

CORRECTED
COMMON COUNCIL PROCEEDINGS

Regular Meeting
City of Appleton, Wisconsin
May 15, 2013
7:00 P.M.

COUNCIL CHAMBERS, CITY HALL
100 North Appleton Street
Official Record

Mayor Hanna called the Common Council to order at 7:06 p.m.

Aldersperson Stueck offered the Invocation.

Mayor Hanna led the membership in reciting the Pledge of Allegiance to the flag of the United States of America.

ROLL CALL OF ALDERPERSONS

PRESENT: Coenen, Croatt, Dannecker, Garb, Hill, Jirschele, Konetzke, Lobner, Martin, Mettill, Oswald, Plank, Smith, Spears, Stueck – 15.

ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

PRESENT: Mayor Hanna, City Clerk Peterson, City Attorney Walsh, Deputy City Attorney Totzke, City Assessor Brosman, Finance Director Remiker, Fire Chief Vander Wyst, Health Officer Eggebrecht, Director of Human Resources Behnke, Director of Parks, Recreation and Facilities Gazza, Police Chief Helein, Director of Public Works Vandehey, Director of Information Technology Fox, Director of Utilities Shaw, Valley Transit General Manager Wetter, Library Director Rortvedt.

EXCUSED: Director of Community and Economic Development Harkness

PUBLIC PARTICIPATION FOR A PERIOD OF FIFTEEN MINUTES

NAME	ADDRESS	TOPIC
Paul Damm	500 Hart Court, Little Chute	Item #2, Bd of Public Works

Mac McGinnis	1734 North Mason Street	Item #5, Municipal Services
John Jungers	1627 North Mason Street	Item #5, Municipal Services
Don Geenen	2208 South Horizon Drive	Item #5, Municipal Services
Dave Muench	1816 North Douglas Street	Item #5, Municipal Services
Jan Heifner	2911 West Heritage Avenue	Item #5, Municipal Services

7:20 p.m. – Konetzke moved, seconded by Spears, the Council SUSPEND its Rules to extend the time allotted for Public Participation for an additional 15 minutes. Voice vote.

Motion carried.

Tom Walsh	320 Breezewood	Item #5, Municipal Services
Maureen Kalwitz	1728 North Mason Street	Item #5, Municipal Services
Richard Gosse	1334 West Cloverdale Drive	Item #5, Municipal Services
Robert Parish	1900 South Memorial Drive	Item #5, Municipal Services
Bob Phillips	1727 North Mason Street	Item #5, Municipal Services
Kerry Williamson	209 North Mason Street	Item #5, Municipal Services
Sukhmeet Kaur	220 West Valley Road	Item #8, Safety & Licensing
John Cuff	401 East Apple Creek	Item #5, Municipal Services
Christoph Wahl	403 North Durkee Street	Item #5, Municipal Services

Konetzke moved, seconded by Martin, the minutes of the May 1, 2013 meeting be approved. Voice vote. Motion carried.

BUSINESS PRESENTED BY THE MAYOR

Mayor Hanna presented a Proclamation to the Appleton Hockey Bantam 1B State Champions to players Zach Marquardt, Tate Lambert, Hayes Martinez, Brendan Grabowski,

Calum Fraser, Jack Fitzgerald, Greyson Maulick, Tanner Beckman, Seth Bishop, Caleb Grott, Luke Waldhart and Colin Hartel and coaches Brian Waldhart, Cal Husmann and Mike Myslicki.

Mayor Hanna and Laura Leimer presented the following 2013 Historic Preservation Commission Awards: Historic Preservation Certificate Award to John and Karen Chavlovich, 303 North Drew Street; and Historic Restoration Certificate to Erika Regennitter, 832 East College Avenue.

Mayor Hanna presented the Proclamation for Appleton Goes to College Week to Ken Anselment, Jane Rufe and Therese Helein..

Mayor Hanna presented the Proclamation for A Week to Celebrate Policing to Chief Helein.

Police Chief Helein presented the Police Employee of the Year Award to Sue Richter.

