



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, November 5, 2014

7:00 PM

Council Chambers

A. CALL TO ORDER

Meeting called to order at 8:38 PM.

B. INVOCATION

Invocation was offered by Alderperson Dannecker.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 15 - Alderperson Patti Coenen, 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, Alderperson Polly Dalton, Alderperson Christine Williams and Alderperson Vered Meltzer

Excused: 1 - Alderperson Chris Croatt

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

PRESENT: City Clerk Collins; Deputy City Clerk Helgeson; City Attorney Walsh; Deputy City Attorney Chris Behrens; Community and Economic Development Director Harkness; Finance Director Saucerman; Fire Chief Vander Wyst; Health Officer Eggebrecht; Director of Human Resources Behnke; Director of Parks, Recreation and Facilities Gazza; Interim Police Chief Lewis; Director of Public Works Vandehey; Director of Information Technology Fox; Director of Utilities Shaw; Valley Transit Assistant General Manager LaPuma; Library Director Rortved; Communications Specialist Doran.

EXCUSED: Valley Transit General Manager Wetter.

F. PUBLIC PARTICIPATION

*Name - Address - Topic
Rick Krumwiede - 4225 E Appleseed - Referendum
Allan VanderVelden - 1025 W Hawes - Operator License
Jeff Keen - 2603 N Richmond - Cab License*

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[14-1875](#)

Approve Common Council Meeting Minutes from October 15, 2014.

Attachments: [CC Minutes 10-15-2014.pdf](#)**Alderson Martin moved, seconded by Alderson Williams, that the minutes be approved. Roll Call. Motion carried by the following vote:****Aye:** 14 - Alderson Coenen, Alderson Dannecker, Alderson Garb, Alderson Jirschele, Alderson Konezke, Alderson Lobner, Alderson Martin, Alderson Plank, Alderson Spears, Alderson Stueck, Alderson Trauger, Alderson Dalton, Alderson Williams and Alderson Meltzer**Excused:** 1 - Alderson Croatt**Abstained:** 1 - Mayor Hanna**H. BUSINESS PRESENTED BY THE MAYOR**[14-1880](#)

Reappointment of Val Dreier to the Appleton Housing Authority Board of Commissioners.

Attachments: [CC 11-05-2014 - Committee Reappointments.pdf](#)**Alderson Konezke moved, seconded by Alderson Dannecker, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:****Aye:** 14 - Alderson Coenen, Alderson Dannecker, Alderson Garb, Alderson Jirschele, Alderson Konezke, Alderson Lobner, Alderson Martin, Alderson Plank, Alderson Spears, Alderson Stueck, Alderson Trauger, Alderson Dalton, Alderson Williams and Alderson Meltzer**Excused:** 1 - Alderson Croatt**Abstained:** 1 - Mayor Hanna[14-1881](#)

Reappointment of Brad Schwebs, Pam Ulness and Steve Winter to the Business Improvement District Board of Directors.

Attachments: [CC 11-05-2014 - Committee Reappointments.pdf](#)**Alderson Konezke moved, seconded by Alderson Dannecker, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:****Aye:** 14 - Alderson Coenen, Alderson Dannecker, Alderson Garb, Alderson Jirschele, Alderson Konezke, Alderson Lobner, Alderson Martin, Alderson Plank, Alderson Spears, Alderson Stueck, Alderson Trauger, Alderson Dalton, Alderson Williams and Alderson Meltzer**Excused:** 1 - Alderson Croatt

Abstained: 1 - Mayor Hanna

[14-1882](#)

Reappointment of Greg Otis to the Parade Committee.

Attachments: [CC 11-05-2014 - Committee Reappointments.pdf](#)

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

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

Excused: 1 - Alderson Croatt

Abstained: 1 - Mayor Hanna

I. PUBLIC HEARINGS

[14-1874](#)

Public Hearing - Rezoning #8-14 located at 1420 East Longview Drive.

Attachments: [CC 11-05-2014 - Public Hearing - RZ #8-14.pdf](#)

No person spoke for or against the rezoning.

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[14-1760](#)

Taxicab Driver's License application of Jeffrey M. Keen, 1928 W. College Avenue.

