



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, May 3, 2017

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: 14 - 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 Cathy Spears, Mayor Timothy Hanna, Alderperson Bob Baker and Alderperson Keir Dvorachek

Excused: 2 - Alderperson Christine Williams and Alderperson Chris Croatt

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*City Clerk Lynch, City Attorney Walsh, Deputy City Attorney Behrens, Director of Community & Economic Development Harkness, Deputy Fire Chief Baker, Director of Finance Saucerman, Health Officer Eggebrecht, Director of Information Technology Fox, Library Director Rortvedt, Police Chief Thomas, Director of Parks Recreation & Facilities Gazza, Director of Public Works Vandehey, Director of Utilities Shaw, & Valley Transit General Manager Mc Donald
Director of Human Resources Matz was excused.*

F. PUBLIC PARTICIPATION

The following spoke during public participation:

Cassie Guilbeault, 1820 N Drew St. Re: Item 17-588 Requesting a waiver of the ramp fees for AP Exam students

The following individuals spoke regarding Item 17-559 Special Use Permit #1-17 for automobile sales/display lot at 524 N Clark St

Amber McGinely, 617 N Clark St. (joined by Rebecca Herring, 543 N Clark St. & Noelle Reynolds, 570 N Clark St.)

James Clevenger, 2084 S Point Comfort Rd, Oshkosh

Connie Van Lannen, 915 S Bartlet St, Shawano

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[17-614](#)

Approval of Common Council Meeting Minutes of:
 April 18, 2017 Common Council Informal Organizational Meeting
 April 19, 2017 Common Council Organizational Meeting
 April 19, 2017 Common Council Meeting

Attachments: [CC Minutes 4-18-17 Informal Org.pdf](#)
 [CC Minutes 4-19-17 Organizational.pdf](#)
 [CC Minutes 4-19-17.pdf](#)

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

Aye: 13 - 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 Cathy Spears, Aldersperson Bob Baker and Aldersperson Keir Dvorachek

Excused: 2 - Aldersperson Christine Williams and Aldersperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR

[17-612](#)

Presentation of Municipal Clerk's Week Proclamation

This Report Action Item was presented

[17-613](#)

Reappointment of Ronald Dunlap to the Police and Fire Commission

Attachments: [COMM REAPPOINT PFC 050317.pdf](#)

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

Aye: 13 - 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 Cathy Spears, Alderperson Bob Baker and Alderperson Keir Dvorachek

Excused: 2 - Alderperson Christine Williams and Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

I. PUBLIC HEARINGS

[17-616](#)

Public Hearing for Final Resolution 3-P-17, Sanitary Laterals, Storm Laterals, and Storm Main

Attachments: [3-P-17 Sanitary and Storm Public Hearing Notice.pdf](#)

The following individuals spoke during the Public Hearing:

Richard Schreiter, 1035 W Packard St

Niko Efthimiou, 1024 E Eldorado St

Randy Deeg, 2007 S Jefferson St

J. SPECIAL RESOLUTIONS

[17-615](#)

Final Resolution 3-P-17 for Sanitary Laterals, Storm Laterals and Storm Main

Attachments: [3-P-17 Sanitary and Storm Final Resolution.pdf](#)

Alderperson Lobner moved, seconded by Alderperson Dannecker, that the Resolution be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - 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 Cathy Spears, Alderperson Bob Baker and Alderperson Keir Dvorachek

Excused: 2 - Alderperson Christine Williams and Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

K. ESTABLISH ORDER OF THE DAY

[17-559](#)

Request to approve Special Use Permit #1-17 for an automobile sales and display lot, at 524 North Clark Street (Tax Id #31-2-0697-00), 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 (2/3 vote required)

Attachments: [StaffReport_VLPerformance_SUP_For04-24-17.pdf](#)
[PublicCommentLetter_Reynolds_VLPerformance_SUP.pdf](#)
[PublicCommentLetter_McNally_VLPerformance_SUP.pdf](#)
[Petition_VLPerformance_SUP#1-17_4-24-17.pdf](#)

This Report Action Item was referred to the City Plan Commission due back on 5/8/2017.

[17-589](#)

Approve Intergovernmental Agreement with the Town of Grand Chute for Lanser Road and the Green Grove Plat contingent upon Council approved budget adjustment.

