



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, February 3, 2016

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order by Mayor Hanna at 7:00 p.m.

B. INVOCATION

The Invocation was given by Alderperson Meltzer.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 14 - Alderperson Chris Croatt, Alderperson Greg Dannecker, Alderperson Joe Martin, Alderperson Cathy Spears, Mayor Timothy Hanna, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

Excused: 1 - Alderperson Patti Coenen

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

City Clerk Scofield, City Attorney Walsh, Deputy City Attorney Behrens, Director of Community and Economic Development Harkness, Director of Finance Saucerman, Fire Chief Vander Wyst, Health Officer Eggebrecht, Director of Parks, Recreation and Facilities Gazza, Police Chief Thomas, Director of Public Works Vandehey, Valley Transit Assistant General Manager Sandmeier, Library Director Rortvedt

F. PUBLIC PARTICIPATION

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[16-161](#)

Common Council Meeting Minutes of January 20, 2016

Attachments: [CC Minutes 01-20-2016.pdf](#)

Alderperson Baranowski moved, seconded by Alderperson Croatt, that the Minutes be approved. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderperson Chris Croatt, Alderperson Greg Dannecker, Alderperson Joe Martin, Alderperson Cathy Spears, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

Excused: 1 - Alderperson Patti Coenen

Abstained: 2 - Mayor Timothy Hanna and Alderperson Margret Mann

H. BUSINESS PRESENTED BY THE MAYOR

[16-163](#) Presentation of Proclamation declaring the Marigold as the Official Flower of the City of Appleton.

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[16-109](#) Action Item: Award contract to MSA Professional Services for design and engineering services for Erb Park and Pool for a contract of \$838,000 and a 5% contingency for a contract not to exceed \$879,900.

Attachments: [2016 Erb Pool Architect and Engineer.pdf](#)

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

Aye: 12 - Alderperson Chris Croatt, Alderperson Greg Dannecker, Alderperson Joe Martin, Alderperson Cathy Spears, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Margret Mann, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

Nay: 1 - Alderperson Ed Baranowski

Excused: 1 - Alderperson Patti Coenen

Abstained: 1 - Mayor Timothy Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

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

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

Excused: 1 - Alderperson Patti Coenen

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[16-104](#) Award of 2016 Materials Testing Contract (M-16) to OMNNI Associates, Inc. in an amount not to exceed \$75,000.

Attachments: [Award of 2016 M-16.pdf](#)

This Report Action Item was approved.

[16-105](#) Approve amendment No. 6 to the State/Municipal Agreement for the Prospect Avenue Bridge over Jackman Street Project for additional design engineering and plan preparation of a new retaining wall located at the southeast corner of the bridge in an amount not to exceed \$22,554.90 (City share \$4,510.98)

Attachments: [State-Municipal Agreement for Prospect Bridge .pdf](#)

This Report Action Item was approved.

[16-106](#) Approve request from Appleton Downtown Inc. for a sidewalk occupancy permit to hold a Sidewalk Sale on Saturday, May 7, 2016 from 10:00 a.m. to 3:00 p.m. in accordance with the College Avenue Sidewalk Sale Permit Policy.

Attachments: [ADI Sidewalk Sale.pdf](#)

This Report Action Item was approved.

[16-107](#) Approve Six-Month Trial Period for proposed parking change on W. Summer Street.

Attachments: [Proposed parking change on W. Summer St.pdf](#)

This Report Action Item was approved.

[16-140](#)

Approve 2016 Sole Source Purchasing Request for various traffic equipment and technologies.

Attachments: [2016 Sole Source Purchasing Report.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[15-1953](#)

#16-R-15/Lobner

WHEREAS secondhand dealers allow our residents access to necessities, clothing, entertainment and more that they might not be able to find or afford elsewhere.

AND WHEREAS the City of Appleton currently requires secondhand dealers to hold purchased items for a minimum of 21 days before allowing them to be resold.

AND WHEREAS Wisconsin State Statute 134.71 allows municipalities to reduce that holding period to seven days if daily reports of purchased items are submitted electronically.

AND WHEREAS municipalities both within the Fox Valley and around the state have reduced their waiting period to seven days, putting current and prospective secondhand businesses in the City of Appleton at a potential competitive disadvantage.

THEREFORE BE IT RESOLVED that the City of Appleton shall adopt electronic reporting of secondhand purchases and reduce the holding period to seven days, pursuant to State Statute 134.71.

The Recommendation for Denial was approved.

[16-049](#)

Secondhand Article Renewal application of The Attique Resale, James A. Boylan, Applicant, 415 N. Oneida St., contingent upon approval from all departments.

This Report Action Item was approved.

[16-050](#) Operator's Licenses

Attachments: [Operator's Licenses for 01-27-2016 S&L.pdf](#)

This Report Action Item was approved.

[16-053](#) Secondhand Article License Renewal application of GameStop #5520, Michael L. Nichols, Applicant, 3825 E. Calumet St., Ste. 500, contingent upon approval from all departments.

