

City of Appleton

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

Meeting Minutes - Final-revised Common Council

Wednesday, June 15, 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 Konetzke.

Meeting went into Recess due to a fire alarm.

Meeting Reconvened at 7:46 p.m.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 14 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson

Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey

Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson

Christine Williams and Mayor Timothy Hanna

Excused: 2 - Alderperson Cathy Spears and Alderperson Chris Croatt

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

City Clerk Lynch, City Attorney Walsh, Director of Community & Economic Development Harkness, Director of Finance Saucerman, Fire Chief Vander Wyst, Health Officer Eggebrecht, Director of

Human Resources Behnke

Director of Parks, Recreation and Facilities Gazza, Police Chief Thomas

Director of Public Works Vandehey, Director of Utilities Shaw

Valley Transit Asst. General Manager Sandmeier, Library Director Rortvedt

F. PUBLIC PARTICIPATION

The following spoke regarding Item 16-706 Special Use Permit #2-16 for an 85-foot monopole wireless tower:

Rod Roovers, 2708 Kesting Ct Emory Laffin, 2709 Kesting Ct Ryan Vissers, 2213 Kesting Ct Bill Fellows, 1808 E Longview Dr

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

16-964 Common Council Meeting Minutes of June 1, 2016

Attachments: CC Minutes 6-1-16.pdf

Christine Williams

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

Aye: 13 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker and Alderperson

Excused: 2 - Alderperson Cathy Spears and Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR

I. PUBLIC HEARINGS

<u>16-966</u> Public Hearing - Comprehensive Plan Amendment #2-16

<u>Attachments:</u> Public Hearing Notice CPA .pdf

The Public Hearing was held. No one spoke for or against the item.

<u>16-967</u> Public Hearing - Rezoning #4-16

<u>Attachments:</u> Public Hearing RZ .pdf

The Public Hearing was held. No one spoke for or against the item.

- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY

Reconsideration of Request to approve Special Use Permit #2-16 for an 85-foot monopole wireless telecommunication tower with associated antennas and ground equipment located in the 2700 block of N. Kesting Court (Tax Id 31-1-4025-00), as shown on the attached maps and per attached plan of operation, subject to the conditions in the attached staff report

Attachments:

StaffReportReferBack KestingCtTower SpecialUsePermit#2-16.pdf

Kesting Ct Cell Tower Petition.pdf

Photos submitted to Plan Commission on 5-9-16 re Kesting Ct

Tower.pdf

Special Use Permits require a 2/3 majority vote.

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

Aye: 7 - Alderperson Kathleen Plank, Alderperson Curt Konetzke, Alderperson Margret Mann, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed and Alderperson Joe Martin

Nay: 4 - Alderperson William Siebers, Alderperson Ed Baranowski, Alderperson Patti Coenen and Alderperson Christine Williams

Excused: 2 - Alderperson Cathy Spears and Alderperson Chris Croatt

Abstained: 3 - Alderperson Vered Meltzer, Alderperson Greg Dannecker and Mayor Timothy Hanna

<u>16-710</u>

Request to approve Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-16 for 5715 North Meade Street, north of the intersection of Edgewood Drive (JJ) and Meade Street (Tax Id #31-6-6100-50) from One and Two-Family Residential designation to Multi-Family Residential designation as shown on the attached map and approve the attached resolution

Attachments: StaffReport Primrose CompPlanAmend#2-16&Rz#4-16.pdf

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

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

Excused: 2 - Alderperson Cathy Spears and Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

Request to approve Rezoning #4-16 for 5715 North Meade Street, north of the intersection of Edgewood Drive (JJ) and Meade Street (Tax Id #31-6-6100-50), including to the centerline of the adjacent right-of-way, as shown on the attached map, from R-1A Single-Family District to R-3 Multi-Family District

Attachments: StaffReport Primrose CompPlanAmend#2-16&Rz#4-16.pdf

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

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

Excused: 2 - Alderperson Cathy Spears and Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

16-708

Request to approve Special Use Permit #3-16 for a community living arrangement (CLA) serving 24 persons located at 5715 North Meade Street, north of the intersection of Edgewood Drive (JJ) and Meade Street (Tax Id #31-6-6100-50) to run with the land, subject to the conditions in the attached staff report and as shown on the attached maps