Police Chief Helein presented the Police Officer of the Year Award to Officer Adam Nagel.

Mayor Hanna presented the Proclamation for National Public Works Week to Public Works Director Vandehey.

Mayor Hanna recognized the Scouts from Troop 67 in the audience working on their Citizenship in the Community Merit Badge.

Mayor Hanna presented the informational reappointment of Chuck Rundquist to serve as a member of the Fox Cities Transit Commission for a three-year term as the Village of Kimberly representative.

**PUBLIC HEARING – PROPOSED ZONE CHANGE
(Published May 4 and 7, 2013)**

Rezoning #4-13 – 935 E. John Street (Appleton Redevelopment Authority) and 126 Alton Court (John Peterson) – Rezoning 31-1-0732-00 from R3 to R1-C and rezoning 31-1-0731-00 from R1-C to R3. **BE APPROVED (6/0)**

**LEGAL DESCRIPTION FOR PART OF PARCEL 31-1-0732-00
REZONING FROM R-3 TO R-1C:**

A part of Lot Four (4), Block "C", Lawsburg Plat to the First Ward, all according to the recorded Assessor's Plat of the City of Appleton and being located in the SW 1/4 of Section 25, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 3,671 square feet of land m/l and being further described as follows:

Commencing at the intersection of the most Northerly corner of said Lot 4 and the Easterly line of Alton Court and being the point of beginning;

Thence South 57°18'17" East 95.59 feet along the Northeasterly line of said Lot 4;

Thence South 48°53'38" West 39.18 feet;

Thence North 66°26'47" West 74.04 feet to the Easterly line of said Alton Court;

Thence North 19°31'44" East 50.72 feet along the Easterly line of said Alton Court to the point of beginning and including to the centerline of the adjacent street.

**LEGAL DESCRIPTION FOR PART OF PARCEL 31-1-0731-00
REZONING FROM R-1C TO R-3:**

A part of Lot Three (3), Block "C", Lawsburg Plat to the First Ward, all according to the recorded Assessor's Plat of the City of Appleton and being located in the SW 1/4 of Section 25, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 1,600 square feet of land m/l and being further described as follows:

Commencing at the intersection of the most Northerly corner of Lot 4 of said Block "C" and the Easterly line of Alton Court;

Thence South 57°18'17" East 155.90 feet along the Northeasterly line of said Lot 4 to the point of beginning;

Thence North 63°54'32" East 22.80 feet;

Thence South 57°18'17" East 47.97 feet to a meander corner which is North 57°18'17" West 25 feet m/l from the ordinary high water mark of the Fox River;

Thence South 22°43'30" West 19.80 feet along a meander line to a meander corner which is North 57°18'17" West 30 feet m/l from the ordinary high water mark of the Fox River;

Thence North 57°18'17" West 63.21 feet along the Northeasterly line of said Lot 4 to the point of beginning.

Including all those lands lying between the afore described meander line and the Fox River and including to the centerline of the Fox River.

COMMON DESCRIPTION

935 East John Street (31-1-0732-00) and 126 Alton Court (31-1-0731-00)

APPEARANCES: Marty Hemwall – 126 Alton Court

The Chair declared the Public Hearing closed.

**4-P-13 PUBLIC HEARING ON SPECIAL ASSESSMENTS
(Published May 6, 2013)**

**SANITARY SEWER , STORM SEWER, SANITARY LATERALS & STORM
LATERALS**

Clark Street from 250' w/o Marquette Street to 260' e/o Marquette Street
Cotter Street from Haskel Street to Second Street
Lynndale Drive from Fourth Street to Everett Street
Sandra Street from Glendale Avenue to 350' n/o Glendale Avenue
Ullman Street from s/o railroad tracks at Randall Avenue to Amelia Street

APPEARANCES: None.

The Chair declared the Public Hearing closed.

**4-P-13 FINAL RESOLUTION AUTHORIZING STREET IMPROVEMENTS AND
LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY
(See Publication-Legal Notices-May 20, 2013 for complete Resolution)**

Martin moved, seconded by Konetzke, Final Resolution 4-P-13 be adopted.

