



# 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 3, 2016

7:00 PM

Council Chambers

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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 Spears.*

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 Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Cathy Spears, Alderperson Chris Croatt and Mayor Timothy Hanna

**Excused:** 2 - Alderperson Matt Reed and Alderperson Christine Williams

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*City Clerk Lynch, City Attorney Walsh, Deputy City Attorney Behrens,  
Director of Community & Economic Development Harkness,  
Director of Finance Saucerman, Fire Chief Vander Wyst,  
Director of Parks, Recreation and Facilities Gazza,  
Health Office Eggebrecht, Director of Information  
Technology Fox, Library Director Rortvedt,  
Police Chief Thomas, Director of Public Works Vandehey,  
Director of Utilities Shaw*

F. PUBLIC PARTICIPATION

*None*

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[16-1221](#)

Common Council meeting minutes of July 20, 2016

**Attachments:** [CC Minutes 7-20-16.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 Konetzke, Aldersperson Ed Baranowski, Aldersperson Margret Mann, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Jeffrey Jirschele, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Cathy Spears and Aldersperson Chris Croatt

**Excused:** 2 - Aldersperson Matt Reed and Aldersperson Christine Williams

**Abstained:** 1 - Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR

[16-1229](#)

Appointment of Rebecca Kellner to the Library Board

**Attachments:** [APPOINTMENT TO LIBRARY BD BIO EXPIRED TERM REBECCA KELLNER 072916.pdf](#)

**Aldersperson Baranowski moved, seconded by Aldersperson Konetzke, that the Appointment 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 Margret Mann, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Jeffrey Jirschele, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Cathy Spears and Aldersperson Chris Croatt

**Excused:** 2 - Aldersperson Matt Reed and Aldersperson Christine Williams

**Abstained:** 1 - Mayor Timothy Hanna

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[16-1224](#)

Request to approve the Offer to Purchase by Commercial Horizons, Inc. and/or assigns to purchase approximately 7.32 acres of land at the corner of Eisenhower Drive and Plank Road in Southpoint Commerce Park, at a purchase price of \$45,000 per acre (Associated with Action Item #16-1227)

**Attachments:** [Memo on Offer to Purchase in Southpoint Commerce.pdf](#)  
[Counter-Offer Lots 12 & 13 Southpoint Commerce Park.pdf](#)

**Alderson Croatt moved, seconded by Alderson Martin, that the Report 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 Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Jeffrey Jirschele, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Cathy Spears and Alderson Chris Croatt

**Excused:** 2 - Alderson Matt Reed and Alderson Christine Williams

**Abstained:** 1 - Mayor Timothy Hanna

[16-1226](#)

Request to waive repurchase rights for Lots 5 & 6, Plat 1, in the Northeast Industrial Park, allowing the transfer from A&V Wisconsin Realty, LLC to Jerry Van Handel and/or assigns (DDS & J, LLC); this waiver is not transferable, survivable, or assignable and the City's repurchase rights would remain on this property

**Attachments:** [Repurchase waiver Lot 5 and 6 NEIP Plat 1.pdf](#)  
[NEIP E.pdf](#)  
[Atty Sitzmann Ltr & Offer to Purchase Amendment.pdf](#)  
[NEIP Map 07292016.pdf](#)

**Alderson Konetzke moved, seconded by Alderson Croatt, that the Report 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 Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Jeffrey Jirschele, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Cathy Spears and Alderson Chris Croatt

**Excused:** 2 - Alderson Matt Reed and Alderson Christine Williams

**Abstained:** 1 - Mayor Timothy Hanna

[16-1209](#)

Request to award contract to Miron Construction for Erb Park and Pool renovation project for a contract of \$8,757,842 with a contingency of 7% for a total contract not to exceed \$9,370,890.

**Attachments:** [2016 Erb Pool Construction Bid.pdf](#)

**Alderson Konetzke moved, seconded by Alderson Martin, that the Report 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 Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Jeffrey Jirschele, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Cathy Spears and Alderson Chris Croatt

**Excused:** 2 - Alderson Matt Reed and Alderson Christine Williams

**Abstained:** 1 - Mayor Timothy Hanna

[16-1194](#)

Request from Evans Title Companies to change their signage and add Willis Towers Watson signage to the College Avenue Skywalk per the March 25, 1994 Development Agreement.