Attachments: [Intergovernmental Agreement Lanser Lane and Green Grove Plat.pdf](#)

This Report Action Item was referred to the Municipal Services Committee due back on 5/9/2017.

[17-549](#)

Request to approve professional services contract with von Briesen & Roper, S.C. for Phase V services related to the financing of the Fox Cities Exhibition Center and approve the related 2017 Budget adjustment below:

Exhibition Center Capital Projects Fund

Consulting Services	+\$462,500
Debt Proceeds/Room Tax	+\$462,500

to provide funding for consulting services related to the financing of the Fox Cities Exhibition Center.

Attachments: [Memo to Finance Von Briesen Phase V Engagement Letter2.pdf](#)
[Engagement Agreement - Loan Documents and Closing.PDF](#)
[FCEC Professional Services Agreement, Phase IV 3-01-2016.pdf](#)

This Report Action Item was referred to the Finance Committee due back on 5/8/2017.

[17-560](#)

Request to approve the Third Addition to Emerald Valley Final Plat as shown on the attached maps and subject to the conditions in the attached staff report

Attachments: [StaffReport_Final Plat_ThirdAddtoEmeraldValley.pdf](#)

Aldersperson Baranowski moved, seconded by Aldersperson Lobner, that the Final Plat be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konezke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Cathy Spears, Aldersperson Bob Baker and Aldersperson Keir Dvorachek

Excused: 2 - Aldersperson Christine Williams and Aldersperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[17-588](#)

Request from Appleton Area School District AP Coordinator to reduce or waive the parking fees (\$5) for students taking the AP Exam at the Radisson Paper Valley Hotel.

Attachments: [Appleton Area School District AP Coordinator.pdf](#)

Aldersperson Baranowski moved, seconded by Aldersperson Martin, that the recommended denial of the waiver request be approved. Roll Call. Motion carried by the following vote:

Aye: 11 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konezke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Cathy Spears and Aldersperson Keir Dvorachek

Nay: 2 - Aldersperson Vered Meltzer and Aldersperson Bob Baker

Excused: 2 - Aldersperson Christine Williams and Aldersperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[17-580](#)

Railroad Donation Agreement for trestles

Attachments: [RR - Donation Contract.pdf](#)

Aldersperson Baranowski moved, seconded by Aldersperson Lobner, that the Donation Agreement be approved. Roll Call. Motion carried by the following vote:

Aye: 12 - Aldersperson Kathleen Plank, Aldersperson Curt Konezke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Cathy Spears, Aldersperson Bob Baker and Aldersperson Keir Dvorachek

Nay: 1 - Alderperson William Siebers

Excused: 2 - Alderperson Christine Williams and Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderperson Konetzke moved, Alderperson Lobner seconded, to approve the balance of the agenda. The motion carried by the following vote:

Aye: 13 - 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 Cathy Spears, Alderperson Bob Baker and Alderperson Keir Dvorachek

Excused: 2 - Alderperson Christine Williams and Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[17-590](#)

Request from Appleton Downtown Inc. for a street occupancy permit to host a Sidewalk Sale on Saturday, May 13, 2017 from 10:00 a.m. to 2:00 p.m. (in conjunction with Sole Burner 5K) on the beautification strip from 600 W. College Avenue to 300 E. College Avenue.

Attachments: [ADI-Sidewalk Sale-May 13, 2017.pdf](#)

This Report Action Item was approved.

[17-591](#)

Request from Appleton Downtown Inc. for a street occupancy permit to host a Sidewalk Sale on Saturday, August 5, 2017 from 10:00 a.m. to 6:00 p.m. (during Mile of Music) on the beautification strip from 600 W. College Avenue to 300 E. College Avenue.

Attachments: [ADI-Sidewalk Sale-August 5, 2017.pdf](#)

This Report Action Item was approved.

[17-592](#)

Request from Appleton Downtown Inc. for street occupancy permits for College Avenue (600 W. College Avenue to 300 E. College Avenue) as follows:

- a. May 19, 2017-Celebrate Culture in the beautification strip area only (1:00 p.m. to 9:00 p.m.)
- b. June 16, 2017-Hidden Textures in the beautification strip area only (1:00 p.m. to 9:00 p.m.)
- c. July 21, 2017-Chalk on the Town in the sidewalk area only (1:00 p.m. to 9:00 p.m.)
- d. August 18, 2017-Paint on the Town in the beautification strip area only (1:00 p.m. to 9:00 p.m.)
- e. September 15, 2017-Park-ing Day in the beautification strip area only (1:00 p.m. to 9:00 p.m.)

