



City of Appleton

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

Meeting Minutes Common Council

Wednesday, June 5, 2013

7:00 pm

Council Chambers

A. Call to Order

B. Invocation

Alderson Dannecker

C. Pledge of Allegiance to the Flag

D. Roll Call of Aldersons

Present: 14 - Alderson Patti Coenen, Alderson Greg Dannecker, Alderson Sarah Garb, Alderson John Robin Hill, Alderson Jeffrey Jirschele, Alderson Curt Konezke, Alderson Kyle Lobner, Alderson Joe Martin, Alderson Teege Mettill, Alderson Kole Oswald, Alderson Kathleen Plank, Alderson Michael Smith, Alderson Cathy Spears and Alderson Peter Stueck

Excused: 1 - Alderson Christopher W. Croatt

Others : 1 - Mayor Timothy Hanna

E. Roll Call of Officers and Department Heads

All present.

F. Public Participation

Bob Phillipps, Kerry Williamsen, Tom Walsh, Troy Kalwitz, Lanette Martell, John Jungers, Maureen Kalwitz

Alderson Mettill moved, seconded by Alderson Lobner, that the time for Public Participation be extended be approved. Roll Call. Motion carried by voice vote:

Aye: 14 - Alderson Dannecker, Alderson Hill, Alderson Martin, Alderson Plank, Alderson Oswald, Alderson Smith, Alderson Spears, Alderson Coenen, Alderson Garb, Alderson Jirschele, Alderson Konezke, Alderson Lobner, Alderson Mettill and Alderson Stueck

Excused: 1 - Alderson Croatt

G. Approval of previous Council meeting minutes

[13-623](#)

Approve May 15, 2013 Meeting Minutes.

Attachments: [CC Report 05-15-2013 - Corrected.pdf](#)**Alderson Oswald moved, seconded by Alderson Mettill, that the May 15, 2013 Minutes be approved. Roll Call. Motion carried by the following vote:****Aye:** 14 - Alderson Dannecker, Alderson Hill, Alderson Martin, Alderson Plank, Alderson Oswald, Alderson Smith, Alderson Spears, Alderson Coenen, Alderson Garb, Alderson Jirschele, Alderson Konetzke, Alderson Lobner, Alderson Mettill and Alderson Stueck**Excused:** 1 - Alderson Croatt

H. Business presented by the Mayor

I. Public Hearings

J. Special Resolutions

K. Establish Order of the Day

L. Committee Reports

11. Report of the Board of Public Works**Balance of the Report****Alderson Martin moved, Alderson Lobner seconded, to approve the report. The motion carried by the following vote:****Aye:** 14 - Alderson Coenen, Alderson Dannecker, Alderson Garb, Alderson Hill, Alderson Jirschele, Alderson Konetzke, Alderson Lobner, Alderson Martin, Alderson Mettill, Alderson Oswald, Alderson Plank, Alderson Smith, Alderson Spears and Alderson Stueck**Excused:** 1 - Alderson Croatt[13-625](#)

Approve Intergovernmental Cooperation Agreement with the Village of Little Chute for the construction of Cherryvale Avenue. (HELD FROM 5/15/13 MEETING.)

Attachments: [BPW Attachment V of Little Chute 06-05-2013.pdf](#)**This Report Action Item was approved.**

[13-630](#) Approve Land Dedication Agreement for Cherryvale Development with Hietpas Group. (HELD FROM 5/15/2013 MEETING)

Attachments: [BPW Attachment Cherryvale Dev 06-05-2013.pdf](#)

This Report Action Item was approved.

[13-631](#) Approve Change Order #1 to Contract 9-13 (Unit W-13) Sewer & Water Reconstruction No. 1 with Kruczek Construction, to increase for additional quantity of 12" storm sewer per City request in the amount of \$4,800.00, resulting in a decrease to contingency from \$30,000.00 to \$25,200.00. No change to overall contract amount.

Attachments: [BPW Attachment Unit W-13 - 06-05-13 Meeting.pdf](#)

This Report Action Item was approved.