**Attachments:** [College Ave Skywalk signage.pdf](#)

**Alderson Croatt moved, seconded by Alderson Coenen, that the Report 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 Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Jeffrey Jirschele, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Cathy Spears and Alderson Chris Croatt

**Excused:** 2 - Alderson Matt Reed and Alderson Christine Williams

**Abstained:** 1 - Mayor Timothy Hanna

[16-1070](#)

Request to approve Fox Cities Regional Partnership Economic Development Pledge for 2016

**Attachments:** [FCRP 2016 Pledge Invoice.pdf](#)

[FCRP YP Week 2016 Invoice-Receipt.pdf](#)

[CEDD Marketing & Business Services 2016 Budget.pdf](#)

*Alderson Baranowski referred this item back to the Community & Economic Development Committee.*

**This Report Action Item was referred to the Community & Economic Development Committee**

## L. COMMITTEE REPORTS

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

**Aldersperson Lobner moved, Aldersperson Martin seconded, to approve the balance of the agenda. The motion carried by the following vote:**

**Aye:** 13 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Margret Mann, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Jeffrey Jirschele, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Cathy Spears and Aldersperson Chris Croatt

**Excused:** 2 - Aldersperson Matt Reed and Aldersperson Christine Williams

**Abstained:** 1 - Mayor Timothy Hanna

## 1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

### [16-1214](#)

Request from Appleton Downtown Inc. to install 5-4 foot round Mandalas on the Appleton Street side of the Red Ramp with all installation and maintenance expenses covered by the Creative Committee.

**Attachments:** [ADI-Mandalas.pdf](#)

This Report Action Item was approved.

### [16-1193](#)

Request from Sue Bogenschutz, Atlas Waterfront Cafe, for a Street Occupancy Permit to create a prairie restoration project at the southeast corner of Jackman Street and Water Street contingent upon all installation, maintenance and watering being the responsibility of Atlas Waterfront Cafe.

**Attachments:** [Atlas Waterfront Cafe prairie restoration..pdf](#)

This Report Action Item was approved.

## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

### [16-1138](#)

Operator's Licenses

**Attachments:** [Operator's Licenses for 7-27-16 S & L.pdf](#)

This Report Action Item was approved.

[16-1139](#) Renewal Operator's Licenses

**Attachments:** [Renewal Operator's Licenses for 7-27-16 S & L.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**

[16-1203](#) Request approval of the following 2016 Budget Adjustment:

**Facilities Maintenance**

Building Repairs and Maintenance	+\$50,000
Regular Salaries	- \$50,000

to re-allocate vacant salary dollars to building repairs and maintenance to fund the cost of necessary repairs.

**Attachments:** [2016 Maintenance Technician Salary Reallocation.pdf](#)

This Report Action Item was approved.

[16-1205](#) Request to adopt the 2017 City of Appleton Policy for Special Assessments.

**Attachments:** [2017 Policy For Special Assessments.pdf](#)

This Report Action Item was approved.

[16-1207](#)

Request to approve the following 2016 Budget adjustment:

**Valley Transit**

Building and Equipment	+\$110,305
Federal Grants	+\$88,244
Fund Balance	+\$22,061

to record Federal Transit Administration (FTA) capital grant to fund the replacement of the Transit Center roof and maintenance shop infrared heaters

Vehicles	+\$645,905
Federal Grants	+\$516,724
Fund Balance	+\$129,181

to record Federal Transit Administration (FTA) capital grant to fund a bus replacement

**Attachments:**    [Transit Center Roof Memo 2016.pdf](#)  
                                   [Valley Transit Bus Memo 2016.pdf](#)

**This Report Action Item was approved.**

[16-1202](#)

Request to approve the Sixth Amendment to Riverheath Development Agreement pertaining to public watermain for the Development.

**Attachments:**    [Sixth Amendment to Dev Agrm - City - 07-14-16.pdf](#)

**This Report Action Item was approved.**

## 6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[16-1149](#)

Request to approve the proposed Environmental Review Policy as attached

**Attachments:**    [Memo to CEDC - ER Policy.pdf](#)  
                                   [Environmental Review Policy.pdf](#)

**This Report Action Item was approved.**

[16-1170](#)

**\*\*CRITICAL TIMING ISSUE\*\*** Request to approve the reallocation of 2016 Community Development Block Grant (CDBG) funding as described in the attached memorandum

**Attachments:** [ReAllocation Recs Memo to CEDC.pdf](#)  
[2016 07 21 M Peterson letter to N Gerhard re CDBG funding.pdf](#)

This Report Action Item was approved.

[16-1227](#)

Request to approve the Commercial Horizons/Encapsys Development Agreement in Tax Increment Financing District No. 6 (Associated with Action Item #16-1224)

**Attachments:** [Memo on Development Agreement in Southpoint Commerce.pdf](#)  
[Encapsys Development Agreement 8-3-16.pdf](#)

This Report Action Item was approved.

