



City of Appleton

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

Meeting Minutes - Final-revised Common Council

Wednesday, February 5, 2014

7:00 pm

Council Chambers

- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS

Present: 16 - Alderperson Patti Coenen, Alderperson Chris Croatt, Alderperson Greg Dannecker, Alderperson Sarah Garb, Alderperson Jeffrey Jirschele, Alderperson John Robin Hill, Alderperson Curt Konetzke, Alderperson Kyle Lobner, Alderperson Joe Martin, Alderperson Kole Oswald, Alderperson Kathleen Plank, Alderperson Michael Smith, Alderperson Cathy Spears, Alderperson Peter Stueck, Mayor Timothy Hanna and Alderperson Tim Trauger

- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

[14-130](#)

Revocation Hearing for TJ's Japanese Steakhouse, Xi Lin (AKA Cindy Lin), Agent, 4025 East Lorna Lane.

Attachments: [TJs Japanese Steakhouse Revocation Hearing 1-12-14 - 2.pdf](#)
[TJs Japanese STeakhouse Revocation Hearing 1-12-14.pdf](#)
[TJS Japanese Steakhouse Findings of Fact-Conclusions-Recommendations Signed 1-31-14 File 14-130.pdf](#)

Referred Back by Alderperson Oswald.

This Report Action Item was referred to the Safety and Licensing Committee

F. PUBLIC PARTICIPATION

Name - Address - Topic

Ken Clark - 811 East Pershing Street - Replanting tree on terrace

Dan Kohl - 711 South Buchanan Street - Dogs in parks

Paula Verrett - 211 East Franklin Street - CAP Grant

Rob Gusky - 304 River Drive - Bike Corral

Dave Cieslewicz - 2309 Eton Ridge, Madison - Bike Corral

Nick Hoffman - 415 South Olde Oneida Street #313 - Bike Corral

John G. Kellogg - 1813 South Peabody Street - Assessment

Todd Hermsen - 523 Winrowe Court - Dogs in parks

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[14-174](#)

Approve January 15, 2014 Council Meeting Minutes.

Attachments: [CC Minutes 01-15-2014.pdf](#)

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

Aye: 15 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Konezke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Oswald, Aldersperson Plank, Aldersperson Smith, Aldersperson Spears, Aldersperson Stueck and Aldersperson Trauger

Excused: 1 - Mayor Hanna

H. BUSINESS PRESENTED BY THE MAYOR

14-240-1 Strategic Plan Update

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

1. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

Balance of the action items on the agenda.

Aldersperson Smith moved, Aldersperson Plank seconded, to approve the balance of the Safety & Licensing report. The motion carried by the following vote:

Aye: 15 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Hill, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Oswald, Alderperson Plank, Alderperson Smith, Alderperson Spears, Alderperson Stueck and Alderperson Trauger

Excused: 1 - Mayor Hanna

[14-120](#)

Taxicab Driver License application of David A. La Page, 1514 E. Wisconsin Avenue.

This Report Action Item was approved.

[14-145](#)

Taxicab Company application of Fox Valley Tours, LLC, 165 Lamplighter Drive, #2, Kaukauna.

This Report Action Item was approved.

[14-4](#)

R/B-Smith-Approve Appleton Bike Corral Pilot Project for parking stall in front of 231 E. College Avenue.

Attachments: [Appleton Bike Corral Pilot Project.pdf](#)

Alderperson Lobner moved, seconded by Alderperson Plank, 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 Hill, Alderperson Konetzke, Alderperson Lobner, Alderperson Oswald, Alderperson Plank and Alderperson Trauger

Nay: 5 - Alderperson Croatt, Alderperson Martin, Alderperson Smith, Alderperson Spears and Alderperson Stueck

Excused: 1 - Mayor Hanna

Amendment: Strike "231 East College Avenue and make it South Durkee Street stall directly South of College Avenue".

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

Aye: 5 - Alderperson Croatt, Alderperson Jirschele, Alderperson Smith, Alderperson Spears and Alderperson Stueck

Nay: 10 - Alderperson Coenen, Alderperson Dannecker, Alderperson Garb, Alderperson Hill, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Oswald, Alderperson Plank and Alderperson Trauger

Excused: 1 - Mayor Hanna

[13-1812](#)

R/B-Dannecker-Request from John Kellogg to appeal the \$50 Weed Administration Fee for 1813 S. Peabody Street.

Attachments: [John Kellogg appeal.pdf](#)

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

Aye: 15 - Alderson Coenen, Alderson Croatt, Alderson Dannecker, Alderson Garb, Alderson Jirschele, Alderson Hill, Alderson Konetzke, Alderson Lobner, Alderson Martin, Alderson Oswald, Alderson Plank, Alderson Smith, Alderson Spears, Alderson Stueck and Alderson Trauger

Excused: 1 - Mayor Hanna

[13-1504](#)

Request from Ken Clark to not have a tree planted in his terrace at 811 E Pershing Street to replace the tree lost in the July, 2013 storm.

