



City of Appleton

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

Meeting Minutes Common Council

Wednesday, March 5, 2014

7:00 pm

Council Chambers

A. CALL TO ORDER

The meeting was called to order at 7:01 P.M.

B. INVOCATION

Alderson Dannecker offered the Invocation.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Polly Dalton was appointed to fill the District 8 vacancy following the approval of the Feb. 19, 2014 Council Meeting Minutes. The Oath of Office was administered and she assumed the role of 8th District Alderperson.

Present: 14 - Alderperson Patti Coenen, Alderperson Chris Croatt, Alderperson Greg Dannecker, Alderperson Sarah Garb, Alderperson Jeffrey Jirschele, Alderperson Curt Konetzke, Alderperson Kyle Lobner, Alderperson Joe Martin, Alderperson Kathleen Plank, Alderperson Cathy Spears, Alderperson Peter Stueck, Mayor Timothy Hanna, Alderperson Tim Trauger and Alderperson Polly Dalton

Excused: 2 - Alderperson John Robin Hill and Alderperson Michael Smith

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

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

F. PUBLIC PARTICIPATION

Name - Address - Topic
David R. Freimuth - 324 East South River Street - Driveway variance

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[14-373](#)

Approve February 19, 2014 Council Meeting Minutes.

Attachments: [CC Minutes 02-19-2014.pdf](#)

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

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

Excused: 4 - Aldersperson Hill, Aldersperson Smith, Mayor Hanna and Aldersperson Dalton

Elect Candidate to Fill District 8 Vacancy.

One candidate, Polly Dalton, submitted a letter of application to fill the vacancy for the 8th District Aldermanic position.

[14-379](#)

Select candidate to fill District 8 vacancy.

Administer Oath of Office to District 8 Aldersperson.

Aldersperson Spears moved, seconded by Aldersperson Coenen, to elect Polly Dalton to fill the District 8 vacancy. Roll Call. Motion carried by the following vote:

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

Excused: 4 - Aldersperson Hill, Aldersperson Smith, Mayor Hanna and Aldersperson Dalton

Abstained: 1 - Aldersperson Lobner

H. BUSINESS PRESENTED BY THE MAYOR

[14-381](#)

Reappointment of Sally Mielke and Scott Nickel to the Board of Health.

Attachments: [CC 03-05-14 REAPPOINTMENTS BOARDS OF HEALTH REVIEW ZONING APPEALS BID PLAN COMM HPC 030514.pdf](#)

Aldersperson Spears moved, seconded by Aldersperson Dannecker, that the reappointment be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Plank, Aldersperson Spears, Aldersperson Stueck, Aldersperson Trauger and Aldersperson Dalton

Excused: 3 - Aldersperson Hill, Aldersperson Smith and Mayor Hanna

[14-382](#)

Reappointment of Eleanor Maloney, Linda Marx and James Smith to the Board of Review.

Attachments: [CC 03-05-14 REAPPOINTMENTS BOARDS OF HEALTH REVIEW ZONING APPEALS BID PLAN COMM HPC 030514.pdf](#)

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

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

Excused: 3 - Alderson Hill, Alderson Smith and Mayor Hanna

[14-383](#)

Reappointment of Jeff Lutz, Richard Schoenbohm and James Smith to the Board of Zoning Appeals.

Attachments: [CC 03-05-14 REAPPOINTMENTS BOARDS OF HEALTH REVIEW ZONING APPEALS BID PLAN COMM HPC 030514.pdf](#)

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

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

Excused: 3 - Alderson Hill, Alderson Smith and Mayor Hanna

[14-384](#)

Reappointment of Paul Heid, Gary Schmitz and Nathan Weyenberg to the Business Improvement District Board of Directors.

Attachments: [CC 03-05-14 REAPPOINTMENTS BOARDS OF HEALTH REVIEW ZONING APPEALS BID PLAN COMM HPC 030514.pdf](#)

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

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

Excused: 3 - Alderson Hill, Alderson Smith and Mayor Hanna

[14-385](#)

Reappointment of Josh Dukelow to the City Plan Commission.

