



City of Appleton

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

Meeting Minutes Common Council

Wednesday, May 21, 2014

7:00 pm

Council Chambers

A. CALL TO ORDER

The meeting was called to order at 7:17 p.m.

B. INVOCATION

Aldersperson Dalton offered the Invocation.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 15 - Aldersperson Chris Croatt, Aldersperson Greg Dannecker, Aldersperson Sarah Garb, Aldersperson Jeffrey Jirschele, Aldersperson Curt Konetzke, Aldersperson Kyle Lobner, Aldersperson Joe Martin, Aldersperson Kathleen Plank, Aldersperson Cathy Spears, Aldersperson Peter Stueck, Mayor Timothy Hanna, Aldersperson Tim Trauger, Aldersperson Polly Dalton, Aldersperson Christine Williams and Aldersperson Vered Meltzer

Excused: 1 - Aldersperson Patti Coenen

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

PRESENT: Deputy City Clerk Helgeson, Legal Assistant Jamie Sova, City Attorney Walsh, Assistant City Attorney Behrens, Community and Economic Development Director Harkness, Finance Director Saucerman, Fire Chief Vander Wyst, Health Officer Eggebrecht, Director of Human Resources Behnke, Police Chief Helein, Director of Public Works Vandehey, Valley Transit Assistant General Manager LaPuma, Library Director Rortvedt.

EXCUSED: Director of Parks, Recreation and Facilities Gazza, Director of Information Technology Fox, Director of Utilities Shaw

F. PUBLIC PARTICIPATION

Name - Address - Topic

Una Snyder, 727 East Eldorado Street, Parking

Margaret Mason, 715 East Eldorado Street, Parking

Jeff Baldwin, 726 East Eldorado Street, Parking

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

14-878 Approve Council Minutes from the May 7, 2014 Council Meeting.

Attachments: [CC Minutes 05-07-2014.pdf](#)

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

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

Excused: 2 - Alderson Coenen and Mayor Hanna

Abstained: 1 - Alderson Spears

H. BUSINESS PRESENTED BY THE MAYOR

14-872 Presentation of Historic Stewardship Certificate Award to Karen Rashke.

Attachments: [CC 5-21-14 HPC Award Nomination.pdf](#)

Mary Duba of the HPC Commission presented the award to Karen Rashke.

14-873 Presentation of National Public Works Week Proclamation

14-874 Presentation of League of Women Voters of Appleton Week Proclamation.

Members of the League were present to receive this award.

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

14-791 Proposed parking changes on Eldorado Street between Lawe Street and Meade Street.

Attachments: [Parking changes on Eldorado St. between Lawe & Meade St.pdf](#)

Alderson Meltzer moved, seconded by Alderson Spears, that the Report Action Item be approved as amended. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson Croatt, 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: 2 - Alderperson Coenen and Mayor Hanna

Amendment:

Parking be prohibited on the north side of Eldorado Street from Lawe Street to Meade Street from November 1st to April 1st.

Parking be prohibited from 7:30 a.m. to 4:30 p.m. on school days on the north side of Eldorado Street from Lawe Street to Meade Street.

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

Aye: 14 - Alderperson Croatt, 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: 2 - Alderperson Coenen and Mayor Hanna

14-796

Request to approve that Appleton Housing Authority employees continue eligibility under the City's medical, dental, life and LTD benefit plans with the AHA reimbursing the City the full premium for these benefits.

Attachments: [Appleton Housing Authority benefit memo 5-12-14.pdf](#)

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

Aye: 14 - Alderperson Croatt, 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: 2 - Alderperson Coenen and Mayor Hanna

14-824

Resolution introduced by Alderperson Jirschele/Williams/Garb at the 5-8-2014 Common Council meeting relating to have an ordinance be created and adopted.

#15-R-14 - Jirschele/Williams/Garb

“Whereas

On December 13, 2013, Wisconsin State Assembly Bill 169 was enacted, which adds commercial quadricycles to the list of unlicensed public places where fermented malt beverages may be consumed,

Whereas

The bill also authorizes a municipality to prohibit the consumption of fermented malt beverages on commercial quadricycles, but a municipality may not enforce such a prohibition in a previously existing ordinance,

Be it Resolved

That the City of Appleton adopt an ordinance prohibiting the consumption of fermented malt beverages on commercial quadricycles.”