Attachments: [Ken Clark 811 E Pershing map.pdf](#)
[Ken Clark memo.pdf](#)

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

Aye: 10 - Alderson Coenen, Alderson Croatt, Alderson Garb, Alderson Jirschele, Alderson Lobner, Alderson Martin, Alderson Smith, Alderson Spears, Alderson Stueck and Alderson Trauger

Nay: 5 - Alderson Dannecker, Alderson Hill, Alderson Konetzke, Alderson Oswald and Alderson Plank

Excused: 1 - Mayor Hanna

[14-131](#)

Award of Birchwood Stormwater Pond Land Acquisition / Relocation Services Contract with OMNNI Associates in an amount not to exceed \$104,200.

Attachments: [Birchwood Pond Relocation OMNNI 01-16-2014.docx](#)

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

Aye: 10 - Alderson Coenen, Alderson Jirschele, Alderson Hill, Alderson Konetzke, Alderson Lobner, Alderson Martin, Alderson Smith, Alderson Spears, Alderson Stueck and Alderson Trauger

Nay: 5 - Alderson Croatt, Alderson Dannecker, Alderson Garb, Alderson Oswald and Alderson Plank

Excused: 1 - Mayor Hanna

[14-142](#)

Request to approve Relocation Order for Birchwood Pond.

Attachments: [Birchwood Pond Relocation Order.pdf](#)

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

Aye: 10 - Aldersperson Coenen, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Konezke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Smith, Aldersperson Spears, Aldersperson Stueck and Aldersperson Trauger

Nay: 5 - Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Oswald and Aldersperson Plank

Excused: 1 - Mayor Hanna

[14-143](#)

Request to approve Relocation Order for Northland Pond.

Attachments: [Northland Pond Relocation Order.pdf](#)

This item was approved with Item 14-142.

This Report Action Item was approved

[13-1779](#)

Approval of Revised Park Ordinances

Attachments: [Park Ordinance 01-10-14.pdf](#)

Aldersperson Smith moved, seconded by Aldersperson Lobner, that the Report Action Item be approved as amended. Roll Call. Motion carried by the following vote:

Aye: 13 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Konezke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Oswald, Aldersperson Plank, Aldersperson Spears and Aldersperson Trauger

Nay: 2 - Aldersperson Smith and Aldersperson Stueck

Excused: 1 - Mayor Hanna

Amendment #1: Strike "or in parks".

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

Aye: 11 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Konezke, Aldersperson Martin, Aldersperson Plank, Aldersperson Spears and Aldersperson Trauger

Nay: 4 - Aldersperson Lobner, Aldersperson Oswald, Aldersperson Smith and Aldersperson Stueck

Excused: 1 - Mayor Hanna

Amendment #2: Strike "Rules on Subsection O become effective 05/01/2015."

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

Aye: 13 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Konezke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Plank, Aldersperson Smith, Aldersperson Spears and Aldersperson Trauger

Nay: 2 - Aldersperson Oswald and Aldersperson Stueck

Excused: 1 - Mayor Hanna

13-1923

2014 Community Development Block Grant (CDBG) Allocation Recommendations

- Attachments:**
- [Alloc Recs Memo to CEDC.docx](#)
 - [Board Members Attachment.docx](#)
 - [2014 CDBG Summary of Recommendations.xlsx](#)

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

Aye: 15 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Konezke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Oswald, Aldersperson Plank, Aldersperson Smith, Aldersperson Spears, Aldersperson Stueck and Aldersperson Trauger

Excused: 1 - Mayor Hanna

L. COMMITTEE REPORTS

2. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

Balance of the action items on the agenda.

Aldersperson Oswald moved, Aldersperson Trauger seconded, to approve the balance of the action items on the agenda. The motion carried by the following vote:

Aye: 15 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Konezke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Oswald, Aldersperson Plank, Aldersperson Smith, Aldersperson Spears, Aldersperson Stueck and Aldersperson Trauger

Excused: 1 - Mayor Hanna

[14-103](#) City staff should request bids for Toter 48, Toter 64, Rehrig 65 and Schaefer 65.

Attachments: [Recycling cart sizes.pdf](#)

This Report Action Item was approved.

[14-114](#) Request from the Radisson Paper Valley Hotel for a Street Occupancy Permit to place chairs within the College Avenue beautification area at 333 W. College Avenue during the Christmas Parades through November, 2023.

Attachments: [Radisson Paper Valley 10 year permit.pdf](#)

This Report Action Item was approved.

[14-136](#) Approve contract amendment with Steigerwaldt Land Services, Inc. in an amount of \$2,600 for an amended not to exceed contract of \$23,300 for an appraisal required for the Prospect Avenue Bridge Project.

Attachments: [Contract amendment for 2014 Land Acquisition Services.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[14-92](#) Special Use Permit #1-14 - Bee Xiong, 1216 N. Division Street for a restaurant with alcohol sales contingent upon departmental conditions of approval.

Attachments: [Special Use #1-14 Attachment.pdf](#)

This Report Action Item was approved.

