



# City of Appleton

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

## Meeting Minutes Common Council

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Wednesday, August 21, 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 Stueck*

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

**Present:** 13 - Alderperson Christopher W. 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 Michael Smith, Alderperson Cathy Spears, Alderperson Peter Stueck and Mayor Timothy Hanna

**Excused:** 2 - Alderperson Patti Coenen and Alderperson Kathleen Plank

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

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

*EXCUSED: Finance Director Remiker, Director of Information Technology Fox*

F. PUBLIC PARTICIPATION

*Name - Address - Topic*

*Jeff Meidam, 8 Newbery Court #5, Operator's License*

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[13-1157](#)

Approve August 7, 2013 Council Meeting Minutes.

**Attachments:** [CC Minutes 08-07-2013.pdf](#)

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

**Aye:** 12 - Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Oswald, Aldersperson Smith, Aldersperson Spears and Aldersperson Stueck

**Excused:** 3 - Aldersperson Coenen, Aldersperson Plank and Mayor Hanna

#### H. BUSINESS PRESENTED BY THE MAYOR

#### I. PUBLIC HEARINGS

[13-1158](#)

Public Hearing for Text Amendment Ch. 23 Section 23-206(b)  
(File ID #13-994 July 29, 2013 City Plan Commission meeting.)

**Attachments:** [Public Hearing Council 8-21-2013 Ch 23 Sec. 23-206 docx.doc](#)

*No Public Appearances.*

#### J. SPECIAL RESOLUTIONS

#### K. ESTABLISH ORDER OF THE DAY

[13-1036](#)

The Taxicab Driver's License application of Jeffrey D. Meidam, 8 Newberry Court, #5.

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

**Aye:** 9 - Aldersperson Croatt, Aldersperson Hill, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Oswald, Aldersperson Smith, Aldersperson Spears and Aldersperson Stueck

**Nay:** 3 - Aldersperson Dannecker, Aldersperson Garb and Aldersperson Jirschele

**Excused:** 3 - Aldersperson Coenen, Aldersperson Plank and Mayor Hanna

[13-1042](#)

An update and request for an extension on the Liquor Licenses inactivity for 318 West College Avenue, Michael W. Rohr.

**Attachments:** [Inactivity Update - W. College.pdf](#)  
[Inactivity Letter.pdf](#)

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

**Aye:** 12 - Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Hill, Alderperson Konezke, Alderperson Lobner, Alderperson Martin, Alderperson Oswald, Alderperson Smith, Alderperson Spears and Alderperson Stueck

**Excused:** 3 - Alderperson Coenen, Alderperson Plank and Mayor Hanna

[13-997](#)

2013 Annual Action Plan Substantial Amendment allocation recommendations. (Referred back from Common Council as amended)

**Attachments:** [AdditionalAwardRecommendations.docx](#)  
[CDBG info.pptx](#)

**Alderperson Lobner moved, seconded by Alderperson Smith, that the Report Action Item be amended to strike the proposed \$37,133 in funding for Parks and Recreation and direct staff to reopen an abbreviated application process for both city departments and outside organizations. Roll Call. Motion carried by the following vote:**

**Aye:** 7 - Alderperson Croatt, Alderperson Jirschele, Alderperson Lobner, Alderperson Martin, Alderperson Oswald, Alderperson Smith and Alderperson Spears

**Nay:** 5 - Alderperson Dannecker, Alderperson Garb, Alderperson Hill, Alderperson Konezke and Alderperson Stueck

**Excused:** 3 - Alderperson Coenen, Alderperson Plank and Mayor Hanna

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

**Aye:** 9 - Alderperson Croatt, Alderperson Jirschele, Alderperson Hill, Alderperson Konezke, Alderperson Lobner, Alderperson Oswald, Alderperson Smith, Alderperson Spears and Alderperson Stueck

**Nay:** 3 - Alderperson Dannecker, Alderperson Garb and Alderperson Martin

[13-1117](#)

