



# City of Appleton

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

## Meeting Minutes - Final-revised Common Council

---

Wednesday, August 6, 2014

7:00 PM

Council Chambers

---

A. CALL TO ORDER

*The meeting was called to order at 7:00 PM.*

B. INVOCATION

*Aldersperson Martin offered the Invocation.*

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

**Present:** 16 - Aldersperson Patti Coenen, Aldersperson Chris Croatt, Aldersperson Greg Dannecker, Aldersperson Sarah Garb, Aldersperson Jeffrey Jirschele, Aldersperson Curt Konetzke, Aldersperson Kyle Lobner, Aldersperson Joe Martin, Aldersperson Kathleen Plank, Aldersperson Cathy Spears, Aldersperson Peter Stueck, Mayor Timothy Hanna, Aldersperson Tim Trauger, Aldersperson Polly Dalton, Aldersperson Christine Williams and Aldersperson Vered Meltzer

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*PRESENT: City Clerk Collins, Deputy City Clerk Helgeson, City Attorney Walsh, Community and Economic Development Director Harkness, Finance Director Saucerman, Fire Chief Vander Wyst, Health Officer Eggebrecht, Director of Human Resources Behnke, Director of Parks, Recreation and Facilities Gazza, Police Chief Helein, Director of Public Works Vandehey, Director of Information Technology Fox, Director of Utilities Shaw, Valley Transit General Manager Wetter, Library Director Rortvedt.*  
*EXCUSED: None.*

F. PUBLIC PARTICIPATION

*Name - Address - Topic*  
*Sherry Loderbauer - 1624 South Peabody Street - Peabody Street Reconstruction*  
*Mary Webster - 1718 South Peabody Street - Peabody Street Reconstruction*  
*Chris Sitzmann - 231 West Franklin Street - Library*

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

**14-1339** Approve July 16, 2014 Council Meeting Minutes.

**Attachments:** [CC Minutes 07-16-2014.pdf](#)

**Aldersperson Martin moved, seconded by Aldersperson Lobner, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

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

**Excused:** 1 - Mayor Hanna

**Abstained:** 1 - Aldersperson Williams

## H. BUSINESS PRESENTED BY THE MAYOR

**14-1340** Appointment of Bob Buckingham (Town of Grand Chute), George Dearborn (Town of Menasha), Joel Gregozeski (Town of Buchanan), Carol Kasimor (City of Neenah), Jeff McCabe (City of Kaukauna), Trish Nau (City of Neenah), Travis Parish (Village of Harrison), Bruce Sherman (Town of Grand Chute) and Linda Stoll (City of Menasha) to the Transit Commission.

**Attachments:** [CC 08-06-2014 COMMITTEE APPTS FOR INFORMATION TRANSIT COMMISSION.pdf](#)

## I. PUBLIC HEARINGS

**14-1337** Public Hearing for Preliminary Resolution 7-P-14 for Sanitary Sewer, Storm Sewer and Laterals AND ADOPT FINAL RESOLUTION authorizing street improvements and levying special assessments against benefited property.

**Attachments:** [CC 08-06-2014 - Public Hearing - 7-P-14.pdf](#)

*Name - Address*  
*None*

**Aldersperson Konetzke moved, seconded by Aldersperson Lobner, 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 Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Plank, Aldersperson Spears, Aldersperson Stueck, Aldersperson Trauger, Aldersperson Dalton, Aldersperson Williams and Aldersperson Meltzer

Excused: 1 - Mayor Hanna

J. SPECIAL RESOLUTIONS

**14-1338** 7-P-14 Final Resolution Authorizing Street Improvements and Levying Special Assessments Against Benefited Property.

Attachments: [CC 08-06-2014 - Final Resolution - 7-P-14.pdf](#)

K. ESTABLISH ORDER OF THE DAY

**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](#)

*Referred back by Alderperson Dannecker.*

**This Report Action Item was referred to the Municipal Services Committee**

**14-1269** Special Use Permit Applicaiton #10-14 - Glen Reha & Dennis Kray - for automobile sales and display lot at 1235 West Wisconsin Avenue.

