



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, December 21, 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 offered by Alderperson Lobner.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Alderperson Spears arrived at 7:08 p.m.

Present: 16 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margaret 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, Alderperson Cathy Spears, Alderperson Chris Croatt and Mayor Timothy Hanna

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*City Clerk Lynch, Deputy City Attorney Behrens,
Director of Community & Economic Development Harkness,
Fire Chief Vander Wyst, Director of Finance Saucerman,
Health Officer Eggebrecht, Director of Human Resources Behnke,
Director of Information Technology Fox, Library Director Rortvedt,
Director of Parks, Recreation & Facilities Gazza,
Director of Public Works Vandehey, Police Chief Thomas,
Director of Utilities Shaw*

F. PUBLIC PARTICIPATION

*The following spoke during public participation:
Garret King, 3222 N Lawe St - Item 16-1866 Operator License Application
Butch Vander Putten, 2100 W Second St - Item 16-1952 Towing Ordinance*

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[16-1976](#)

Common Council Meeting Minutes of December 7, 2016

Attachments: [CC Minutes 12-7-16.pdf](#)

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

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

Excused: 1 - Aldersperson Cathy Spears

Abstained: 1 - Mayor Timothy Hanna

[16-1977](#)

Common Council Meeting Minutes of December 14, 2016

Attachments: [CC Minutes 12-14-16.pdf](#)

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

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

Excused: 1 - Aldersperson Cathy Spears

Abstained: 1 - Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR

[16-1974](#)

Reappointment of Jason Druxman, Gary Schmitz, and Nathan Weyenberg to the Business Improvement District Board.

Attachments: [BID BD Reappt Memo 121616.pdf](#)

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

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

Excused: 1 - Aldersperson Cathy Spears

Abstained: 1 - Mayor Timothy Hanna

[16-1975](#)

Information Item:
Reappointment of Karen Harkness to the Fox Cities Convention & Visitors
Bureau Board of Directors

Attachments: [FCCVB BD Reappt 121616.pdf](#)

This Item was presented

I. PUBLIC HEARINGS

[16-1954](#)

Public Hearing for Rezoning #7-16

Attachments: [Public Hearing RZ #7-16 .pdf](#)

The Public Hearing was held. No one spoke during the hearing.

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[16-1866](#)

Operator's License application of Garret S. King, 3222 N. Lawe Street.

Attachments: [Garret S. King.pdf](#)
 [SL Denials G.King.pdf](#)

Aldersperson Lobner moved, seconded by Aldersperson Dannecker, that the recommendation to deny the license be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Margret Mann, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Jeffrey Jirschele, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears and Aldersperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[16-1843](#)

Request to award 3 year contract to Associated Benefits and Risk Consulting (ABRC) (formerly Associated Financial Group) to provide benefit consulting services for 2017, 2018 and 2019. With an option to renew for another 3 years.

Attachments: [ABRC consulting memo 11-16-16.pdf](#)

Aldersperson Croatt moved, seconded by Aldersperson Lobner, that the award of the contract be approved. 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 Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

Abstained: 2 - Alderperson Matt Reed and Mayor Timothy Hanna

[16-1841](#)

Operator's License application of Laurie A. Cooper, 743 W. Eighth Street.

Attachments: [Laurie A. Cooper.pdf](#)
[SL Denials L.Cooper.pdf](#)

The license was denied.

Alderperson Meltzer moved, seconded by Alderperson Baranowski, that the recommendation to approve the license be approved. Roll Call. Motion failed by the following vote:

Aye: 3 - Alderperson Ed Baranowski, Alderperson Margret Mann and Alderperson Vered Meltzer

Nay: 12 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[16-1952](#)

Request to Revise Chapter 9, Article XIII Division 3 of the Municipal Code, Rotating Call List Towing Services

Attachments: [S L Memo Towing Ordinance.pdf](#)
[Proposed Tow Ordinance \(edited 12-2-16\).pdf](#)
[tow companies rates 2016 \(2\).pdf](#)
[Tow Ordinance \(CURRENT 12-09-16\).pdf](#)
[Proposed Fee Schedule \(edited 12-12-16\).pdf](#)
[Proposed Tow Ordinance \(edited 12-14-16\).pdf](#)

Alderperson Lobner moved, seconded by Alderperson Dannecker, that the request to revise Chapter 9 of the Municipal Code related to Towing Services be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - 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, Alderperson Cathy Spears and Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

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

Aye: 15 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Margret Mann, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Jeffrey Jirschele, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears and Aldersperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[16-1931](#)

Award 2017 Materials Testing Contract (M-17) to OMNNI Associates, Inc. in an amount not to exceed \$100,000.