Badger Avenue from Mason Street to Wisconsin Avenue be reconstructed with concrete pavement and curb and gutter to a width of 47' from back of curb to back of curb, which is 2' narrower than the existing street width. The newly reconstructed Badger Avenue would include an 8' parking lane along the north/east side of the street, a 2' buffer area between the parking lane and bike lane, a 5' wide bike lane along the north/east side of the street, two 12.5' travel lanes, and a 6' wide bike lane along the south/west side of the street. Parking would be removed from the south/west side of Badger Avenue within the proposed project limits. New concrete sidewalk would be constructed to the right-of-way line along the property at 1219 Badger Avenue.

*Meeting went into Recess*

*Meeting Reconvened*

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

**Aye:** 10 - Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Hill, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Oswald, Aldersperson Smith and Aldersperson Spears

**Nay:** 2 - Aldersperson Jirschele and Aldersperson Stueck

**Excused:** 3 - Aldersperson Coenen, Aldersperson Plank and Mayor Hanna

**Aldersperson Smith moved, seconded by Aldersperson Stueck, that the Report Action Item be amended to included: "Bike lanes will not be installed until the Town of Grand Chute's shared bike lane is scheduled for construction and installation." This sentence is inserted before the second last sentence. Roll Call. Motion failed by the following vote:**

**Aye:** 5 - Aldersperson Jirschele, Aldersperson Lobner, Aldersperson Smith, Aldersperson Spears and Aldersperson Stueck

**Nay:** 7 - Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Hill, Aldersperson Konetzke, Aldersperson Martin and Aldersperson Oswald

**Excused:** 3 - Aldersperson Coenen, Aldersperson Plank and Mayor Hanna

**Aldersperson Smith moved, seconded by Aldersperson Spears, to amend as follows: Change "...47' to 53' from back of curb to back of curb, strikeout "which is 2' narrower than the existing street width." The newly reconstructed Badger Avenue would include "two" instead of "an" 8' parking lanes along the north/east "and south/west" sides of the street, change "2'" to "1'" buffer area between the parking lane and bike lane, a 5' wide bike lane srikeout "along the north/east side" and add " on both sides" of the street,..." Roll Call. Motion failed by the following vote:**

**Aye:** 3 - Aldersperson Smith, Aldersperson Spears and Aldersperson Stueck

**Nay:** 9 - Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin and Aldersperson Oswald

**Excused:** 3 - Alderperson Coenen, Alderperson Plank and Mayor Hanna

[13-1120](#)

Meade Street from 1st Avenue to Florida Avenue be reconstructed with concrete pavement and curb and gutter to a width of 54' from back of curb to back of curb, which is 11 feet wider than the existing street width. The newly reconstructed Meade Street would be reconstructed to accommodate two 5-foot bike lanes along each side of the street and would include two 11' outside travel lanes and two 10.5' inside travel lanes. Existing sidewalk would be reconstructed to 6' wide directly adjacent to the curb and gutter. Parking would be removed from both sides of Meade Street within the proposed project limits.

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

**Aye:** 8 - Alderperson Dannecker, Alderperson Garb, Alderperson Hill, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Oswald and Alderperson Smith

**Nay:** 4 - Alderperson Croatt, Alderperson Jirschele, Alderperson Spears and Alderperson Stueck

**Excused:** 3 - Alderperson Coenen, Alderperson Plank and Mayor Hanna

[13-1029](#)

Resolution #21-R-13/Jirschele - "Be it resolved that the City of Appleton allocate \$25,000 to engage an industry-accomplished professional to serve as consultant and project manager/driver to determine the willingness of LNR to give the community the protection it needs to assure the continued viability of the proposed exhibition center and

a) Review the current state of the project and negotiations among the various parties to evaluate and profile the strengths, weaknesses and potential of the current situation by September 15, 2013, and

b) Identify a prudent, practical plan to move negotiations/planning forward on behalf of the people of Appleton and its neighbors throughout the Fox Cities by November 2, 2013, and

c) Negotiate that plan through to final resolution, or terminate the initiative, by January 1, 2014." (Referred back from Common Council)