Attachments: [Special Use Permit #10-14 7-21-14.pdf](#)

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

**Aye:** 15 - 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, Alderperson Williams and Alderperson Meltzer

Excused: 1 - Mayor Hanna

**14-1265** Request to approve guidelines and approval process for the Neighborhood Grants Program.

Attachments: [CEDC Neighborhood Procedure Grants Memo 7-21-14.pdf](#)

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

**Aye:** 13 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Lobner, Alderperson Plank, Alderperson Spears, Alderperson Stueck, Alderperson Trauger, Alderperson Dalton, Alderperson Williams and Alderperson Meltzer

**Nay:** 2 - Alderperson Konetzke and Alderperson Martin

**Excused:** 1 - Mayor Hanna

- 14-1222** Request to approve Sections III through VII, Sanitary Sewer and Laterals, Stormwater Facilities and Storm Sewer Laterals, and Watermains and Services, of the Special Assessment policy.

**Attachments:** [Utility Portion of Spec Assess Policy 2013.pdf](#)  
[Special Assessment Memo 2014.pdf](#)  
[Utility Portion of SA Policy strike and bold.pdf](#)

**Aldersperson Lobner moved, seconded by Aldersperson Stueck, 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 Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Plank, Aldersperson Spears, Aldersperson Stueck, Aldersperson Trauger, Aldersperson Dalton, Aldersperson Williams and Aldersperson Meltzer

**Excused:** 1 - Mayor Hanna

- 14-1112** **Peabody Street, from Verbrick Street to Seymour Street, be reconstructed as follows**

-Peabody Street, from Verbrick Street west of Peabody to Verbrick Street east of Peabody, be reconstructed with asphalt pavement and concrete curb and gutter to a width of 33' from back of curb to back of curb, which is the same width as the existing street.

-Peabody Street, from Verbrick Street to Seymour Street, be reconstructed with asphalt pavement and concrete curb and gutter to a width of 31' from back of curb to back of curb, which is 2' narrower than the existing street.

*The item was amended at the July 22, 2014 Municipal Services Committee "to construct to 32 feet with one foot narrower on the west side". The Council vote approves the item as amended.*

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

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

**Nay:** 1 - Aldersperson Dalton

**Excused:** 1 - Mayor Hanna

**14-1300** Request to approve Resolution of Necessity for Michiels Investment LLC, and Trinity Lutheran Church.

**Attachments:** [Finance - Library - Resolutions of Necessity 07-21-14 \(email\).pdf](#)  
[Library - Michiels - Resolution of Necessity.pdf](#)  
[Library - Trinity Lutheran - Resolution of Necessity.pdf](#)

*Initially, a motion was made to approve the item. Alderperson Jirschele requested that the item be referred back to the Finance Committee. Under "Other Business", a request was made by Alderperson Garb to make a motion to suspend the rules to go into Committee of the Whole to take up this item. Motion was made by Alderperson Plank, seconded by Alderperson Martin. The Mayor indicated that a 2/3 vote is required. An "Aye" vote would approve going into Committee of the Whole, a "Nay" vote would refer the item to the Finance Committee. Aye: 9 - Coenen, Dannecker, Garb, Lobner, Martin, Plank, Trauger, Dalton, Meltzer. Nay: 6 - Croatt, Jirschele, Konetzke, Spears, Stueck, Williams. Motion Fails. Item is referred.*

**This Report Action Item was referred to the Finance Committee**

**14-1271** #23-R-14 - Martin/Dalton/Trauger/Konetzke/Meltzer

**“WHEREAS**, Signs and murals painted on the sides of buildings have long been a part of Appleton’s landscape and historical examples can still be seen on the sides of Harmony Café, the former Wichman Furniture building and many others throughout the city.

**WHEREAS**, Hand painted signs and murals are considered works of art, adding beauty and interest to the exteriors of buildings.

**WHEREAS**, The City of Appleton encourages owners to take pride in their businesses by maintaining and making improvements to their property.

**AND WHEREAS**, The City of Appleton encourages its citizens to enjoy all forms of art.

**THEREFORE, BE IT RESOLVED**, that City of Appleton staff review its policy on painted signs and murals. Any murals and signs that currently exist are not in violation until further review.”

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

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

**Nay:** 1 - Alderperson Stueck

**Excused:** 1 - Mayor Hanna

**Abstained:** 1 - Alderperson Coenen

- 14-1335** Consolidated Action - Purchase Stock Ariel Platform Fire Truck.
  - a. File 14-1290 Safety and Licensing Committee
  - b. File 14-1304 Finance Committee

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

**Aye:** 15 - 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, Alderperson Williams and Alderperson Meltzer

**Excused:** 1 - Mayor Hanna

**L. COMMITTEE REPORTS**

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

**Alderperson Konetzke moved, Alderperson Martin seconded, to approve the balance of action items on the agenda. The motion carried by the following vote:**

**Aye:** 16 - 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, Alderperson Williams, Alderperson Meltzer and Collins

**Excused:** 1 - Mayor Hanna

**1. MINUTES OF THE SAFETY AND LICENSING COMMITTEE**

- 14-1216** Change of Premise Description - Reserve "Class B" Beer/Liquor License of Das Ventures Inc., d/b/a Appleton Beer Factory, Jeffery E. Fogle, Agent, 603 & 607 W. College Avenue, to include the amenity strip located immediately in front of 603 W. College Avenue store front, contingent upon approvals from all departments.

