



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, October 21, 2015

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order at 7:01 p.m.

B. INVOCATION

The Invocation was offered by Alderperson Meltzer

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 15 - Alderperson Greg Dannecker, Alderperson Joe Martin, Alderperson Cathy Spears, Mayor Timothy Hanna, Alderperson Polly Dalton, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

Excused: 1 - Alderperson Chris Croatt

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

PRESENT: Deputy City Clerk Griesbach, City Attorney Walsh, Deputy City Attorney Behrens, Director of Community and Economic Development Harkness, Director of Finance Saucerman, Fire Chief Vander Wyst, Director of Human Resources Behnke, Director of Parks, Recreation and Facilities Gazza, Police Chief Thomas, Director of Public Works Vandehey, Director of Information Technology Fox, Library Director Rortvedt, Director of Utilities Shaw, Communications Coordinator Doran

EXCUSED: Health Officer Eggebrecht, Valley Transit General Manager Wetter

F. PUBLIC PARTICIPATION

Name - Address - Topic

Brian Looker - 208 East Circle Street - Room Tax & Exhibition Center

Kristina Kishbaugh - 208 East Circle Street - Expo Center

Deb Johnson - Copper Leaf Hotel, 300 West College Avenue - Expo Center

Will Weider - 224 East College Avenue - Exhibition Center

John Peterson - 126 Alton Court - Exhibition Center

Hiro Nakashima - 1271 Whipple Tree Lane - Sign for Skywalk

Pam Seidl - 3433 West College Avenue - Expo Center

Jennifer Stephany - 116 West Appleton Street - Expo Center

At 7:18 p.m., Alderperson Spears moved, seconded by Alderperson Coenen to extend the public participation period. Voice vote. Motion carried by a vote of 14-0.

Jay Schumerth - 9 Strawberry Lane - Expo Center

Chadd Scott - 1102 West Summer Street - Expo Center

Josh Dukelow - 809 East Hancock Street - Expo Center Room Tax

After the public participation period, prior to the approval of the minutes from the previous Council meeting (Item G of the Agenda), Alderperson Baranowski moved, seconded by Alderperson Martin, to suspend the rules to change the order of the agenda and take up the approval of the minutes at the end of the meeting. Voice vote. Motion carried by a vote of 14-0.

H. BUSINESS PRESENTED BY THE MAYOR

[15-1709](#)

Appointment of Kami Scofield as the Appleton City Clerk

Alderperson Konetzke moved, seconded by Alderperson Lobner, that the appointment of Kami Scofield be confirmed. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson Greg Dannecker, Alderperson Joe Martin, Alderperson Cathy Spears, Alderperson Polly Dalton, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

Excused: 1 - Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

I. PUBLIC HEARINGS**J. SPECIAL RESOLUTIONS****K. ESTABLISH ORDER OF THE DAY**

[15-1626](#)

Request from Katsu Ya of Japan for a permanent street occupancy permit to install signage on the College Avenue Skywalk.

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

Aye: 14 - Alderson Greg Dannecker, Alderson Joe Martin, Alderson Cathy Spears, Alderson Polly Dalton, Alderson Christine Williams, Alderson Vered Meltzer, Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Margaret Mann, Alderson Patti Coenen, Alderson Kyle Lobner and Alderson Jeffrey Jirschele

Excused: 1 - Alderson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[15-1710](#)

Convene into Committee of the Whole

The Common Council convened into Committee of the Whole at 7:41 p.m.

Amended documents were handed out, information was presented and the Committee of the Whole items were discussed by Council members. Alderson Lobner moved, seconded by Alderson Plank, that the Council hold items 15-1598, 15-1599, 15-1600 and 15-1713. After discussion, Alderson Baranowski moved to amend the motion by Alderson Lobner, seconded by Alderson Dalton, that a 'no later than' date be included with the hold. Upon discussion, October 30 was chosen as the 'no later than' date. On the amendment, a voice vote was taken. Motion carried by a vote of 10-4. On the motion to hold as amended, a voice vote was taken. The amended hold was approved by a vote of 14-0.

The Common Council members discussed these items further with no vote being taken.

Alderson Jirschele moved, seconded by Alderson Konetzke, that the Common Council convene into Committee of the Whole. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderson Greg Dannecker, Alderson Joe Martin, Alderson Cathy Spears, Alderson Polly Dalton, Alderson Christine Williams, Alderson Vered Meltzer, Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Margaret Mann, Alderson Patti Coenen, Alderson Kyle Lobner and Alderson Jeffrey Jirschele

Excused: 1 - Alderson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[15-1598](#)

Approval of the Intergovernmental Agreement (Cooperation Agreement) for the Fox Cities Exhibition Center

This item was held in Committee of the Whole for a meeting to occur no later than October 30.