Attachments: [2017 Materials Testing Contract.pdf](#)

This Report Action Item was approved.

[16-1932](#)

Award 2017 Contract for Operation, Maintenance and Monitoring at the Closed City of Appleton Landfill to SCS Engineers, in an amount not to exceed \$70,140.

Attachments: [2017 Contract for Operation, Maintenance and Monitoring.pdf](#)

This Report Action Item was approved.

[16-1933](#)

Approved proposed Truck Route changes as recommended in the Downtown Mobility Study.

Attachments: [Truck Route changes-Downtown Mobility Study.pdf](#)

This Report Action Item was approved.

[16-1934](#)

Approve proposed parking change on Kamps Avenue between Locust Street and Bennett Street.

Attachments: [Kamps Ave between Locust St and Bennett St..pdf](#)

This Report Action Item was approved.

[16-1935](#)

Approve proposed parking changes on Eighth Street/Walnut Street/Sixth Street/Elm Street related to the Fox Cities Exhibition Center.

Attachments: [Parking changes-Fox Cities Exhibition Center.pdf](#)

This Report Action Item was approved.

[16-1936](#)

Approve proposed parking changes on Hancock Street between Lawe Street and Meade Street.

Attachments: [Hancock St between Lawe St and Meade St.pdf](#)

This Report Action Item was approved.

[16-1948](#)

Award of Contract for the design and construction related services for the northbound Oneida Street Bridge Reconstruction Project over Jones Park to Patrick Engineering, in an amount not to exceed \$228,861.

Attachments: [Oneida Street Bridge Reconstruction Project.pdf](#)

This Report Action Item was approved.

[16-1950](#)

Amendment to the scope of services & contract amount for the Railroad Quiet Zone Feasibility & Implementation Plan consulting services contract.

Attachments: [Railroad Quiet Zone Feasibility & Implementation Plan.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[16-1733](#)

Secondhand Jewelry License Renewal application of Avenue Jewelers, Jason Druxman, Applicant, 303 E. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[16-1734](#)

Secondhand Article License Renewal application of Warehouse Office Products, Jeff S. Lemery, Applicant, 1825 N. Richmond St., contingent upon approval from all departments.

This Report Action Item was approved.

[16-1796](#)

Secondhand Jewelry License Renewal application of Expert Jewelry Repair, Randy L. Kester, Applicant, 636 W. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[16-1797](#)

Secondhand Article License Renewal application of Active Bike & Fitness LLC, Mark A. Fluette, Applicant, 1421 N. Richmond St., contingent upon approval from all departments.

This Report Action Item was approved.

[16-1799](#)

Secondhand Jewelry License Renewal application of Tennie's Jewelry, Brian D. Frisch, Applicant, 208 E. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[16-1817](#)

Secondhand Article License Renewal application of The Exclusive Company, J.A. Giombetti, Applicant, 770 W. Northland Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[16-1831](#)

Secondhand Article License Renewal application of Play It Again Sports, Shane A. Herron, Applicant, 611 W. Northland Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[16-1832](#)

Secondhand Article License Renewal application of Tiffani's Bridal & Consignment, Tiffani Rose Ebben, Applicant, 1314 W. College Ave. #6, contingent upon approval from all departments.

This Report Action Item was approved.

[16-1834](#)

Secondhand Jewelry License Renewal application of Scanlan Jewelers, Judy A. Scanlan, Applicant, 2031 E. Calumet St., contingent upon approval from all departments.

This Report Action Item was approved.

[16-1835](#)

Secondhand Article License Renewal application of Replay Toys, Chris L. Freimuth, Applicant, 1131 N. Badger Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[16-1836](#)

Secondhand Article License Renewal application of Tina Marie's Unique Boutique, LLC, Tina Marie Ahrens, Applicant, 206 E. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[16-1844](#)

Secondhand Article License Renewal application of ecoATM, LLC, Hunter E. Bjorkman, Applicant, 3701 E. Calumet St., contingent upon approval from all departments.

