



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, February 19, 2014

7:00 pm

Council Chambers

A. CALL TO ORDER

The meeting was called to order at 7:06 p.m.

B. INVOCATION

Aldersperson Croatt offered the invocation.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 13 - Aldersperson Patti Coenen, Aldersperson Chris Croatt, Aldersperson Greg Dannecker, Aldersperson Jeffrey Jirschele, Aldersperson Curt Konetzke, Aldersperson Kyle Lobner, Aldersperson Joe Martin, Aldersperson Kathleen Plank, Aldersperson Michael Smith, Aldersperson Cathy Spears, Aldersperson Peter Stueck, Mayor Timothy Hanna and Aldersperson Tim Trauger

Excused: 3 - Aldersperson Sarah Garb, Aldersperson John Robin Hill and Aldersperson Kole Oswald

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

PRESENT: City Clerk Peterson, City Attorney Walsh, Deputy City Attorney Totzke, Interim Finance Director Saucerman, Fire Chief Vander Wyst, Health Officer Eggebrecht, Director of Human Resources Behnke, Police Chief Helein, Director of Public Works Vandehey, Director of Information Technology Fox, Director of Utilities Shaw, Library Director Rortvedt.

EXCUSED: Community and Economic Development Director Harkness, Director of Parks, Recreation and Facilities Gazza, Valley Transit General Manager Wetter.

F. PUBLIC PARTICIPATION

Name - Address - Topic

Lindsey Salzsieder - 790 Marvella Lane, Green Bay - Sole Burner Parking Garage Fee

Kelley Green - 155 Marina Place #405, Menasha - Sole Burner Parking Garage Fee

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[14-294](#) Approve February 5, 2014 Council Meeting Minutes.

Attachments: [CC Minutes 02-05-2014.pdf](#)

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

Aye: 12 - Alderson Coenen, Alderson Croatt, Alderson Dannecker, Alderson Jirschele, Alderson Konetzke, Alderson Lobner, Alderson Martin, Alderson Plank, Alderson Smith, Alderson Spears, Alderson Stueck and Alderson Trauger

Excused: 4 - Alderson Garb, Alderson Hill, Alderson Oswald and Mayor Hanna

H. BUSINESS PRESENTED BY THE MAYOR

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

[14-295](#) Preliminary Resolution 1-P-14 - See Consolidated Action Items.

Attachments: [Resolution 1-P-14.pdf](#)

[14-296](#) Preliminary Resolution 2-P-14 - See Consolidated Action Items.

Attachments: [Resolution 2-P-14.pdf](#)

K. ESTABLISH ORDER OF THE DAY

[14-217](#) R/B-Lobner-Request from Lindsey Salzsieder, Community Events Specialist for the Sole Burner Run, to waive the \$2 pay-as-you-enter fee for the Yellow Parking Ramp during the 2014 Sole Burner Event.

Attachments: [Sole Burner Run request.pdf](#)

Referred back by Alderson Lobner.

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

[14-240](#)

Award of Unit K-14 Native Landscape Management Contract to Applied Ecological Services, Inc. in an amount not to exceed \$170,874.30.

Attachments: [K-14 Contract Award .doc](#)

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

Aye: 11 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Plank, Aldersperson Smith, Aldersperson Spears, Aldersperson Stueck and Aldersperson Trauger

Excused: 4 - Aldersperson Garb, Aldersperson Hill, Aldersperson Oswald and Mayor Hanna

Abstained: 1 - Aldersperson Jirschele

L. COMMITTEE REPORTS

Balance of the action items on the agenda up to Other Business.

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

Aye: 12 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Jirschele, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Plank, Aldersperson Smith, Aldersperson Spears, Aldersperson Stueck and Aldersperson Trauger

Excused: 4 - Aldersperson Garb, Aldersperson Hill, Aldersperson Oswald and Mayor Hanna

1. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[14-170](#)

Taxicab Company and Limousine Service License application of Cinderella Carriage LLC, Lynn Hemmersbach, 30321 State Hwy 27, Cashton, contingent upon approvals from all departments.

This Report Action Item was approved.

[14-185](#)

Special Class "B" Beer License application of St Thomas More Congregation - Fish Fry Committee, Curt J. Simon, Person in Charge, 1810 N. McDonald Street, March 7, 14, 21 and April 11, 2014, contingent upon approvals from all departments.

This Report Action Item was approved.