ROLL CALL: Aye – 13. Nay – 2/Mettille, Stueck. Resolution adopted.

ESTABLISH ORDER OF THE DAY

Smith requested the Safety and Licensing Committee Report be considered first.

Croatt requested the Board of Public Works Report be considered second.

Coenen requested the Municipal Services Committee Report be considered third.

Plank requested the Finance Committee Report be considered fourth.

Mayor Hanna suggested the Reports be considered in the following order: Safety and Licensing Committee, Board of Public Works, City Plan Commission, Municipal Services Committee and Finance Committee. There were no objections to this order of Reports.

**REPORT OF THE SAFETY AND LICENSING COMMITTEE
Meeting of May 9, 2013**

MEMBERS PRESENT: Alderperson Garb, Alderperson Mettill, Alderperson Oswald,
Alderperson Plank, Alderperson Smith

MEMBERS ABSENT: None

The Safety and Licensing Committee reports and recommends that:

(LICENSE FAILED TO PASS AT COUNCIL – LICENSE IS DENIED)

1. Operator's License application of Roberto Hernandez-Rivas, 2013 Jonathan Drive, Grand Chute BE APPROVED. (3/2-Alderperson Plank, Alderperson Smith)
2. Operator's License application of Sandra L. Kositzke, 153 West Greenfield Drive, Little Chute BE DENIED due to the applicant's police record. (5/0)
3. Operator's License application of Joshua L. Woltman, W3207 Westowne Court BE DENIED due to the applicant's police record. (5/0)
4. Taxicab Driver License application of Robert V. Berrens, 1500 Jennie Street, Menasha BE APPROVED. (5/0)
5. Commercial Solicitation License application of Kenneth M. Klockzien, 1807 South Jackson Street BE APPROVED. (5/0)
6. Commercial Solicitation License application of Joseph R. Remter, 2533 Palisades Drive BE DENIED due to the applicant's police record. (5/0)
7. Commercial Solicitation License application of Nathan H. Stone, N3802 Breeseway Drive BE APPROVED. (4/1-Alderperson Smith)

(LICENSE GRANTED NOTWITHSTANDING COMMITTEE RECOMMENDATION)

8. The Operator's License application of Sukhmeet Kaur, 220 West Valley Road, #12 BE DENIED. (3/2-Alderperson Mettill, Alderperson Oswald)

9. The following Operator's Licenses BE APPROVED. (5/0)

Brandy J. Beaumont	815 E. Brewster Street
Kyle A. Brandt	1204 Graham Avenue, Oshkosh
Nicholas Casper-Day	734 W. Commercial Street
Tianna D. Clark	W1905 County Rd H, New Holstein
Casey A. Francis	2010 Wisconsin Street, Oshkosh
Holly T. Gray	903 Harrison Street, Neenah
Jill A. Holewinski	1735 10 th Avenue, Green Bay

Jeenah C. Jones	1025 ½ W. Franklin Street
Hannah J. Martin	1237 W. Marquette Street
Kurt W. Mueller	914 W. Fourth Street
Chase Q. Nushart	215 E. Kimball Street
Mahendrakumar T. Patel	2333 W. Wisconsin Avenue
Christina Radtke	713 E. Harrison Street
Devin K. Ross	711 E. Boldt Way, SPC 1263
Jordan R. Skorlinski	1392 Whispering Pines Lane, Neenah
Teal M. Staniforth	122 N. Durkee Street
Kasey R. Smith	W2593 Colonial Court
Wesley S. Varughese	711 E. Boldt Way, SPC 1532
Brad M. Wanta	669 Franklin Street, Oshkosh
Tylor J. Weiland	W6337 Rock Road, Hortonville
Mary J. Wendt	130 S. Joseph Street

10. Secondhand Jewelry Dealer License application of Scanlan Jewelers, 2031 East Calumet Street BE APPROVED contingent upon departmental approvals. (5/0)