**This Report Action Item was approved.**

- 14-1217** "Class B" Beer/Liquor License application of Knutson Ventures, LLC, d/b/a KK Billiards, Chris A. Knutson, Agent, 318 West College Avenue, contingent upon approvals from all departments.

This Report Action Item was approved.

- 14-1290** "CRITICAL TIMING ISSUE" - Recommendation to Purchase Stock Aerial Platform from Pierce Manufacturing.

**Attachments:** [07-17-2014 Fire Memo.pdf](#)

This Report Action Item was approved.

## 2. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

- 14-1075** Request from Mike Pokwinski for a variance to the Front Yard Parking Ordinance to park his boat on the grass next to his house at 112 Cherry Court.

**Attachments:** [Request from Mike Pokwinski for Variance to the Front Yard Parking Ordinance.pdf](#)

This Report Action Item was approved.

- 14-1234** Approve the State/Municipal Agreement for the construction of the Lawe Street Bridge over the power canal.

**Attachments:** [State-Municipal Agreement Lawe Street Bridge.pdf](#)

This Report Action Item was approved.

- 14-1235** Approve the State/Municipal Agreement for the construction of the Prospect Avenue Bridge over Jackman Street.

**Attachments:** [State-Municipal Agreement Prospect Avenue Bridge.pdf](#)

This Report Action Item was approved.

- 14-1236** Request to add the project Olde Oneida Street Bridge over the Power Canal to the 2014 construction schedule for \$75,000. (Budget adjustment will be an action item at Finance Committee).

**Attachments:** [Olde Oneida Street Bridge.pdf](#)

This Report Action Item was approved.

**14-1244** Approve new parking restrictions on the east side of Badger Avenue near Franklin Street.

**Attachments:** [New Parking Restriction on Badger Ave near Wilson Middle School.pdf](#)

**This Report Action Item was approved.**

**14-1245** Approve new parking restrictions on the south side of Forest Street near Clara Street.

**Attachments:** [New Parking Restriction on Forest Street near Johnston Elem. School.pdf](#)

**This Report Action Item was approved.**

**14-1246** Replace "YIELD" signs with "STOP" signs on Frances Street at Drew Street.

**Attachments:** [Drew Street-Frances Street intersection control.pdf](#)

**This Report Action Item was approved.**

**14-1247** Approve new parking restrictions on the west side of Conkey Street from Northland Avenue to Winslow Avenue.

**Attachments:** [Parking changes on Conkey Street by BASF Inc.pdf](#)

**This Report Action Item was approved.**

### **3. MINUTES OF THE CITY PLAN COMMISSION**

**14-1267** Special Use Permit Application #8-14 - Jose Avella (Avella's Lawn Care & Snow Plowing Services) - For a Landscaping Business at 1225 East Wisconsin Avenue.

**Attachments:** [Special Use Permit #8-14 7-21-14.pdf](#)

**This Report Action Item was approved.**

**14-1268** Special Use Permit Application #9-14 - Mari Kessenich (Pinot's Palette) - For a Restaurant with alcohol sales, service and consumption at 226 East College Avenue.

**Attachments:** [Special Use Permit #9-14 7-21-14.pdf](#)

**This Report Action Item was approved.**



- 14-1272** Request to approve Extraterritorial Final Plat/White Hawk Meadows North - Town of Grand Chute

Attachments: [White Hawk Meadows Final Staff Report 7-21-14.pdf](#)

This Report Action Item was approved.

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

- 14-1243** Approval of the Scheig Center and Appleton Memorial Park Gardens Rental and Fee Policy

Attachments: [Scheig Center and AMP policy \(7-23-14\).pdf](#)

This Report Action Item was approved.

- 14-1284** Proposed 2015 Reid Golf Course Rates

Attachments: [2015 Golf Course Rates \(7-23-14\).pdf](#)

This Report Action Item was approved.

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

- 14-1285** Request for waiver of Repurchase Rights for Lot 2, CSM 5726 Northeast Business Park.