Alderson Lobner requested the vote be not-with-standing.

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

Aye: 8 - Alderson Coenen, Alderson Lobner, Alderson Martin, Alderson Plank, Alderson Spears, Alderson Trauger, Alderson Dalton and Alderson Meltzer

Nay: 6 - Alderson Dannecker, Alderson Garb, Alderson Jirschele, Alderson Konetzke, Alderson Stueck and Alderson Williams

Excused: 1 - Alderson Croatt

Abstained: 1 - Mayor Hanna

[14-1764](#)

Operator's License application of Allan J. VanderVelden, 1025 W. Hawes Avenue.

Aldersperson Plank moved, seconded by Aldersperson Lobner, that the Report Action Item be denied. Roll Call. Motion carried by the following vote:

Aye: 9 - Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Plank, Aldersperson Spears, Aldersperson Stueck and Aldersperson Williams

Nay: 5 - Aldersperson Coenen, Aldersperson Martin, Aldersperson Trauger, Aldersperson Dalton and Aldersperson Meltzer

Excused: 1 - Aldersperson Croatt

Abstained: 1 - Mayor Hanna

[14-1860](#)

Resolution introduced by Aldersperson Konetzke and Aldersperson Jirschele at the October 15, 2014 Common Council meeting relating to a referendum for the April 2015 ballot regarding the new library:

#30-R-14 - Konetzke/Jirschele

“Whereas the cost of the proposed re-siting of the municipal library to a completely new building on one of Appleton’s most commercially desirable downtown locations is a major expenditure by the city, and;

Whereas the currently budgeted city contribution is \$30 million dollars, a cost figure that likely does not include collateral and related costs for developments connected to serving the new construction and site, and, thus, is likely to increase as a total project cost, and;

Whereas the citizens of Appleton deserve an opportunity to directly influence an expenditure of this magnitude for a nontaxable municipal building;

Be it resolved that the following be placed as a an advisory referendum question on a ballot no later than the April 2015 elections: Should at least \$30 million be spent by the taxpayers of the City of Appleton to construct a new municipal library?”

Amendment: the last paragraph of resolution language to read "Should the City of Appleton spend at least \$30 million dollars of taxpayer's dollars to construct a new municipal library?"

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

Aye: 10 - Alderperson Coenen, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Spears, Alderperson Stueck, Alderperson Dalton and Alderperson Williams

Nay: 4 - Alderperson Martin, Alderperson Plank, Alderperson Trauger and Alderperson Meltzer

Excused: 1 - Alderperson Croatt

Abstained: 1 - Mayor Hanna

Alderperson Konetzke moved, seconded by Alderperson Spears, that the Report Action Item be approved as amended. Roll Call. Motion failed by the following vote:

Aye: 5 - Alderperson Dannecker, Alderperson Jirschele, Alderperson Konetzke, Alderperson Spears and Alderperson Williams

Nay: 9 - Alderperson Coenen, Alderperson Garb, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Stueck, Alderperson Trauger, Alderperson Dalton and Alderperson Meltzer

Excused: 1 - Alderperson Croatt

Abstained: 1 - Mayor Hanna

[14-1724](#)

Resolution introduced by Alderperson Garb, Alderperson Lobner and Alderperson Jirschele at the October 1, 2014 Common Council meeting relating to open records requests:

#29-R-14 - Garb/Lobner/Jirschele

"WHEREAS compliance with open records requests can be time-consuming ~~for the City Attorney's Office;~~

AND WHEREAS it is advantageous to ~~both Council and the City Attorney's Office that we~~ obtain the maximum yield from the time invested in that compliance;

AND WHEREAS it is a laudable goal that Alderpersons know as much about issues as those individuals or organizations who make the open records requests;

THEREFORE BE IT RESOLVED that:

1) Within one week of receipt, Council shall be notified ~~two business days of receiving an open records request, the City Attorney's Office shall notify all Alderpersons, via city email, as to the content of any open records request that is: such request; and~~

a. From any media outlet including, but not limited to, TV, radio, print media, or electronic media organizations or individual representatives of such organizations; and

b. Directed to any individual or individuals in any of the City departments:

i. The Office of the City Attorney

ii. The Office of the Mayor

iii. The Department of Human Resources

iv. The Department of Community and Economic

Development

v. The Department of Public Works

vi. The Department of Finance

2) Any Alderperson may, via city email, request and obtain an electronic copy of those documents released in compliance with the request."