11. Farm Market License application of Festival Foods, 1200 West Northland Avenue BE APPROVED contingent upon departmental approvals. (5/0)

(SEE CONSOLIDATED ACTION ITEMS FOR #12)

12. Fire Department request to accept grant funds for the continuation of the smoke detector program BE APPROVED. (5/0)

(SEE CONSOLIDATED ACTION ITEMS FOR #13)

13. Fire Department request to accept grant funds for the purchase of self-contained breathing apparatus BE APPROVED. (5/0)

May 15, 2013 Council Meeting

Alderson Kole Oswald
Chair

Smith moved, seconded by Martin, the Safety and Licensing Committee Report be adopted.

Items #12 and #13 will be considered under Consolidated Action Items.

Smith requested a separate, notwithstanding, vote on Item #8. Discussion was held.

ROLL CALL ON ITEM #8, NOTWITHSTANDING: Aye – 11. Nay – 4/Konetzke, Garb, Croatt, Jirschele. ITEM #8 APPROVED NOTWITHSTANDING – LICENSE GRANTED TO SUKHMEET KAUR.

Croatt requested a separate vote on Item #1. Discussion was held.

ROLL CALL ON ITEM #1: Aye – 6/Mettile, Garb, Oswald, Coenen, Spears, Lobner. Nay – 9. ITEM #1 FAILED TO PASS – OPERATOR'S LICENSE OF ROBERTO HERNANDEZ-RIVAS DENIED.

ROLL CALL ON BALANCE OF REPORT: Aye – 15. BALANCE OF REPORT ADOPTED.

REPORT OF THE BOARD OF PUBLIC WORKS Meeting of May 15, 2013

MEMBERS PRESENT: Alderperson Croatt, Alderperson Dannecker arrived at 6:10 p.m., Alderperson Martin, Alderperson Oswald, Alderperson Plank, Alderperson Stueck, City Attorney Walsh, Facilities & Construction Manager Gazza, Finance Director Remiker, Mayor Hanna, Public Works Director Vandehey

MEMBERS ABSENT: None

The Board of Public Works reports and recommends that:

1. **CRITICAL TIMING** – Performance Bond for Midwest Industrial Coating, BE APPROVED. (11/0)

(REQUEST GRANTED BY COUNCIL – NOTWITHSTANDING RECOMMENDATION)

2. R/B- Jirschele: ***CRITICAL TIMING** – Request from Mr. Chris Hartwig to postpone paving of Aurora Drive, BE DENIED. (9/2-Alderperson Stueck, City Attorney Walsh). Request to postpone paving of Aurora Drive, BE DENIED. (9/2-Alderperson Stueck, City Attorney Walsh)
3. The offer to purchase 39 square feet for property adjacent to 602 S. Walnut Street, BE APPROVED, from Robert Lemke for \$100. (11/0)

4. The offer to purchase 940 square feet for property adjacent to 416 W. Prospect Avenue, BE APPROVED, from Thomas Kelly for \$150. (11/0)
5. The contract for Unit X-13 Sewer & Water Reconstruction #2 to Donald Hietpas & Sons, Inc, in the amount of \$1,033,786.00 with a contingency of \$56,000.00 BE AWARDED. (11/0)
6. The contract for tennis court renovations at Summit Parks to MCC, Inc., BE AWARDED, for a contract amount of \$88,646.52 and contingency of \$4,400. (11/0)
7. The contract for Roof Replacement at the Municipal Services Building to Northeastern Roofing, BE AWARDED, for a contract amount of \$160,588, and a contingency of \$16,000. (11/0)
8. The contract for Roof Replacement at the Wastewater Plant, B- Building to Weinert Roofing, BE AWARDED, for a contract amount of \$104,870, and a contingency of \$10,000. (11/0)
9. The contract for Roof Replacement at the Mead Pool Pump House to Northern Metal & Roofing, BE AWARDED, for a contract amount of \$24,360 and a contingency of \$2,500. (11/0)

May 15, 2013 Council Meeting

Charlene M. Peterson, City Clerk
Secretary

Martin moved, seconded by Oswald, the Board of Public Works Report be adopted.

