



# City of Appleton

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

## Meeting Minutes Common Council

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Wednesday, September 3, 2014

7:00 PM

Council Chambers

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A. CALL TO ORDER

*The meeting was called to order at 7:04 PM.*

B. INVOCATION

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

**Present:** 15 - Alderperson Patti Coenen, Alderperson Chris Croatt, Alderperson Greg Dannecker, Alderperson Sarah Garb, Alderperson Jeffrey Jirschele, Alderperson Curt Konetzke, Alderperson Kyle Lobner, Alderperson Joe Martin, Alderperson Kathleen Plank, Alderperson Cathy Spears, Alderperson Peter Stueck, Mayor Timothy Hanna, Alderperson Tim Trauger, Alderperson Polly Dalton and Alderperson Vered Meltzer

**Excused:** 1 - Alderperson Christine Williams

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*PRESENT: Deputy City Clerk Helgeson, City Attorney Walsh, Deputy City Attorney Behrens, Deputy Director of Community and Economic Development Klaeser, Finance Director Saucerman, Fire Chief Vander Wyst, Health Officer Eggebrecht, Director of Parks, Recreation and Facilities Gazza, Deputy Police Chief Kavanaugh, Director of Public Works Vandehey, Valley Transit General Manager Wetter, Library Director Rortvedt.*

*EXCUSED: City Clerk Collins, Community and Economic Development Director Harkness, Director of Human Resources Behnke, Director of Information Technology Fox, Director of Utilities Shaw.*

## F. PUBLIC PARTICIPATION

*Name - Address - Topic*

*Helen Nagler - 932 E. Commercial Street - Wheel Tax*

*Michael Smith - 407 N. Outagamie Street - Wheel Tax*

*Penny Robinson - 1708 S. Weiman Street - Wheel Tax*

*At 7:21 pm, Alderperson Lobner moved, seconded by Alderperson Croatt, to extend time. Voice Vote. Motion Carried.*

*Cindy Carter - 1102 N. Superior Street - Wheel Tax*

*Jessica Anderson - 515 E. McKinley Street - Wheel Tax*

*Rod Schroeder - 800 Block of W. Franklin Street - Wheel Tax*

*John Zuleger - 2229 N. Richmond Street - Sign Permit*

*Scott Maier - 200 Executive Parkway, Brookfield - Planned Development Amendment*

*Kathleen Rumsey - 134 E. Byrd Street - Wheel Tax*

*Christoph Wahl - 403 N. Durkee Street - Wheel Tax*

*Jane Mari Chal - 1901 E. John Street - Wheel Tax*

*Ed Thomas - 1701 E. Bluebird Lane - Wheel Tax*

## G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[14-1508](#)

Approve August 20, 2014 Council Meeting Minutes.

**Attachments:** [CC Minutes 08-20-14.pdf](#)

**Alderperson Croatt moved, seconded by Alderperson Dannecker, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Spears, Alderperson Stueck, Alderperson Trauger, Alderperson Dalton and Alderperson Meltzer

**Excused:** 2 - Mayor Hanna and Alderperson Williams

## H. BUSINESS PRESENTED BY THE MAYOR

[14-1514](#)

Presentation of Wisconsin Department of Health Services Level III Certificate of Designation to the City of Appleton Health Department

*Chris Culotta, Regional Director WI DHS/Division of Public Health, Regional Assessment, Policy Development, Assurance and Response (RADAR) Team presented the award.*

## I. PUBLIC HEARINGS

## J. SPECIAL RESOLUTIONS

## K. ESTABLISH ORDER OF THE DAY

[14-1381](#)

The request from Fox Cities Sign for a permanent street occupancy permit to install a sign 1.5 feet within the Richmond Street right-of-way at 2229 Richmond Street be approved with a minimum vertical clearance of 11 feet.

**Attachments:** [Fox Cities sign at 2229 N. Richmond St..pdf](#)

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

**Aye:** 14 - Alderson Coenen, Alderson Croatt, Alderson Dannecker, Alderson Garb, Alderson Jirschele, Alderson Konetzke, Alderson Lobner, Alderson Martin, Alderson Plank, Alderson Spears, Alderson Stueck, Alderson Trauger, Alderson Dalton and Alderson Meltzer

**Excused:** 2 - Mayor Hanna and Alderson Williams

[14-1192](#)

Resolution introduced by Alderperson Martin at the July 3, 2014 Common Council meeting relating to wheel tax.

