



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, December 16, 2015

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order at 7:01 p.m. by Mayor Hanna.

B. INVOCATION

Aldersperson Konetzke gave the Invocation.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 15 - Aldersperson Chris Croatt, Aldersperson Greg Dannecker, Aldersperson Joe Martin, Aldersperson Cathy Spears, Mayor Timothy Hanna, Aldersperson Christine Williams, Aldersperson Vered Meltzer, Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Margret Mann, Aldersperson Patti Coenen, Aldersperson Kyle Lobner and Aldersperson Jeffrey Jirschele

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

PRESENT: City Clerk Scofield, Deputy City Clerk Griesbach, City Attorney Walsh, Deputy City Attorney Behrens, Director of Community and Economic Development Harkness, Director of Finance Saucerman, Fire Chief Vander Wyst, Health Officer Eggebrecht, Director of Human Resources Behnke, Director of Parks, Recreation and Facilities Gazza, Deputy Police Chief Olm, Director of Public Works Vandehey, Valley Transit Assistant General Manager Sandmeier, Library Director Rortvedt, Director of Utilities Shaw.

F. PUBLIC PARTICIPATION

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[15-2078](#)

Common Council Meeting Minutes of December 2, 2015.

Attachments: [CC Minutes 12-02-2015.pdf](#)

Aldersperson Martin moved, seconded by Aldersperson Baranowski, that the minutes be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson Chris Croatt, Alderperson Greg Dannecker, Alderperson Joe Martin, Alderperson Cathy Spears, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konezke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

Abstained: 1 - Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR

[15-2136](#)

Appointment of Election Inspectors for the 2016-2017 Election Cycle

Attachments: [CC 12-16-2015 - Appointment of Election Inspectors for 2016-2017 term.pdf](#)

Alderperson Baranowski moved, seconded by Alderperson Coenen, that the Appointment of Election Inspectors be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson Chris Croatt, Alderperson Greg Dannecker, Alderperson Joe Martin, Alderperson Cathy Spears, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konezke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

Abstained: 1 - Mayor Timothy Hanna

I. PUBLIC HEARINGS

[15-2104](#)

Public Hearing - Street Vacation - South Lynndale Drive

Attachments: [Public Hearing - Lynndale.pdf](#)

J. SPECIAL RESOLUTIONS

[15-2106](#)

Final Resolution: South Lynndale Drive

Attachments: [CC 12-16-2015 - Lynndale Drive - Final Resolution.pdf](#)

Alderperson Baranowski moved, seconded by Alderperson Lobner, that the Final Resolution be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson Chris Croatt, Alderperson Greg Dannecker, Alderperson Joe Martin, Alderperson Cathy Spears, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konezke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

Excused: 1 - Mayor Timothy Hanna

K. ESTABLISH ORDER OF THE DAY

[15-2043](#)

Request from Angels Forever for a permanent street occupancy permit to install a 7'10" W x 8' H x 4'6" D buddha that extends into the College Avenue right-of-way 4.5 feet. Guidelines used for administrative approval is maximum projections of 4 feet.

Attachments: [Angels Forever.pdf](#)

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

Aye: 14 - Alderson Chris Croatt, Alderson Greg Dannecker, Alderson Joe Martin, Alderson Cathy Spears, Alderson Christine Williams, Alderson Vered Meltzer, Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner and Alderson Jeffrey Jirschele

Abstained: 1 - Mayor Timothy Hanna

[15-2068](#)

Request to approve AT&T cell phone antenna lease amendments

Attachments: [Finance Committee - Memo re Changes to Lease Agreements with ATT.pdf](#)
[Proposed Amendment - Memorial Park Monopole.pdf](#)
[Proposed Amendment - Oneida Street Water Tower.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 Chris Croatt, Alderson Joe Martin, Alderson Cathy Spears, Alderson Christine Williams, Alderson Vered Meltzer, Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner and Alderson Jeffrey Jirschele

Abstained: 2 - Alderson Greg Dannecker and Mayor Timothy Hanna

[15-2086](#)

Operator's License application of Andrew C. Snider, 1643 W. Weiland Lane.