Attachments: [CEDC Winter Repurchase Waiver Memo7-21-14.pdf](#)  
[Gateway of Appleton Dev Agmt 6-15-05.pdf](#)  
[NEBP Dec of Covenants and Restrictions.pdf](#)

This Report Action Item was approved.

#### **6. MINUTES OF THE UTILITIES COMMITTEE**

- 14-1312** Approval of Contract to Strand Associates for Engineering Services of the proposed 1 Million Gallon Glendale Water Tower Project in the amount of \$140,605 with a 15% contingency of \$21,090 and the project total not to exceed \$161,695.

Attachments: [Glendale Water Tower Engineering Award.doc](#)

This Report Action Item was approved.

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

**14-1289** Approval to Award Contracts for Cameras and Cabling to Lappin Security and Reliable Cabling for \$38,097.00

Attachments: [FCTC camera memo.pdf](#)

This Report Action Item was approved.

**8. MINUTES OF THE BOARD OF HEALTH****9. MINUTES OF THE HUMAN RESOURCES COMMITTEE****10. MINUTES OF THE FINANCE COMMITTEE**

**14-1206** Request to approve updated policies for Energy Conservation/Sustainability, Facilities and Grounds Modifications and Furniture Management.

Attachments: [2014 Policy Updates.doc](#)

[Energy Conservation Policy - DG 2014 Edit.doc](#)

[Facilities & Grounds Modification Policy - DG 2014 Edit.doc](#)

This Report Action Item was approved.

**14-1292** Request to approve the award of a contract to Lappin Security and Reliable Cabling in the amount of \$34,634 with a 10% contingency of \$3,463 for a total of \$38,097 for security camera replacement and to run new Cat 6 cabling in both Valley Transit's Transit Center and Administration Building.

Attachments: [FCTC camera memo \(2\).pdf](#)

This Report Action Item was approved.

**14-1302** Award Unit J-14 Mini Storm Sewer Construction to Vanco Construction, Inc. in an amount not to exceed \$200,000.00.

Attachments: [Finance 07-23-14 - Award of Contract J-14.pdf](#)

This Report Action Item was approved.

**14-1303** Request to approve the following 2014 Budget Adjustment:

General Fund - DPW	
Street Repair	+50,000
Concrete Reconstruction	-50,000

To facilitate bidding of emergency repairs to the Olde Oneida Street bridge over the Power Canal (2/3 vote required)

**Attachments:** [Finance Committee 07-23-14 - Fund Transfer from 17014 to 17032.pdf](#)

**This Report Action Item was approved.**

**14-1304** Request for Finance Director to increase 2014 General Obligation Note issue (previously approved \$6,320,000) to \$6,525,000 to fund portion of Fire Aerial Platform Truck and approve the following 2014 Budget adjustment:

<u>CEA Replacement Fund</u>	
Equipment	+\$795,000
Fund Balance	-\$591,753
Proceeds of G.O. Notes	-\$203,247

To provide funding for new aerial platform truck in the Fire Department. (2/3 vote required) (Critical Timing Issue)

**Attachments:** [Recommendation to Purchase Stock Aerial Platform from Pierce Manufacturing - 7-23-14.pdf](#)  
[GO prom notes - finance committee \(updated\).pdf](#)

**This Report Action Item was approved.**

**14-1315** Reject all bids for Bar Screen Replacement Project, Contract 1-2013.

**This Report Action Item was approved.**

## M. CONSOLIDATED ACTION ITEMS

- 14-1336** Consolidated Action - Olde Oneida Street Bridge Repair.  
a. Municipal Services Committee 14-1236  
b. Finance Committee 14-1303

**This Report Action Item was approved.**

- O. ITEMS HELD
- P. ORDINANCES
- Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION
- R. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION
- S. OTHER BUSINESS

*A motion was made by Alderson Spears, seconded by Alderson Coenen, to suspend Council Rule #9, which prohibits committees from meeting on Election Day, to allow the Municipal Services Committee and the Utilities Committee to meet as regularly scheduled. Aye 9 - Coenen, Dannecker, Konetzke, Martin, Plank, Spears, Stueck, Dalton, Williams. Nay 6 - Croatt, Garb, Jirschele, Lobner, Trauger, Meltzer. Motion failed.*

- T. ADJOURN

*The meeting adjourned at 7:49 PM.*

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

**Aye:** 15 - 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, Alderson Williams and Alderson Meltzer

**Excused:** 1 - Mayor Hanna

Dawn A. Collins, City Clerk