<u>Attachments:</u> StaffReport Primrose SpecialUsePermit#3-16.pdf

Alderperson Konetzke moved, seconded by Alderperson Martin, that the Special Use Permit be approved. Roll Call. Motion carried by the following vote:

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

Excused: 2 - Alderperson Cathy Spears and Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

Request from Dan Rosenberg, 1026 W. Calumet Street for a permanent street occupancy permit to construct a landscape berm within the Garden Court street right-of-way. This request is in violation of the City's Street Terrace Policy.

1026 W. Calumet St.pdf Attachments:

1026 W Calumet St-photos.pdf

Alderperson Baranowski moved, seconded by Alderperson Martin, that the Street Occupancy Permit be approved. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin and Alderperson Christine Williams

Nay: 1 -Alderperson Greg Dannecker

Alderperson Cathy Spears and Alderperson Chris Croatt Excused: 2 -

Abstained: 1 -Mayor Timothy Hanna

16-851

Approve South Oneida Street Streetscape Elements Plan to include standard City-owned LED street lights from Roeland Avenue to Calumet Street the Skyline Bridge (except for the block from Calumet Street to Foster Street which will remain WE Energies lights).

Attachments: S. Oneida Street Streetscape Elements.pdf

Oneida Street lighting alternatives.pdf

This Report Action Item was approved.

Ave: 9-Alderperson Kathleen Plank, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin and Alderperson Christine Williams

Nay: 4 - Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson

Kyle Lobner and Alderperson Greg Dannecker

Excused: Alderperson Cathy Spears and Alderperson Chris Croatt

Abstained: Mayor Timothy Hanna

> Alderperson Dannecker moved, seconded by Alderperson Baranowski, that the Report Action Item be amended to remove Amendment #1 that was approved in Committee. Roll Call. Motion failed by the following vote:

Alderperson William Siebers, Alderperson Kyle Lobner, Alderperson Joe Martin and Alderperson Greg Dannecker

Nay: 9 - Alderperson Kathleen Plank, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer and Alderperson Christine Williams

Excused: 2 - Alderperson Cathy Spears and Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

Alderperson Dannecker moved, seconded by Alderperson Baranowski, that the Report Action Item be amended to remove Amendment #2 that was approved in Committee. Roll Call. Motion failed by the following vote:

Aye: 4 - Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Kyle Lobner and Alderperson Greg Dannecker

Nay: 9 - Alderperson Kathleen Plank, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin and Alderperson Christine Williams

Absent: 3 - Alderperson Cathy Spears, Alderperson Chris Croatt and Mayor Timothy Hanna

Alderperson Dannecker moved, seconded by Alderperson Baranowski, that the Report Action Item be amended to remove Amendment #3 that was approved in Committee. Roll Call. Motion failed by the following vote:

Aye: 4 - Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Kyle Lobner and Alderperson Greg Dannecker

Nay: 9 - Alderperson Kathleen Plank, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin and Alderperson Christine Williams

Excused: 2 - Alderperson Cathy Spears and Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

16-926 Request to approve entering an intergovernmental agreement with the Appleton Area School District for the purpose of the joint establishment, operation and cost sharing of an employee health clinic.

<u>Attachments:</u> Memo Intergovernmental agreement.pdf

Intergovernmental Agreement.pdf

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

Aye: 12 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker and Alderperson Christine Williams

Excused: 2 - Alderperson Cathy Spears and Alderperson Chris Croatt

Abstained: 2 - Alderperson Ed Baranowski and Mayor Timothy Hanna

16-927

Request to approve payment to ThedaCare for the City's share of facility location expenses during the three year term that ThedaCare also provides the employee health clinic services.