## 7. MINUTES OF THE UTILITIES COMMITTEE

[16-1161](#)

Award 2016H Contract for Coop Road Pond Modeling and Design Assistance to AECOM in an amount not to exceed \$38,700.

**Attachments:** [2016H Coop Road Pond Remodeling AECOM Award Memo Util Cmte 07-26-2016.pdf](#)

This Report Action Item was approved.

[16-1162](#)

Amend 2016B contract for Arbutus Park Stormwater Lift Station Reconstruction Design with Strand Associates in an amount not to exceed \$4,400.

**Attachments:** [Arbutus Park Lift Station Design Amendment Memo.pdf](#)

This Report Action Item was approved.

[16-1171](#)

Award of TOC Instrument Purchase to OI Analytical for \$23,829.50 with a 10% contingency of \$2,392.95 for a total not to exceed cost of \$26,212.45.

**Attachments:** [TOC Instrument Recommendation.pdf](#)

This Report Action Item was approved.

## 8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE



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

[16-1175](#) Acceptance of Two Federal Transit Administration Bus and Bus Facilities Capital Grants

**Attachments:** [FCTC Grant acceptance memo 5539 - 2016.pdf](#)

This Report Action Item was approved.

[16-1176](#) Acceptance of 2016 WISDOT Capital Funds Transfer to Operating Grant

**Attachments:** [FCTC Grant acceptance memo WISDOT transfer - 2016.pdf](#)

This Report Action Item was approved.

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

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[16-1210](#) Ordinances 52-16 to 55-16

**Attachments:** [Ordinances going to Council 8-3-16.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

*#9-R-16 Submitted by Alderperson Meltzer*

*WHEREAS the City of Appleton maintains 443 miles of sidewalk, and*

*Whereas there is no substantial difference between sidewalk that cuts through a park and sidewalk that runs along residential yards; and*

*Whereas recent discussions of the current ban on dogs in parks has brought to light many safety and health concerns such as dog droppings, dog urine, allergies, the inability of dog owners to control their dogs, and the non-compliance of dog owners to leash their dogs; and*

*Whereas our ordinances should be consistent in order to avoid confusion and improve enforcement, and our ordinances should be consistent in order to provide the same level of safety throughout our city,*

*THEREFORE be it resolved that the City of Appleton extend the ban on dogs from park sidewalks to ban dogs from all 443 miles of city sidewalk.*

*\*THIS RESOLUTION WAS WITHDRAWN AFTER IT WAS PRESENTED*

R. OTHER COUNCIL BUSINESS

[16-1262](#)

Possible motion to suspend the rule to enable Council to hold meetings on Tuesday, August 9th.

**Alderperson Baranowski moved, seconded by Alderperson Konetzke, that the Council Rule Suspension be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 12 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Jeffrey Jirschele, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Cathy Spears and Alderperson Chris Croatt

**Nay:** 1 - Alderperson Kyle Lobner

**Excused:** 2 - Alderperson Matt Reed and Alderperson Christine Williams

**Abstained:** 1 - Mayor Timothy Hanna

S. CLOSED SESSION

[16-1220](#)

The Common Council may convene in closed session pursuant to State Statute §19.85(1)(e) for the purpose of deliberating the purchasing of public properties and/or the investing of public funds in certain property located in downtown Appleton as well as pursuant to State Statute §19.85(1)(g) for the purpose of conferring with legal counsel regarding pending litigation concerning the Town of Harrison and the Village of Harrison, and then will reconvene in open session.

**Alderson Plank moved, seconded by Alderson Dannecker, that the Council convene in Closed Session. Roll Call. Motion carried by the following vote:**

**Aye:** 13 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Jeffrey Jirschele, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Cathy Spears and Alderson Chris Croatt

**Excused:** 2 - Alderson Matt Reed and Alderson Christine Williams

**Abstained:** 1 - Mayor Timothy Hanna

## T. ADJOURN

*Meeting went into Recess and then Closed Session at 7:27 p.m.*

*Motion by Baranowski, seconded by Spears to Reconvene in Open Session. Motion Carried 13/0.*

*Meeting Reconvened in Open Session at 9:43 p.m.*

**Alderson Baranowski moved, seconded by Alderson Lobner, that the meeting be adjourned at 9:44 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 Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Jeffrey Jirschele, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Cathy Spears, Alderson Chris Croatt and Mayor Timothy Hanna

**Excused:** 2 - Alderson Matt Reed and Alderson Christine Williams

Kami Lynch, City Clerk