This Report Action Item was approved.

[16-1855](#)

Reserve "Class B" Beer/Liquor License Change of Agent of Red & White, Inc., David Herbeck, Agent, 2400 S. Kensington Dr., contingent upon approval from the Police Department.

This Report Action Item was approved.

[16-1857](#)

Operator's Licenses

Attachments: [Operator's Licenses for 12-14-16 S & L.pdf](#)

This Report Action Item was approved.

[16-1871](#)

Request to Sole Source the Purchase of the Emergency Vehicle Preemption Equipment.

This Report Action Item was approved.

[16-1872](#)

Secondhand Article License Renewal application of Beatnik Betty's Resale Butik, Monica L. Austin, Applicant, 214 E. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[16-1873](#) Secondhand Jewelry License Renewal application of Krieger Jewelers, Jamie L. Boyce, Applicant, 934 W. Northland Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[16-1874](#) Reserve "Class B" Beer/Liquor License Change of Agent, Timeless Tavern LLC, Jared M. Korn, Agent, 215 E. College Ave., contingent upon approval from the Police Department.

This Report Action Item was approved.

[16-1875](#) "Class B" Beer/Liquor License Change of Agent of Apple Hospitality Group LLC, d/b/a Applebee's, Kenneth J. Lemerond, Agent, 3040 E. College Ave., contingent upon approval from the Police Department.

This Report Action Item was approved.

[16-1887](#) Recommendation to Purchase Class B Firefighting Foam from W. S. Darley

Attachments: [Memo Requesting Purchase of Solberg foam from Darley.pdf](#)

This Report Action Item was approved.

[16-1942](#) Class "B" Beer/"Class C" Wine License application of Artful Expressions LLC d/b/a Pinot's Palette, Amy L. Duffey, agent, 226 E. College Ave., contingent upon approval from all departments.

Attachments: [Pinots Palette application.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[16-1820](#) Request to approve Rezoning #7-16 to rezone 320 and 410 S. Walnut Street (Tax Id #31-3-0827-00, #31-3-0680-00, #31-2-0220-00), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from PD/CBD Planned Development Central Business District to CBD Central Business District

Attachments: [StaffReport_OutagamieCoCampus_Rezoning_For11-21-16.pdf](#)

This Report Action Item was approved.

[16-1882](#)

Request to approve Special Use Permit #7-16 for a light manufacturing use in a C-2 General Commercial District, located at 1115 W. Tuckaway Lane (Tax Id #31-8-1569-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the condition in the attached staff report (2/3 vote required)

Attachments: [StaffReport_Press Color_SpecialUsePermit#7-16.pdf](#)

This Report Action Item was approved.

[16-1884](#)

Request to approve Special Use Permit #8-16 for a standalone parking lot in a CBD Central Business District, located at 227 S. Walnut Street (Tax Id #31-3-0851-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report (2/3 vote required) (Attached letter received on 12-14-16, after the Plan Commission meeting)

Attachments: [StaffReport_227SWalnutSt_SUP_For12-12-16.pdf](#)
 [Letter from Schaff & Rattray Opposing SUP#8-16 Request.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[16-1922](#)

Action: Award the City of Appleton "2016 Erb Playground Equipment Project" contract to Lee Recreation, LLC in an amount not to exceed \$145,000

Attachments: [2016 Erb Playground award.docx](#)

This Report Action Item was approved.

[16-1926](#)

Action: Request Approval of Reciprocity Agreement with the City of Neenah

Attachments: [City of Neenah Reciprocity Agreement.pdf](#)

This Report Action Item was approved.

[16-1927](#)

Action: Request Approval of Reciprocity Agreement with the City of Menasha

Attachments: [City of Menasha Reciprocity Agreement.pdf](#)

This Report Action Item was approved.

5. MINUTES OF THE FINANCE COMMITTEE[16-1891](#)

Request to award contract to Unifirst Corporation for rental and cleaning of uniforms and related items.

Attachments: [Uniform Contract Recommendation.pdf](#)

This Report Action Item was approved.