#22-R-14 - Martin

**“WHEREAS**, Wisconsin law allows a city to collect an annual municipal or county vehicle registration fee (wheel tax) in addition to the regular annual registration fee paid for a vehicle

**WHEREAS**, All vehicles with automobile registration or truck registration at 8,000 lbs. or less (except dual purpose farm registration) kept in the municipality are subject to the wheel tax

**WHEREAS**, The Wisconsin Department of Transportation collects wheel taxes for the municipality, keeps an administrative fee of 10 cents per vehicle application and sends the rest to the municipality

**WHEREAS**, Special assessments for public roads can cost thousands of dollars and assessed back to the property owner, causing some of our elderly, young families, and single parent with children financial hardships that are unbearable

**NOW THEREFORE BE IT RESOLVED**, The City of Appleton implement a wheel tax starting in 2015 to assist with existing road construction replacement. Planned for 2015, the wheel tax would not be more than twenty dollars.”

**Attachments:**     [Appleton Vehicle Counts.docx](#)  
                              [Wheel Tax FAQ 2014.docx](#)

*Amendment #1 - Alderperson Meltzer*

*To amend the amendment made at the 8/13/2014 Finance Committee Meeting by Alderperson Konezke to include PUBLIC TRANSIT and read as follows:  
Motion by Konezke, second by Lobner, enact a \$20 wheel tax effective 1/01/2015. Registration fees to be retained and used for road reconstruction projects AND PUBLIC TRANSIT. Funds shall be kept in a segregated account for that purpose.  
Passed 4-1 (Plank)*

*Motion made by Alderperson Martin, seconded by Alderperson Jirschele to Call the Question. Motion Failed.*

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

**Aye:** 6 - Alderperson Dannecker, Alderperson Plank, Alderperson Spears, Alderperson Trauger, Alderperson Dalton and Alderperson Meltzer

**Nay:** 8 - Alderperson Coenen, Alderperson Croatt, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin and Alderperson Stueck

**Excused:** 2 - Mayor Hanna and Alderperson Williams

*Amendment #2 by Substitution - Alderperson Jirschele*

*"Whereas Appleton has decided to radically alter its funding system for road construction/replacement funding;*

*Be it Resolved that as soon as practicable, the special assessment policy be modified to base as much of the road construction/replacement funding process as possible within the general fund."*

*Motion made by Alderperson Martin, seconded by Alderperson Lobner to Call the Question. Motion failed.*

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

**Aye:** 5 - Alderperson Croatt, Alderperson Dannecker, Alderperson Jirschele, Alderperson Plank and Alderperson Spears

**Nay:** 9 - Alderperson Coenen, Alderperson Garb, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Stueck, Alderperson Trauger, Alderperson Dalton and Alderperson Meltzer

**Excused:** 2 - Mayor Hanna and Alderperson Williams

*Motion made by Alderperson Martin, seconded by Alderperson Konetzke to Call the Question. Motion Passes.*

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

**Aye:** 9 - Alderperson Coenen, Alderperson Garb, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Stueck, Alderperson Trauger, Alderperson Dalton and Alderperson Meltzer

**Nay:** 5 - Alderperson Croatt, Alderperson Dannecker, Alderperson Jirschele, Alderperson Plank and Alderperson Spears

**Excused:** 2 - Mayor Hanna and Alderperson Williams

[14-1334](#)

Request to approve Section I and Section II, Street Construction and Reconstruction (including Asphalt and Grade and Gravel) and Sidewalks, of the Special Assessment Policy for 2015.

**Attachments:** [Street Reconstruction SA Policy.pdf](#)

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

**Aye:** 10 - Alderperson Coenen, Alderperson Garb, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Spears, Alderperson Stueck, Alderperson Trauger, Alderperson Dalton and Alderperson Meltzer

**Nay:** 4 - Alderperson Croatt, Alderperson Dannecker, Alderperson Jirschele and Alderperson Plank

**Excused:** 2 - Mayor Hanna and Alderperson Williams

[14-1448](#)

Resolution #24-R-14, regarding school bus parking for The Building for Kids, to allow for free meter bag parking on College Avenue for busses during scheduled field trips.

