



# City of Appleton

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

## Meeting Minutes Common Council

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Wednesday, July 2, 2014

7:00 PM

Council Chambers

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A. CALL TO ORDER

*The meeting was called to order at 7:03 P.M.*

B. INVOCATION

*Aldersperson Konetzke offered the Invocation.*

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

**Present:** 15 - 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 Cathy Spears, Aldersperson Peter Stueck, Mayor Timothy Hanna, Aldersperson Tim Trauger, Aldersperson Polly Dalton, Aldersperson Christine Williams and Aldersperson Vered Meltzer

**Excused:** 1 - Aldersperson Kathleen Plank

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*PRESENT: Deputy City Clerk Helgeson, City Attorney Walsh, Assistant City Attorney Behrens, Community and Economic Development Director Harkness, Finance Director Saucerman, Fire Chief Vander Wyst, Health Officer Eggebrecht, Niki Wendt, Recreation Manager - Parks and Recreation, Police Chief Helein, Director of Public Works Vandehey, Director of Information Technology Fox, Valley Transit General Manager Wetter, Library Director Rortved.*

*EXCUSED: Director of Human Resources Behnke, Director of Parks, Recreation and Facilities Gazza, Director of Utilities Shaw*

F. PUBLIC PARTICIPATION

*Name - Address - Topic*

*Bob Phillips - 1737 North Mason Stret - Bike Lanes*

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[14-1142](#) Approve June 18, 2014 Council Meeting Minutes.

**Attachments:** [CC Minutes 06-18-2014.pdf](#)

**Alderson Croatt moved, seconded by Alderson Coenen, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

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

**Excused:** 2 - Alderson Plank and Mayor Hanna

#### H. BUSINESS PRESENTED BY THE MAYOR

[14-1156](#) Appointment of City Clerk.

**Attachments:** [City Clerk Recommendation Memo.pdf](#)

**Alderson Spears moved, seconded by Alderson Croatt, that the appointment be approved. Roll Call. Motion carried by the following vote:**

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

**Excused:** 2 - Alderson Plank and Mayor Hanna

[14-1147](#) Appointment of Nancy Scheuerman to the Library Board.

**Attachments:** [Library Board Appointment Memo.pdf](#)

**Alderson Martin moved, seconded by Alderson Konetzke, that the appointment be approved. Roll Call. Motion carried by the following vote:**

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

**Excused:** 2 - Alderson Plank and Mayor Hanna

[14-1144](#) Presentation of Flag Day Parade Trophies.

[14-1146](#) Presentation of Park and Recreation Month Proclamation.

**Attachments:** [P&R Council Handouts - 07-02-2014.pdf](#)

[14-1145](#) Presentation of Children's Week Proclamation.

I. PUBLIC HEARINGS

[14-1148](#) Public Hearing for Rezoning #5-14 - West Eighth Street and South Pierce Avenue and 924 West Spencer Street and 315 South Pierce Avenue.

**Attachments:** [Public Hearing - Rezoning #5-14.pdf](#)

*Name - Address - Topic*  
*None*

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[14-622](#) #11-R-14 - Plank

“WHEREAS, it is important to listen, recognize and rationally respond to the input of community members during the implementation process of the Bike Lane Plan;

AND WHEREAS, it is important to consider and attempt to find balance and solutions to issues that arise during the implementation process, and attempt to satisfy community wants and needs;

THEREFORE, BE IT RESOLVED that the City of Appleton implement “Courtesy Holiday Parking” on one side of the streets with bike lanes, on all holidays currently included in the City’s definitions of allowed holiday parking.

Streets that meet the criteria are those currently and in the future that have segments with bike lanes where parking is prohibited, and streets with bike lanes where the total width is at least 36’ feet wide.”

**Attachments:** [Parking in Designated Bike Lanes.pdf](#)

**Alderson Dannecker moved, seconded by Alderson Lobner, that the Presentation be denied. Roll Call. Motion carried by the following vote:**

**Aye:** 12 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Stueck, Alderperson Trauger, Alderperson Dalton, Alderperson Williams and Alderperson Meltzer

**Nay:** 2 - Alderperson Jirschele and Alderperson Spears

**Excused:** 2 - Alderperson Plank and Mayor Hanna

[14-1025](#)

#9-R-14 - Spears

"WHEREAS, the Appleton Common Council has retrofit bike lanes on existing streets removing parking.

WHEREAS, citizens value parking in front of their homes, schools and churches,

WHEREAS, bike lane utilization declines in the winter months,

THEREFORE BE IT RESOLVED that parking in bike lanes be allowed starting from the weekend prior to and through the weekend after the holiday.

