



City of Appleton

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

Meeting Minutes Common Council

Wednesday, October 1, 2014

7:00 PM

Council Chambers

A. CALL TO ORDER

Meeting was called to order at 7:00 PM.

B. INVOCATION

Aldersperson Trauger offered the Invocation.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 15 - Aldersperson Patti Coenen, 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

Excused: 1 - Aldersperson Chris Croatt

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

PRESENT: City Clerk Collins, Deputy City Clerk Helgeson, City Attorney Walsh, Deputy City Attorney Behrens, Communication Specialist Doran, Director of Community and Economic Development Harkness, Finance Director Saucerman, Fire Chief Vander Wyst, Health Officer Eggebrecht, Director of Human Resources Behnke, Director of Parks, Recreation and Facilities Gazza, Deputy Police Chief Kavanaugh, Director of Public Works Vandehey, Director of Information Technology Fox, Valley Transit General Manager Wetter, Library Director Rortvedt. EXCUSED: Director of Utilities Shaw.

F. PUBLIC PARTICIPATION

*Name - Address - Topic
Robert McGlone - 5700 W Spencer St - MRAP Vehicle
Robbie Johnson - 219 N Story St - MRAP Vehicle
Tom Jury - 1632 W Capitol Dr - Taxicab Driver License*

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

14-1651 Approve September 17, 2014 Common Council Meeting Minutes.

Attachments: [CC Minutes 09-17-2014.pdf](#)

Alderson Konetzke moved, seconded by Alderson Trauger, that the Minutes be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderson Coenen, 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 - Alderson Croatt

Abstained: 1 - Mayor Hanna

H. BUSINESS PRESENTED BY THE MAYOR

14-1647 Presentation of Fire Prevention Week Proclamation and Fire Department Awards.

I. PUBLIC HEARINGS

14-1648 Public Hearing on Special Assessment 8-P-14, Sanitary Sewer Laterals.

Attachments: [CC 10-01-2014 - Public Hearing - 8-P-14.pdf](#)

None.

J. SPECIAL RESOLUTIONS

14-1649 Adopt Final Resolution 8-P-14 authorizing street improvements and levying Special Assessments against benefited property.

Attachments: [CC 10-01-2014 - Final Resolution - 8-P-14.pdf](#)

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

Aye: 14 - Alderson Coenen, 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 - Alderson Croatt

Abstained: 1 - Mayor Hanna

K. ESTABLISH ORDER OF THE DAY

14-1636 Taxicab Driver's License application of Thomas J. Jury, 1632 W. Capitol Drive.

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

Aye: 13 - Alderson Coenen, Alderson Dannecker, Alderson Garb, Alderson Jirschele, Alderson Konetzke, Alderson Lobner, Alderson Martin, Alderson Plank, Alderson Spears, Alderson Stueck, Alderson Trauger, Alderson Williams and Alderson Meltzer

Nay: 1 - Alderson Dalton

Excused: 1 - Alderson Croatt

Abstained: 1 - Mayor Hanna

14-1632

Resolution introduced by Alderpersons Dalton/Meltzer at the 09-17-2014 Common Council meeting.

#26-R-14 - Dalton/Meltzer

~~“Whereas crime rates have decreased in the City of Appleton over the last 6 years;~~

~~Whereas the city budget requires allocation for costs of maintaining infrequently used equipment,~~

~~Whereas training for use of infrequently used equipment demands staff time and resources;~~

~~Whereas effective civilian law enforcement does not require the use of military equipment;~~

~~Whereas military equipment is not designed for civilian law enforcement;~~

~~Whereas equipment discontinued for ineffectiveness in urban environments is not conducive to Appleton’s infrastructure~~

~~And whereas civilian law enforcement have used military equipment inappropriately in the United States and in other countries;~~

Be it resolved,

1. Staff return with a budgetary review for the costs of maintenance, insurance, and training resources related to the Mine Resistant Ambush Protected (MRAP Vehicle) within 45 days, and
2. ~~Staff return with options for returning or disposing of the Mine Resistant Ambush Protected vehicle in most expeditious and low cost manner within 60 days~~
3. ~~A review of donated or surplus material acquisition noticing guidelines be presented to council to assure any major donated or surplus material acquisitions by any department are reviewed by the Common Council."~~
4. ~~A public update be presented on public safety issues related to active-shooter situations and warrants, and alternatives be considered that do not require the re-purposing of a military vehicle.”~~

This Report Action Item was referred to the Safety and Licensing Committee by Alderperson Dalton.

14-1502

Request to approve changes to the Zoning Ordinance.

#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.”