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

Aye: 14 - Alderson Chris Croatt, Alderson Greg Dannecker, Alderson Joe Martin, Alderson Cathy Spears, Alderson Christine Williams, Alderson Vered Meltzer, Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner and Alderson Jeffrey Jirschele

Abstained: 1 - Mayor Timothy Hanna

[15-1534](#)

Adopt the 2016 City of Appleton Policy for Special Assessments

Attachments: [Assessment Policy 2016.pdf](#)

After the initial motion was made, Amendment 1 was proposed by Alderperson Lobner (see below). Due to a system error the vote on the amendment is displayed below the final vote on the item.

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

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

Nay: 1 - Alderperson Kyle Lobner

Abstained: 1 - Mayor Timothy Hanna

Alderperson Lobner moved, seconded by Alderperson Baranowski, that the motion be amended to reinstate language that was removed in the Finance Committee. The motion to amend failed by the following vote:

Aye: 2 - Alderperson Cathy Spears and Alderperson Kyle Lobner

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

Abstained: 1 - Mayor Timothy Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderperson Croatt moved, Alderperson Baranowski seconded, to approve the balance of the agenda. The motion carried by the following vote:

Aye: 14 - Alderperson Chris Croatt, Alderperson Greg Dannecker, Alderperson Joe Martin, Alderperson Cathy Spears, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[15-2015](#)

Approve design for Calumet Street portion of the 2018 S. Oneida Street Concrete Reconstruction Project as follows:

Calumet Street from 650' west of Oneida Street to Jefferson

Street: reconstruct the roadway with concrete pavement to accommodate two thru lanes in each direction, bike lanes in each direction, left turn lanes on to Oneida Street and a right turn lane from eastbound Calumet Street on to southbound Oneida Street. Construct a 6' wide sidewalk tight to the back of curb on both sides.

Attachments: [Appr. design for Calumet Street.pdf](#)

This Report Action Item was approved.

[15-2021](#)

Approve design for Olde Oneida Street portion of the 2018 S. Oneida Street Concrete Reconstruction Project as follows:

Olde Oneida Street from Oneida Street to E. South River Street:

reconstruct the roadway with concrete pavement to accommodate one thru lane in each direction, bike lanes in each direction and a right turn lane on to Oneida Street. Construct a 6' wide sidewalk tight to the back of curb on both sides. Construct indented parking along the south side of Olde Oneida Street between Orange Street and Lincoln Street. All other on-street parking would be removed from Olde Oneida Street.

Attachments: [Appr. design for Olde Oneida St & Orange St.pdf](#)

This Report Action Item was approved.

[15-2025](#)

Approve design for Orange Street portion of the 2018 S. Oneida Street Concrete Reconstruction Project as follows:

Orange Street from Olde Oneida Street to 200' south: reconstruct the roadway with concrete pavement to a width of 36' from back of curb to back of curb. This is approximately 7' wider than existing. All widening to be done to the west. Construct a 6' wide sidewalk along the east side of the street tight to the back of curb. Allow parking on both sides of the street.

Attachments: [Appr. design for Olde Oneida St & Orange St.pdf](#)

This Report Action Item was approved.

[15-2037](#) Award 2016 Contract for Operation, Maintenance and Monitoring at the closed City of Appleton Landfill to SCS Engineers in an amount not to exceed \$58,390, and authority for contract extensions through 2025.

Attachments: [Award 2016 Contract for Operation.pdf](#)

This Report Action Item was approved.

[15-2045](#) Approve proposed Building Plan Release Policy.

Attachments: [Proposed Policy-Release of building plans.pdf](#)

This Report Action Item was approved.

[15-2046](#) Approve removal of loading zone on Drew Street by First English Lutheran Church (326 E. North Street).