2. Report of the Municipal Services Committee

Alderson Spears moved, seconded by Alderson Smith, that the rules be suspended to move Information Item #13-369 to an Action Item. Roll Call Motion failed by the following vote:

Aye: 5 - Alderson Plank, Alderson Smith, Alderson Spears, Alderson Jirschele and Alderson Stueck

Nay: 9 - Alderson Dannecker, Alderson Hill, Alderson Martin, Alderson Oswald, Alderson Coenen, Alderson Garb, Alderson Konezke, Alderson Lobner and Alderson Mettillie

Excused: 1 - Alderson Croatt

Balance of the Report

Alderson Smith moved, Alderson Coenen seconded, to approve the report. The motion carried by the following vote:

[13-377](#) Request from Mark Behnke for a permanent street occupancy permit to install a ramp in the 20 foot street right-of-way behind 109 W. College Avenue with ramp materials to be approved by Parks, Recreation, Facilities and Grounds Director Gazza.

Attachments: [Mark Behnke ramp.pdf](#)

This Report Action Item was approved.

[13-365](#) Request from ADI for a loading zone parking stall in Soldiers Square to replace stall number 131.

Attachments: [ADI request parking stall 131.pdf](#)

Alderson Smith moved, Alderson Coenen seconded, to approve the report. The motion carried by the following vote:

[13-366](#)

Approve Memorandum of Understanding YMCA Parking Enforcement.

Attachments: [YMCA Parking Enforcement.pdf](#)

Aldersperson Smith moved, Aldersperson Coenen seconded, to approve the report. The motion carried by the following vote:

[13-367](#)

Approve proposed parking changes on Fifth Street between Walnut Street and Elm Street.

Attachments: [Parking changes Fifth Street.pdf](#)

Aldersperson Smith moved, Aldersperson Coenen seconded, to approve the report. The motion carried by the following vote:

[13-368](#)

R/B-(5/15/13) Aldersperson Spears-Installation of bike lanes on both sides of Mason Street, from Prospect Avenue to the north City limits, with a cross-section of 6-foot bike lanes and 12-foot travel lanes except on the east side of the 900 and 1000 north blocks where shared lanes are installed and from Lindbergh to the service road a bike lane shall be on the West side of mason Street and a parking lane shall be on the East side.

Attachments: [Mason Street bike lanes.pdf](#)

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

Aye: 10 - Aldersperson Dannecker, Aldersperson Hill, Aldersperson Martin, Aldersperson Oswald, Aldersperson Coenen, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Konetzke, Aldersperson Lobner and Aldersperson Mettille

Nay: 4 - Aldersperson Plank, Aldersperson Smith, Aldersperson Spears and Aldersperson Stueck

Excused: 1 - Aldersperson Croatt

Installation of bike lanes on both sides of Mason Street, from Prospect Avenue to the north City limits, with a cross-section of 6-foot bike lanes and 12-foot travel lanes except on the West side of the 1700 block and on the east side of the 900, 1000 and 2100 north blocks where temporary shared lanes are installed until indented parking is constructed in those two blocks in 2014. From Lindbergh to Wisconsin that there is a dedicated six foot bike lane on the West of Mason Street, on the East side of Mason Street a bike lane will go from Mason to Brewster to Summit to Lindbergh with a straight shot back to Mason

Aldersperson Smith moved, seconded by Aldersperson Spears, that the Report Action Item be amended. Roll Call. Motion failed by the following vote:

Aye: 4 - Aldersperson Smith, Aldersperson Spears, Aldersperson Jirschele and Aldersperson Stueck

Nay: 10 - Aldersperson Dannecker, Aldersperson Hill, Aldersperson Martin, Aldersperson Plank, Aldersperson Oswald, Aldersperson Coenen, Aldersperson Garb, Aldersperson Konetzke, Aldersperson Lobner and Aldersperson Mettille

Excused: 1 - Alderperson Croatt

Question not called

Alderperson Martin moved, seconded by Alderperson Hill, that the question be called. Roll Call. Motion Failed by the following vote:

Aye: 9 - Alderperson Dannecker, Alderperson Hill, Alderperson Martin, Alderperson Oswald, Alderperson Coenen, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke and Alderperson Lobner

