



# City of Appleton

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

## Meeting Minutes - Final Common Council

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Wednesday, January 15, 2014

7:00 pm

Council Chambers

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### A. CALL TO ORDER

*The meeting was called to order at 7:02 p.m.*

### B. INVOCATION

*Aldersperson Spears offered the invocation.*

### C. PLEDGE OF ALLEGIANCE TO THE FLAG

### D. ROLL CALL OF ALDERPERSONS

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

**Excused:** 1 - Aldersperson Joe Martin

### E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*PRESENT: City Clerk Peterson, City Attorney Walsh, Deputy City Attorney Totzke, Community and Economic Development Director Harkness, Interim Finance Director Saucerman, Fire Chief Vander Wyst, Health Officer Eggebrecht, Director of Parks, Recreation and Facilities Gazza, Police Chief Helein, Director of Public Works Vandehey, Director of Information Technology Fox, Director of Utilities Shaw, Library Director Rortvedt.*

*EXCUSED: Director of Human Resources Behnke, Valley Transit General Manager Wetter*

### F. PUBLIC PARTICIPATION

*Name - Address - Topic*

*David Babcock - 511 East South River Street - Appleton Bike Corral*

*Korey Krueger - 613 East McArthur Street - Adult Softball*

*Mike Sanders - Adult Softball*

*Mitchell Musial - 385 Cross Gate Lane, DePere - Adult Softball*

*George Schroeder - 4705 Buttercut Court - Adult Softball*

*Terri Bishop - W10763 Everts Lane, New London - Operator's License*

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[14-82](#)

Approve December 18, 2013 Council Meeting Minutes.

**Attachments:** [CC Minutes 12-18-2013.pdf](#)

**Aldersperson Smith moved, seconded by Aldersperson Croatt, 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 Konezke, Aldersperson Lobner, Aldersperson Oswald, Aldersperson Plank, Aldersperson Smith, Aldersperson Spears, Aldersperson Stueck and Aldersperson Trauger

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

H. BUSINESS PRESENTED BY THE MAYOR

I. PUBLIC HEARINGS

[14-83](#)

Public Hearing for Proposed Comprehensive Plan Future Land Use Amendment.

**Attachments:** [Class I Public Hearing Notice for Newspaper - Comp. Plan - Bennett Street.docx](#)

*Name - Address - Topic*  
*None*

[14-84](#)

Public Hearing for Rezoning #13-13 North Bennett Street (North Heights Subdivision)

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

*Name - Address - Topic*  
*None*

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[13-1779](#)

Approval of Revised Park Ordinances

**Attachments:** [Park Ordinance 01-10-14.pdf](#)

*Referred back by Aldersperson Lobner.*

**This Report Action Item was referred to the Parks and Recreation Committee**

[14-4](#)

Approve Appleton Bike Corral Pilot Project for parking stall in front of 231 E. College Avenue.

**Attachments:** [Appleton Bike Corral Pilot Project.pdf](#)

*Referred back by Alderperson Smith.*

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

[14-39](#)

Motion to Reconsider the Operator's License application of Terri A. Bishop, W10763 Everts Lane, New London. (File 13-1828)

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

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

**Nay:** 2 - Alderperson Jirschele and Alderperson Konetzke

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

[13-1828](#)

Operator's License application of Terri A. Bishop, W10763 Everts Lane, New London.

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

**Aye:** 10 - Alderperson Coenen, Alderperson Dannecker, Alderperson Garb, Alderperson Hill, Alderperson Lobner, Alderperson Oswald, Alderperson Plank, Alderperson Smith, Alderperson Spears and Alderperson Trauger

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

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

[14-38](#)

Operator's License application of Dale H. Chu, 24 Eagles Court, Kaukauna.

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

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

**Nay:** 2 - Alderperson Jirschele and Alderperson Konetzke

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

[13-1788](#)

Approval of Panther Baseball Club for Operation of Adult Softball Program and Appleton Memorial Park Concessions

**Attachments:** [Panthers Baseball Agreement 12-2-13.docx](#)

**Aldersperson Croatt moved, seconded by Aldersperson Lobner, that the Report Action Item be approved. Roll Call. 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 Plank, Aldersperson Smith and Aldersperson Trauger

**Nay:** 3 - Aldersperson Coenen, Aldersperson Spears and Aldersperson Stueck

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

[13-1771](#)

Approve Residential Recycling Cart Exchange Policy.

**Attachments:** [Res. Recycling Cart Exchange Policy -rev.pdf](#)

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

**Aye:** 13 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Lobner, Aldersperson Oswald, Aldersperson Plank, Aldersperson Smith, Aldersperson Spears, Aldersperson Stueck and Aldersperson Trauger

**Nay:** 1 - Aldersperson Konetzke

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

[14-15](#)

Request for approval of contract to Staab Construction Corporation for Regulatory Upgrades and Process Improvements to the Appleton Water Treatment Facility in the amount of \$4,857,000 with a 15% contingency of \$728,550 and a project total not to exceed \$5,585,550, and the following related 2013 Budget Adjustment:

<u>Water Utility</u>	
RUPIP Equipment	+\$361,923
Water Distribution Capital	- \$250,000
Fund Balance	- \$111,923

to fund the contingency for the contract to Staab Construction for RUPIP project (also appears on the Utilities Committee agenda of January 7, 2014) (2/3 vote required).