A weekend is defined as starting from Friday at 4:00 p.m. until Monday at 8:00 a.m.

Holidays are:

Thanksgiving  
Christmas Eve  
Christmas  
New Year's Eve  
New Year's Day  
Easter  
Super Bowl Sunday

All other parking policies will apply."

**Alderperson Dannecker moved, seconded by Alderperson Dalton, that the Presentation be denied. Roll Call. Motion carried by the following vote:**

**Aye:** 11 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Trauger, Alderperson Dalton, Alderperson Williams and Alderperson Meltzer

**Nay:** 3 - Alderperson Jirschele, Alderperson Spears and Alderperson Stueck

**Excused:** 2 - Alderperson Plank and Mayor Hanna

[14-1127](#)

Request to approve the New Subdivision Development portion of the Special Assessment Policy for 2015.

**Attachments:**    [New Subdivision SA Policy.pdf](#)  
                                  [Valley Home Builders.pdf](#)  
                                  [Amended Subdivision SA Policy.pdf](#)

*REFERRED BACK BY ALDERPERSON KONETZKE*

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

L. COMMITTEE REPORTS

1. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

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

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

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

**Excused:** 2 - Alderperson Plank and Mayor Hanna

[14-1046](#)

Salvage Dealer's License Renewal application of Mr C's Motorcycles, LLC, 724-C South Outagamie Street, contingent upon approvals from all departments.

**This Report Action Item was approved.**

[14-1060](#)

Pet Store License Renewal application of Just Pets, Craig Weborg, Applicant, 2009 North Richmond Street, contingent upon approvals from all departments.

**This Report Action Item was approved.**

[14-1067](#)

Salvage Dealer's License Renewal application of Green Meadow Recycling, Inc., Neil D. Novak, Applicant, 2220 W. Everett Street, contingent upon approvals from all departments.

**This Report Action Item was approved.**

[14-1068](#)

Pet Store Renewal application of HSA Corporation, d/b/a Pet Supplies Plus, Steve L. Adams, Applicant, 702 W. Northland Ave., contingent upon approvals from all departments.

**This Report Action Item was approved.**

[14-1069](#)

Salvage Dealer's License Renewal application of Bee J Enterprise Inc., Connie J. Hartjes, Applicant, 4845 Greenville Drive, contingent upon approvals from all departments.

**This Report Action Item was approved.**

[14-1070](#)

Salvage Dealer's License Renewal application of Golper Supply Co., Inc. David B. Golper, Applicant, 1810 W. Edgewood Drive, contingent upon approvals from all departments.

**This Report Action Item was approved.**

[14-1073](#)

Salvage Dealer's License Renewal application of Appleton Aluminum Recycling, Inc., Charles O. Desten, Applicant, 300 North Kensington Drive, contingent upon approvals from all departments.

**This Report Action Item was approved.**

[14-1080](#)

Salvage Dealer's License Renewal application of Mach IV Motors, LLC, Kara L. Tullberg, Applicant, 724 S. Outagamie Street, Suite A, contingent upon approvals from all departments.

**This Report Action Item was approved.**

[14-1085](#)

Taxicab Company and Limousine Service Renewal application of SUV, Inc., Dennis Williams, 520 VanRoy Road, Appleton, contingent upon approvals from all departments.

**This Report Action Item was approved.**

[14-1104](#)

Operator's Licenses

**Attachments:** [Operator's Licenses for 6-26-14 S & L.pdf](#)

**This Report Action Item was approved.**

[14-1106](#)

Operator License Renewals

**Attachments:** [Renewal Operator's Licenses for 6-26-14 S & L.pdf](#)

**This Report Action Item was approved.**

[14-1063](#)

Change of Premises Description - "Class B" Beer/Liquor License of Super Bowl Inc., Erik Gialdella, Agent, 2222 East Northland Avenue for July 3, 2014 at 5:00 p.m. until July 4, 2014 at 2:00 a.m. to include the parking lot along with the gravel driveway behind the building, contingent upon approvals from all departments.

**Attachments:** [Super Bowl Application.pdf](#)

**This Report Action Item was approved.**

[14-1135](#)

Change of Premises Description - "Class B" Beer/Liquor License of Old Bavarian Brauhaus Inc. d/b/a OB's Brau Haus, Franz-Josef K. Schadt, Agent, 523 West College Avenue, to add the adjoined location of 527 & 529 West College Avenue, the combination of locations should add up to approximately 12,500 sq. ft., contingent upon approvals from all departments.

