



# City of Appleton

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

## Meeting Minutes - Final Common Council

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Wednesday, August 2, 2017

7:00 PM

Council Chambers

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A. CALL TO ORDER

*The meeting was called to order by Mayor Hanna at 7:02 p.m.*

B. INVOCATION

*The Invocation was offered by Alderperson Spears*

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

**Present:** 14 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konezke, Alderperson Ed Baranowski, Alderperson Patti Coenen, 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

**Excused:** 2 - Alderperson Kyle Lobner and Alderperson Matt Reed

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*City Attorney Walsh, Deputy City Attorney Behrens, City Clerk Lynch, Director of Community & Economic Development Harkness, Director of Finance Saucerman, Director of Human Resources Matz, Director of Parks, Recreation & Facilities Gazza, Police Captain Nyman, Director of Public Works Vandehey, Valley Transit General Manager Mc Donald*

*The following were excused:*

*Fire Chief Vander Wyst, Health Officer Eggebrecht, Director of Information Technology Fox, Director of Utilities Shaw, and Library Director Rortvedt*

F. PUBLIC PARTICIPATION

*The following spoke during Public Participation:  
Jeanne Roberts, 1110 E Flordia Ave Item: 17-1190, 17-1191 TIF Districts  
Ronna Swift, 230 W Seymour St Item: 17-1190, 17-1191 TIF Districts*

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[17-1182](#)

Common Council Meeting Minutes of July 19, 2017

**Attachments:** [CC Minutes 7-19-17.pdf](#)

**Aldersperson Baranowski moved, seconded by Aldersperson Croatt, that the Minutes 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 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:** 2 - Aldersperson Kyle Lobner and Aldersperson Matt Reed

**Abstained:** 1 - Mayor Timothy Hanna

[17-1183](#)

International Migratory Bird Day Resolution

**Attachments:** [#10-R-17 International Migratory Bird Day.pdf](#)

*A Motion to Suspend the Council Rules passed unanimously, to take up this Resolution before Mayor's Business.*

**Aldersperson Croatt moved, seconded by Aldersperson Baranowski, that the Resolution 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 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:** 2 - Aldersperson Kyle Lobner and Aldersperson Matt Reed

**Abstained:** 1 - Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR

[17-1187](#)

Bird City Presentation

**This Report Action Item was presented**

I. PUBLIC HEARINGS

[17-971](#)

Public Hearing for Rezoning #4-17

**Attachments:** [Public Hearing RZ4-17 .pdf](#)

*The Public Hearing was held. No one spoke during the Public Hearing.*

[17-1179](#) Public Hearing, 4-P-17 for Sanitary Laterals, Storm Laterals and Storm Main

**Attachments:** [4-P-17 Sanitary and Storm Public Hearing Notice.pdf](#)

*The Public Hearing was held.*

*Tom Kurrasch, 517 N Mary Street spoke during the hearing.*

[17-1180](#) Public Hearing for Text Amendment to Chapter 23 Zoning Ordinance and Map - Article X. Floodplain Zoning

**Attachments:** [Class II PH Notice - Floodplain Text Amendment \(2017\).pdf](#)

*The Public Hearing was held. No person spoke during the Public Hearing.*

## J. SPECIAL RESOLUTIONS

[17-998](#) Final Resolution 4-P-17 for Sanitary Laterals, Storm Laterals and Storm Main

**Attachments:** [4-P-17 Sanitary and Storm Final Resolution.pdf](#)

**Aldersperson Baranowski moved, seconded by Aldersperson Coenen, that the Final Resolution 4-P-17 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 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:** 2 - Aldersperson Kyle Lobner and Aldersperson Matt Reed

**Abstained:** 1 - Mayor Timothy Hanna

[17-1188](#) Resolution Approving Project Plan for Tax Incremental District 11

**Attachments:** [Resolution Approving Project Plan for TID #11 8-2-17CC.pdf](#)

**Approved as part of Consolidated Action Item 17-1190**

[17-1189](#) Resolution Approving Project Plan for Tax Incremental District 12

**Attachments:** [Resolution Approving Project Plan for TID #12 8-2-17 CC.pdf](#)

**Approved as part of Consolidated Action Item 17-1191**

## K. ESTABLISH ORDER OF THE DAY

[17-1190](#)

Plan Commission Item 17-1007  
Special Resolution Item 17-1188

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

**Aye:** 13 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Patti Coenen, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears, Alderson Chris Croatt, Alderson Keir Dvorachek and Alderson Bob Baker

**Excused:** 2 - Alderson Kyle Lobner and Alderson Matt Reed

**Abstained:** 1 - Mayor Timothy Hanna

[17-1191](#)

Plan Commission Item 17-1009  
Special Resolution Item 17-1189

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

**Aye:** 13 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Patti Coenen, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears, Alderson Chris Croatt, Alderson Keir Dvorachek and Alderson Bob Baker

**Excused:** 2 - Alderson Kyle Lobner and Alderson Matt Reed

**Abstained:** 1 - Mayor Timothy Hanna

[17-1105](#)

Approve Inter-Governmental Agreement with Outagamie County for traffic signal installation and associated improvements at the Northland Avenue (CTH OO)/Conkey Street intersection.

