the municipal library to a completely new building on one of Appleton’s most commercially desirable downtown locations is a major expenditure by the city, and;

Whereas the currently budgeted city contribution is \$30 million dollars, a cost figure that likely does not include collateral and related costs for developments connected to serving the new construction and site, and, thus, is likely to increase as a total project cost, and;

Whereas the citizens of Appleton deserve an opportunity to directly influence an expenditure of this magnitude for a nontaxable municipal building;

Be it resolved that the following be placed as a referendum question on a ballot no later than the April 2015 elections:

Should at least \$30 million be spent by the taxpayers of the City of Appleton to construct a new municipal library?”

S. OTHER COUNCIL BUSINESS

T. ADJOURN

The meeting adjourned at 8:23 PM.

A motion was made by Alderperson Peter Stueck, seconded by Alderperson Polly Dalton, that the meeting be adjourned. The motion carried by the following vote:

Aye: 13 - Alderperson Coenen, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Spears, Alderperson Stueck, Alderperson Trauger, Alderperson Dalton, Alderperson Williams and Alderperson Meltzer

Excused: 2 - Alderperson Croatt and Alderperson Plank

Abstained: 1 - Mayor Hanna

Dawn A. Collins, City Clerk