- [14-186](#) Recommend approval to purchase rescue boat and associated equipment.
- Attachments:*** [Recommend Purchase of Rescue Boat -1-30-14.doc](#)
- This Report Action Item was approved.**
- [14-190](#) Recommend Addition to Municipal Code for Possession of a Firearm within a School Zone.
- Attachments:*** [Possession of a Firearm within a School Zone - 02-13-2014.pdf](#)
- This Report Action Item was approved.**
- [14-191](#) Recommend changes to Bow Hunting within the City Limits ordinance.
- Attachments:*** [Bow Hunting Memo - 02-13-2014.pdf](#)
- This Report Action Item was approved.**
- [14-209](#) Operator's Licenses
- Attachments:*** [Operator's Licenses for 02-13-14 S & L.pdf](#)
- This Report Action Item was approved.**

2. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

- [14-213](#) Approve modifications to Municipal Code Section 12-58 Weed Commissioner, destruction of weeds by City.
- Attachments:*** [Modifications to Weed Ordinance.pdf](#)
- This Report Action Item was approved.**
- [14-216](#) Approve Intergovernmental Agreement with the Town of Grand Chute for the Meade Street Highway Improvement Project.
- Attachments:*** [Meade St Highway Improvement Project.pdf](#)
- This Report Action Item was approved.**
- [14-218](#) Approve the single source purchase of a Trimble S6 Robotic Total Station Survey Instrument from Seiler Instruments in the amount of \$36,205.00.
- Attachments:*** [Robotic Total Station Survey Instrument memo.pdf](#)
- This Report Action Item was approved.**

[14-219](#)

Preliminary Resolution 1-P-14 for concrete paving, sidewalk construction and driveway aprons be adopted and refer the matter to the Finance Committee to determine the assessment rate.

Attachments: [Preliminary Resolution 1-P-14.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 COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

6. MINUTES OF THE UTILITIES COMMITTEE

[14-243](#)

Award 2014 Sanitary Flow Monitoring contract to R.A. Smith in an amount not to exceed \$100,000

Attachments: [2014 Sanitary Flow Monitoring.pdf](#)

This Report Action Item was approved.

[14-244](#)

Preliminary Resolution 2-P-14 for Sanitary Sewer, Storm Sewer, Sanitary Laterals and Storm Laterals be adopted and refer the matter to the Finance Committee to determine the assessment rate.

Attachments: [Preliminary Resolution 2-P-14.pdf](#)
[Preliminary Resolution 2-P-14 additional.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

[14-208](#) Recommendation to contract with Dell Computers for storage for all City video cameras in the amount of \$32,193 with a 10% contingency of \$3,220 for a total of \$35,413.

Attachments: [Video Storage Memo.docx](#)

This Report Action Item was approved.

[14-210](#) Recommendation to contract with Metafile Information Systems in the amount of \$36,000 with a 10% contingency of \$3,600 for a total of \$39,600 in CIP funding to upgrade, migrate and begin training on the Document Management System.

Attachments: [Metafile Memo.docx](#)

This Report Action Item was approved.

[14-211](#) Request to award contract for "Municipal Services Building Mezzanine Installations" to Storage Systems in the amount of \$36,890 with a contingency of \$3,500 for a contract not to exceed \$40,390.

Attachments: [2014 MSB Mezzanine Project.doc](#)

This Report Action Item was approved.

[14-227](#) Finance Committee Report 1-P-14 for Concrete Pavement, Sidewalk Construction and Driveway Aprons.

Attachments: [Report 1-P-14.pdf](#)

This Report Action Item was approved.

[14-228](#) Finance Committee Report 2-P-14 for Sanitary Sewer, Storm Sewer and Laterals.

Attachments: [Report 2-P-14.pdf](#)

This Report Action Item was approved.

[14-229](#)

Award Unit O-14 Sanitary & Storm Sewer CIPP Lining to Insituform Technologies USA, LLC in the amount of \$354,703.30 with a 7.5% contingency of \$26,600.00 for a project total not to exceed \$381,303.30.

Attachments: [Award of Contract O-14.pdf](#)

This Report Action Item was approved.

[14-236](#)

The following 2014 Budget Adjustment be approved:

| | |
|----------------------------------|------------|
| <u>DPW Capital Projects Fund</u> | |
| Infrastructure Construction | +\$125,000 |
| Other Reimbursements | +\$125,000 |

to record reimbursement from the Townof Grand Chute for Meade Street paving project (2/3 vote required).

Attachments: [Meade St Project.pdf](#)

This Report Action Item was approved.

[14-238](#)

Request to approve contract to August Winter & Sons, Inc. for Linwood Pressure Reducing Valve (PRV) Station construction in the amount of \$352,646, with a 7% contingency of \$24,685 for a total contract not to exceed \$377,331, along with the following 2013 Budget Adjustment:

| | |
|-------------------------------------|-------------|
| <u>Utilities</u> | |
| PRV Station Construction | +\$126,331 |
| Generator Emissions Upgrade Project | - \$126,331 |

to record funding of larger pump and upgraded electrical service from original budget plan (2/3 vote required).