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

Aye: 10 - Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Konezke, Alderperson Martin, Alderperson Plank, Alderperson Stueck, Alderperson Trauger and Alderperson Williams

Nay: 3 - Alderperson Lobner, Alderperson Spears and Alderperson Dalton

Excused: 2 - Alderperson Coenen and Mayor Hanna

Abstained: 1 - Alderperson Meltzer

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderperson Konezke moved, Alderperson Martin seconded, to approve the balance of action items on the Agenda. The motion carried by the following vote:

Aye: 14 - Alderperson Croatt, 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: 2 - Alderperson Coenen and Mayor Hanna

1. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

14-757 Operator's Licenses

Attachments: [Operator's Licenses for 05-15-14 S&L.pdf](#)

This Report Action Item was approved.

14-758 Operator License Renewals

Attachments: [Operator's Renewal Licenses for 05-15-14.pdf](#)

This Report Action Item was approved.

14-666 Reserve "Class B" Beer/Liquor License application of Il Angolo Resto-Bar LLC, d/b/a C-Vine Lounge, Conrado Lopez Mendez, Agent, 531 West College Avenue, contingent upon approvals from all departments.

This Report Action Item was approved.

14-665 Reserve "Class B" Beer/Liquor License application of X-Tra 602 Event and Entertainment, Franz J. Schadt, Agent, 527 - 529 West College Avenue, contingent upon approvals from all departments.

This Report Action Item was approved.

14-836 Change of Agent - "Class B" Beer/Liquor License of K Corporation d/b/a Grumpy's Pub, 1501 North Richmond Street, Robert J. Kunstman, Agent, contingent upon approvals from all departments.

This Report Action Item was approved.

14-763 Transfer of Premises - "Class A" Beer/Liquor License of The Free Market, Lucinda Weinfurter, Agent, from 1000 West Wisconsin Avenue to 734 West Wisconsin Avenue, contingent upon approvals from all departments.

This Report Action Item was approved.

- 14-741** Taxicab Company and Limousine Service renewal application of A-Town Taxi, Terry L. Reynolds, 520 N. Clark Street, contingent upon approvals from all departments.
- This Report Action Item was approved.**
- 14-785** Taxicab Company and Limousine Service renewal application of Apple Valley Taxi LLC, James D. Jacobs, 1831 N. Bennett Street, contingent upon approvals from all departments.
- This Report Action Item was approved.**
- 14-825** Request to apply for a joint grant from the Edward Byrne Memorial Justice Assistance Grant Program for Appleton Police Department and Outagamie County.
- This Report Action Item was approved.**
- 14-743** Taxicab Company and Limousine Service renewal application of Call A Cab LLC, Thomas A. Guyette, 13 Tayco Street, Menasha, contingent upon approvals from all departments.
- This Report Action Item was approved.**
- 14-754** Taxicab Company and Limousine Service renewal application of Dynasty Limousine Service, LLC, John Wolters, 314 E. Wilson Avenue, contingent upon approvals from all departments.
- This Report Action Item was approved.**
- 14-755** Taxicab Company and Limousine Service renewal application of Lamers Bus Lines Inc., Chris Gilling, 2937 Monroe Rd., DePere, contingent upon approvals from all departments.
- This Report Action Item was approved.**
- 14-759** Taxicab Company and Limousine License application of Superior Transport, Lorenzo Jackson, 1365 Lucerne Drive, Menasha, contingent upon approvals from all departments.
- This Report Action Item was approved.**

- 14-786** Taxicab Company and Limousine Service renewal application of Atlas Taxi, Matthew J. Hyde, W5385 Center Valley Road, Black Creek, contingent upon approvals from all departments.

This Report Action Item was approved.

- 14-838** Taxicab Company and Limousine Service renewal application of L & S Classic Limousine LLC, Leonard M. Trams, W6177 Plymouth Street, contingent upon approvals from all departments, contingent upon approvals from all departments.

This Report Action Item was approved.

- 14-840** Taxicab Company and Limousine Service renewal application of People Movers Inc., Paul O. Davies, 705 W. Wisconsin Avenue, contingent upon approvals from all departments, contingent upon approvals from all departments.