[14-110](#) Dedication of Public Right-of-Way, Cherryvale Avenue

Attachments: [Cherryvale Attachment.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[14-119](#) Award Contracts to Valley Sealcoat for Repair and Resurfacing to Erb West and Einstein Tennis Courts

Attachments: [Tennis court Improvements valley seal coat 2014.docx](#)

This Report Action Item was approved.

5. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

6. MINUTES OF THE UTILITIES COMMITTEE

[14-98](#) Approve Theft of Service, Surreptitious Use of Water, and Meter Tampering Policy.

Attachments: [Theft of Service Policy.pdf](#)

This Report Action Item was approved.

[14-101](#) Benefit-Cost analysis regarding two alternatives for the diesel generators at the Appleton Water Treatment Facility (AWTF) - Recommend Alternative 2 Modified WPPI Capacity Contract.

Attachments: [Air Permit Emission Control Memo.docx](#)

This Report Action Item was approved.

7. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

8. MINUTES OF THE BOARD OF HEALTH

9. MINUTES OF THE HUMAN RESOURCES COMMITTEE

10. MINUTES OF THE FINANCE COMMITTEE

[14-134](#) Request to write-off, for financial statement purposes, third and fourth quarter 2013 parking tickets in the amount of \$625. This action does not preclude the City from continued collection efforts.

Attachments: [3rd & 4th Qtr Parking Tkts written off.pdf](#)

This Report Action Item was approved.

[14-140](#)

Tax Refund Intercept Program (TRIP) Appeal of Michael and Kay Amerson Judgement.

Attachments: [Amerson TRIP Appeal.pdf](#)

This Report Action Item was approved.

M. CONSOLIDATED ACTION ITEMS

O. ITEMS HELD

P. ORDINANCES

Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

R. RESOLUTIONS SUBMITTED BY ALDPERSONS REFERRED TO COMMITTEES OF JURISDICTION

MUNICIPAL SERVICES COMMITTEE

1. #2-R-14/Smith –

“Resolved that restricted parking surveys for one side of parking be sent out for the 1400

Block of West Summer and the surrounding area to be determined by traffic.”

2. #3-R-14/Smith –

“Resolved that no parking signs in the 1000 block of W. Summer be removed.”

SAFETY AND LICENSING COMMITTEE

3. #4-R-14/Coenen –

“Whereas the City of Appleton is dedicated to meeting the needs of our community and enhancing the quality of life; and

Whereas the City of Appleton embraces and celebrates diversity and inclusion and hopes that community members will see Appleton as a welcoming and inclusive place to live, work and play; and

Whereas the practice of providing equal opportunities in housing, employment, public accommodations and city facilities to persons without regard to age, color, family status, gender identity and/or gender expression, marital status, national origin/ancestry, race, religion, color, persons with disability, sex, sexual orientation, source of lawful income or victims of domestic violence, sexual assault or stalking is a desirable goal of the City of Appleton and a matter of legitimate concern to its government; and

Whereas, discrimination against any of Appleton’s residents or visitors endangers the rights and privileges of all;

Therefore be it resolved by the Common Council of the City of Appleton, that an ordinance be created and adopted to render discrimination in employment and public accommodations unlawful. Language of the ordinance shall include:

- That the City provide, within constitutional limitations, for equal employment opportunity and equal access to public places throughout the city regardless of age, color, family status, gender identity and/or gender expression, marital status, national origin/ancestry, race, religion, color, persons with disability, sex, sexual orientation, source of lawful income or victims of domestic violence, sexual assault or stalking.*
- Enforcement of the ordinance shall be considered an exercise of the City for ensuring the protection of the welfare, health, peace, dignity and human rights of the people of this city.”*

PARKS AND RECREATION COMMITTEE

4. #5-R-14/Spears –

“Whereas, there is only one dog park on the north side of Appleton; and

Whereas, dogs are not allowed in Appleton City Parks; and

Whereas, the "old water treatment plant" on Water Street has not been developed .

Therefore be it resolved that this site be declared a "dog friendly" area for citizens to bring their dogs to enjoy larger green space."

S. OTHER BUSINESS

[14-175](#)

The Common Council will meet in Closed Session pursuant to s.19.85(g) for the purpose of conferring with legal counsel regarding the Appleton East Stormwater project. The Common Council will then reconvene into Open Session and conduct further business.

Meeting went into Recess

Meeting Reconvened

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

Aye: 15 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Oswald, Aldersperson Plank, Aldersperson Smith, Aldersperson Spears, Aldersperson Stueck and Aldersperson Trauger

Excused: 1 - Mayor Hanna

Aldersperson Konetzke moved, seconded by Aldersperson Smith, to reconvene into open session. Upon vote, motion carried unanimously.

T. ADJOURN

Aldersperson Smith moved, seconded by Aldersperson Plank, that the be approved. Roll Call. Motion carried by the following vote:

Aye: 16 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Oswald, Aldersperson Plank, Aldersperson Smith, Aldersperson Spears, Aldersperson Stueck, Mayor Hanna and Aldersperson Trauger

CHARLENE M. PETERSON, CMC/WCMC
City Clerk