Attachments: [CC 03-05-14 REAPPOINTMENTS BOARDS OF HEALTH REVIEW ZONING APPEALS BID PLAN COMM HPC 030514.pdf](#)

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

Aye: 9 - Alderperson Coenen, Alderperson Croatt, Alderperson Jirschele, Alderperson Konetzke, Alderperson Martin, Alderperson Spears, Alderperson Stueck, Alderperson Trauger and Alderperson Dalton

Nay: 4 - Alderperson Dannecker, Alderperson Garb, Alderperson Lobner and Alderperson Plank

Excused: 3 - Alderperson Hill, Alderperson Smith and Mayor Hanna

[14-387](#)

Reappointment of Mary Duba and Daniel Meissner to the Historic Preservation Commission.

Attachments: [CC 03-05-14 REAPPOINTMENTS BOARDS OF HEALTH REVIEW ZONING APPEALS BID PLAN COMM HPC 030514.pdf](#)

Alderperson Spears moved, seconded by Alderperson Stueck, that the reappointment be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Spears, Alderperson Stueck, Alderperson Trauger and Alderperson Dalton

Excused: 3 - Alderperson Hill, Alderperson Smith and Mayor Hanna

I. PUBLIC HEARINGS

[14-374](#)

Public Hearing for Rezoning #1-14 at 3001 and 2905 East Newberry Street.

Attachments: [Public Hearing - #1-14.doc](#)

No appearances.

[14-375](#)

Public Hearing for Preliminary Resolution 1-P-14 for Concrete Pavement, Sidewalk Construction and Driveway Aprons AND ADOPT FINAL RESOLUTION authorizing street improvements and levying special assessments against benefited property.

Attachments: [CC - 03-05-2014 - Public Hearing - 1-P-14.pdf](#)

Name - Address - Topic

Danielle Hoffman - 1015 South Commercial Street, Neenah

Dave Castagna - 4718 North Tanglewood Drive

Mary Kay Steimers - 1787 Sanctuary Court, Grand Chute

[14-376](#) Public Hearing on Preliminary Resolution 2-P-14 for Sanitary Sewer, Storm Sewer, Sanitary Laterals & Storm Laterals AND ADOPT FINAL RESOLUTION authorizing street improvements and levying special assessments against benefited property.

Attachments: [CC - 03-05-2014 - Public Hearing - 2-P-14.pdf](#)

Name - Address - Topic

Lacy Hardy - 1024 South Olde Oneida Street

Jim Schelfaut - 2116 North Oneida Street

J. SPECIAL RESOLUTIONS

[14-377](#) ADOPT 1-P-14 Final Resolution Authorizing Street Improvements and Levying Special Assessments Against Benefited Property.

Attachments: [CC 03-05-2014 - Final Resolution - 1-P-14.pdf](#)

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

Aye: 13 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Plank, Aldersperson Spears, Aldersperson Stueck, Aldersperson Trauger and Aldersperson Dalton

Excused: 3 - Aldersperson Hill, Aldersperson Smith and Mayor Hanna

[14-378](#) ADOPT 2-P-14 Final Resolution Authorizing Street Improvements and Levying Special Assessments Against Benefited Property.

Attachments: [CC 03-05-2014 - Final Resolution - 2-P-14.pdf](#)

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

Aye: 13 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Plank, Aldersperson Spears, Aldersperson Stueck, Aldersperson Trauger and Aldersperson Dalton

Excused: 3 - Aldersperson Hill, Aldersperson Smith and Mayor Hanna

K. ESTABLISH ORDER OF THE DAY

[14-336](#) Request from owner Mario Maggiorana to have the City of Appleton collect refuse and recycling at the Walden Square Townhouses.

Attachments: [Mario Maggiorana-Refuse and Recycling.pdf](#)

Aldersperson Croatt moved, seconded by Aldersperson Dannecker, that the Report Action Item be held until the March 19, 2014 Council meeting. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Spears, Alderperson Stueck, Alderperson Trauger and Alderperson Dalton

Excused: 3 - Alderperson Hill, Alderperson Smith and Mayor Hanna

[14-347](#)

The "Class B" Beer/Liquor License Application of Zhou Japanese Steakhouse, LLC, David Singles, Agent, 4025 East Lorna Lane, contingent upon approvals from all departments.

Amendment: Change of Agent to Yao Ming Zhou, Agent.

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

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

Nay: 1 - Alderperson Konetzke

Excused: 3 - Alderperson Hill, Alderperson Smith and Mayor Hanna

[14-331](#)

Request from David Freimuth for a variance to Municipal Code, Section 19-91, Front Yard Parking, for the property at 736 W. Prospect Avenue.