Attachments: [Approve Removal of Loading Zone.pdf](#)

This Report Action Item was approved.

[15-2047](#) Approve changes to City bus loading zone on the north side of Washington Street west of Oneida Street.

Attachments: [Approve chgs to City bus loading zone.pdf](#)

This Report Action Item was approved.

[15-2048](#) Approve parking restrictions on Banta Court near John Street.

Attachments: [Appr. parking restr. on Banta Ct.pdf](#)

This Report Action Item was approved.

[15-2049](#) Approve school bus loading zone at 719 W. Ridgeview Drive.

Attachments: [Appr. school bus loading zone at 719 W Ridgeview.pdf](#)

This Report Action Item was approved.

[15-2050](#) Approve parking restrictions on the west side of Clara Street at Johnston Elementary School.

Attachments: [Appr. parking restr. on west side of Clara St.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[15-1960](#) Taxi Cab Driver's License application of David D. Brown, W2961 County Road S, Freedom.

This Report Action Item was approved.

[15-2079](#) Operator's License application of Joel Trejo, 1017 London Street, New London.

This Report Action Item was approved.

[15-1976](#) Secondhand Article License Renewal application of Beatnik Betty's Resale Butik, Monika L. Austin, Applicant, 214 E. College Avenue, contingent upon approval from all departments.

This Report Action Item was approved.

[15-1977](#) Secondhand Article License Renewal application of Studio 123, LLC, Cherie J. Greek, Applicant, 213 E. College Avenue, contingent upon approval from all departments.

This Report Action Item was approved.

[15-1978](#) Secondhand Article License application of Replay Toys, Chris L. Freimuth, Applicant, 1131 N. Badger Avenue, contingent upon approval from all departments.

This Report Action Item was approved.

[15-2004](#) Secondhand Article License Renewal application of Tiffani's Bridal & Consignment, Tiffani Ebben, Applicant, 1314 W. College Avenue, #6, contingent upon approval from all departments.

This Report Action Item was approved.

[15-2069](#) Operator's Licenses

Attachments: [Operator's Licenses for 12-09-2015 S&L.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[15-2060](#)

Request to approve Special Use Permit #16-15 for a community living arrangement (CLA) serving 80 persons located along the north side of E. Glenhurst Lane (Tax Id #31-1-6501-00 & 31-1-6501-02) to run with the land, with an exception to the Aldermanic District 13 CLA capacity limitation per Section 23-52(b)(2)(a) of the Zoning Ordinance, subject to the conditions in the attached staff report and as shown on the attached maps

Attachments: [StaffReport_CenturyOaksII-80_SUP_For12-07-15.pdf](#)

This Report Action Item was approved.

[15-2065](#)

Request to approve the double frontage lot request to create a lot with frontage on N. Fernmeadow Drive and N. Hawthorne Drive as shown on the attached maps

Attachments: [StaffReport_FernmeadowDr_DoubleFrontageLot_For12-07-15.pdf](#)

This Report Action Item was approved.

[15-2066](#)

Request to approve Certified Survey Map #8-15, which crosses a plat boundary, for Norka Holdings, LLC to combine 3001 E. Newberry Street (Tax Id #31-4-5744-00) and 2905 E. Newberry Street (Tax Id #31-4-5745-00) as shown on the attached map

Attachments: [CSM #8-15 Staff Review.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[15-2016](#)

Recommendation to donate CPAT Equipment to Fox Valley Technical College

Attachments: [CPAT donation to Fox Valley Technical College.pdf](#)

This Report Action Item was approved.

[15-2018](#)

Recommendation to donate Command Trailer to Outagamie County CERT

Attachments: [Command trailer donation to Outagamie County CERT.pdf](#)

This Report Action Item was approved.