Attachments: [ADI Sidewalk Occupancy Permit various events.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[17-389](#)

Class "A" Beer License change of agent of Kwik Trip, Inc., Ashley M. Fralick, Agent, 306 N. Richmond St., contingent upon approval from the Police Department.

This Report Action Item was approved.

[17-391](#)

Secondhand Mall/Flea License Renewal application of Ye Old Goat, Meghan M. Keller, Applicant, 1919 E. Calumet St., contingent upon approval from all departments.

This Report Action Item was approved.

- [17-402](#) "Class A" Beer/Liquor License application of AADYA, LLC d/b/a Calumet Pantry, Mahendra Patel, Agent, 2333 W. Wisconsin Ave., contingent upon approval from all departments.
- Attachments:** [Calumet Pantry application.pdf](#)
- This Report Action Item was approved.**
- [17-410](#) "Class A" Beer/Liquor License-Change of Agent of Ultimate Mart LLC d/b/a Pick N Save #8123, Richard M. KostECKI, agent, 2700 N. Ballard Rd., contingent upon approval from the Police Department.
- This Report Action Item was approved.**
- [17-418](#) "Class B" Beer/Liquor License - Change of Agent of Harvey Pierre Post No. 2778, d/b/a VFW Post 2778, Robert A. Boettcher, Agent, 1409 N. Harriman St., contingent upon approval from the Police Department.
- This Report Action Item was approved.**
- [17-421](#) Operator's Licenses
- Attachments:** [Operator's Licenses for 04-26-17 S&L.pdf](#)
- This Report Action Item was approved.**
- [17-506](#) "Class B" Beer/Liquor License Change of Agent of Santino LLC, d/b/a Houdini's Escape, Katelyn E. Jacobson, Agent, 1216 S. Oneida St., contingent upon approval from the Police Department.
- This Report Action Item was approved.**
- [17-507](#) Class "B" Beer/Class "C" Wine License Change of Agent of The Noodle Shop Co - Colorado Inc, d/b/a Noodles & Company, Scott R. Story, Agent, 3719 E. Calumet St., contingent upon approval from the Police Department.
- This Report Action Item was approved.**
- [17-519](#) Renewal Operator's Licenses
- Attachments:** [Renewal Operator's Licenses for 4-26-17 S & L.pdf](#)
- This Report Action Item was approved.**

[17-534](#)

Class "B" Beer & "Class C" Wine License application of Tempest Coffee Collective LLC, Tyler A. Lonadier, Agent, 181 S. Riverheath Way, Suite 1100, contingent upon approval from all departments.

Attachments: [Tempest Coffee Collective application.pdf](#)

This Report Action Item was approved.

[17-579](#)

Commercial Solicitor's License application of Demetrus Pickens, 733 E. Calumet Street.

Attachments: [Demetrus Pickens.pdf](#)

This Report Action Item was approved.

3. **MINUTES OF THE CITY PLAN COMMISSION**
4. **MINUTES OF THE PARKS AND RECREATION COMMITTEE**
5. **MINUTES OF THE FINANCE COMMITTEE**

[17-540](#)

Request to award the Scheig Center, Memorial Park - Plaza Redevelopment contract to Sommers Construction Company, Inc in the amount of \$94,371 with a contingency of 10% for a project not to exceed \$103,808.

Attachments: [Scheig Center Plaza Redevelopment.pdf](#)

This Report Action Item was approved.

[17-548](#)

Request to approve the following 2017 Budget adjustment:

Stormwater Utility

Green Grove Plat Project +\$6,925

Northland Pond Project - \$6,925

General Fund - Public Works Department

Asphalt Reconstruction +\$40,189

Sidewalk Reconstruction - \$40,189

to reallocate funds to pay for stormwater and street improvement projects undertaken in cooperation with the Town of Grand Chute.

Attachments: [DPW Grand Chute Memo.pdf](#)

This Report Action Item was approved.

[17-552](#)

Request to reject bid from Slusarek Construction, Inc in the amount of \$75,500 for the Arbutus Park Retaining Wall Project.