**Attachments:** [RUPIP Construction Contract Award included Budget adjustment 01-02-14.doc](#)

**Aldersperson Stueck moved, seconded by Aldersperson Spears, 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 Konezke, Alderperson Lobner, Alderperson Oswald, Alderperson Plank, Alderperson Smith, Alderperson Spears, Alderperson Stueck and Alderperson Trauger

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

L. COMMITTEE REPORTS

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

**Alderperson Spears moved, Alderperson Stueck seconded, to approve the balance of action items on the agenda. The motion carried by the following vote:**

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

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

1. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[14-41](#) Operator's Licenses

**Attachments:** [Operator's Licenses for 1-9-14 S & L.pdf](#)

**This Report Action Item was approved.**

[14-47](#) Operator's license applications contingent upon completion of the Responsible Beverage Service Course - Mai Houa Xiong, 706 Fair Oaks Drive, Neenah.

**This Report Action Item was approved.**

[14-46](#) Secondhand Article License Renewal Application for Milo Milo, Corrine E. Jadin, 107 S. Linwood Avenue, contingent upon approval from all departments.

**This Report Action Item was approved.**

[14-58](#) Secondhand Jewelry License Renewal Application for Scanlan Jewelers, Judy A. Scanlan, 2031 E. Calumet Street, contingent upon approval from all departments.

**This Report Action Item was approved.**

[14-59](#) Secondhand Article License Renewal Application for Gamestop #3349, Michael L. Nichols, 2640 W. College Avenue, contingent upon approvals from all departments.

**This Report Action Item was approved.**

[14-60](#) Secondhand Article License Renewal Application for Gamestop #5520, Michael L. Nichols, 3825 E. Calumet Street, Ste 500 contingent upon approvals from all departments.

**This Report Action Item was approved.**

[14-61](#) Secondhand Article License Renewal Application for The Attique Resale, James A. Boylan, 415 N. Oneida Street, contingent upon approvals from all departments.

**This Report Action Item was approved.**

[14-62](#) Secondhand Jewelry License Renewal Application for Expert Jewelry Repair, Randy L. Kester, 636 W. College Avenue, contingent upon approvals from all departments.

**This Report Action Item was approved.**

[14-63](#) Secondhand Article License Renewal Application for Richmond Resale, LLC, Dean M. Vandenhoy, 204 N. Richmond Street, contingent upon approvals from all departments.

**This Report Action Item was approved.**

[14-64](#) Reserve "Class B" License Grant Application for Das Ventures Inc. - Appleton Beer Factory, Jeffery Fogle, Agent, 603 West College Avenue, contingent upon approvals from all departments.

**This Report Action Item was approved.**

[14-65](#) The Class "A" Beer License Application of Kwik Trip Inc., Jessica A. Hartjes, Agent, 2120 E. Edgewood Drive, contingent upon approvals from all departments.

**This Report Action Item was approved.**

[14-66](#)

The Class "A" Beer License Application of Youa Bee Xiong, d/b/a Pheng Houa Daily Foods, 343 1/2 W. Wisconsin Avenue, contingent upon approvals from all departments.

This Report Action Item was approved.

## 2. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[14-5](#)

Approve contract amendment with Graef-USA, Inc. for additional design services for the E. South River Street Retaining Wall project in an amount of \$1,200 for a new total contract not to exceed \$20,690.

**Attachments:** [Contract Amendment with Graef-USA, Inc.pdf](#)

This Report Action Item was approved.

[14-6](#)

Approve contract with Steigerwaldt Land Services, Inc. to provide land acquisition services for the Prospect Avenue Bridge Reconstruct Project in an amount not to exceed \$20,700.

**Attachments:** [Steigerwaldt Land Services contract.pdf](#)

This Report Action Item was approved.

[14-7](#)

Approve request to sole source purchase LUKE II pay stations, manufactured by Digital Payment Technologies, for installation in the Library Parking Lot.

**Attachments:** [Sole source purchase LUKE II pay stations.pdf](#)

This Report Action Item was approved.

[14-69](#)

Sole source purchase request-Variou Traffic Equipment & Technologies

**Attachments:** [Sole source purchase request-Variou Traffic Equipment & Tech.pdf](#)

This Report Action Item was approved.

## 3. MINUTES OF THE CITY PLAN COMMISSION

[13-1752](#)

Comprehensive Plan 2010-2030 Future Land Use Map Amendment #15-13 to change the current designation from One and Two-Family Residential designation to Commercial designation for two undeveloped parcels along the east side of N. Bennett Street. (Common Council Public Hearing 1/15/14)

**Attachments:** [Comp Plan #15-13 Attachment.pdf](#)

This Report Action Item was approved.