Attachments: [Linwood PRV Construction Bid 02-04-14.doc](#)

This Report Action Item was approved.

M. CONSOLIDATED ACTION ITEMS

[14-297](#)

Consolidated Action - Preliminary Resolution 1-P-14 declaring intent to exercise special assessment powers

- Concrete Pavement, Sidewalk Construction and Driveway Aprons.

- a. File 14-219, Municipal Services Committee
- b. File 14-227, Finance Committee

Attachments: [Resolution 1-P-14.pdf](#)

This Report Action Item was approved.

[14-298](#)

Consolidated Action - Preliminary Resolution 2-P-14 declaring intent to exercise special assessments powers

-Sanitary Sewer, Storm Sewer, Sanitary Laterals & Storm Laterals.

- a. File 14-244, Utilities Committee
- b. File 14-228, Finance Committee

This Report Action Item was approved.

O. ITEMS HELD

P. ORDINANCES

[14-300](#)

Ordinance #5-14.

Attachments: [Ordinance going to 02-19-2014 Council.pdf](#)

This Report Action Item was approved.

Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

S. OTHER BUSINESS

[14-311](#)

Discussion of filling vacant Aldermanic District 8 seat.

Put announcement in the paper tomorrow to accept applications with deadline next Friday.

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

Aye: 9 - Alderson Coenen, Alderson Croatt, Alderson Jirschele, Alderson Konetzke, Alderson Plank, Alderson Smith, Alderson Spears, Alderson Stueck and Alderson Trauger

Nay: 3 - Alderson Dannecker, Alderson Lobner and Alderson Martin

Excused: 4 - Alderperson Garb, Alderperson Hill, Alderperson Oswald and Mayor Hanna

[14-304](#)

Motion to go into Committee of the Whole.

Alderperson Konetzke moved, seconded by Alderperson Dannecker, that the Motion to go into Committee of the Whole be approved. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Smith, Alderperson Spears, Alderperson Stueck and Alderperson Trauger

Excused: 4 - Alderperson Garb, Alderperson Hill, Alderperson Oswald and Mayor Hanna

Approve all action items under Committee of the Whole.

Alderperson Jirschele moved, Alderperson Smith seconded, to approve all the action items under Committee of the Whole. The motion carried by the following vote:

Aye: 11 - Alderperson Coenen, Alderperson Dannecker, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Smith, Alderperson Spears, Alderperson Stueck and Alderperson Trauger

Nay: 1 - Alderperson Croatt

Excused: 4 - Alderperson Garb, Alderperson Hill, Alderperson Oswald and Mayor Hanna

[14-272](#)

Mediation Agreement for Phase 1 Repair (City's Share \$30,000).

This Report Action Item was approved.

[14-274](#)

Approve Final Contract Amount for Midwest Industrial Coatings for Phase 1 in the Amount of \$333,282. Partial Payment in the Amount of \$19,200 with \$72,800 Escrow/Retainage Payable on Receipt from Escrow.

This Report Action Item was approved.

[14-278](#)

Approve Final Payment for StormTrap Phase 1; Final Contract Amount \$1,184,134, Final Payment in the Amount of \$42,045 (Includes Resolution of Repair Costs).

This Report Action Item was approved.

[14-280](#) Approve Final Payment to Radtke Contractors, Inc. for Final Phase 1 (Includes Resolution of Repair Costs, Release of Retainage). Final Contract Amount \$1,270,356.80. One Change Order for \$5,700 and a Final Payment, Release of Retainage, in the Amount of \$63,517.84.

This Report Action Item was approved.

[14-288](#) Approve Carryover for Radtke Contractors, Inc. in the Amount of \$2,178,128.

This Report Action Item was approved.

[14-289](#) Approve Carryover for StormTrap in the Amount of \$2,360,000.

This Report Action Item was approved.

[14-290](#) Approve Carryover for Midwest Industrial Coatings in the Amount of \$689,200.

This Report Action Item was approved.

[14-282](#) Approve Carryover of WWTP (5230) Funds in the Amount of \$1,185,000 to Supplement 2014 Funding for Phase 2 (Includes \$400,000 in 2012 Carryover Funds Previously Assigned to the Project per 1/16/13 Finance Committee Action).

This Report Action Item was approved.

[14-283](#) Approve Reallocation of WWTP Funds for Phase 2 of Appleton East in the Amount of \$785,000.

This Report Action Item was approved.