Attachments: [2017 Arbutus Park Retaining Wall \(Reject Bids\).pdf](#)

This Report Action Item was approved

[17-563](#)

Request to award the 2017 Alicia Park Hillside Stabilization project contract to Radtke Contractors, Inc in the amount of \$39,000 with a contingency of \$8,000 for a project not to exceed \$47,000.

Attachments: [2017 Alicia Hillside Stabalization.pdf](#)

This Report Action Item was approved.

[17-577](#)

Request to approve Contract Amendment/Change Order No. 1 to contract 73-16 for Unit Y-16 Arbutus Park Stormwater Lift Station Reconstruction to increase for the addition of retaining wall reconstruction to the scope of work in the amount of \$45,925.00 resulting in an increase to contingency from \$21,377.50 to \$25,877.50. Overall contract increased from \$235,152.50 to \$285,577.50.

Attachments: [Unit Y-16 Contract Amendment-Change Order No.1.pdf](#)

This Report Action Item was approved.

[17-597](#)

Request to approve Contract Amendment/Change Order No. 1 to contract #3-17 for Unit H-17 Northland Pond Construction for Micro-Tunnel with an increase of \$658,945. Overall contract increase from \$2,724,224 to \$3,383,169.

Attachments: [Northland Av Contract Chg.pdf](#)
[Northland Av Map.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

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

[17-571](#)

Approve Valley Transit Rules of Conduct and Exclusion Policy

Attachments: [Valley Transit Exclusion Policy Memo.pdf](#)
[Valley Transit Rules of Conduct and Exclusion Policy.pdf](#)

This Report Action Item was approved.

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[17-618](#)

Ordinance 31-17

Attachments: [Ordinance going to Council 5-3-17.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

City of Appleton – Resolution #8-R-17

May 3, 2017

Submitted by: Alderperson Meltzer – District 2

Referred to: Board of Health

*Whereas chicken run size is currently restricted to a maximum of 24 square feet, and
Whereas a run area of at least 8 to 10 square feet per bird is recommended for the
health of the flock, but even more is better,
Therefore be it resolved that the restriction on run size be amended from maximum
24 square feet to maximum 100 square feet.*

City of Appleton – Resolution #9-R-17

May 3, 2017

Submitted by: Alderperson Meltzer – District 2

Referred to: Municipal Services Committee

*Whereas the residents in neighborhoods along Lawe Street between College Avenue
and Hancock Street are concerned about truck traffic in the area, and
Whereas alternate truck routing has been used in the past when Lawe Street was
under construction, Therefore be it resolved that the city explore the feasibility of an
alternate truck route.*

City of Appleton – Resolution #10-R-17

May 3, 2017

Submitted by: Alderperson Martin – District 4

Referred to: Mayor's Office

International Migratory Bird Day Resolution

*Whereas, migratory birds are some of the most beautiful and easily observed wildlife
that share our communities,*

And

*Whereas, many citizens recognize and welcome migratory songbirds as symbolic
harbingers of spring,*

And

*Whereas, public awareness and concern are crucial components of migratory bird
conservation,*

And

Whereas, the Lower Fox River is a flight line and nesting zone for these birds,

And

*Whereas, since 1993 International Migratory Bird Day (IMBD) has become a primary
vehicle for focusing public attention on the nearly 350 species that travel between
nesting habitats in our communities and throughout North America and their wintering
grounds in South and Central America, Mexico, the Caribbean, and the southern
U.S.,*

And

*Whereas, while IMBD officially is held each year on the second Saturday in May, its
observance, is not limited to a single day, and planners are encouraged to schedule
activities on the dates best suited to the presence of both migrants and celebrants,*

And

NOW THEREFORE BE IT RESOLVED, invite all citizens to celebrate this observance and to support efforts to protect and conserve migratory birds and their habitats in our community and the world at large.

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Alderson Baranowski moved, seconded by Alderson Siebers, that the meeting be adjourned at 8:20 p.m. 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 Joe Martin, Alderson Greg Dannecker, Alderson Cathy Spears, Mayor Timothy Hanna, Alderson Bob Baker and Alderson Keir Dvorachek

Excused: 2 - Alderson Christine Williams and Alderson Chris Croatt

Kami Lynch, City Clerk