Nay: 5 - Alderperson Plank, Alderperson Smith, Alderperson Spears, Alderperson Mettille and Alderperson Stueck

Excused: 1 - Alderperson Croatt

Alderperson Dannecker moved, seconded by Alderperson Coenen, to call the question. Roll Call. Motion failed, question not called, by the following vote:

Aye: 8 - Alderperson Coenen, Alderperson Dannecker, Alderperson Garb, Alderperson Hill, Alderperson Konetzke, Alderperson Martin, Alderperson Mettille and Alderperson Oswald

Nay: 6 - Alderperson Jirschele, Alderperson Lobner, Alderperson Plank, Alderperson Smith, Alderperson Spears and Alderperson Stueck

Excused: 1 - Alderperson Croatt

Alderperson Martin moved, seconded by Alderperson Hill, to call the question (Item #13-368 as reported out). Roll Call. Motion Failed - Question not called by the following vote:

Aye: 9 - Alderperson Dannecker, Alderperson Hill, Alderperson Martin, Alderperson Oswald, Alderperson Coenen, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke and Alderperson Lobner

Nay: 5 - Alderperson Plank, Alderperson Smith, Alderperson Spears, Alderperson Mettille and Alderperson Stueck

Excused: 1 - Alderperson Croatt

3. Report of the City Plan Commission

6. Report of the Utilities Committee

Balance of the Report

Alderperson Konetzke moved, Alderperson Mettille seconded, to approve the report. The motion carried by the following vote:

Aye: 13 - Alderperson Coenen, Alderperson Dannecker, Alderperson Garb, Alderperson Hill, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Mettille, Alderperson Oswald, Alderperson Plank, Alderperson Smith and Alderperson Stueck

Nay: 1 - Alderperson Spears

Excused: 1 - Alderperson Croatt

[13-606](#) Award Engineering phase of the AWTF PAC Fire Suppression and Monitoring Project to Donohue and Associates in the amount of \$25,600 with a 5% contingency of \$1,280 for a project total not to exceed \$26,880.

Attachments: [PAC Fire Supression Engineering Memo](#)

This Report Action Item was approved.

[13-607](#) Approval of an Engineering Contract for the Pretreatment Program Local Limit Evaluation Project to Strand Associates Engineering Firm in the amount of \$48,700 plus a 5% contingency of \$2,435 for a total cost of \$51,135.

Attachments: [Local Limit Evaluation Memo 051713.docx](#)

This Report Action Item was approved.

[13-608](#) Award sole source Oil Cooler Upgrade to Siemens Energy, Inc. in the amount of \$22,277.12.

Attachments: [Siemens Oil Cooler 05-15-13.doc](#)

This Report Action Item was approved.

[13-609](#) Recommend a contract amendment award (sole source) for Regulatory Upgrade and Process Improvement Project SCADA Integration to CH2M Hill in the amount of \$60,000 with a 10% contingency of \$6,000 for a project total not to exceed \$66,000.

Attachments: [utilities memo - SCADA Integration by CH2M Hill Award 05-15-13.docx](#)

This Report Action Item was approved.

1. Report of the Safety and Licensing Committee

Aldersperson Spears requested separate vote on File ID #13-331

Balance of the Report

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

Aye: 14 - Aldersperson Coenen, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Hill, Aldersperson Jirschele, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Mettille, Aldersperson Oswald, Aldersperson Plank, Aldersperson Smith, Aldersperson Spears and Aldersperson Stueck