[13-1753](#)

Rezoning #13-13 - Jamie Boyce, Dale Hulce and Terry Bomier to rezone N. Bennett Street from R-1B Single-Family District to C-2 General Commercial District including the adjacent right-of-way. (Common Council Public Hearing 1/15/14)

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

This Report Action Item was approved.

#### 4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[14-3](#)

Approval of Ground Lease Agreement with Verizon Wireless to House Wireless Communication Equipment at Reid Golf Course

**Attachments:** [Memo-Verizon Wireless Lease Agreement.docx](#)

This Report Action Item was approved.

#### 5. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

#### 6. MINUTES OF THE UTILITIES COMMITTEE

[14-50](#)

Award of 2014B Stormwater Consulting Services Contract to RA Smith for Wetland Delineation Services in an amount not to exceed \$10,600.

**Attachments:** [2014B Wetland Delineations.docx](#)

This Report Action Item was approved.

[14-52](#) Award of 2014C Stormwater Consulting Services Contract for Leona Street Pond and Storm Sewer Preliminary Engineering to Brown & Caldwell in an amount not to exceed \$34,005.

**Attachments:** [2014C Leona Street Pond.doc](#)

This Report Action Item was approved.

[14-53](#) Award of 2014D Stormwater Consulting Services Contract to Brown & Caldwell for Spartan Avenue Drainage Study in an amount not to exceed \$34,957.

**Attachments:** [2014D Spartan Avenue.docx](#)

This Report Action Item was approved.

[14-54](#) Award of 2014E Stormwater Consulting Services Contract to Brown & Caldwell for Flood Hazard Mitigation Plan Update in an amount not to exceed \$19,964.

**Attachments:** [2014E Flood Hazard Mitigation Plan Update.docx](#)

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**

[14-14](#) Request for approval of the Wisconsin Avenue reconstruction settlement.

This Report Action Item was approved.

[14-19](#) Request to approve Relocation Order for Prospect Avenue Bridge/Jackman Street Project.

**Attachments:** [Relocation Order.pdf](#)  
[TPP Page 1.pdf](#)  
[TPP Page 2.pdf](#)

**This Report Action Item was approved.**

[14-67](#) Request to Approve the sale of twelve retired Hamilton parking cash entry machines in the amount of \$1,200.

**Attachments:** [Sale of Hamilton Machines.pdf](#)

**This Report Action Item was approved.**

[14-68](#) Recommendation to reject all bids for Unit Y-13, WWTP Storm Sewer Reconstruction.

**Attachments:** [Rejection of Bids Unit Y-13 WWTP Storm Sewer.pdf](#)

**This Report Action Item was approved.**

M. CONSOLIDATED ACTION ITEMS

O. ITEMS HELD

P. ORDINANCES

[14-85](#) Ordinances #1-14 through #4-14.

**Attachments:** [Ordinances going to 01-15-2014 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

*COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE:*

*(Submitted by Alderperson Jirschele)*

*"Whereas*

*The organized, mass relocation of international refugees in significant numbers to Appleton represents a significant social challenge, for both refugees and city and community resources, and*

*Whereas*

*A relocation process that has already begun under the auspices of an organization that has not been vetted, and that has not forwarded a comprehensive plan for the support of a.) the people involved in the relocation and b.) the city and community of Appleton terms of evaluating and helping to resolve the issues and costs involved,*

*Be it Resolved*

*That the city immediately suspend its accommodation efforts for organized, mass relocation efforts and establish a cross community evaluation group that will*

- Identify why Appleton has been identified as a relocation point for current and future relocations, and test the quality of that decision*
- Identify in depth the social and infrastructure impacts of absorbing hundreds of refugees who may have significant immediate and ongoing needs*
- Set up a program with which to quantitatively measure the impacts to the city and community social safety net capacities*
- Stipulate a process agenda and lead an effort to a.) determine if Appleton and the relocation organization(s) have the capability to meet the scope of needs within social challenge now being projected, or at what level, and b.) project metrics to be met for this and future efforts in this regard*
- Recommend a level and pace for current relocation efforts to this area*

*This evaluation group shall report to the Community and Economic Development Committee of the Appleton Common Council, with interim reports to begin in January, with a final report date to be identified."*

## S. OTHER BUSINESS

[14-86](#)

**The Common Council will meet in Closed Session pursuant to s. 19.85(g) for the purpose of conferring with legal counsel regarding the Appleton East Stormwater project. The Common Council will then reconvene into an open session and conduct further business.**

**Alderperson Smith moved, seconded by Alderperson Spears, that the Council meet in closed session. Roll Call. Motion carried by the following vote:**

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

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

**Alderperson Smith moved, seconded by Alderperson Spears to reconvene into open session. Upon vote, motion carried unanimously.**

T. ADJOURN

**A motion was made by Alderperson Michael Smith, seconded by Alderperson Chris Croatt, that the meeting be adjourned. The motion carried by the following vote:**

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

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

CHARLENE M. PETERSON, CMC/WCMC  
City Clerk