**Attachments:** [School bus parking-The Building for Kids.pdf](#)

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

**Aye:** 12 - Alderperson Coenen, Alderperson Dannecker, Alderperson Garb, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Spears, Alderperson Stueck, Alderperson Trauger, Alderperson Dalton and Alderperson Meltzer

**Nay:** 2 - Alderperson Croatt and Alderperson Jirschele

**Excused:** 2 - Mayor Hanna and Alderperson Williams

L. COMMITTEE REPORTS

**Balance of the action items on the agenda.**

**Alderperson Konetzke moved, Alderperson Martin seconded, to approve the report. The motion carried by the following vote:**

**Aye:** 14 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Spears, Alderperson Stueck, Alderperson Trauger, Alderperson Dalton and Alderperson Meltzer

**Excused:** 2 - Mayor Hanna and Alderperson Williams

1. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[14-1460](#)

Operator's Licenses

**Attachments:** [Operator's Licenses for 08-28-14 S&L.pdf](#)

2. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[14-1383](#)

The request from Fox Cities Sign for a permanent street occupancy permit to install an awning 3 feet within the College Avenue right-of-way at 226 E. College Avenue with a minimum vertical clearance of 12 feet.

**Attachments:** [Fox Cities sign at 226 E. College Ave..pdf](#)

**This Report Action Item was approved.**

[14-1385](#)

Request from Romenesko Developments, Inc. to appeal their \$160 Weed Administration Fee for parcel #31-9-5712-13.

**Attachments:** [Romensko Dev. weed appeal.pdf](#)

**This Report Action Item was approved.**

[14-1386](#)

Install STOP Signs on Hidden Acres Street at Gardeners Row Street and on Calumet Street at Gardeners Row Street.

**Attachments:** [STOP signs on Hidden Acres Street.pdf](#)

**This Report Action Item was approved.**

[14-1447](#)

Request from Kimberly Reoh for free or reduced parking for Valley New School students.

**Attachments:** [Valley New School -Kimberly Roeh.pdf](#)

**This Report Action Item was approved.**

[14-1469](#)

Convert existing 2-Way STOP control to All-Way STOP control at the intersection of Owaissa Street and Pershing Street.

**Attachments:** [Owaissa St-Pershing St intersection.pdf](#)

**This Report Action Item was approved.**

[14-1473](#)

Request from Reinarts Stained Glass Studios for a street occupancy permit for 302 N. Morrison St (St. Paul's Lutheran Church) through November 4, 2014.

**This Report Action Item was approved.**

### 3. MINUTES OF THE CITY PLAN COMMISSION

[14-1498](#)

Request to approve Planned Development Amendment to PD #1-12 for Autozone Inc. at 3200 E Calumet Street.

**Attachments:** [Development Amendment PD #1-12 Report 8-25-14 #2.pdf](#)

This Report Action Item was approved.

[14-1500](#)

Annual review of the Business Improvement District (BID) 2015 Operating Plan.

**Attachments:** [Staff Report August 25 2014.pdf](#)  
[2015 BID Operating Plan.pdf](#)  
[2013 BID Annual Report.pdf](#)  
[2013 Year End BID Communication Report.pdf](#)  
[2013 Year End BID Financial Statements Report.pdf](#)

This Report Action Item was approved.

**4. MINUTES OF THE PARKS AND RECREATION COMMITTEE**

**5. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**

**6. MINUTES OF THE UTILITIES COMMITTEE**

[14-1463](#)

Approve contract amendment for StormTrap for Unit T-11 Appleton East Underground Stormwater Storage to perform engineering review of adding an access manhole in an amount not to exceed \$1,500.

**Attachments:** [T-11 StormTrap Contract Amend Access MH 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**



[14-1446](#)

RIVERSIDE CEMETERY ASSOCIATION submitting a request for payment for maintenance of Veteran's graves.

**Attachments:** [Riverside Cemetery.pdf](#)

**This Report Action Item was approved.**

[14-1454](#)

Request to enter into Intergovernmental Agreement with Appleton Area School District to borrow short term cash in an amount not to exceed \$18 million from time to time as needed. The note shall be dated as of date of issuance, shall bear interest at the rate of 2% above the average Federal Funds rate from its dated date until paid; and shall mature no later than June 30, 2015. Interest on the note shall be paid at maturity or redemption.