Excused: 1 - Aldersperson Croatt

- [13-331](#) Operator's License application of Brenda L. Gorges, 345 East Wisconsin Avenue, #A
This Report Action Item was referred back to the Safety & Licensing Committee.
- [13-332](#) Operator's License application of Belinda F. Singh, 420 Bicentennial Court, B-1, Kaukauna
This Report Action Item was approved.
- [13-333](#) Commercial Solicitation License application of Belinda F. Singh, 420 Bicentennial Court, B-1, Kaukauna
This Report Action Item was approved.
- [13-143](#) Operator's Licenses.
This Report Action Item was approved.
- [13-287](#) 2013 - 2015 Operator's License Renewal applications.
Attachments: [Operator's License Renewals for 05-23-2013 S&L.doc](#)
This Report Action Item was approved.
- [13-288](#) 2013 - 2014 Beer/Liquor License renewal applications contingent upon department approvals
Attachments: [Beer/Liquor renewals](#)
This Report Action Item was approved.
- [13-378](#) Reserve "Class B" Beer/Liquor License application - Knotted Pianos, Stefanie Hernet, Agent, 215 E. College Ave. contingent upon departmental approvals
This Report Action Item was approved.
- [13-328](#) 2013-2014 Taxicab Company/Limousine Service License Renewal applications contingent upon departmental approval
Attachments: [Taxicab Renewals - 05-23-2013.docx](#)
This Report Action Item was approved.
- [13-379](#) Salvage Dealer License application of Mach IV Motors, LLC, Kara Tullberg, 724 S. Outagamie Street contingent upon departmental approvals
This Report Action Item was approved.

[13-329](#)

Stipulation for Suspension of the Class "A" Beer License of DK Petroleum, Inc., Davinder Singh, Agent, 2619 North Richmond Street for a period of ten (10) days starting at 9:00 a.m. on Monday, June 10, 2013 through 9:00 a.m. on Thursday, June 20, 2013.

Attachments: [DK Petroleum - 05-23-2013.pdf](#)

This Report Action Item was approved.

7. Report of the Fox Cities Transit Commission

8. Report of the Board of Health

5. Report of the Community and Economic Development Committee

Peter Stueck was called to speak Joe Martin was called to speak

Aldersperson Mettill moved, seconded by Aldersperson Smith, that the Report be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Aldersperson Dannecker, Aldersperson Hill, Aldersperson Martin, Aldersperson Plank, Aldersperson Oswald, Aldersperson Smith, Aldersperson Spears, Aldersperson Coenen, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Mettill and Aldersperson Stueck

Excused: 1 - Aldersperson Croatt

[13-641](#)

Review and approve and update to the Riverheath Development Agreement.

Attachments: [Riverheath Memo.doc](#)
[Fourth Amendment to Dev Agrm\(2\) - City - 05-31-13.pdf](#)

This Report Action Item was approved

Aye: 14 - Aldersperson Coenen, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Hill, Aldersperson Jirschele, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Mettill, Aldersperson Oswald, Aldersperson Plank, Aldersperson Smith, Aldersperson Spears and Aldersperson Stueck

Excused: 1 - Aldersperson Croatt

4. Report of the Parks and Recreation Committee

Michael Smith was called to speak Curt Konetzke was called to speak

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

Aye: 14 - Alderperson Coenen, Alderperson Dannecker, Alderperson Garb, Alderperson Hill, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Mettille, Alderperson Oswald, Alderperson Plank, Alderperson Smith, Alderperson Spears and Alderperson Stueck

Excused: 1 - Alderperson Croatt

[13-343](#)

Request that Agreement with Bazil's Pub and Provisions and Olde Town Tavern for the use of Houdini Plaza BE APPROVED.
(Attachments A, B, C, D)

Attachments: [P & R Committee Memo-Bazil's Lease Agreement \(Attachment A 5-22-13\).doc](#)
[P & R Committee Attachment B-Patio-Front View \(5-22-13\).pdf](#)
[P & R Committee Attachment C-Patio-Overhead View\(5-22-13\).pdf](#)
[P & R Committee Attachment D-Proposed Lease Area \(5-22-13\).pdf](#)

This Report Action Item was approved

Aye: 14 - Alderperson Coenen, Alderperson Dannecker, Alderperson Garb, Alderperson Hill, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Mettille, Alderperson Oswald, Alderperson Plank, Alderperson Smith, Alderperson Spears and Alderperson Stueck

Excused: 1 - Alderperson Croatt

9. Report of the Human Resources Committee

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

Aye: 14 - Alderperson Dannecker, Alderperson Hill, Alderperson Martin, Alderperson Plank, Alderperson Oswald, Alderperson Smith, Alderperson Spears, Alderperson Coenen, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Mettille and Alderperson Stueck

