



# City of Appleton

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

## Meeting Minutes - Final Common Council

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Wednesday, September 18, 2013

7:00 pm

Council Chambers

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A. CALL TO ORDER

*The meeting was called to order at 7:00 P.M.*

B. INVOCATION

*Invocation by Alderperson Dannecker*

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

**Present:** 15 - Alderperson Patti Coenen, Alderperson Chris Croatt, Alderperson Greg Dannecker, Alderperson Sarah Garb, Alderperson Jeffrey Jirschele, Alderperson John Robin Hill, Alderperson Curt Konetzke, Alderperson Kyle Lobner, Alderperson Joe Martin, Alderperson Kole Oswald, Alderperson Kathleen Plank, Alderperson Cathy Spears, Alderperson Peter Stueck, Mayor Timothy Hanna and Alderperson Tim Trauger

**Excused:** 1 - Alderperson Michael Smith

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

**PRESENT:** Deputy City Clerk Helgeson, City Attorney Walsh, Deputy City Attorney Totzke, Community and Economic Development Director Harkness, Finance Director Remiker, Health Officer Eggebrecht, Director of Human Resources Behnke, Police Chief Helein, Director of Public Works Vandehey, Director of Information Technology Fox, Director of Utilities Shaw, Library Director Rortvedt.

**EXCUSED:** Interim Fire Chief Vander Wyst, Director of Parks, Recreation and Facilities Gazza, Valley Transit General Manager Wetter, City Clerk Charlene Peterson.

F. PUBLIC PARTICIPATION

*Name - Address - Topic*

*Josh Dukelow, 809 E. Hancock Street, Finance Committee #13-1290, Exhibition Center*

*Chris Sitzmann, 231 W. Franklin Street, Municipal Services Committee #13-1295, Primrose Lane Reconstruction*

*Gary Schmitz, 2700 Crestview Drive, Finance Committee #13-1290, Exhibition Center*

*Jennifer Stephany, Appleton Downtown, Inc., Finance Committee #13-1290, Exhibition Center*

*Joe Kohlbeck, 1801 W. Grant Street, Finance Committee #13-1290, Exhibition Center*

*Lynn Hagee, 101 E. Water Street, Finance Committee #13-1290, Exhibition Center*

*Paul Heid, 308 E. College Avenue, Finance Committee #13-1290, Exhibition Center*

*Sarah Schneider, 122 E. College Avenue, Finance Committee #13-1290, Exhibition Center*

*Roberto Hernandez, 2714 W. Glenwood Drive, Other Business #13-1349, Operator's License*

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

**13-1344** Approve September 4, 2013 Council Meeting Minutes.

Attachments: [CC Minutes 09-04-2013.pdf](#)

**Aldersperson Spears moved, seconded by Aldersperson Coenen, that the minutes be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Oswald, Aldersperson Plank, Aldersperson Spears, Aldersperson Stueck and Aldersperson Trauger

**Excused:** 2 - Aldersperson Smith and Mayor Hanna

H. BUSINESS PRESENTED BY THE MAYOR

**13-1343** Appoint Brian Looker to the Library Board for the remainder of a 3-year term to expire June 2016.

Attachments: [CC 09-18-2013 Library Board Appointment.pdf](#)

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

**Aye:** 14 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Oswald, Aldersperson Plank, Aldersperson Spears, Aldersperson Stueck and Aldersperson Trauger

**Excused:** 2 - Aldersperson Smith and Mayor Hanna

I. PUBLIC HEARINGS

**13-1345** Public Hearing for Rezoning #10-13 at 230 East Coolidge Avenue.

**Attachments:** [Public Hearing - #10-13.doc](#)

*Name - Address - Topic*  
*None.*

J. SPECIAL RESOLUTIONS

**13-1346** A Resolution Creating, Describing, and Making Certain Findings and Approving Project Plan for Tax Incremental District #9, City of Appleton, Wisconsin.

**Attachments:** [CC 09-18-2013 Resolution TIF #9.doc](#)  
[CC 09-18-2013 TIF District 9 Project Plan 2013 rev 8-19-13.pdf](#)

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

**Aye:** 14 - Alderson Coenen, Alderson Croatt, Alderson Dannecker, Alderson Garb, Alderson Jirschele, Alderson Hill, Alderson Konetzke, Alderson Lobner, Alderson Martin, Alderson Oswald, Alderson Plank, Alderson Spears, Alderson Stueck and Alderson Trauger

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

**13-1347** A Resolution Creating, Described, and Making Certain Findings and Approving Project Plan for Tax Incremental District #10, City of Appleton, Wisconsin.