**Attachments:** [Northland Ave-Conkey Street Intersection.pdf](#)

**Alderson Martin moved, seconded by Alderson Croatt, that the Intergovernmental Agreement be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 12 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Patti Coenen, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears, Alderson Chris Croatt, Alderson Keir Dvorachek and Alderson Bob Baker

**Nay:** 1 - Alderson Ed Baranowski

**Excused:** 2 - Alderson Kyle Lobner and Alderson Matt Reed

**Abstained:** 1 - Mayor Timothy Hanna

L. COMMITTEE REPORTS

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

**Alderson Baranowski moved, Alderson Croatt seconded, to approve the balance of the agenda. The motion carried by the following vote:**

**Aye:** 13 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Patti Coenen, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears, Alderson Chris Croatt, Alderson Keir Dvorachek and Alderson Bob Baker

**Excused:** 2 - Alderson Kyle Lobner and Alderson Matt Reed

**Abstained:** 1 - Mayor Timothy Hanna

1. **MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**

[17-1098](#)

Alley south of Franklin Street from Summit Street to Story Street, be reconstructed with concrete pavement to its current width, varying from 13' to 15' from edge of pavement to edge of pavement.

**This Report Action Item was approved.**

[17-1100](#)

Center Street from North Street to Atlantic Street, be reconstructed with asphalt pavement and concrete curb & gutter to a width of 31', which is 2' narrower than the existing street. Existing parking proposed to remain unchanged.

**This Report Action Item was approved.**

[17-1101](#)

Roosevelt Street from Morrison Street to Durkee Street, be reconstructed with asphalt pavement and concrete curb & gutter to its current width of 37 feet. The street to be shifted 2' to the north to save 5 existing street trees along the south side of the street. Existing parking proposed to remain unchanged.

**This Report Action Item was approved.**

[17-1102](#) Telulah Avenue from Calumet Street to Marion Street, be reconstructed with concrete pavement to a width of 40.5' from back of curb to back of curb. Project will include two travel lanes (one in each direction), bike lanes along both sides of Telulah Avenue, and a parking lane along the east side of Telulah Avenue. Parking to be prohibited along the west side of Telulah Avenue within the project limits. The west terrace width to be 5' to accommodate the planting of new trees, with the east terrace width to be 4.5'.

**This Report Action Item was approved.**

[17-1103](#) Request from Chad Wilson to have the \$50 Weed Administration Fee waived for 1530 E. Calumet Street.

**Attachments:** [1530 E Calumet Street Weed Ordinance.pdf](#)

**The Committee's recommended denial was approved.**

[17-1104](#) Approve installation of one street light on Providence Avenue, north of Lightning Drive, at an installation cost of \$3,187.94.

**Attachments:** [Lighting at Providence and Lightning.pdf](#)

**This Report Action Item was approved.**

[17-1106](#) Request from Tundraland to place a mobile showroom in the street right-of-way during Mile of Music, August 3-August 6, 2017.

**Attachments:** [Tundraland memo and map.pdf](#)

**This Report Action Item was approved.**

[17-1121](#) Approve Amendment No. 1 to the Collins Engineers, Inc. Contract for the Bridge Rehabilitation Reports to perform additional LRFD loading analysis as requested by WISDOT and to update the South Island Street Bridge Rehab Report in an amount not to exceed \$7,600 (revised contract amount of \$33,696.81)

**Attachments:** [Bridge Rehabilitation Report.pdf](#)

**This Report Action Item was approved.**

## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[17-1085](#) "Class B" Beer/Liquor License temporary change of premise description of McGuinness Irish Pub, Christopher A. Meyer, Agent, 201 S. Walnut St., August 3 - 6, 2017, contingent upon approval from all departments.

**Attachments:** [Change of Description-McGuinness Irish Pub.pdf](#)

**This Report Action Item was approved.**

[17-1094](#) "Class A" Beer/Liquor License change of premise description of Ultimate Mart LLC d/b/a Pick 'n Save, Richard M. Kostecki, Agent, 2700 N. Ballard Rd., contingent upon approval from all departments.

**Attachments:** [Change of Description-Pick N Save-N Ballard.pdf](#)

**This Report Action Item was approved.**

[17-1095](#) "Class A" Beer/Liquor License change of premise description of Ultimate Mart LLC d/b/a Pick 'n Save, Kenneth A. Voss, Agent, 511 W. Calumet St., contingent upon approval from all departments.