[15-2053](#)

Request to approve the following 2015 Budget adjustments:

TIF 5 Capital Projects Fund

Transfer to General Fund	+\$237,923
Fund Balance	- \$237,923

General Fund - Unclassified

Transfer from TIF 5	- \$237,923
Fund Balance	+\$237,923

to record the closeout of TIF 5 and the transfer of the City portion of fund balance to the General Fund (2/3 vote required)

Attachments: [Appleton, City TID No. 5 2015 FS.pdf](#)

This Report Action Item was approved.

[15-2054](#)

Request to approve the following 2015 Budget adjustment:

General Fund - Legal Services

Legal Fees	+\$52,513
Fund Balance	- \$52,513

to record additional legal fees incurred in connection with the CVS assessment litigation (2/3 vote required)

This Report Action Item was approved.

[15-2055](#)

Request to approve the following Budget adjustment:

Risk Management Fund

Legal Fees	+\$400,000
Insurance Proceeds	+\$400,000

to record additional legal fees and related insurance reimbursement in connection with the Fox River cleanup litigation (2/3 vote required)

This Report Action Item was approved.

[15-2057](#)

Request to write off \$116,436.88 of accounts receivable invoices and \$18,824.83 of personal property taxes (outstanding over one year).

Attachments: [written off accounts lists.pdf](#)

This Report Action Item was approved.

[15-2073](#) Request to approval of Amendment to Emerald Valley Development Agreement

Attachments: [Emerald Valley 2nd Amendment to Dev Agrm \(City 12-02-15\).pdf](#)

This Report Action Item was approved.

[15-2074](#) Request the approval of Amendment to Clearwater Creek Development Agreement.

Attachments: [Clearwater Creek - 1st Amendment to Dev Agrm \(City 12-03-15\).pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[15-2011](#) Request to approve the Revised Eagle Flats Development Agreement

Attachments: [Revised Eagle Flats Development Agreement.pdf](#)
[Eagle Flats Dev Agreement 2011.pdf](#)
[EagleFlatsExhibitLot3.pdf](#)
[Grant of Easement-Eagle Flats 2011.pdf](#)
[Covenants-Eagle Flats 2011.pdf](#)

This Report Action Item was approved.

[15-2012](#) Anticipated Award for Appleton's Rewrite of the Downtown Plan & Five Year Comprehensive Plan Update

Attachments: [Memo Anticipated Contract Award Appleton Comp Plan and Downtown Plan.pdf](#)
[RFP Appleton Downtown Plan and Comp Plan Update 2015 Final.pdf](#)
[Memo Recommended Contract Award Appleton Comp Plan and Downtown Plan.pdf](#)
[Support letter for SEH from ADI.pdf](#)

This Report Action Item was approved.

7. MINUTES OF THE UTILITIES COMMITTEE

[15-1999](#) Approve amendments to Municipal Code Section 4-275, Clearwater Inspections.

Attachments: [Clearwater Ordinance \(Dec 2015\).pdf](#)

This Report Action Item was approved.

[15-2000](#) Award sole source Phosphorus Effluent Analyzer and Filter System to Hach Company in the amount of \$23,680.

Attachments: [Hach effluent analyzer purchase.pdf](#)

This Report Action Item was approved.

[15-2001](#) Award 2016A Stormwater Consulting Services Contract for 2016 Stormwater Management Plan Reviews to RA Smith National in an amount not to exceed \$75,000.

Attachments: [2016 A Contract Award RA Smith National.pdf](#)

This Report Action Item was approved.

[15-2071](#) Request from Mark Fogarty to relocate the existing fire hydrant at 2825 E. Incline Way at property owner expense.

Attachments: [Request to relocate Fire Hydrant.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES COMMITTEE

[15-1636](#) Request to approve to overhire the position of Personal Property Assessment Technician to allow for cross training for two weeks with the current employee before their last day.

Attachments: [Request for overhire of PP tech.pdf](#)

This Report Action Item was approved.

[15-2017](#) Request to approve new Nursing Mothers Policy.

Attachments: [Nursing Mothers policy.pdf](#)

This Report Action Item was approved.