**Attachments:** [CC 09-18-2013 Resolution TIF #10.doc](#)  
[CC 09-18-2013 TIF District 10 Project Plan 2013 rev 8-19-13.pdf](#)

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

**Aye:** 14 - Alderson Coenen, Alderson Croatt, Alderson Dannecker, Alderson Garb, Alderson Jirschele, Alderson Hill, Alderson Konetzke, Alderson Lobner, Alderson Martin, Alderson Oswald, Alderson Plank, Alderson Spears, Alderson Stueck and Alderson Trauger

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

K. ESTABLISH ORDER OF THE DAY

- 13-1208** Rezoning #10-13 - Michael and Christine Faucett, 230 E. Coolidge Avenue to rezone a portion of the eastern side from R-1B Single-Family Residential District to C-2 General Commercial District for expansion of an existing business located on the adjacent lot to the east.

**Attachments:** [Rezoning #10-13 attachment.pdf](#)

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

**Aye:** 14 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Konezke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Oswald, Aldersperson Plank, Aldersperson Spears, Aldersperson Stueck and Aldersperson Trauger

**Excused:** 2 - Aldersperson Smith and Mayor Hanna

- 13-1290** Request to approve the following 2013 Budget Adjustment:

General Fund - Community and Economic Development	
Consulting	+\$25,000
Salaries and Benefits	-\$25,000

to fund Resolution #21-R-13/Jirschele approved at the September 4, 2013 Council meeting (2/3 vote required).

**Attachments:** [Budget Adj memo EC.pdf](#)  
[Exhibition Center Resolution.pdf](#)  
[Amended Resolution.docx](#)

**Aldersperson Martin moved, seconded by Aldersperson Lobner, that the Report Action Item be approved by a two-thirds vote. Roll Call. Motion failed by the following vote:**

**Aye:** 8 - Aldersperson Croatt, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Konezke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Stueck and Aldersperson Trauger

**Nay:** 6 - Aldersperson Coenen, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Oswald, Aldersperson Plank and Aldersperson Spears

**Excused:** 2 - Aldersperson Smith and Mayor Hanna

- 13-1349** Reconsideration of Operator License Application of Roberto Hernandez-Rivas. (Denied at 5/15/2013 Common Council meeting.)

**Attachments:** [CC 09-18-2013 Operator License Roberto Hernandez-Rivas.pdf](#)

**Aldersperson Oswald moved, seconded by Aldersperson Coenen, to suspend the Council Rules to reconsider the Operator's License of Roberto Hernandez-Rivas. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Hill, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Oswald, Alderperson Plank, Alderperson Spears, Alderperson Stueck and Alderperson Trauger

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

**Alderperson Spears moved, seconded by Alderperson Oswald, that the Operator's License be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Hill, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Oswald, Alderperson Plank, Alderperson Spears, Alderperson Stueck and Alderperson Trauger

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

**13-1282**

Double Frontage Lot - to combine two lots into one, creating double frontage on both E. Longview Drive and E. Greenfield Street.

**Attachments:** [Longview Attachment.pdf](#)

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

**Aye:** 14 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Hill, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Oswald, Alderperson Plank, Alderperson Spears, Alderperson Stueck and Alderperson Trauger

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

**13-1278**

R/B-Dannecker-Request from Janeine Cardin to appeal her \$50 Weed Administration Fee for 821 S. Memorial Drive.

**Attachments:** [Janeine Cardin.pdf](#)

*Referred by Alderperson Dannecker*

**This Report Action Item was referred to the Municipal Services Committee**

## L. COMMITTEE REPORTS

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

**Alderperson Martin moved, Alderperson Croatt seconded, to approve the balance of the 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 Hill, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Oswald, Alderperson Plank, Alderperson Spears and Alderperson Trauger

**Nay:** 1 - Alderperson Stueck

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

## 1. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

**13-1307** Request to amend licensed premises description for "Class B" Beer/Liquor license of Gregg VanDinter, at 906 S. Olde Oneida Street to read as follows: current description with the addition of the entire paved area including the brick pavers - contingent upon departmental approvals.

**This Report Action Item was approved.**

## 2. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

**13-1295** Primrose Lane from Oneida Street to Ashbrook Street  
Be reconstructed with asphalt pavement and curb and gutter to a width of 33' from back of curb to back of curb. In areas with delineated on-street parking, the pavement width would be 39' from back of curb to back of curb, with the delineated parking areas being 9' wide measured from the face of curb per Exhibit "A". The current street width varies from 22 feet to 28 feet. New 5' sidewalks would be constructed along both sides of Primrose Lane.