This Report Action Item was approved.

[16-054](#) Secondhand Article License Renewal application of GameStop #3349, Michael L. Nichols, Applicant, 2640 W. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[16-080](#) Operator's License application of Emily A. Stibbe, 604 9th Street, Menasha.

Attachments: [S&L Item 16-080 Letters.pdf](#)

The Recommendation for Denial was approved.

[16-081](#) "Class B" Beer/Liquor License application of Taste of Thai Restaurant LLC, Touger Thor, Agent, 321 E. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[16-097](#) Change of Agent of Walgreen Co. d/b/a Walgreens #07323, Ross J. Mueller, Agent, 3330 E. Calumet St., contingent upon approval from Police Department.

This Report Action Item was approved.

[16-139](#) Reserve "Class B" Beer/Liquor License application of AF Inc., d/b/a Bamboo, Chuan Shun Chen, Agent, 2230 E. Northland Ave., contingent upon approval from all departments.

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION**4. MINUTES OF THE PARKS AND RECREATION COMMITTEE**[16-142](#)

Action Item: Award contract to Alta Planning and Design for a contract of \$112,968 for the development of a Trails Master Plan

Attachments: [2016 Trails Master Plan Comm Memo.doc](#)

This Report Action Item was approved.

5. MINUTES OF THE FINANCE COMMITTEE[16-130](#)

Request to sole source contract to File Tech to rebuild a Mobile Shelving Unit at the Police Department for a contract fee of \$35,000 with no contingency. Contract not to exceed \$35,000.

Attachments: [2016 PD Mobile Shelving Rebuild Sole Source.pdf](#)

This Report Action Item was approved.

[16-144](#)

Request to approve Amendment and Change Order No. 2 to contract 26-15 for Unit E-15 Miscellaneous Concrete and Street Excavation Repairs to increase for additional street patches due to water main and inlet reconstruction in the amount of \$53,226.11. This contract does not include a contingency. Overall contract increased from \$684,800 to \$738,026.11.

Attachments: [Contract Amendment No2- Unit E-15 Miscellaneous Concrete and Street Excavation Repairs.pdf](#)

This Report Action Item was approved.

[16-147](#)

Request to approve the following 2015 Budget adjustment:

Exhibition Center Capital Projects Fund

Consulting Services	+\$14,635
Room Tax	+\$14,635

to record the cost of legal and consulting services incurred after the closing of the land for the exhibition center project.

Attachments: [Memo to Council on HC Phase III Dec. 2015 Invoice.pdf](#)
[January 19, 2016 H & C Bill for 12.15.pdf](#)
[Previous Memo to ARA for Phase III Overage.pdf](#)

This Report Action Item was approved.

[16-154](#)

Request to approve the following 2015 Budget adjustment:

Wastewater Capital Project

Digester Improvement Project	+\$114,972
Bar Screen Project	- \$114,972

to record transfer of positive Bar Screen budget variance to fund Digester Project.

Attachments: [Digester Improvements Bid Award A.W.pdf](#)

This Report Action Item was approved.

[16-155](#)

Request to approve the following 2015 Budget adjustment:

Wastewater Capital Project

Digester Improvement Project	+\$43,842
Contractor Fees	- \$43,842

to record transfer of positive O&M Contractor Fees from 2015 budget to fund O&M Digester painting and repair projects as part of August Winter Digester contract.

Attachments: [Digester Improvements Bid Award A.W.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[16-128](#) ****CRITICAL TIMING**** Request to approve the repurchase of Lot 10 of Plat 4 in the Northeast Industrial Park from Romenesko Developments, Inc.

Attachments: [Romenesko Lot 10 repurchase CEDC 1-27-16.pdf](#)

This Report Action Item was approved.

[16-135](#) Hinshaw & Culbertson Hourly Fee Bill Review for Phase III Services Concerning Exhibition Center and Approval of December 2015 Invoice

Attachments: [Memo to Council on HC Phase III Dec. 2015 Invoice.pdf](#)

[Previous Memo to ARA for Phase III Overage.pdf](#)

[January 19, 2016 H & C Bill for 12.15.pdf](#)

This Report Action Item was approved.

[16-143](#) ****CRITICAL TIMING**** Request to approve the extension of 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

Attachments: [Memo on Extension of Option to Purchase Southpoint Commerce 1-2016.pdf](#)

[Request from United Investments for Extension-Southpoint Commerce Park.pdf](#)

[Southpoint Commerce Park Option to Purchase Fully Signed \(10-12-15\).pdf](#)

[Memo on Option to Purchase Southpoint Commerce 10-2015.pdf](#)

[Exhibit A OptiontoPurchase21Acres.pdf](#)

This Report Action Item was approved.

7. MINUTES OF THE UTILITIES COMMITTEE

[16-134](#) Award sole source contract for MBC Panel Replacement at the Water Plant to Energy Control and Design, Inc. in the amount of \$37,098.

Attachments: [2016 Water Plant MBC Panel Replacement.pdf](#)

This Report Action Item was approved.