Excused: 1 - Alderperson Croatt

[13-324](#)

Request to approve Teamster Valley Transit Tentative Agreement:
2013-2014 (0% and 2% lump sum)
2015-2016 (2% lump sum and 2% across the board adjustment)

Attachments: [City of Appleton VT Settlement 05072013.pdf](#)
[2013_grid of medical changes VT 05072013 Settlement.pdf](#)
[VT Wage Schedule 2013 \(3\) \(2\).pdf](#)

This Report Action Item was approved

Aye: 14 - Alderperson Coenen, Alderperson Dannecker, Alderperson Garb, Alderperson Hill, Alderperson Jirschele, Alderperson Konezke, Alderperson Lobner, Alderperson Martin, Alderperson Mettille, Alderperson Oswald, Alderperson Plank, Alderperson Smith, Alderperson Spears and Alderperson Stueck

Excused: 1 - Alderperson Croatt

10. Report of the Finance Committee

Alderperson Konezke moved, seconded by Alderperson Mettille, that the Report be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson Dannecker, Alderperson Hill, Alderperson Martin, Alderperson Plank, Alderperson Oswald, Alderperson Smith, Alderperson Spears, Alderperson Coenen, Alderperson Garb, Alderperson Jirschele, Alderperson Konezke, Alderperson Lobner, Alderperson Mettille and Alderperson Stueck

Excused: 1 - Alderperson Croatt

[13-626](#)

Request to accept bid from Enterprise Systems Group in the amount of \$15,849 to complete final stage of phone system upgrade.

Attachments: [Phone Upgrade.docx](#)

This Report Action Item was approved

Aye: 14 - Alderperson Coenen, Alderperson Dannecker, Alderperson Garb, Alderperson Hill, Alderperson Jirschele, Alderperson Konezke, Alderperson Lobner, Alderperson Martin, Alderperson Mettille, Alderperson Oswald, Alderperson Plank, Alderperson Smith, Alderperson Spears and Alderperson Stueck

Excused: 1 - Alderperson Croatt

M. Consolidated Action Items

O. Items Held

P. Ordinances

[13-624](#)

Ordinance #21-13 through 37-13.

Attachments: [Ordinances going to 06-05-2013 Council.pdf](#)

Alderperson Martin moved, seconded by Alderperson Smith, that the Ordinances be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson Dannecker, Alderperson Hill, Alderperson Martin, Alderperson Plank, Alderperson Oswald, Alderperson Smith, Alderperson Spears, Alderperson Coenen, Alderperson Garb, Alderperson Jirschele, Alderperson Konezke, Alderperson Lobner, Alderperson Mettille and Alderperson Stueck

Excused: 1 - Alderperson Croatt

Q. License Applications and Communications referred to Committees of Jurisdiction

R. Resolutions submitted by Alderpersons referred to Committees of Jurisdiction

MUNICIPAL SERVICES COMMITTEE

1. #14-R-13/Smith, Stueck, Spears - "Whereas, the city of Appleton has approved a city wide master bike plan that is being reviewed by end of June 2013. Therefore, be it resolved that all occupants and owners residing in property in which any parking is removed by creation of any bike lane in the plan be notified by mail of such plans and the date that municipal services committee will review the plan.

FINANCE COMMITTEE

1. #15-R-13/Spears - "Whereas, the city of Appleton has breached its promise to the citizens who own property on Mason Street that was reconstructed in 2004. Therefore, be it resolved that assessment that was paid be returned to the current owner of said property.

S. Other Business

T. Adjourn

Alderperson Oswald moved, seconded by Alderperson Mettille, that the meeting adjourn. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson Dannecker, Alderperson Hill, Alderperson Martin, Alderperson Plank, Alderperson Oswald, Alderperson Smith, Alderperson Spears, Alderperson Coenen, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Mettille and Alderperson Stueck

Excused: 1 - Alderperson Croatt

CHARLENE M. PETERSON, CMC/WCMC
City Clerk