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

[15-2113](#) Approval of Payments

Attachments: [Check Register 10-21-15 through 12-07-15.pdf](#)

This Report Action Item was approved.

[15-2114](#)

Approval to Award of ADA Certification Services Contract to Affinity Occupational Health

Attachments: [ADA Certs Award of Contract 2016.pdf](#)

This Report Action Item was approved.

[15-2115](#)

Approve the Intermunicipal Agreement with Outagamie County for Specialized Transportation Services for 2016 Contingent on Outagamie County Approval

Attachments: [Intermunicipal Agreement with Outagamie County for Specialized Transportation.pdf](#)

This Report Action Item was approved.

[15-2116](#)

Approve the Intermunicipal Agreement with Winnebago County for Specialized Transportation Services for 2016 Contingent on Winnebago County Approval

Attachments: [Intermunicipal Agreement with Winnebago County for Specialized Transportation.pdf](#)

This Report Action Item was approved.

[15-2117](#)

Approve the Intermunicipal Agreement with Calumet County for Specialized Transportation Services for 2016 Contingent on Calumet County Approval

Attachments: [Intermunicipal Agreement with Calumet County for Specialized Transportation.pdf](#)

This Report Action Item was approved.

[15-2118](#)

Approve the Intermunicipal Agreement with the City of Neenah and the Town of Menasha for the Northern Winnebago Dial-A-Ride Service for 2016 Contingent on City of Neenah and Town of Menasha Approval

Attachments: [Intermunicipal Agreement with City of Neenah and Town of Menasha for Northern Winnebago Dial-A-Ride.pdf](#)

This Report Action Item was approved.

[15-2119](#)

Approve the Six Month Temporary Extension to the Agreement with Kobussen Buses to Provide Outagamie Rural Specialized Transportation Services

Attachments: [Six Month Extension with Kobussen for Outagamie Rural Specialized Transportation.pdf](#)

This Report Action Item was approved.

[15-2120](#)

Approve the Six Month Temporary Extension to the Agreement with Kobussen Buses to Provide Specialized Transportation in Outagamie County

Attachments: [Six Month Extension with Kobussen for Outagamie County Specialized Transportation.pdf](#)

This Report Action Item was approved.

[15-2121](#)

Approve the Six Month Temporary Extension to the Agreement with Fox Valley Cab to Provide Winnebago Dial-A-Ride Service

Attachments: [Six Month Extension with Fox Valley Cab for Winnebago Dial-A-Ride Service.pdf](#)

This Report Action Item was approved.

[15-2122](#)

Approve the Six Month Extension of Neenah Industrial Park Employment Shuttle (Route33) Pilot Project

Attachments: [Neenah Industrial Park Shuttle New Rate Approval.pdf](#)

This Report Action Item was approved.

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

Municipal Services

18-R-15/Coenen

Whereas, the City of Appleton has approved on street parking for the south side of Lincoln Street from Olde Oneida Street to Jefferson Street at the start of the South Oneida Street reconstruction project, and;

Whereas, it is difficult to find parking onsite, or around the Between the Locks building and Sunflower Spa;

Be it resolved the City of Appleton allow parking on the south side of Lincoln Street only from Olde Oneida Street to Jefferson Street until 12 midnight to start in 2016.

R. OTHER COUNCIL BUSINESS

[15-2141](#)

District 8 Vacancy

Attachments: [District 8 Vacancy in Office Letter 12-02-2015.pdf](#)

After a brief discussion it was decided that this item will be placed on the January 6th agenda as this date is after the deadline for filing nomination papers for the office.

S. ADJOURN

Alderson Konetzke moved, seconded by Alderson Spears, that the meeting be adjourned at 7:32 p.m. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderson Chris Croatt, Alderson Greg Dannecker, Alderson Joe Martin, Alderson Cathy Spears, Mayor Timothy Hanna, Alderson Christine Williams, Alderson Vered Meltzer, Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner and Alderson Jeffrey Jirschele

Kami Scofield, City Clerk