[15-1599](#)

Approval of the Amended and Restated Room Tax Commission and Tourism Zone Agreement (Exhibition Center)

This item was held in Committee of the Whole for a meeting to occur no later than October 30.

[15-1600](#)

Approval of draft ordinance imposing a hotel/motel room tax (Exhibition Center)

This item was held in Committee of the Whole for a meeting to occur no later than October 30.

[15-1713](#)

Approval of the Management Agreement (Exhibition Center)

This item was held in Committee of the Whole for a meeting to occur no later than October 30.

[15-1711](#)

Reconvene to Common Council

The Common Council reconvened at 9:25 p.m.

The meeting went into a short recess at 9:25 p.m., reconvening at 9:38 p.m.

Aldersperson Baranowski moved, seconded by Aldersperson Lobner, that the Common Council reconvene. Roll Call. Motion carried by the following vote:

Aye: 14 - Aldersperson Greg Dannecker, Aldersperson Joe Martin, Aldersperson Cathy Spears, Aldersperson Polly Dalton, Aldersperson Christine Williams, Aldersperson Vered Meltzer, Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Margret Mann, Aldersperson Patti Coenen, Aldersperson Kyle Lobner and Aldersperson Jeffrey Jirschele

Excused: 1 - Aldersperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[15-1678](#)

Taxicab Driver's License application of Stanley L. Shelby, 1805 Monroe Street, Two Rivers.

Notwithstanding vote taken. This taxicab driver's license is denied.

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

Aye: 4 - Aldersperson Polly Dalton, Aldersperson Vered Meltzer, Aldersperson William Siebers and Aldersperson Kyle Lobner

Nay: 10 - Aldersperson Greg Dannecker, Aldersperson Joe Martin, Aldersperson Cathy Spears, Aldersperson Christine Williams, Aldersperson Kathleen Plank, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Margret Mann, Aldersperson Patti Coenen and Aldersperson Jeffrey Jirschele

Excused: 1 - Aldersperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[15-1492](#)

Operator's License application of Chad D. Dishno, 617 Kenneth Avenue, Kaukauna.

Alderson Lobner moved, seconded by Alderson Baranowski, that the Report Action Item be approved and the license denied. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderson Greg Dannecker, Alderson Joe Martin, Alderson Cathy Spears, Alderson Christine Williams, Alderson Vered Meltzer, Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner and Alderson Jeffrey Jirschele

Nay: 1 - Alderson Polly Dalton

Excused: 1 - Alderson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[15-1534](#)

Adopt the 2016 City of Appleton Policy for Special Assessments

Amendment No. 1 (Lobner): Amend Pages 1 and 2 to create a fourth column, titled "Rural to Urban Conversion where Grade and Gravel was previously assessed." For this group, assessment shall be 75% for R1 property and 100% for all other zoning, minus the amount property owners were previously assessed for grade and gravel.

A vote was taken on the amendment and carried. Upon questions by Director Vandehey and subsequent confusion as to the intent of the amendment, this item was ultimately referred back to the Finance Committee by Alderson Lobner.

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

Aye: 9 - Alderson Cathy Spears, Alderson Polly Dalton, Alderson Christine Williams, Alderson Vered Meltzer, Alderson William Siebers, Alderson Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner and Alderson Jeffrey Jirschele

Nay: 5 - Alderson Greg Dannecker, Alderson Joe Martin, Alderson Kathleen Plank, Alderson Curt Konetzke and Alderson Ed Baranowski

Excused: 1 - Alderson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[15-1635](#)

Request to approve Parks/Rec/Facilities Management Department to create a position of Facilities Project Manager with the expenses to be paid from the applicable Capital Projects funds.

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

Aye: 13 - Alderperson Greg Dannecker, Alderperson Joe Martin, Alderperson Cathy Spears, Alderperson Polly Dalton, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

Nay: 1 - Alderperson Ed Baranowski

Excused: 1 - Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

15-1659

Modification to language regarding polling places

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

Aye: 14 - Alderperson Greg Dannecker, Alderperson Joe Martin, Alderperson Cathy Spears, Alderperson Polly Dalton, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

Excused: 1 - Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderperson Konetzke moved, Alderperson Baranowski seconded, to approve the report. The motion carried by the following vote:

Aye: 14 - Alderperson Greg Dannecker, Alderperson Joe Martin, Alderperson Cathy Spears, Alderperson Polly Dalton, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

Excused: 1 - Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[15-1536](#)

#13-R-15-Alderperson Baranowski

Propose a No Parking trial period, from April 01, 2016 through September 02, 2016, on the north side of Rail Road, from Kensington Ave extending west, up to but not including, 3316 Rail Road. The purpose of the trial period is to provide a level of safety for users of Derks Park who typically may park on the north side of Rail Road and cross the street to the park, while understanding the impact of added parking on the south side of Rail Road and the potential impact on those who may now choose to park on Guyette Drive. The trial period may be shortened or concluded if the Committee determines the No Parking restriction successfully increases the level of safety while minimizing the impact on the surrounding neighborhood, thereby permanently restricting No Parking along the north side of Rail Road as proposed or if the impact to the neighborhood is negative while still allowing for an adequate measure of safety as we would expect.