Attachments: Lease Memo.pdf

Lease Proposal.pdf

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

Aye: 12 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker and Alderperson Christine Williams

Excused: 2 - Alderperson Cathy Spears and Alderperson Chris Croatt

Abstained: 2 - Alderperson Ed Baranowski and Mayor Timothy Hanna

<u>16-547</u> Resolution #5-R-16/Alderperson Plank

> Attachments: Resolution #5-R-16 - Safe Leashing.pdf

> > 3-1 Proposed Changes 2016 05 24.pdf

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

Aye: 13 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann,

Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer,

Alderperson Joe Martin, Alderperson Greg Dannecker and Alderperson Christine Williams

Excused: 2 - Alderperson Cathy Spears and Alderperson Chris Croatt

Abstained: 1 -Mayor Timothy Hanna

COMMITTEE REPORTS

Balance of the action items on the agenda.

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

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

Excused: 2 - Alderperson Cathy Spears and Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

Award Unit Q-16 Pavement Marking Maintenance Contract (Paint) to Crowley Construction Corp. in the amount of \$44,712.04 plus a \$5,000

contingency.

Attachments: Unit Q-16 .pdf

This Report Action Item was approved.

<u>16-894</u> Award 2016-2020 Movable Bridge Inspections Contract to Collins

Engineers, Inc. in an amount not to exceed \$80,000.

<u>Attachments:</u> Movable Bridge Inspections Contract.pdf

This Report Action Item was approved.

16-913 Approve Intergovernmental Agreement with Outagamie County for the

CTH "JJ" (Edgewood Drive) Street Reconstruction Project between

Ballard Road and Lightning Drive.

Attachments: CTH JJ-CTH E to Lightning Drive.pdf

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

<u>16-861</u> Operator's License application of Dominic R. Kendl, 1109 N. Lawe

Street.

This Report Action Item was approved.

<u>16-864</u>	Salvage Dealer's License Renewal application of Green Meadow Recycling, Inc., Neil D. Novak, Applicant, 2220 W. Everett St., contingent upon approval from all departments.
	This Report Action Item was approved.
<u>16-865</u>	Salvage Dealer's License Renewal application of Golper Supply Co., Inc., David B. Golper, Applicant, 1810 N. Edgewood Dr., contingent upon approval from all departments.
	This Report Action Item was approved.
<u>16-868</u>	"Class A" Beer/Liquor License - Change of Agent of Walgreens #12693, Melissa M. Drawenek, Agent, 729 W. Northland Ave., contingent upon approval from the Police Department.
	This Report Action Item was approved.
<u>16-872</u>	Pet Store License Renewal application of Just Pets, Craig L. Weborg, Applicant, 2009 N. Richmond St., contingent upon approval from all departments.
	This Report Action Item was approved.
<u>16-873</u>	Salvage Dealer's License Renewal application of Appleton Aluminum Recycling Inc., Charles O. Desten, Applicant, 300 N. Kensington Dr., contingent upon approval from all departments.
	This Report Action Item was approved.
<u>16-890</u>	Pet Store License renewal application of Petco#1656, Ferdinand H. Gorzelitz, Applicant, 3829 E. Calumet St., contingent upon approval from all departments.
	This Report Action Item was approved.
<u>16-903</u>	"Class B" Beer/Liquor License - Change of Agent of Dieters Place LLC, Jonathon E. Kuehn, Agent, 830 E. Northland Ave., contingent upon approval from the Police Department.
	This Report Action Item was approved.

<u>16-907</u>	Operator's Licenses
	Attachments: Operator's Licenses for 6-8-16 S & L.pdf
	This Report Action Item was approved.
<u>16-908</u>	Renewal Operator's Licenses
	Attachments: Renewal Operator's Licenses for 6-8-16 S & L.pdf
	This Report Action Item was approved.
<u>16-912</u>	"Class B" Beer/Liquor License - Change of Agent of Harvey Pierre Post No. 2778 d/b/a VFW Post 2778, Trista K. Nickerson, Agent, 501 N. Richmond St., contingent upon approval from the Police Department.
	This Report Action Item was approved.
<u>16-924</u>	2016-2017 Beer/Liquor License Renewal applications, contingent upon approval from all departments.
	<u>Attachments:</u> 2016-2017 Beer Liquor License Renewals2.pdf
	This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

16-919 Request to approve Finance Committee Report 3-P-16 for Sanitary

Sewer, Storm Sewer and Laterals.