Attachments: [Painted Sign- Mural Memo to PC 8-25-14.pdf](#)
[Revised Mural Language Memo 9-22-14.pdf](#)

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

Aye: 13 - 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 - Alderperson Croatt

Abstained: 2 - Alderperson Coenen and Mayor Hanna

14-1612 Approve funding reallocation request to purchase bicycle counters.

Attachments: [Request to purchase bicycle counters.pdf](#)

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

Aye: 13 - Alderson Coenen, Alderson Dannecker, Alderson Garb, Alderson Jirschele, Alderson Konetzke, Alderson Lobner, Alderson Martin, Alderson Plank, Alderson Spears, Alderson Trauger, Alderson Dalton, Alderson Williams and Alderson Meltzer

Nay: 1 - Alderson Stueck

Excused: 1 - Alderson Croatt

Abstained: 1 - Mayor Hanna

14-1610 R/B-Spears-Request from Thao Vue for a variance to Municipal Code, Section 19-91 Front Yard Parking, for the property at 1335 W. Glendale Avenue **up to the original expansion. New expansion to be removed.**

Attachments: [Thao Vue variance.pdf](#)

This Report Action Item was referred to the Municipal Services Committee by Alderson Spears.

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderson Konetzke moved, Alderson Lobner seconded, to approve the balance of Items on the Agenda. The motion carried by the following vote:

Aye: 14 - Alderson Coenen, 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 - Alderson Croatt

Abstained: 1 - Mayor Hanna

1. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

14-1634 Taxicab Driver's License application of Bobbie Jo M.T. Reed, 1013 S. Midpark Drive.

This Report Action Item was approved.

14-1577 Secondhand Article application of Scooter G Sports, Scott A. Gonnering, Applicant, 621 W. Northland Avenue, contingent upon approvals from all departments.

This Report Action Item was approved.

14-1608 Saturday Winter Farm Market application of Appleton Downtown, Inc., Djuanna Hugdahl, 116 N. Appleton Street from November 1, 2014 to May 30, 2015.

This Report Action Item was approved.

14-1606 Operator's License application of Ashley A. Kunstman, 1126 W. Spencer Street.

This Report Action Item was approved.

14-1641 Operator's Licenses

Attachments: [Operator's Licenses for 09-25-2014.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

14-1611 Approve proposed modifications to the City of Appleton Snow Removal Policy.

Attachments: [Snow Removal Policy.pdf](#)

This Report Action Item was approved.

14-1535 Approve proposed changes to Municipal Code Section 12-59 Landscape Maintenance.

Attachments: [Terrace Mowing Ord.pdf](#)

This Report Action Item was approved.

- 14-1622** The request from Graphic Homes, Inc. for a permanent street occupancy permit to install a sign 4'-7" within the Durkee Street right-of-way at 218 E. Lawrence Street with a minimum clearance of 12 feet.

Attachments: [Graphic Homes Street Occupancy.pdf](#)

This Report Action Item was approved.

- 14-1633** The request from United Sign for a permanent street occupancy permit to install a sign within the right-of-way at 318 W. College with a minimum clearance of 12 feet.

Attachments: [318 W College sign.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

- 14-1619** ~~The approval of~~ **Approve** the repurposing of Lions Park to address stormwater flooding issues in the Theodore Street drainage area, with a target construction date of 2020, **be postponed for two years and for the Department of Public Works to focus their resources on other drainage areas.**

Attachments: [Repurposing of Lions Park .pdf](#)

This Report Action Item was approved.

5. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

6. MINUTES OF THE UTILITIES COMMITTEE

- 14-1619** ~~The approval of~~ **Approve** the repurposing of Lions Park to address stormwater flooding issues in the Theodore Street drainage area, with a target construction date of 2020, **be postponed for two years and for the Department of Public Works to focus their resources on other drainage areas.**

Attachments: [Repurposing of Lions Park .pdf](#)

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**

14-1624 Request to award contract to Ultimate Cleaning to provide Housekeeping Services for the years 2014-2019. The contract totals are 2015 (\$357,243), 2016 (\$364,703), 2017 (\$375,808), 2018 (\$387,082) and 2019 (\$398,696) annually

Attachments: [Housekeeping Contract 2015-2019.doc](#)

This Report Action Item was approved.

14-1626 Request to award the Telulah Park Skateboard Park and Parking Lot Lighting Project to Faith Technologies, Inc. in the amount of \$39,500 with a contingency of \$3,950 for a contract total not to exceed \$43,450.

Attachments: [Bid Recommendation-Telulah Skate Park Project Lighting 9-15-2014.doc](#)

This Report Action Item was approved.