**Attachments:** [Change of Description-Pick N Save-W Calumet.pdf](#)

**This Report Action Item was approved.**

[17-1113](#) Salvage Dealer's License Renewal application of Mr. C's Motorcycles, LLC, Janet Egelseer, Applicant, 724 S. Outagamie St., contingent upon approval from all departments.

**This Report Action Item was approved.**

[17-1116](#) Reserve "Class B" Beer/Liquor License application of RiverHeath Hospitality LLC d/b/a Appleton Marriott Courtyard RiverHeath, Cindy L. Evers, Agent, 101 S. RiverHeath Way, contingent upon approval from all departments.

**Attachments:** [RiverHeath Hospitality LLC application.pdf](#)

**This Report Action Item was approved.**

[17-1164](#) Operator's Licenses

**Attachments:** [Operator's Licenses for 07-26-17 S & L.pdf](#)

**This Report Action Item was approved.**

### 3. MINUTES OF THE CITY PLAN COMMISSION

[17-966](#)

Request to approve Rezoning #4-17 to rezone 525 South Memorial Drive (Tax Id #31-3-0624-00), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from C-2 General Commercial District to R-3 Multi-Family District

**Attachments:** [StaffReport\\_HarborHouse\\_Rezoning\\_For06-27-17.pdf](#)

**This Report Action Item was approved.**

[17-1005](#)

Request to approve the proposed Zoning Ordinance Text and Map Amendments to Article X Floodplain Zoning of Chapter 23 of the Municipal Code relating to Section 23-206(b)(1)(h) Official maps and revisions, as identified in the attached staff report

**Attachments:** [StaffReport\\_ZOText&MapAmendment\\_FloodplainZoning\\_7-11-17.pdf](#)

**This Report Action Item was approved.**

[17-1007](#)

Request to approve resolution designating the proposed boundaries and approving a project plan for Tax Incremental Financing District #11 - East College Avenue area

**Attachments:** [Resolution-City Plan Commission TIF 11 .pdf](#)  
[TIF District 11 Project Plan 2017 FINAL DRAFT 6-22-17.pdf](#)  
[Resolution-Common Council TIF 11 .pdf](#)

**This Report Action Item was approved.**

[17-1009](#)

Request to approve resolution designating the proposed boundaries and approving a project plan for Tax Incremental Financing District #12 - Downtown West

**Attachments:** [Resolution-City Plan Commission TIF 12.pdf](#)  
[TIF District 12 Project Plan 2017 FINAL DRAFT 6-22-17.pdf](#)  
[Resolution-Common Council TIF 12 .pdf](#)

**This Report Action Item was approved.**

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

### 5. MINUTES OF THE FINANCE COMMITTEE



[17-792](#)

Resolution introduced by Alderpersons Martin, Croatt and Plank at the May 17, 2017 Common Council meeting related to the City Attorney responsibilities:

Resolution #12-R-17 Martin/Croatt/Plank

Whereas, the City Attorney is elected by the voters of Appleton,

And whereas, it is the responsibility of the City Attorney to uphold the constitution of the State of Wisconsin when performing duties of the job he/she is elected to,

And whereas, it is the duty of the Council and Mayor, also elected by the voters, to ensure that the citizens have the legal representation of the Attorney's office in all matters concerning the city,

And whereas, it is critical that the City Attorney be in a work environment that enables and prioritizes that responsibility,

And whereas, State Statute 62.09 (12) states that, "The attorney shall conduct all the law business in which the city is interested",

Therefore be it resolved, the Finance Committee, of which has jurisdiction over the Attorney's office, be charged with creating a policy that reaffirms the City Attorney conducts all legal work when discussing, negotiating, and drafting all agreements and law business the city is a party to, unless special counsel has been retained in circumstances that comply with city policy or State Statute.

**Attachments:**     [Agreement Development Policy - Revised 06-06-2017.pdf](#)

**This Report Action Item was referred to the Finance Committee due back on 8/7/2017 by Alderperson Plank.**

[17-1144](#)

Request approval of the following 2017 Budget Adjustment:

Water Utility Fund Balance	- \$55,000
Distribution Operations & Maintenance	+\$55,000

to provide funding for additional permanent patch locations associated with water main breaks, lead service and curb box replacements.

**Attachments:**     [Water Main Break Patches.pdf](#)

**This Report Action Item was approved.**

[17-1145](#)

Request approval of Contract Amendment/Change Order No. 1 to contract 39-17 for Unit E-17 Miscellaneous Concrete & Street Excavation Repairs to increase for additional street patches from previous years' water main breaks, lead service line replacements, curb box repairs and valve repairs in the amount of \$55,000.00 resulting in no change to contingency. Overall contract increased from \$530,676.25 to \$585,676.25. NOTE: This contract amendment is contingent upon approval of a \$55,000 Budget Adjustment which is a separate action item on this Committee Agenda.