Amendment: the final clause #2 to read "Any Alderperson may, via city email, request and obtain a copy of those documents released in compliance with the request in their current format."

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

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

Excused: 1 - Alderperson Croatt

Abstained: 1 - Mayor Hanna

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

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

Nay: 1 - Alderperson Stueck

Excused: 1 - Alderperson Croatt

Abstained: 1 - Mayor Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

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

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

Excused: 1 - Alderperson Croatt

Abstained: 1 - Mayor Hanna

1. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[14-1673](#)

Operator's License application of Sandra M. Cornwell, 420 W. Northland Avenue.

This Report Action Item was approved.

[14-1762](#)

Taxicab Driver's License application of David A. Hammond, 3114 N. Bluemound Drive.

This Report Action Item was approved.

[14-1676](#) Operator's License application of Dontonio F. Wells, II, 548 N. Clark Street.

This Report Action Item was approved.

[14-1843](#) Operator's Licenses

Attachments: [Operator's Licenses for 10-23-2014 S&L.pdf](#)

This Report Action Item was approved.

[14-1749](#) Class "B" Beer and Class "C" Wine application of Green Gecko Inc., d/b/a Green Gecko Grocer & Deli, 400 N. Richmond St, Unit G, Robert C. Wall, Agent, contingent upon approvals from all departments.

This Report Action Item was approved.

[14-1865](#) "Class B" Beer/Liquor License application of Angela C. Gaines Samuel A. Gaines, Fat Sammy's Inc. 2500 S. Oneida Street, contingent upon approvals from all departments.

This Report Action Item was approved.

2. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[14-1845](#) Request from Mr. Brosman to waive his \$75 non-compliant electronics collection fee for 323 N. Bennett Street.

Attachments: [Dave Brosman waive collection fee.pdf](#)
[Attachments for 323 N Bennett Street.pdf](#)

This Report Action Item was approved.

[14-1846](#) Approve the three-party design services contract between the City of Appleton, Wisconsin DOT and RA Smith National for the design of Oneida Street from Valley Road to the Skyline Bridge. Compensation for authorized services for this contract shall not exceed \$744,729.42 with the WisDOT responsible for \$531,552 and the City responsible for \$213,177.42.

Attachments: [Three Party Design Engineering Services Contract.pdf](#)

This Report Action Item was approved.

[14-1847](#)

Approve Amendment No. 2 to the Bloom Companies, LLC contract for the Jackman Street Shared Use Path Project to design decorative steel rails to protect and prevent impact against the new bridge abutments in an amount not to exceed \$3,206. (Revised contract amount of \$87,576)

Attachments: [Amendment No. 2 to Bloom Companies LLC contract.pdf](#)

This Report Action Item was approved.

[14-1848](#)

Approve Amendment No. 4 to the State/Municipal Agreement for the Prospect Avenue Bridge over Jackman Street Project to design decorative steel rails for the steep slope areas near the new bridge in an amount not to exceed \$8,163.88. (City Share \$1,632.78)

Attachments: [Amendment No. 4 State-Municipal Agreement bridge project.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[14-1686](#)

Request to approve Rezoning Application #8-14 - Rezone Parcel # 31-1-6551-07 from R-1B Single Family District and M-2 General Industrial District to C-2 General Commercial District and Parcel #'s 31-1-6551-08, 31-1-6551-09 and 31-1-6551-14 from M-2 General Industrial District to C-2 General Commercial District - We Energies.

Attachments: [Staff report Rezoning #8-14 October 6 2014.pdf](#)

This Report Action Item was approved.

[14-1687](#)

Request to approve Special Use Permit Application #12-14 - Special Use Permit for the construction of a new 12kV electric utility substation - We Energies

Attachments: [Staff report SUP #12-14 October 6 2014.pdf](#)

This Report Action Item was approved.