This Report Action Item was approved.

2. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

- 14-777** Request from Flanagan's Stop & Shop and Wine Review for a permanent street occupancy permit to install two (2) posts in the beautification strip and an awning across the sidewalk with a minimum clearance of 7'6" at 528 W. College Avenue.

Attachments: [Flanagan's Wine Review-Awning.pdf](#)

This Report Action Item was approved.

- 14-789** Proposed parking change on East Street between Fremont Street and Harrison Street.

Attachments: [Parking change on East St. between Fremont & Harrison St.pdf](#)

This Report Action Item was approved.

- 14-790** Proposed parking changes on South Court between John Street and South Street.

Attachments: [Parking changes on South Ct. between John & South St.pdf](#)

This Report Action Item was approved.

14-792 Proposed parking change on the 1000 block of W. Summer Street.

Attachments: [Parking change on the 1000 block of W. Summer St.pdf](#)

This Report Action Item was approved.

14-793 Proposed parking changes on Plateau Street between Wisconsin Avenue and Jardin Street.

Attachments: [Parking changes on Plateau St. between Wisconsin Ave & Jardin St.pdf](#)

This Report Action Item was approved.

14-795 Proposed parking ordinance update on Water Street between Jackman Street and Olde Oneida Street.

Attachments: [Parking ordinance update on Water St. between Jackman & Olde Oneida St.pdf](#)

This Report Action Item was approved.

14-821 Preliminary Resolution 6-P-14 for sidewalk installation on 430 E. First Avenue and 1853 W. Spring Street approximately 110' on N. Sharon Street side.

Attachments: [Resolution 6-P-14.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

14-808 Special Use Permit #5-14 - The Trout Museum of Art, to expand alcohol sales and consumption inside the building to include the 3rd, 4th and 5th floors and the exterior space located on the west side of the building located at 111 West College Avenue -Tax Parcel Number 31-2-0066-00.

Attachments: [Special Use Permit #5-14.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

14-773 Action: Pool Rental, Reservation and General Use Policy

Attachments: [Memo-Pool Rental, Reservation and General Use Policy 4-29-14.doc](#)
[Pool Rental Reservation and General Use Policy 2014-Final \(5-14-14 P & R Meeting\).docx](#)

This Report Action Item was approved.

5. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

14-816 The City of Appleton shall enter into a one-year extension of the Memorandum of Understanding for Southpoint Commerce Park Market Garden with Goodwill Industries of North Central Wisconsin.

Attachments: [Market Garden Extension Memo 4-25-14.pdf](#)
[Market Garden MOU 5-12-14.pdf](#)
[Market Garden Attachment 5-12-14.pdf](#)

This Report Action Item was approved.

14-817 Approval of the Subordination Appeal by Dennis and Doris Bauer.

Attachments: [Bauer Subordination Appeal request letter.pdf](#)
[Bauer subordination appeal memo.pdf](#)
[Subordination Policy 2009.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE UTILITIES COMMITTEE

7. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

14-810 Expansion of Transit Commission Membership

Attachments: [FCTC Expansion of Transit Commission 2014.pdf](#)
[Revision to Action Item 14-810.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE BOARD OF HEALTH

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

14-843 Request to approve Finance Committee Report 6-P-14 for Sidewalk Construction on Sharon Street and First Avenue.

Attachments: [Report 6-P-14.pdf](#)

This Report Action Item was approved.

14-827 Request to deed City owned land at the Northwest corner of Eighth Street and Outagamie Street to the abutting property owner at 227 S. Outagamie Street.

Attachments: [Eighth St and Outagamie St.pdf](#)

This Report Action Item was approved.

M. CONSOLIDATED ACTION ITEMS

14-876 Consolidated Action - Preliminary Resolution 6-P-14 for sidewalk installation on First Avenue.
a. File 14-821 Municipal Services Committee
b. File 14-843 Finance Committee

This Report Action Item was approved.

O. ITEMS HELD**P. ORDINANCES**

14-875 Ordinances #33-14 through #40-14

Attachments: [Ordinances going to 05-21-2014 Council.pdf](#)

Ordinance #40-14 was referred back by Alderperson Plank.