Jirschele requested a separate vote on Item #2. Discussion held on Item #2.

Smith requested a notwithstanding vote on Item #2 – an aye vote would approve the request and postpone paving on Aurora Drive. Further discussion held on Item #2.

ROLL CALL ON ITEM #2, NOTWITHSTANDING: Aye – 8. Nay – 7/Konetzke,
Martin, Garb, Dannecker, Plank, Oswald, Croatt. ITEM #2 APPROVED
NOTWITHSTANDING – REQUEST GRANTED.

ROLL CALL ON BALANCE OF REPORT: Aye – 15. BALANCE OF REPORT
ADOPTED.

**REPORT OF THE CITY PLAN COMMISSION
Meeting of April 22, 2013**

MEMBERS PRESENT: Curt Konetzke; Jeanine Knapp; Lisa Carpiaux; Mark Priddis; Mayor Tim Hanna, Chairperson; Ross Buetow

MEMBERS ABSENT: Josh Dukelow

The City Plan Commission reports and recommends at the April 22, 2013 meeting, that:

1. Rezoning #4-13 – 935 E. John Street (Appleton Redevelopment Authority) and 126 Alton Court (John Peterson) – Rezoning 31-1-0732-00 from R3 to R1-C and rezoning 31-1-0731-00 from R1-C to R3. **BE APPROVED (6/0)**

May 15, 2013 Council Meeting

Mayor Tim Hanna
Chairperson

Martin moved, seconded by Konetzke, the City Plan Commission Report be adopted.

ROLL CALL: Aye – 15. Report adopted.

**REPORT OF THE MUNICIPAL SERVICES COMMITTEE
Meeting of May 7, 2013**

MEMBERS PRESENT: Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Martin, Alderperson Oswald

MEMBERS ABSENT: None

The Municipal Services Committee reports and recommends that:

1. Request from Rita Brown, 2201 S. Schaefer Street, to have her snow removal bill of \$122.20 be waived. **BE DENIED (5/0)**
2. Request from Kristin Efthimiou, 804 E. South Street, to have her snow removal bill of \$238.80 waived. **BE DENIED (4/1-Martin)**
3. Request from Mr. Bill Fellows for an exception to the City's Commercial Recycling Program to get free commercial recycling service at 1808 E Longview Drive. **BE DENIED (5/0)**
4. R/B-(5/1/13) Alderperson Croatt-Pershing Street (Meade St to Ballard Rd) Side Street Intersection Control changes. **BE APPROVED (4/1-Croatt)**
5. ~~R/B-(5/1/13) Alderperson Spears-Installation of bike lanes on both sides of Mason Street, from Prospect Avenue to the north City limits, with a cross-section of 6-foot bike lanes and 12-foot travel lanes except on the east side of the 900 and 1000 north blocks where~~

~~temporary shared lanes are installed until indented parking is constructed in those two blocks in 2014. BE APPROVED (4/1 Croatt)~~

(REFERRED BACK TO COMMITTEE, AS AMENDED)

5. R/B-(5/1/13) Alderperson Spears-Installation of bike lanes on both sides of Mason Street, from Prospect Avenue to the north City limits, with a cross-section of 6-foot bike lanes and 12-foot travel lanes except on the east side of the 900 and 1000 north blocks where ~~temporary~~ shared lanes are installed. From Lindbergh to Wisconsin that there is a dedicated six foot bike lane on the West of Mason Street, on the East side of Mason Street a bike lane will go from Mason to Brewster to Summit to Lindbergh with a straight shot back to Mason. ***From Lindbergh to the service road a bike lane shall be on the West side of Mason Street and a parking lane and bike lane shall be on the East side.***

May 15, 2013 Council Meeting

Alderperson Dannecker
Chairperson

Konetzke moved, seconded by Martin, the Municipal Services Committee Report be adopted.

Dannecker requested a separate vote on Item #5. Discussion held on Item #5.