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

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

**Aye:** 6 - Alderperson Jirschele, Alderperson Hill, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin and Alderperson Stueck

**Nay:** 6 - Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Oswald, Alderperson Smith and Alderperson Spears

**Excused:** 3 - Alderperson Coenen, Alderperson Plank and Mayor Hanna

[13-1131](#)

Non-Renewal Hearing for the Operator's License of Andrew L. Carr, 2205 Cloudview Court.

**Attachments:** [Andrew L. Carr.pdf](#)  
[Andrew L Carr - Findings of Fact and Conclusions of Law.pdf](#)  
[ANDREW L. CARR.pdf](#)

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

**Aye:** 12 - Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Oswald, Aldersperson Smith, Aldersperson Spears and Aldersperson Stueck

**Excused:** 3 - Aldersperson Coenen, Aldersperson Plank and Mayor Hanna

[13-1135](#)

Non-Renewal Hearing for the Operator's License of Kyle D. Willenkamp, 2923 North Peach Tree Lane.

**Attachments:** [Kyle D. Willenkamp.pdf](#)  
[Kyle D Willenkamp - Findings of Fact and Conclusions of Law.pdf](#)  
[KYLE D WILLENKAMP.pdf](#)

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

**Aye:** 12 - Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Oswald, Aldersperson Smith, Aldersperson Spears and Aldersperson Stueck

**Excused:** 3 - Aldersperson Coenen, Aldersperson Plank and Mayor Hanna

[13-1136](#)

Non-Renewal Hearing for the Operator's License of David A. Glaser, 2424 East Main Street, Kaukauna.

**Attachments:** [David A. Glaser.pdf](#)  
[David A Glaser - Findings of Fact and Conclusions of Law.pdf](#)  
[DAVID A. GLASER.pdf](#)

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

**Aye:** 12 - Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Oswald, Aldersperson Smith, Aldersperson Spears and Aldersperson Stueck

**Excused:** 3 - Aldersperson Coenen, Aldersperson Plank and Mayor Hanna

[13-1061](#)

Fair Housing Ordinance

**Attachments:** [CEDC Memo Fair Housing July 25 2013.doc](#)  
[Fair Housing Ordinance\(3\).pdf](#)

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

**Aye:** 12 - Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Oswald, Aldersperson Smith, Aldersperson Spears and Aldersperson Stueck

**Excused:** 3 - Aldersperson Coenen, Aldersperson Plank and Mayor Hanna

L. COMMITTEE REPORTS

**A motion was made by Aldersperson Spears, seconded by Aldersperson Smith to vote on the balance of the action items on the agenda.**

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

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

**Aye:** 11 - Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Oswald, Aldersperson Smith, Aldersperson Spears and Aldersperson Stueck

**Excused:** 3 - Aldersperson Coenen, Aldersperson Plank and Mayor Hanna

**Abstained:** 1 - Aldersperson Martin

1. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[13-1032](#)

Class "B" Beer and Class "C" Wine license application of Java Warung, LLC, David W. Pickett, Agent, 1915 N Richmond Street, contingent upon departmental approvals.

**This Report Action Item was approved.**

[13-1034](#)

Secondhand Article License application for Button & Bowties, LLC, 405 West Wisconsin Avenue, contingent upon departmental approvals.

**This Report Action Item was approved.**

[13-1039](#)

Operator's License application of Jessica L. Ahrens, 218 South Outagamie Street.

*Denied*

**This Report Action Item was approved.**

[13-1041](#)

Operator's License application of Holy Waters Brecheen, 911 Winchester Road, Neenah.