This Presentation was approved.

[15-1627](#)

Request from Kyle Fritz for a variance to Municipal Code 9-639 (h) to exceed the six foot height limit.

This Report Action Item was approved.

[15-1628](#)

Request from Apple Tree Connections, LLC to have the property at 5020 N. Providence Avenue officially precluded from access to Canvasback Circle.

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[15-1643](#)

Class "B" Beer and Class "C" Wine application of Sunflower Spa LLC, d/b/a Sunflower Spa, Lacy A. Hardy, Agent, 1024 S. Olde Oneida St., contingent upon approval from all departments.

This Report Action Item was approved.

[15-1576](#)

Operator's Licenses

This Report Action Item was approved.

[15-1616](#)

"Class B" Beer/Liquor License application of OM Investments LLC, d/b/a Sai Ram Indian Cuisine, Sivakumar Rajarathinam, Agent, 253 W. Northland Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[15-1657](#)

The Police Department was awarded \$11,900 from Kwik Trip for the purchase of a Utility Task Vehicle (UTV)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[15-1608](#)

Request to approve Extraterritorial Final Plat for 2nd Addition to Edgewood Acres located in the Town of Grand Chute, as shown on the attached map, subject to the stipulation in the attached staff report

This Report Action Item was approved.

[15-1609](#)

Request to approve the dedication of public right-of-way for the east-west extension of Vantage Drive to connect the existing Vantage Drive to Eisenhower Drive, as shown on the attached maps

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[15-1620](#)

Proposed 2016 Reid Golf Policy and Rates

This Report Action Item was approved.

5. MINUTES OF THE FINANCE COMMITTEE

[15-1574](#)

CEA Review Committee Report from August 20, 2015.

This Report Action Item was approved.

[15-1575](#)

Request to enter into Intergovernmental Agreement with Appleton Area School District to borrow short term cash in an amount not to exceed \$20 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, 2016. Interest on the note shall be paid at maturity or redemption.

This Report Action Item was approved.

[15-1652](#)

Request to approve the following 2015 Budget adjustment:

General Fund - Mayor's Office	
Other Contracts/Obligations - Parade Committee	+\$12,000
Fund Balance	- \$12,000

to record City 2014 payment to the Appleton Parade Committee. The annual payment was budgeted in 2014, but inadvertently omitted, so two payment will be made in 2015 (2/3 vote required).

Risk Management Fund	
Workers Compensation Expense	+\$250,000
Fund Balance	- \$250,000

to record additional costs incurred in workers compensation claims (2/3 vote required).

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[15-1670](#)

Request to approve the Option to Purchase by United Investments, Inc. and/or assigns to purchase 21 acres of land, more or less, at the northwest corner of Eisenhower Drive and Midway Road, in Southpoint Commerce Park, at a purchase price of \$840,000 (\$40,000 per acre)

This Report Action Item was approved.

7. MINUTES OF THE UTILITIES COMMITTEE

8. MINUTES OF THE HUMAN RESOURCES COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

O. ITEMS HELD

P. ORDINANCES

[15-1707](#)

Ordinances 83-15 thru 97-15

This Report Action Item was approved.

- Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION
- R. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION
- S. OTHER COUNCIL BUSINESS

[15-1712](#)

Report of Committee of the Whole

No action was taken during Committee of the Whole

- G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[15-1644](#)

Common Council Meeting Minutes from October 7, 2015

As previously stated, this item was taken up at the end of the meeting just prior to adjournment.

Aldersperson Jirschele moved, seconded by Aldersperson Coenen, that the Minutes be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Aldersperson Greg Dannecker, Aldersperson Joe Martin, Aldersperson Cathy Spears, Aldersperson Polly Dalton, Aldersperson Christine Williams, Aldersperson Vered Meltzer, Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Margret Mann, Aldersperson Patti Coenen, Aldersperson Kyle Lobner and Aldersperson Jeffrey Jirschele

Excused: 1 - Aldersperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

- T. ADJOURN

The meeting adjourned at 10:18 p.m.

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

Aye: 14 - Aldersperson Greg Dannecker, Aldersperson Joe Martin, Aldersperson Cathy Spears, Aldersperson Polly Dalton, Aldersperson Christine Williams, Aldersperson Vered Meltzer, Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Margret Mann, Aldersperson Patti Coenen, Aldersperson Kyle Lobner and Aldersperson Jeffrey Jirschele

Excused: 1 - Aldersperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

Jamie L. Griesbach, Deputy City Clerk