Plank moved, seconded by Mettille, to amend Item #5 to strike end of action item the word “temporary” and “until intended parking is constructed in those two blocks”. Discussion held on proposed amendment.

ROLL CALL ON AMENDMENT: Aye – 9. Nay – 6/Garb, Dannecker, Oswald, Lobner, Croatt, Jirschele. AMENDMENT TO ITEM #5 APPROVED.

Discussion continued on Item #5, as amended.

Spears moved, seconded by Croatt, to amend from Lindbergh to the service road (which is “OO”) that since it is 40 feet that a bike lane is on the West side and parking with bike lane on the East side. Discussion held on proposed amendment.

ROLL CALL ON AMENDMENT: Aye – 13. Nay – 2/Hill, Konetzke. AMENDMENT TO ITEM #5 APPROVED.

Discussion held on Item #5, as amended.

Smith requested that Item #5, as amended, be referred back to the Municipal Services Committee. SO REFERRED.

Oswald moved, seconded by Dannecker, the Council RESOLVE into a Committee of the Whole to take up Item #5 which has been referred back to the Municipal Services Committee.

ROLL CALL: Aye – 10. Nay – 5/Stueck, Smith, Spears, Croatt, Jirschele. Motion carried – The Council is in the Committee of the Whole.

5. R/B-(5/1/13) Alderperson Spears-Installation of bike lanes on both sides of Mason Street, from Prospect Avenue to the north City limits, with a cross-section of 6-foot bike lanes and 12-foot travel lanes except on the east side of the 900 and 1000 north blocks where ~~temporary~~ shared lanes are installed. ***From Lindbergh to the service road a bike lane shall be on the West side of Mason Street and a parking lane and bike lane shall be on the East side.***

Spears moved, seconded by Croatt, to amend that the West side of Mason Street be a dedicated bike lane, the East side of Mason Street be a striped shared parking lane with a bike lane alternatives to be determined per area at a future date by the committee. Extensive discussion held on proposed amendment.

Croatt moved, seconded by Spears, to amend the amendment to define the width of the lanes to be six-foot bike lane and eight-foot parking lane. Discussion held on amendment to the amendment.

ROLL CALL ON AMENDMENT TO THE AMENDMENT: Aye – 9. Nay – 6/Hill, Konetzke, Martin, Garb, Oswald, Coenen. AMENDMENT TO THE AMENDMENT APPROVED.

Discussion held on Item, as amended, to do the West side defined as a six foot bike lane and East side a striped shared eight foot parking lane and bike lane.

Discussion held on Item as amended.

Martin moved, seconded by Konetzke, for the previous question. Voice vote. Motion carried.

ROLL CALL ON ITEM AS AMENDED: Aye – 6/Plank, Stueck, Smith, Spears, Croatt, Jirschele. Nay – 9. ITEM, AS AMENDED, FAILED TO PASS.

Discussion held on Item originally referred back.

Konetzke moved, seconded by Martin, for the previous question. Voice vote. MOTION FAILED – QUESTION NOT CALLED.

Jirschele moved, seconded by Smith, the item be referred to the Municipal Services Committee.

Jirschele explained his reason for referring this back to the Municipal Services Committee is because there are a number of things that need to be reconciled and we need to make this work for everybody and have to find a way to do this. Extensive discussion held on motion to refer to Municipal Services Committee.

ROLL CALL ON REFERRING TO MUNICIPAL SERVICES COMMITTEE: Aye – 5/Stueck, Smith, Spears, Croatt, Jirschele. Nay – 10. MOTION FAILED – ITEM NOT REFERRED TO MUNICIPAL SERVICES COMMITTEE.

Discussion continued on the item as presented to the Committee of the Whole:

5. R/B-(5/1/13) Alderperson Spears-Installation of bike lanes on both sides of Mason Street, from Prospect Avenue to the north City limits, with a cross-section of 6-foot bike lanes and 12-foot travel lanes except on the east side of the 900 and 1000 north blocks where temporary shared lanes are installed. ***From Lindbergh to the service road a bike lane shall be on the West side of Mason Street and a parking lane and bike lane shall be on the East side.***

Konetzke moved, seconded by Martin, for the previous question. Voice vote. Motion carried.