**This Report Action Item was approved.**

## 2. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[14-1149](#)

Request from Tom VanAsten for a variance to the Front Yard Parking Ordinance to extend the joint driveway at 1715 and 1717 S. Irma Street more than 4 feet.

**Attachments:** [Variance request from Tom VanAsten.pdf](#)

**This Report Action Item was approved.**

[14-1076](#)

Request from Spa BenMarNicos for a permanent Street Occupancy Permit to install a sign within the street right-of-way of College Avenue at 300 W. College Avenue be approved with a minimum clearance of 9 feet.

**Attachments:** [Request from Spa BenMarNicos for permanent Street Occup. Permit.pdf](#)

**This Report Action Item was approved.**

[14-1105](#)

Award for the P-14 Pavement Marking (Epoxy) annual Maintenance contract to Brickline, Inc. in the amount of \$84,565.45 plus a \$15,000 contingency.

**Attachments:** [Unit P-14 Pavement Marking Maintenance Contract.pdf](#)

**This Report Action Item was approved.**

[14-1107](#)

Award for the Q-14 Pavement Marking (Paint) annual Maintenance contract to Crowley Construction Corp in the amount of \$38,675.00 plus a \$5,000 contingency.

**Attachments:** [Unit Q-14 Pavement Marking Maintenance Contract.pdf](#)

**This Report Action Item was approved.**

[14-1109](#)

Approve contract amendment for SCS Engineers for Operations, Maintenance and Monitoring at the Mackville Landfill for upgrades to the electrical system and Operation and Maintenance Manual by an amount not to exceed \$5,000.

**Attachments:** [Approve contract amendment for SCS Engineers for Operation, Maint. & Monit..pdf](#)

**This Report Action Item was approved.**

[14-1110](#)

Douglas Street, from College Avenue to Packard Street, be reconstructed with asphalt pavement and concrete curb and gutter to a width of 37' from back of curb to back of curb, which is the same width as the existing street.

**This Report Action Item was approved.**



[14-1111](#)**McKinley Street, from Oneida Street to Ritger Street, be reconstructed as follows**

-McKinley Street, from S. Oneida Street to Jefferson Street, be reconstructed with asphalt pavement and concrete curb & gutter to a width of 33' from back of curb to back of curb, which is the same width as the existing street.

-McKinley Street, from Jefferson Street to approximately 185' east of Jefferson Street, 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. This portion of McKinley street would be shifted 1' to the south to save existing street trees in the north terrace.

-McKinley Street, from Jackson Street to Lawe 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 width. -

-McKinley Street, from 200' west of Ritger Street to Ritger Street, be reconstructed with asphalt pavement and concrete curb and gutter to a width of 20' from back of curb to back of curb.

**Attachments:**     [McKinley Street Petitions.pdf](#)

**This Report Action Item was approved.**

[14-1114](#)**Verbrick Street, from Bouten Street to Willkie Street, be reconstructed as follows:**

-Verbrick Street, from Bouten Street to Sanders 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.

-Verbrick Street, from Sanders Street to Peabody Street, 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. New sidewalk would be constructed to the Right-of-Way line along the north side of the portion of Verbrick Street between the south and north leg of Peabody Street.

-Verbrick Street, from Peabody Street to Willkie 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.

**This Report Action Item was approved.**

[14-1116](#) Approve the State/Municipal Agreement for the South Oneida Street Reconstruction Project from Valley Road to the Skyline Bridge at an 80% Federal Fund/20% City Fund cost share arrangement.

**Attachments:** [Approve the State-Munic. Agree. for S. Oneida St.pdf](#)

This Report Action Item was approved.

### 3. MINUTES OF THE CITY PLAN COMMISSION

[14-1098](#) SPECIAL USE PERMIT APPLICATION #7-14 - Fronteras, LLC - 2311 West College Avenue

**Attachments:** [#7-14 Fronteras LLC 2311 W College Ave.pdf](#)

This Report Action Item was approved.

[14-1099](#) SPECIAL USE PERMIT APPLICATION #6-14 - Home Run Pizza, LLC - 1216 West Wisconsin Avenue

**Attachments:** [#6-14 Staff Report June 23 2014.pdf](#)

This Report Action Item was approved.

[14-1102](#) Preliminary Plat - 2nd Addition to Clearwater Creek Subdivision - Clearwater Creek LLC

**Attachments:** [Pre Plat and Final Plat - 2nd Addn Clearwater Creek.pdf](#)

This Report Action Item was approved.