[16-1892](#)

Request to approve Change Order #1 to contract 50-16 for Erb Park and Pool renovation project for a separated recirculation system of slides in the amount of \$130,590.99 resulting in a decrease of the contingency from \$613,048 to \$482,457.01. No change to the overall contract amount.

Attachments: [2016 Erb Pool Construction Change Order #1.pdf](#)

This Report Action Item was approved.

[16-1893](#)

Request to write off \$14,003.29 of accounts receivable invoices and \$19,481.52 of personal property taxes (outstanding over one year).

Attachments: [Written off accounts list.pdf](#)

This Report Action Item was approved.

[16-1915](#)

Request to approve Bid Packages and project related expenses into the Guaranteed Maximum Price Amendment to Miron Construction for the Fox Cities Exhibition Center for a contract not to exceed \$5,585,083; and to reject bids from Applied Flooring Solutions, Braun Thyssen Krupp Elevator LLC and Schindler Elevator Corporation for not meeting and/or following bidding requirements.

Attachments: [2016 Expo Center Bid Package #2 - Guaranteed Maximum Price Amendment .pdf](#)

This Report Action Item was approved.

[16-1917](#)

Request to award Unit Y-16 Arbutus Park Stormwater Lift Station (rebid) to August Winter and Sons, Inc in the amount of \$213,775 with a 10% contingency of \$21,377.50 for a project total not to exceed \$235,152.50.

Attachments: [Award of Contract Y-16.pdf](#)

This Report Action Item was approved.

[16-1918](#)

Request to award Unit S-17 Spartan Drive Sanitary Lift Station to August Winter and Sons, Inc. in the amount of \$760,250 with a 10% contingency of \$76,025 for a project total not to exceed \$836,275.

Attachments: [Spartan Dr Lift Station.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[16-1896](#)

Request to approve a Variance to the Declaration of Covenants and Restrictions, Item 3.A for the Northeast Industrial Park Plat #4, allowing for a minimum building size of 5,000 square feet for Parcel #31-1-5362-00 on Goodland Drive

Attachments: [Onstage variance 12-6-16.pdf](#)

This Report Action Item was approved.

7. MINUTES OF THE UTILITIES COMMITTEE

[16-1859](#)

Intergovernmental Cooperation Agreement between the City of Appleton and the City of Neenah for Solicitation of Chemical Quotations.

Attachments: [Intermunicipal Agreement - Appleton and Neenah - Chemical Quote Solicitation.pdf](#)

This Report Action Item was approved.

[16-1912](#)

Award 2017C Northland Pond Construction Related Services Contract to Brown & Caldwell in an amount not to exceed \$77,110.

Attachments: [Brown Caldwell 2017C Northland CRS Contract Util Memo 12-07-2016.pdf](#)

This Report Action Item was approved.

[16-1914](#)

Amend the 2016C contract for Leona Pond Final Design and Permitting contract to Brown & Caldwell in an amount not to exceed \$27,410.

Attachments: [Leona Pond Final Design and Permitting.pdf](#)

This Report Action Item was approved.

[16-1947](#)

Approve contract for the Bar Screen #1 Channel Butterfly Valve Rebuild to August Winter and Sons, Inc. for \$111,250 with a contingency of \$13,750 and a project total not to exceed \$125,000.

Attachments: [Bar Screen #1 Gate Valve Rebuild Project Award Memo.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[16-1865](#)

Request to approve a proposed modification to the Department of Public Works table of organization - Parking Utility to convert one Ramp Attendant position to a Ramp Operator I - Parking position.

Attachments: [DPW Parking Utility Reorg.pdf](#)

This Report Action Item was approved.

[16-1904](#)

Request to approve Police Professional Association union contract for 2017-2019 with the following adjustments:

2017: 7/1-1.5% and 10/1 1.0%

2018: 1/1-1.5% and 7/1-1.0%

2019: 1/1-1% and 7/1-1.0%

Attachments: [APPA Tentative Agreements November 2 2016.pdf](#)

This Report Action Item was approved.

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

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. ADJOURN

Alderson Baranowski moved, seconded by Alderson Croatt, that the meeting be adjourned at 7:23 p.m. Roll Call. Motion carried by the following vote:

Aye: 16 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Jeffrey Jirschele, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears, Alderson Chris Croatt and Mayor Timothy Hanna

Kami Lynch, City Clerk