ROLL CALL ON ITEM: Aye – 10. Nay – 5/Stueck, Smith, Spears, Croatt, Jirschele.
ITEM ADOPTED.

Mettile moved, seconded by Martin, the Committee of the Whole RISE AND REPORT.
Voice vote. Motion carried.

9:33 p.m. – Mayor Hanna called a ten minute recess.

REPORT OF THE COMMITTEE OF THE WHOLE May 15, 2013

The Committee of the Whole reports and recommends:

1. R/B-(5/1/13) Alderperson Spears-Installation of bike lanes on both sides of Mason Street, from Prospect Avenue to the north City limits, with a cross-section of 6-foot bike lanes and 12-foot travel lanes except on the east side of the 900 and 1000 north blocks where temporary shared lanes are installed. ***From Lindbergh to the service road a bike lane shall be on the West side of Mason Street and a parking lane and bike lane shall be on the East side.*** BE APPROVED.

May 15, 2013 Council meeting

Charlene M. Peterson
City Clerk

Oswald moved, seconded by Martin, the Committee of the Whole Report be adopted.

Mayor Hanna clarified this Report is now before the Council.

Spears moved, seconded by Smith, to amend that from Lindbergh to Wisconsin that there is a dedicated six foot bike lane, on the East side of Mason Street a bike lane will go from Mason to Brewster to Summit to Lindbergh with a straight shot back to Mason.

Discussion held on proposed amendment.

ROLL CALL ON PROPOSED AMENDMENT: Aye – 8. Nay – 7/Hill, Konetzke, Martin, Garb, Dannecker, Oswald, Coenen. AMENDMENT ADOPTED.

Discussion held on Item, as amended.

1. R/B-(5/1/13) Alderperson Spears-Installation of bike lanes on both sides of Mason Street, from Prospect Avenue to the north City limits, with a cross-section of 6-foot bike lanes and 12-foot travel lanes except on the east side of the 900 and 1000 north blocks where ~~temporary~~ shared lanes are installed. From Lindbergh to Wisconsin that there is a dedicated six foot bike lane on the West of Mason Street, on the East side of Mason Street a bike lane will go from Mason to Brewster to Summit to Lindbergh with a straight shot back to Mason. ***From Lindbergh to the service road a bike lane shall be on the West side of Mason Street and a parking lane and bike lane shall be on the East side.***

Spears requested the item, as amended, be referred back to the Municipal Services Committee. SO REFERRED.

Croatt requested a separate vote on Items #4 and #2.

ROLL CALL ON ITEM #4: Aye – 9. Nay – 6/Mettile, Oswald, Stueck, Coenen, Spears, Croatt. ITEM #4 ADOPTED.

ROLL CALL ON ITEM #2: Aye – 14. Nay – 1/Martin. ITEM #2 ADOPTED.

Discussion held on the Balance of the Report.

ROLL CALL ON BALANCE OF REPORT: Aye – 14. Nay – 1/Spears. BALANCE OF REPORT ADOPTED.

REPORT OF THE FINANCE COMMITTEE Meeting of May 8, 2013

MEMBERS PRESENT: Alderperson Dannecker, Alderperson Konetzke, Alderperson Plank, Alderperson Stueck

MEMBERS EXCUSED: Alderperson Martin

The Finance Committee reports and recommends that:

(SEE CONSOLIDATED ACTION ITEMS FOR #1)

1. Request to accept \$332,000 grant award from FEMA for the purchase of self-contained breathing apparatus to enhance the safety of fire personnel. BE APPROVED (4/0)

2. The following 2013 Budget Adjustment be approved:

Capital Projects Fund – Public Safety

GO Debt Proceeds	- \$265,600
Grant Proceeds	+\$265,600

to record grant received for the SBA unit capital purchase decreasing the amount of debt that has to be issued for the project. (2/3 vote required) BE APPROVED (4/0)

(ITEM APPROVED AS AMENDED)

3. ***From the Report of the Board of Public Works:***

#27-R-12/Croatt and Clemons – “Whereas, the City of Appleton has a detailed policy for special assessments related to street projects.