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

SAFETY AND LICENSING COMMITTEE

#16-R-14 – Lobner/Dalton/Martin

“WHEREAS skateboarding is a recreational activity and art form with over half a century of history,

And WHEREAS the City of Appleton is taking steps to become more friendly to skateboarders, as demonstrated by its current project to construct a skate park in Telulah Park,

And WHEREAS the City of Appleton’s ordinance banning skateboarding on public property was last amended on August 20, 1992, over 20 years ago,

THEREFORE BE IT RESOLVED that the City of Appleton shall conduct a full review of its ordinances regarding skateboarding, including but not limited to locations where skateboarding is banned and punishments for those found to be in violation of the ordinance.”

FINANCE COMMITTEE

#17-R-14 – Trauger

“WHEREAS, it is one of our most cherished beliefs that all work has value, and that everyone in Wisconsin should have the opportunity to work for at least a living wage , and

WHEREAS, if people don’t earn enough money to pay for basic needs, such as food, rent, and transportation; the economy stalls, weakening our community and damaging local businesses; and

WHEREAS, nearly 9 in 10 Wisconsin workers who would benefit from a minimum wage increase are 20 years of age or older, nearly two-thirds are women, and 234,000 Wisconsin children would see their family income increase; and

WHEREAS, a \$10.10 minimum wage would raise wages for 587,000 Wisconsin workers by \$816 million, and generate over \$500 million in additional economic activity in Wisconsin in the next three years, resulting in new jobs and building an economy that creates jobs which will pay a minimum wage that, when adjusted for inflation, will equal nearly what it was in the late 1960’s

THEREFORE, BE IT RESOLVED, the people of Appleton, Wisconsin shall vote on the following advisory referendum question at the November 2014 general election: Should the State of Wisconsin increase the minimum wage to \$10.10 per hour?”

MUNICIPAL SERVICES COMMITTEE

#18-R-14 – Dannecker/Martin/Konetzke

“WHEREAS, the Appleton Common Council unanimously approved the Appleton On-Street Bike Lane Plan in 2010, and

WHEREAS, the Appleton Common Council has subsequently approved on-street bike lanes on segments of Badger Avenue, Ballard Road, Capitol Drive, College Avenue Bridge, Coop Road, Drew Street, Franklin Street, Fremont Street, Glendale Avenue, Jackman Street, Kensington Drive, Mason Street, Meade Street, Newberry Street, Olde Oneida Street, Oneida Skyline Bridge, Plank Road and South River Street,

THEREFORE BE IT RESOLVED that staff be directed to complete retrofit sections of the Bike Lane Plan as follows:

Capitol Drive (Richmond St. to west city limits)

Implement in 2014

Parking removed from both sides

Capitol Drive (McDonald St. to 150 feet west of Morrison St.)

Implement in 2015

Parking removed from both sides (150 feet west of Morrison St. to Durkee St.)

Parking removed from one side (Durkee St. to Lawe St.)

Parking removed from both sides (Lawe St. to McDonald St.)

Prospect Avenue (Oneida St. to Mason St.)

Implement concurrent with Prospect Avenue Bridge project (currently planned for 2015)

Parking removed from both sides

Roemer Road (Glendale Av. To Capitol Dr.)

Implement concurrent with Glendale Av. Reconstruction project (currently planned for 2015)

Parking removed from one side (Glendale Av. To Winslow Dr.)

Parking removed from both sides (Winslow Dr. to Capitol Dr.)

N. Oneida Street

Implement in 2015

Parking removed from both sides (Atlantic St. to Winnebago St.)

Parking retained on both sides/sharrows (Winnebago St. to Commercial St.) – widened in the future

Parking removed from both sides (Commercial St. to Northland Av.)

Telulah Avenue (Calumet St. to Midway Rd.)

Implement concurrent with reconstruction of Telulah Av. North of Calumet St. (currently planned for 2018)

Parking removed from both sides”

S. OTHER BUSINESS

T. ADJOURN

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

Aye: 14 - Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Koneczke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Plank, Aldersperson Spears, Aldersperson Stueck, Aldersperson Trauger, Aldersperson Dalton, Aldersperson Williams and Aldersperson Meltzer

Excused: 2 - Aldersperson Coenen and Mayor Hanna

WENDY HELGESON, DEPUTY CITY CLERK