[14-276](#) Approve Contract Amendment/Change Order No. 1 to Contract 1-13B for AEHS Stormwater Storage Project Unit T-11 - Waterproofing System with Midwest Industrial Coatings to Increase for Added Product Application On-site Resulting in Higher Bonds/Wages in the Amount of \$165,000 and an Increase to Contingency from \$25,111 to \$100,111. Overall Contract Amount Increases from \$1,022,492 to \$1,262,492.

This Report Action Item was approved.

[14-281](#) Approve Contract Amendment/Change Order No. 2 to Contract 1-13 for AEHS Stormwater Storage Project Unit T-11 with Radtke Contractors, Inc. to Increase for Quantities Associated with Phase 2 Plan Changes from GRAEF and StormTrap in the Amount of \$125,000 and an Increase to Contingency from \$60,750.13 to \$200,750.13. Overall Contract Amount Increases from \$3,448,485 to \$3,713,485.

This Report Action Item was approved.

[14-279](#) Approve Contract Amendment/Change Order No. 1 to Contract 1-13A for AEHS Stormwater Storage Project Unit T-11 - Precast Concrete Units with StormTrap to Increase for Redesigned Phase 2 Units and Additional Shipping Costs in the Amount of \$45,000 and an Increase to Contingency from \$15,000 to \$25,000. Overall Contract Amount Increases from \$3,544,134 to \$3,599,134.

This Report Action Item was approved.

[14-275](#) Authorization to Prepay Midwest Industrial Coatings for Performance Bond.

This Report Action Item was approved.

[14-291](#) Approve Budget Adjustment for Stormwater Consulting and Miscellaneous Services in the Amount of \$125,000.

This Report Action Item was approved.

[14-273](#) Construction Related Services for GRAEF for Phase 2 in the Amount of \$102,500.

This Report Action Item was approved.

[14-305](#) Motion to Rise & Report (reconvene as Council)

Alderson Plank moved, seconded by Alderson Coenen, that the Motion to Rise & Report and reconvene as Council be approved. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderson Coenen, Alderson Croatt, Alderson Dannecker, Alderson Jirschele, Alderson Konezke, Alderson Lobner, Alderson Martin, Alderson Plank, Alderson Smith, Alderson Spears, Alderson Stueck and Alderson Trauger

Excused: 4 - Alderson Garb, Alderson Hill, Alderson Oswald and Mayor Hanna

[14-306](#)

Motion on Committee of the Whole Report.

Aldersperson Konetzke moved, seconded by Aldersperson Trauger, that the Committee of the Whole Report be approved. Roll Call. Motion carried by the following vote:

Aye: 11 - Aldersperson Coenen, Aldersperson Dannecker, Aldersperson Jirschele, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Plank, Aldersperson Smith, Aldersperson Spears, Aldersperson Stueck and Aldersperson Trauger

Nay: 1 - Aldersperson Croatt

Excused: 4 - Aldersperson Garb, Aldersperson Hill, Aldersperson Oswald and Mayor Hanna

[14-299](#)

The Common Council will meet in Closed Session pursuant to s.19.85(g) for the purpose of conferring with legal counsel regarding the Appleton East Stormwater project. The Common Council will then reconvene into Open Session and conduct further business.

The council did not go into Closed Session.

R. RESOLUTIONS SUBMITTED BY ALDPERSONS REFERRED TO COMMITTEES OF JURISDICTION

Submitted by Aldersperson Jischele:

"Whereas it is important to the City of Appleton to maintain a safe and vibrant entertainment component to its commercial entertainment opportunities, and

Whereas protecting the tax base and avoiding vacant buildings or blighted areas is an important element of Appleton's municipal and financial health,

Be it resolved that Appleton's Community and Economic Development Department be directed to review the city's municipal codes regarding the revocation of a liquor license-particularly Code section 9-54-and

a) Outline the economic and development ramifications/implications of the codes as they now stand, and

b) Offer possible alternatives that may serve the intent of municipal code, yet serve the economic and development concerns of the community as well, and

Report to the Community and Economic Development Committee of the Appleton Common Council at its first meeting in April, 2014."

Referred to the Community and Economic Development Department.

T. ADJOURN

The meeting adjourned at 8:05 p.m.

A motion was made by Alderperson Curt Konetzke, seconded by Alderperson Joe Martin, that the meeting be adjourned. The motion carried by the following vote:

Aye: 12 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Smith, Alderperson Spears, Alderperson Stueck and Alderperson Trauger

Excused: 4 - Alderperson Garb, Alderperson Hill, Alderperson Oswald and Mayor Hanna

CHARLENE M. PETERSON, CMC/WCMC
City Clerk