**Attachments:** [Unit E-17 Contract Amendment-Change Order No.1.pdf](#)

**This Report Action Item was approved.**

[17-1146](#)

Request approval of Contract Amendment/Change Order No. 3 to contract 9-17 for Unit U-17 Sewer and Water Reconstruction No.2 to increase for an additional 25 L.F. of 42" water main reconstruction in the amount of \$27,500.00 resulting in no change to contingency. Overall contract increased from \$2,480,984.92 to \$2,508,484.92.

**Attachments:** [Unit U-17 Contract Amendment-Change Order No.3.pdf](#)

**This Report Action Item was approved.**

[17-1147](#)

Request for approval to deed City owned land between Ballard Road and Smoketree Pass (Tax Key 1-8303-11) to the two abutting property owners at 6433 N. and 6505 N. Smoketree Pass.

**Attachments:** [Request to deed City owned Parcel 1-8303-11.pdf](#)

**This Report Action Item was approved.**

[17-1151](#)

Request to award the 2017 Wastewater Lighting upgrades project to VOE Power and Systems, LLC in the amount of \$41,740 with a contingency of \$10,000 for a project total not to exceed \$51,740.

**Attachments:** [2017 Wastewater Lighting Upgrades.pdf](#)

**This Report Action Item was approved.**

[17-1152](#)

Request to award the 2017 MSB Fire Alarm project to VOE Power and Systems, LLC in the amount of \$68,177 with a contingency of \$10,000 for a project total not to exceed \$78,177.

**Attachments:** [2017 MSB Fire Alarm.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**

[17-1059](#)

Request to approve Public Works reorganization to create a Lead Clerical position and move the clerical staff supervision under the Assistant City Engineer.

**Attachments:** [DPW TO reorganization 7-11-17.pdf](#)

This Report Action Item was approved.

[17-1062](#)

Request to approve new Bone Marrow and Organ Donation Leave policy

**Attachments:** [Bone Marrow and Organ Donation Leave Policy.pdf](#)

This Report Action Item was approved.

**9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION**

**10. MINUTES OF THE BOARD OF HEALTH**

**M. CONSOLIDATED ACTION ITEMS**

**N. ITEMS HELD**

[17-1111](#)

CONSOLIDATED ACTION ITEMS:  
Municipal Services Item 17-991  
City Plan Commission Item 17-1003  
Initial Resolution Item 17-1110

This Report Action Item was held

[17-991](#) Approve Discontinuance of Locust Street at the CN Railroad Crossing Number 179 919F.

**Attachments:** [Discontinuance of Locust St at the CN Railroad crossing.pdf](#)

**This Report Action Item was held**

[17-1003](#) Request to approve the street discontinuance to vacate a portion of South Locust Street public right-of-way in the 100 block at the CN Railroad Crossing Number 179 919F, as shown on the attached maps and legal description, pending approval by the Municipal Services Committee, and adopt the Initial Resolution

**Attachments:** [StaffReport StreetVacation SLocustStreet.pdf](#)

**This Report Action Item was held**

[17-1110](#) Initial Resolution- South Locust Street Vacation

**Attachments:** [Locust Street RR Xing - Initial Resolution.pdf](#)

**This Report Action Item was held**

## O. ORDINANCES

[17-1178](#) Ordinances 52-17 to 57-17

**Attachments:** [Ordinances going to Council 8-2-17.pdf](#)

**This Report Action Item was approved.**

## P. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

*City of Appleton – Resolution #17-R-17*

*August 2, 2017*

*Submitted by: Alderperson Meltzer – District 2*

*Referred to: Municipal Services Committee*

*WHEREAS the City of Appleton supports and encourages bicycle riding, as evinced by our newly updated comprehensive plan, as well as by earning the distinction of one of the four Silver level Bicycle Friendly Communities in the State of Wisconsin and;*

*WHEREAS a very common complaint of bicyclists in Appleton is a lack of bike racks at local businesses;*

*THEREFORE BE IT RESOLVED that if a business is approved for a street occupancy permit for a bicycle rack, the fee be waived, as recognition that additional bike racks are an asset to the community and to surrounding businesses as well.*

Q. OTHER COUNCIL BUSINESS

R. ADJOURN

**Alderson Baranowski moved, seconded by Alderson Plank, that the meeting be adjourned at 7:40 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 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

**Excused:** 2 - Alderson Kyle Lobner and Alderson Matt Reed

Kami Lynch, City Clerk