- [16-156](#) Award Digester Improvements Project Base Bid and Alternate Bids #2 and #3 to August Winter Construction in the amount of \$363,658 with contingency of \$38,000 for a project total not to exceed \$418,008.

Attachments: [Finance Memo Digester Improvements Bid Award A.W.pdf](#)

This Report Action Item was approved.

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

- [16-145](#) Request to approve program changes to the 2016 Water Distribution Capital Improvement Program (Business Unit 5371).

Attachments: [Water CIP Plan Modifications.pdf](#)

This Report Action Item was approved.

- [16-146](#) Approve program changes to the 2016 Water Distribution Capital Improvement Program (Business Unit 5371).

Attachments: [Water CIP Plan Modifications.pdf](#)

This Report Action Item was approved.

N. ITEMS HELD

O. ORDINANCES

- [16-159](#) Ordinance 13-16

Attachments: [Ordinance going to Council 02-03-2016.pdf](#)

This Report Action Item was approved.

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO
COMMITTEES OF JURISDICTION

Parks & Recreation Committee

#1-R-16

Mann, Meltzer, Martin, & Williams

Renaming the Fox River Properties to the Ellen Kort Peace Park

WHEREAS, Ellen Kort, named Wisconsin's first poet laureate in 2000 by Governor Tommy Thompson, is revered and regarded by many residents of Appleton as a cherished author, teacher and mentor, having played a significant role in the founding of the Fox Cities Book Festival, authoring 11 books and 8 collections of poetry as well numerous parochial books, including The Fox Heritage: A History of Wisconsin Fox Cities, The Art of Labor: Building the Fox Cities Performing Arts Center and Wisconsin Quilts: Stories in the Stitches, named an Outstanding Book of Wisconsin by the Wisconsin Library Association, having received numerous awards, including the Wisconsin Sesquicentennial Poetry Award, and the 2001 "Excellence In The Arts" Award among others, having taken part in Appleton's Compassion Project and having had her poetry installed in a number of public venues in Appleton including the Fox River Mall, the Appleton Heart Institute, City Center Plaza, and Appleton Public Library; is shown to have substantially contributed to the cultural significance and richness of Appleton; and

WHEREAS, Ellen used her skills as a poet and teacher to reach out to the Fox Valley community in numerous ways, teaching at local universities and schools and conducting writing workshops for at-risk teens, nurses, physicians and for survivors of cancer, AIDS and domestic abuse by sharing the fundamental tenants of her core beliefs, reflected in her indelible spirit of compassion and deep understanding of the human condition which manifested in aspirations of tolerance, acceptance, forgiveness and peace in her healing prose; and

WHEREAS, On March 3rd 2015, The City of Appleton voted unanimously to move the land formerly know as the Appleton Water Treatment Plant on Water Street, the Fox River Properties, to the Parks and Recreation Department; and

WHEREAS, the City's Master Plan for Jones Park and the Fox River Properties, adopted in 2006, envisions this segment of prime public waterfront as the primary pedestrian nexus of Appleton's Fox River presence with arterial connections to Downtown and the expanding Fox River Corridor's trails and parkways; and

WHEREAS, the naming of the For River Properties is in accordance with the NAMING OF PUBLIC PARK LANDS policy adopted by the City in 1997, satisfying #1 and #6 of the acceptable naming criteria, as well as written approval and support of Ellen Kort's next of kin; and

WHEREAS, in 2001, Mayor Hanna presented a Proclamation to Ellen Kort - State of Wisconsin Poet Laureate – and designated February 27, 2001 as "Ellen Kort Day"; now, therefore,

BE IT RESOLVED, that on February 27th, Ellen Kort Day 2016, the Fox River Properties be officially named the Ellen Kort Peace Park.

Common Council Organizational Meeting

#2-R-16

Lobner

WHEREAS Appleton Common Council meetings are open to the public and members of the public are encouraged to attend and participate.

AND WHEREAS Appleton experiences occasional winter weather that may make it

*dangerous or otherwise inadvisable to drive or venture outside unnecessarily.
AND WHEREAS attending a meeting of the Appleton Common Council should not
require citizens to expose themselves to potentially dangerous conditions.
THEREFORE BE IT RESOLVED that the Appleton Common Council and its
committees shall not meet during a Winter Storm Warning, Blizzard Warning or Wind
Chill Warning.*

R. OTHER COUNCIL BUSINESS

[16-164](#)

Discussion of Exhibition Center Next Steps

Attachments: [Exhibition Center Process Memo for Council 020316.pdf](#)
 [Primer on Project Delivery.pdf](#)

S. ADJOURN

**Aldersperson Martin moved, seconded by Aldersperson Baranowski, that the
meeting be adjourned at 7:38 p.m. Roll Call. Motion carried by the following
vote:**

Aye: 15 - Aldersperson Chris Croatt, Aldersperson Greg Dannecker, Aldersperson Joe
Martin, Aldersperson Cathy Spears, Mayor Timothy Hanna, 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

Kami Scofield, City Clerk