- Juniper Lane from Ashbrook Street to Vermillion Street
- Shasta Lane from Ashbrook Street to Vermillion Street
- Ashbrook Street from Shasta Lane to Juniper Lane
- Friendly Street from Shasta Lane to Juniper Lane
- Ivy Street from Shasta Lane to Juniper Lane
- Vermillion Street from Shasta Lane to Juniper Lane

Be reconstructed with asphalt pavement and curb and gutter to widths varying from 29' to 39' from back of curb to back of curb, depending on the locations of delineated on-street parking. The streets would include two 10' travel lanes and may include 9'-wide delineated parking lanes measured from the face of curb per Exhibit "A". The current paved street widths vary from 24 feet to 26 feet, with gravel parking areas occupying a large portion of the remaining public right-of-way. New 5' sidewalks would be constructed along one side of Ashbrook Drive, Juniper Lane, Vermillion Street and Shasta Lane.

**Attachments:** [Fox Valley Estates Street layout.pdf](#)

**This Report Action Item was approved.**

## 3. MINUTES OF THE CITY PLAN COMMISSION

**13-1275** Annual Review of the Business Improvement District (BID) 2014 Operating Plan

Attachments: [BID Annual Update to PC.doc](#)  
[2014 Operating Plan.pdf](#)  
[Schedule of Assessments.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**

**13-1267** Approve proposed Stormwater ERU formula change for multi-family properties effective January 1, 2015.

Attachments: [Equivalent Runoff Unit Formula Change.pdf](#)

This Report Action Item was approved.

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

**8. MINUTES OF THE BOARD OF HEALTH**

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

**13-1269** Request to approve changes to the Salary Administration Policy

Attachments: [Salary Administration Policy Draft 082013doc.doc](#)

This Report Action Item was approved.

**10. MINUTES OF THE FINANCE COMMITTEE**

**13-1281** Request to approve the following 2013 Budget Adjustment:

Reid Golf Course	
Equipment	+\$13,430
Fund Balance	- \$13,430

to use fund balance to purchase a new boiler for Reid Golf Course Clubhouse. (2/3 vote required)

**Attachments:** [Reid Golf Course Boiler.pdf](#)

**This Report Action Item was approved.**

**13-1283** Request to approve the following 2013 Budget Adjustment:

Special Revenue Fund - Police Grants	
State Aids	+\$121,434
Salaries and Benefits	+\$121,434

To record grant received from the Wisconsin Office of Justice Assistance to fund street crime officers working in collaboration with other agencies to identify high crime neighborhoods (2/3 vote required).

**This Report Action Item was approved.**

**13-1285** Request to enter into Intergovernmental Agreement with Appleton Area School District to borrow short term cash in an amount not to exceed \$18 million from time to time as needed. The note shall be dated as of date of issuance, shall bear interest at the rate of 2% above the average Federal Funds rate from its dated date until paid; and shall mature no later than June 30, 2014. Interest on the note shall be paid at maturity or redemption.

**Attachments:** [2013 - 2014 Bond Counsel Letter.doc](#)  
[2013 - 2014 Certificate of Compliance with Open Meeting Law Public Notice Requirements.doc](#)  
[2013 - 2014 Certificate of Equalized Value.doc](#)

**This Report Action Item was approved.**

**13-1297** Approve Contract Amendment and Change Order No. 2 to Contract 12-13 for Unit X-13 Sewer & Water Reconstruction #2 with Don Hietpas & Sons, Inc. to increase for costs related to unforeseen conflict with underground wooden/concrete sewer crib and additional topsoil/mulch material quantities in the amount of \$18,820.00 resulting in no change to contract contingency. Overall Contract Amount to increase from \$1,077,218.60 to \$1,096,038.60.

Attachments: [Unit X-13 Change Order No 2.pdf](#)

**This Report Action Item was approved.**

M. CONSOLIDATED ACTION ITEMS

O. ITEMS HELD

P. ORDINANCES

**13-1348** Ordinances #80-13 through #82-13.

Attachments: [Ordinances going to 09-18-2013 Council.doc](#)

**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

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

**Aye:** 12 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Lobner, Aldersperson Oswald, Aldersperson Plank, Aldersperson Spears, Aldersperson Stueck and Aldersperson Trauger

**Nay:** 2 - Aldersperson Konetzke and Aldersperson Martin

CHARLENE M. PETERSON, CMC/WCMC  
City Clerk