*Denied*

**This Report Action Item was approved.**

[13-1047](#)

Special Class "B" Beer License applications filed after the agenda was published.

**This Report Action Item was approved.**

[13-1055](#)

Operator's Licenses

**Attachments:**    [Operator's Licenses for 8-1-13 S & L.doc](#)  
[Operator's Licenses for 08-15-13 S & L.pdf](#)

**This Report Action Item was approved.**

[13-1059](#)

Request to amend licensed premises description for "Class B" Beer/Liquor license of Sangrias Mexican Grill & Bar, LLC at 215 S Memorial Drive to read as follows: current description with the addition of sidewalk patio and porch - contingent upon departmental approvals.

**This Report Action Item was approved.**

[13-1125](#)

Request to Approve the Contract for Wisconsin Hazardous Materials Response System Services.

**Attachments:**    [Fire Memo 08-08-2013.pdf](#)

**This Report Action Item was approved.**

[13-1126](#)

"Class B" Beer/Liquor License application of Mojitos Mexican Grill & Bar, LLC, Shirley B. Gregory, Agent, 2639 South Oneida Street, contingent upon departmental approvals.

**This Report Action Item was approved.**

[13-1127](#)

Change of Agent for Formosa Restaurants, LLC, d/b/a Confucius Restaurant, 2230 East Northland Avenue, Appleton, to Yu Ming Tung, contingent upon department approval.

**This Report Action Item was approved.**



**2. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**

[13-1121](#) Request from Graphic House, Inc. on behalf of the YMCA of Appleton for a permanent street occupancy permit to install three (3) banners in the Durkee Street right-of-way.

**Attachments:** [YMCA Permanent Street Occupancy.pdf](#)

This Report Action Item was approved.

[13-1122](#) Recommended parking changes on Catherine Street and Washington Street.

**Attachments:** [Catherine St and Washington St parking changes.pdf](#)

This Report Action Item was approved.

**3. MINUTES OF THE CITY PLAN COMMISSION**

[13-994](#) Text Amendments - Article X of Chapter 23 of the Municipal Code, Floodplain Zoning relating to Sec. 23-206(b) Official Maps and Revisions

**Attachments:** [Text Amendment Attachment.pdf](#)

This Report Action Item was approved.

[13-1089](#) Special Use Permit #10-13 - David Pickett, 1915 N. Richmond Street for restaurant with alcohol sales and consumption.

**Attachments:** [Special Use #10-13 Attachment.pdf](#)

This Report Action Item was approved.

**4. MINUTES OF THE PARKS AND RECREATION COMMITTEE****5. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**

[13-1130](#) Budget Adjustment for Neighborhood Academy

**Attachments:** [Neighborhood Academy Attachment.pdf](#)

This Report Action Item was approved.

**6. MINUTES OF THE UTILITIES COMMITTEE**

[13-1107](#)

Amend (Amendment #4) 2011G Stormwater Consulting Services contract with GRAEF for the Appleton East Stormwater Storage project by an amount not to exceed \$33,744.

**Attachments:** [GRAEF 2011G Amendment #4.docx](#)

This Report Action Item was approved.

[13-1143](#)

Approval of the Appleton / Grand Chute inter-governmental agreement for the Sensus Water Meter System.

**Attachments:** [Appleton Grand Chute Intergovernmental Agreement.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**

**10. MINUTES OF THE FINANCE COMMITTEE**

M. CONSOLIDATED ACTION ITEMS

O. ITEMS HELD

P. ORDINANCES

[13-1159](#)

Ordinance #74-13.

**Attachments:** [Ordinance going to 08-21-2013 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

T. ADJOURN

**Aye:** 12 - Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Hill, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Oswald, Alderperson Smith, Alderperson Spears and Alderperson Stueck

**Excused:** 3 - Alderperson Coenen, Alderperson Plank and Mayor Hanna

CHARLENE M. PETERSON, CMC/WCMC  
City Clerk