[14-1858](#)

Request to approve the Extraterritorial Final Plat - Edgewood Acres 1st Addition Town of Grand Chute

Attachments: [Staff Report Edgewood Acres 1st addition final.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[14-1822](#)

Action: Award pavilion painting at Pierce Park to "Klinger Painting" for a contract total not to exceed \$27,900

Attachments: [Memo-Pierce Park Pavilion Painting 10-22-14 .docx](#)

This Report Action Item was approved.

[14-1823](#)

Action: Approval of Houdini Plaza - Rental and Fee Schedule Policy Effective January 1, 2015

Attachments: [Memo-Houdini Plaza Policy 10-22-14.docx](#)
[Houdini Plaza Policy 10-22-14.doc](#)

This Report Action Item was approved.

[14-1824](#)

Action: Approval of Park Pavilions and Special Areas - Rental and Fee Schedule Policy Effective January 1, 2016

Attachments: [Memo-Park Pavilions and Special Areas Policy 10-22-14.docx](#)
[Pavilion & Special Areas Policy 10-22-14.doc](#)

This Report Action Item was approved.

[14-1825](#)

Action: Approval of Miracle League Field - Rental and Fee Schedule Policy Effective January 1, 2015

Attachments: [Memo-Miracle League Field Policy 10-22-14.docx](#)
[Strike and Bold Miracle League Field Policy 10-22-14.pdf](#)

This Report Action Item was approved.

[14-1826](#)

Action: Approval of Athletic Facilities - Rental and Fee Schedule Policy Effective January 1, 2016

Attachments: [Memo-Athletic Facilities Policy 10-22-14.docx](#)
[Athletic Facilities Policy for P & R Meeting 10-22-14.docx](#)

This Report Action Item was approved.

5. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

6. MINUTES OF THE UTILITIES COMMITTEE

[14-1815](#) Approve 2014 City-wide Stormwater Management Plan Update
Prepared by AECOM and dated October 2014.

Attachments: [2014 Citywide Stormwater Management Plan.docx](#)

This Report Action Item was approved.

7. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

[14-1870](#) Approve 2015 Fare Increase

Attachments: [2015 Proposed Fare Increase.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE BOARD OF HEALTH

[14-1873](#) Noise Variance Request for WIS 441/Appleton Rd Interchange Project
for night construction from March 1st, 2015 to October 1st, 2015.

Attachments: [Noise Variance Request 11-5-14.pdf](#)

This Report Action Item was approved.

9. MINUTES OF THE HUMAN RESOURCES COMMITTEE**10. MINUTES OF THE FINANCE COMMITTEE**

[14-1806](#) Request to approve contract with Lappen Security and Reliable
Cabling in the amount of \$13,315 with a 10% contingency of \$1,332
for a total of \$14,647 in CIP funding to run new Cat 6 cabling in the
Municipal Services building and install new security cameras at that
location.

Attachments: [MSB Camera System.docx](#)

This Report Action Item was approved.

[14-1861](#)

Request to award Everett Street Lift Station Improvements Project to Kruczek Construction in the amount of \$319,000 with a 15% contingency of \$47,850 for a project total not to exceed \$366,850 (also appears as an informational item on the Utilities Committee agenda).

Attachments: [Everett St Lift Station Contract Kruczek.doc](#)

This Report Action Item was approved.

- M. CONSOLIDATED ACTION ITEMS
- O. ITEMS HELD
- P. ORDINANCES
- Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION
- R. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION
- S. OTHER COUNCIL BUSINESS
- T. ADJOURN

Meeting adjourned at 9:40 PM.

Alderson Stueck moved, seconded by Alderson Coenen, that the meeting be adjourned. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderson Coenen, Alderson Dannecker, Alderson Garb, Alderson Jirschele, Alderson Konetzke, Alderson Lobner, Alderson Martin, Alderson Plank, Alderson Spears, Alderson Stueck, Mayor Hanna, Alderson Trauger, Alderson Dalton, Alderson Williams and Alderson Meltzer

Excused: 1 - Alderson Croatt

Dawn A. Collins, City Clerk