Attachments: [David Freimuth variance for front yard parking.pdf](#)

Alderperson Stueck moved, seconded by Alderperson Konetzke, that the Report Action Item be approved, notwithstanding. The Mayor stated an aye vote approves the variance. Roll Call. Motion carried by the following vote:

Aye: 9 - Alderperson Coenen, Alderperson Garb, Alderperson Jirschele, Alderperson Lobner, Alderperson Martin, Alderperson Spears, Alderperson Stueck, Alderperson Trauger and Alderperson Dalton

Nay: 4 - Alderperson Croatt, Alderperson Dannecker, Alderperson Konetzke and Alderperson Plank

Excused: 3 - Alderperson Hill, Alderperson Smith and Mayor Hanna

[14-332](#)

Award contract to Hoffman Planning, Design and Construction, Inc. for "Pre-Demolition Evaluation of Blue Ramp" in an amount not to exceed \$39,980.

Attachments: [Award contract to Hoffman Planning, Design and Const..pdf](#)

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

Aye: 11 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Martin, Alderperson Plank, Alderperson Stueck, Alderperson Trauger and Alderperson Dalton

Nay: 2 - Alderperson Lobner and Alderperson Spears

Excused: 3 - Alderperson Hill, Alderperson Smith and Mayor Hanna

[14-333](#)

Purchase 1,915 Rehrig Pacific 65 gallon recycling carts for \$91,368.

Attachments: [Rehrig Pacific recycling carts.pdf](#)

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

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

Nay: 1 - Alderperson Konetzke

Excused: 3 - Alderperson Hill, Alderperson Smith and Mayor Hanna

[14-392](#)

Noise variance request for Fox River House

Attachments: [Fox River House noise variance request 2014.docx](#)
[Neighborhood letter-FRH 2014.pdf](#)

Item held at 03/05/2014 Board of Health meeting. No action was taken at Council.

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

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

Aye: 13 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Spears, Alderperson Stueck, Alderperson Trauger and Alderperson Dalton

Excused: 3 - Alderperson Hill, Alderperson Smith and Mayor Hanna

1. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[14-340](#) Operator's Licenses

Attachments: [Operator's Licenses for 02-27-14.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[14-330](#) Request from Kim Teigen for a variance to Municipal Code, Section 19-91, Front Yard Parking, for the property at 1424 E Northland Avenue.

Attachments: [Kim Teigen variance for front yard parking.pdf](#)

This Report Action Item was approved.

[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](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[14-222](#) Rezoning - Norka Holdings, LLC for properties located 3001 and 2905 East Newberry Street from PD/M-2 Planned Development/General Industrial District and R-1A Single-family District to C-2 General Commercial District.

Attachments: [Rezoning #1-14 Attachment.pdf](#)

This Report Action Item was approved.

[14-224](#) Special Use Permit - Norka Holdings, LLC for properties located 3001 and 2905 East Newberry Street to conform and expand a light manufacturing facility.

Attachments: [Special Use Permit #2-14 Attachment.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[14-178](#) Approval of Mini-Park Agreement

Attachments: [Memo - Mini Park Agreement.docx](#)

This Report Action Item was approved.

[14-309](#)

Naming of Prospect Avenue/Walnut Street park to "Pioneer Park."

Attachments: [Memo - Pioneer Park.docx](#)

This Report Action Item was approved.

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

6. **MINUTES OF THE UTILITIES COMMITTEE**

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**

M. CONSOLIDATED ACTION ITEMS

O. ITEMS HELD

P. ORDINANCES

[14-396](#)

Ordinances #6-14 - #8-14

Attachments: [Ordinances going to 03-05-2014 Council.pdf](#)

This Report Action Item was approved.

Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

R. RESOLUTIONS SUBMITTED BY ALDPERSONS REFERRED TO COMMITTEES OF JURISDICTION

S. OTHER BUSINESS

T. ADJOURN

The meeting adjourned at 7:48 P.M.

A motion was made by Alderperson Curt Konezke, seconded by Alderperson Peter Stueck, that the meeting be adjourned. The motion carried by the following vote:

Aye: 13 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Spears, Alderperson Stueck, Alderperson Trauger and Alderperson Dalton

Excused: 3 - Alderperson Hill, Alderperson Smith and Mayor Hanna

CHARLENE M. PETERSON, CMC/WCMC
City Clerk