14-1637 Request to adopt the 2015 Special Assessment Policy language in accordance with Council action of September 3, 2014.

Attachments: [Spec Asmt Policy Revised 09-24-14 Mtg.pdf](#)

This Report Action Item was approved.

M. CONSOLIDATED ACTION ITEMS

14-1653 Consolidated Action Item - Lions Park stormwater flooding issues:
a. Item 14-1619 - Parks and Recreation Committee
b. Item 14-1619 - Utilities Committee

This Report Action Item was approved.

O. ITEMS HELD

P. ORDINANCES

14-1650 Ordinances #62-14 and #66-14 - #72-14.

Attachments: [Ordinances going to 10-01-2014 Council.pdf](#)

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

RESOLUTIONS SUBMITTED BY ALDERPERSONS

MID-YEAR ORGANIZATIONAL MEETING

#27-R-14 – Lobner/Jirschele/Garb/Trauger

“WHEREAS the City of Appleton uses a two-tiered decision-making system in which the committee of jurisdiction makes a recommendation on most action items before the common council acts on them,

AND WHEREAS Council Rule 14 allows any one alderperson to request that an item appearing before the council for the first time to be referred back to a committee without debate,

AND WHEREAS this practice frequently leads to constituents coming before the council to speak on and/or wait for a vote on items which will not be debated or voted upon at that meeting,

AND WHEREAS the time of our constituents, staff and alderpersons is a valuable resource to be respected,

THEREFORE BE IT RESOLVED that the Appleton Common Council shall amend Council Rule 14 in the following ways:

- 1. Any alderperson requesting an automatic refer-back of a council action item must submit that request in writing or via email to the clerk's office before 4 pm on the Monday preceding a council meeting.*
- 2. Alderpersons may request that an item be referred back during a council meeting, but must make a motion to do so and a majority of members present must vote to approve this motion for it to prevail.*
- 3. Rules regarding Committee of the Whole remain unchanged.”*

MID-YEAR ORGANIZATION MEETING

#28-R-14 – Lobner/Martin/Jirschele/Dalton/Trauger

“WHEREAS the Common Council of the City of Appleton has 15 members, and its council rules require that a majority of those members vote for passage of any resolution, ordinance or action item,

AND WHEREAS other commitments, illness or emergencies may cause members of the council to miss meetings from time to time,

AND WHEREAS having absent members can cause situations where a majority of the council neither votes approve nor deny a resolution, ordinance or action item,

AND WHEREAS items that appear before the council are important to our constituents and our city, and deserve a clear and decisive vote to approve or deny,

THEREFORE BE IT RESOLVED that if the Appleton Common Council meets with one or more members absent, any resolution, ordinance or action item that does not receive the vote of a majority of the council to either approve or deny shall be automatically held until the council's next meeting.”

FINANCE COMMITTEE

#29-R-14 – Garb/Lobner/Jirschele

“WHEREAS compliance with open records requests can be time-consuming for the City Attorney's Office;

AND WHEREAS it is advantageous to both Council and the City Attorney's Office that we obtain the maximum yield from the time invested in that compliance;

AND WHEREAS it is a laudable goal that Alderpersons know as much about issues as those individuals or organizations who make the open records requests;

THEREFORE BE IT RESOLVED that:

- 1) *Within two business days of receiving an open records request, the City Attorney's Office shall notify all Alderpersons, via city email, as to the content of such request; and*
- 2) *Any Alderperson may, via city email, request and obtain a copy of those documents released in compliance with the request."*

S. OTHER BUSINESS

Request (Jirschele) to reconsider Item 14-1518 from the 09/17/2014 council meeting at Safety & Licensing Committee. Alderperson Jirschele moved, seconded by Alderperson Spears to approve the reconsideration as requested. Roll call vote. Aye - 13. Nay - 1 (Garb). Motion carried.

Request (Jirschele) to go into Committee of the Whole to take up Item 14-1632. Alderperson Jirschele moved, seconded by Alderperson Coenen, to suspend rules and go into Committee of the Whole. Roll call vote. Aye - 6. Nay - 7. Motion failed. Resolution is referred back to Safety & Licensing Committee.

T. ADJOURN

Meeting was adjourned at 7:59 PM.

Alderperson Stueck moved, seconded by Alderperson Coenen, that the Meeting be adjourned. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderperson Coenen, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Spears, Alderperson Stueck, Mayor Hanna, Alderperson Trauger, Alderperson Dalton, Alderperson Williams and Alderperson Meltzer

Excused: 1 - Alderperson Croatt

Dawn A. Collins, City Clerk