**Attachments:** [AASD 2014 - 2015 Bond Counsel Letter.pdf](#)  
[2014 - 2015 School district Resolution Exhibit A-1.pdf](#)

**This Report Action Item was approved.**

[14-1492](#)

Request to award Appleton Memorial Park Parking Lot Repaving Project to Northeast Asphalt, Inc. for a Contract Not to Exceed \$81,882.60.

**Attachments:** [Bid Recommendation-AMP Paving 8-27-14.pdf](#)

**This Report Action Item was approved.**

[14-1493](#)

Request approval of a construction contract in the amount of \$730,922 plus a 15% contingency of \$109,638 for a total of \$840,560 to August Winter & Sons Construction Company for the Bar Screen Replacement Project.

**Attachments:** [Bar Screen Replacement Project Utilities Memo 082714.pdf](#)

**This Report Action Item was approved.**

[14-1494](#) Request to approve anticipated Award of Unit U-14 Girder End Repairs - Olde Oneida Street Bridge over the Mill Race (Bids to be opened on Monday, August 25, 2014)

**Attachments:** [Unit U-14.pdf](#)

**This Report Action Item was approved.**

[14-1496](#) Request to approve the following 2014 Budget adjustment:

General Fund - Health Dept  
Misc Reimbursements  
\$19,119  
Salaries  
\$14,119  
Fringe Benefits  
\$5,000

To record additional reimbursement from Oneida Heights for nursing services.

**This Report Action Item was approved.**

[14-1501](#) Request to approve the following 2014 Budget adjustment:

General Fund - City Attorney  
Attorney Fees  
\$50,100  
Consulting Services  
\$75,000  
Reserve for Contingencies  
-\$125,100

To transfer contingency funds for the cost of legal and professional fees associated with the CVS Pharmacy excessive assessment litigation.

**Attachments:** [CVS Budget Memo 8-27-14.pdf](#)

**This Report Action Item was approved.**

M. CONSOLIDATED ACTION ITEMS

O. ITEMS HELD

[14-1237](#)

Request from Mike Ferris for a variance to Municipal Code Section 19-10(b) obstruction of view at intersection by vegetation, fence, etc. at 3400 S Hemlock Lane.

**Attachments:** [Mike Ferris Variance Request.pdf](#)  
[Michael Ferris-3400 S Hemlock La.pdf](#)

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

**Aye:** 11 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Jirschele, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Spears, Aldersperson Stueck, Aldersperson Trauger, Aldersperson Dalton and Aldersperson Meltzer

**Nay:** 3 - Aldersperson Dannecker, Aldersperson Garb and Aldersperson Plank

**Excused:** 2 - Mayor Hanna and Aldersperson Williams

P. ORDINANCES

[14-1509](#)

Ordinances #60-14 and #61-14.

**Attachments:** [Ordinances going to 09-03-2014 Council.docx](#)

**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*

*#25-R-14 - Jirschele/Croatt*

*"Whereas Appleton has decided to radically alter its funding system for road construction/replacement funding;*

*Be it Resolved that as soon as practicable, the special assessment policy be modified to base as much of the road construction/replacement funding process as possible within the general fund."*

S. OTHER BUSINESS

**Aldersperson Martin moved, seconded by Aldersperson Dalton, that item #14-1192 be reconsidered. Roll Call. Motion failed by the following vote:**

**Aye:** 3 - Aldersperson Croatt, Aldersperson Dannecker and Aldersperson Spears

**Nay:** 11 - Alderperson Coenen, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Stueck, Alderperson Trauger, Alderperson Dalton and Alderperson Meltzer

**Excused:** 2 - Mayor Hanna and Alderperson Williams

T. ADJOURN

*The meeting adjourned at 8:57 PM.*

**Alderperson Stueck moved, seconded by Alderperson Martin, that the meeting be adjourned. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Spears, Alderperson Stueck, Alderperson Trauger, Alderperson Dalton and Alderperson Meltzer

**Excused:** 2 - Mayor Hanna and Alderperson Williams

Dawn A. Collins, City Clerk