Attachments: Report 3-P-16.pdf

This Report Action Item was approved.

16-922 Request to award the City of Appleton Municipal Services Building

2016 HVAC Replacement Project contract to B&P Mechanical, Inc. in the amount of \$338,800 with a contingency of \$8,400 for a contract

total not to exceed \$347,200.

Attachments: 2016 MSB HVAC replacement award and budget adjustemnt.pdf

This Report Action Item was approved.

16-925 Request to approve the following 2016 budget adjustment:

Facilities Capital Projects Fund

MSB Roof Replacement Project - \$35,000
Fire Stations #3 & #5 Exterior Lighting Project - \$30,000
MSB HVAC Replacement Project +\$65,000

to reallocate positive budget variance from MSB roof replacement project and Fire Stations exterior lighting project to MSB HVAC replacement project.

Attachments: 2016 MSB HVAC replacement award and budget adjustemnt.pdf

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

16-888 Request to approve the 2015 Consolidated Annual Performance and

Evaluation Report (CAPER) for the Community Development Block

Grant (CDBG) Program

Attachments: CAPER memo to CEDC 6-8-16.pdf

PY 2015 Report FINAL.pdf

This Report Action Item was approved.

7. MINUTES OF THE UTILITIES COMMITTEE

16-822 Approve May 2016 Revisions to Stormwater Utility Credit Policy.

Attachments: Memo Credit Policy Approval 05-24-2016.pdf

2016 Revised Stormwater Utility Credit Policy Combined.pdf2016 Revised Stormwater Utility Credit Policy 06-08-2016

COMBINED FINAL.pdf

This Report Action Item was approved.

Request approval of electronic Compliance Maintenance Annual Report (eCMAR) for 2015 and request the following Resolution be presented to the Common Council for approval:

Whereas, the City of Appleton has successfully been operating a biosolids compost program in cooperation with the Outagamie Department of Solid Waste; and

Whereas, Outagamie County has committed to continue allowing biosolids composting during the next five years on over five acres of County property; and

Whereas, the City of Appleton has applied for re-issuance of the Wisconsin Pollution Discharge Elimination System (WPDES) permit; and

Whereas, the WPDES permit application requests for biosolids compost program and outfall; and

Whereas, the City of Appleton will meet requirements of NR 204 for biosolids storage when WDNR reissues the WPDES permit allowing storage on the County property; and,

Whereas, the WDNR continues supporting and providing guidance for the City of Appleton's biosolids compost program.

Now, therefore, be it resolved by the City Council that the City of Appleton:

Article 1. Continues supporting an active biosolids program.

Article 2. Within the next five years provide for long term biosolids storage planning.

Attachments: eCMAR memo 2015.pdf

eCMAR 2015.pdf

This Report Action Item was approved.

16-909

Approve Amendment #1 to Robert E. Lee and Associates for the Water Clarifier Coating Contract to increase field inspections services resulting in an increase of \$16,000.

<u>Attachments:</u> <u>Clarifier Coating Contract Amendment 1.pdf</u>

This Report Action Item was approved.

City of Appleton

<u>16-910</u> Preliminary Resolution 3-P-16 for Sanitary Sewer, Storm Sewer,

Sanitary Laterals & Storm Laterals be adopted and refer the matter to

Finance Committee to determine the assessment rate.

Attachments: Resolution 3-P-16.pdf

This Report Action Item was approved.

- 8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE
- 9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION
- 10. MINUTES OF THE BOARD OF HEALTH
- M. CONSOLIDATED ACTION ITEMS
- N. ITEMS HELD
- O. ORDINANCES

<u>16-965</u> Ordinances 47-16 through 49-16

<u>Attachments:</u> Ordinances going to Council 6-15-16.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
- R. OTHER COUNCIL BUSINESS
- S. CLOSED SESSION
- T. ADJOURN

Alderperson Baranowski moved, seconded by Alderperson Mann, that the meeting be adjourned at 8:59 p.m. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams and Mayor Timothy Hanna

Excused: 2 - Alderperson Cathy Spears and Alderperson Chris Croatt

Kami Lynch, City Clerk