[14-1103](#) Final Plat - 2nd Addition to Clearwater Creek Subdivision - Clearwater Creek LLC

**Attachments:** [Pre Plat and Final Plat - 2nd Addn Clearwater Creek.pdf](#)

This Report Action Item was approved.

[14-1006](#) REZONING APPLICATION #5-14 - Pierce Manufacturing, Inc. - South Story, Spencer and South Pierce Avenue and West Eighth Street and South Pierce Avenue.

**Attachments:** [#5-14 Pierce Rezoning.pdf](#)

This Report Action Item was approved.

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

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

**6. MINUTES OF THE UTILITIES COMMITTEE**

[14-1083](#) Approve approach to updated City-wide Stormwater Management Plan to include strategic continual progress and benchmarking.

This Report Action Item was approved.

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

[14-1090](#) Approval to Purchase Maintenance Mobile Repair Truck from Bergstrom Ford for \$27,918.60

**Attachments:** [Service Truck Memo.pdf](#)

This Report Action Item was approved.

[14-1091](#) Approval of Amendments to 5310 Agreement with East Central Wisconsin Regional Planning Commission

**Attachments:** [Amendment to 5310 Coordination Plan memo to FCTC.pdf](#)  
[Appleton MPO 5310 Management Coordination Plan Revised 6-12-14.pdf](#)  
[Appleton MPO VT Agreement Understanding.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**

[14-1122](#) Request approval of anticipated Award of Unit E-14 Miscellaneous Concrete & Street Excavation Repair / Fire Station No. 2 Parking Lot Repairs.

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

**This Report Action Item was approved.**

[14-1124](#) Request to Donate Obsolete Personal Protective Equipment to Fox Valley Technical College Fire Protection Program.

**Attachments:** [PPE Donation to FVTC.doc](#)  
[AFD Gear Donation Letter.docx](#)

**This Report Action Item was approved.**

[14-1125](#) Request to approve lease for postage machine located in the Clerk's Office.

**Attachments:** [New Mail-Copy Machine.pdf](#)  
[Mailing Machine Lease Analysis 2014.pdf](#)

**This Report Action Item was approved.**

M. CONSOLIDATED ACTION ITEMS

O. ITEMS HELD

P. ORDINANCES

[14-1143](#) Ordinance #53-14.

**Attachments:** [Ordinance going to 07-02-2014 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

*MUNICIPAL SERVICES COMMITTEE*

*#21-R-14 – Martin/Coenen/Trauger/Meltzer*

*“WHEREAS, Mile of Music 2 will bring thousands of music fans to downtown Appleton on August 7, 8, 9, and the 10th*

*WHEREAS, Guests to our city will be mostly traveling by automobile and could be visiting our city for the first time*

*WHEREAS, Parking is monitored six days a week from 9:00 AM to 9:00 PM*

*WHEREAS, Visitors to our downtown should be able to park throughout the downtown, without receiving a parking ticket as a gesture of good-will for visiting our city*

*NOW, THEREFORE, BE IT RESOLVED, the City of Appleton parking attendants do not issue any citations expired metered stalls from 3:00 PM on Thursday 8/7/14 till Monday 8/11/14 at 9:00 AM. A provided note to be given out instead of a ticket, thanking them for visiting downtown Appleton.”*

*FINANCE COMMITTEE*

*#22-R-14 - Martin*

*“WHEREAS, Wisconsin law allows a city to collect an annual municipal or county vehicle registration fee (wheel tax) in addition to the regular annual registration fee paid for a vehicle*

*WHEREAS, All vehicles with automobile registration or truck registration at 8,000 lbs. or less (except dual purpose farm registration) kept in the municipality are subject to the wheel tax*

*WHEREAS, The Wisconsin Department of Transportation collects wheel taxes for the municipality, keeps an administrative fee of 10 cents per vehicle application and sends the rest to the municipality*

*WHEREAS, Special assessments for public roads can cost thousands of dollars and assessed back to the property owner, causing some of our elderly, young families, and single parent with children financial hardships that are unbearable*

*NOW THEREFORE BE IT RESOLVED, The City of Appleton implement a wheel tax starting in 2015 to assist with existing road construction replacement. Planned for 2015, the wheel tax would not be more than twenty dollars.”*

*CITY PLAN COMMISSION*

*#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."*

S. OTHER BUSINESS

T. ADJOURN

*The meeting adjourned at 7:37 P.M.*

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

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

**Excused:** 2 - Alderson Plank and Mayor Hanna

Wendy Helgeson, Deputy City Clerk