And, Whereas, the City of Appleton provides payment options for those parties being assessed.

And, Whereas, providing payments options is a benefit to those being assessed.

And, Whereas, one of the payment options provided is a five year equal annual payment plan that includes charges for interest directly related to financing.

And, Whereas, the financing package for the special assessments is similar in nature to unsecured debt financing provided for by private-sector financial institutions.

And, Whereas, the City’s stated objective is to not compete with private-sector financial institutions and is intended to be used as a last resort.

Therefore, Be it Resolved, the City of Appleton Finance Department review the special assessments policy section titled ‘Method of Payment’ and explore options to keep the 5 equal annual installment plan intact with an interest rate that is tied to a key measured financial interest rate. Part of this analysis is to include a review of private institution unsecured loan interest rates and detail any impact the determined interest rate could have on planned street projects and the overall financial position of the City of Appleton short-term and long-term. The rate should be determined annually and be in effect for projects completed the following year. Rate adjustments would not affect projects completed before January the following year. Existing installment plans would not be affected by any subsequent changes to interest rates.”

The following process is recommended to the Board of Public Works to establish a benchmarked interest rate for the 5-year payment option plan:

- The rate shall be obtained as of September 30th effective for all bills issued 10/1 until the following September 30 to coincide with statutory requirements for notice to roll special assessments to the tax roll.

- The City of Appleton Finance Department will annually secure the home equity loan rate as published on bankrate.com (home equity loan category of \$30,000 or less), credit rating equal to good (FICO credit score 660-749) for the Appleton-Neenah-Oshkosh area in Wisconsin. The average of up to the top three rates will be the base.

~~This base plus 2% Prime plus 3% will be the rate set for the 5-year payment option. BE DENIED (2/2 Alderperson Dannecker, Alderperson Konetzke)~~

4. Request to use \$264,000 of the 2012 positive year-end balance to bring the Risk Management fund back closer to Fund Balance policy, to allocate \$670,000 for

infrastructure projects that have been postponed, and to use the remaining \$1,970,638 to reduce debt through the reduction of our 2013 issue size. BE APPROVED (4/0)

5. The following 2013 Budget Adjustment be approved:

Special Revenue Fund – Hazardous Materials

Miscellaneous State Aids	+\$25,000
Salaries and Benefits	+\$10,000
Training	+ \$3,000
Equipment	+\$12,000

to record funds received to administer the radiological field team services contract (2/3 vote required) BE APPROVED (4/0)

6. Request to approve resolution to terminate Tax Incremental District #2 as of 5/31/13. BE APPROVED (4/0)

(SEE CONSOLIDATED ACTION ITEMS FOR #7)

7. Request to accept \$111,640 grant award (\$27,910 local match in Fire Budget) from AFG Fire Prevention and Safety to provide cover door to door smoke alarm/battery installations with home safety inspections in homes that meet criteria used in city revitalization efforts. BE APPROVED (4/0)

(SEE CONSOLIDATED ACTION ITEMS FOR #8)

8. The following 2013 Budget Adjustment be approved:

General Fund – Fire

Federal Grant	- \$111,640
Salaries and Benefits	+\$ 66,000
Equipment	+\$ 45,640

to record grant received for the smoke alarm program. (2/3 vote required) BE APPROVED (4/0)

May 15, 2013 Council Meeting

Alderson Plank
Chairperson

Martin moved, seconded by Konetzke, the Finance Committee Report be adopted.

Items #1, #7 and #8 will be considered under Consolidated Action Items.

Plank requested a separate, notwithstanding, vote on Item #3.

Plank moved, seconded by Konetzke, to amend by striking “home equity loan rate” and change to “prime rate” as published on bankrate.com and strike the remainder of the paragraph.

In the last sentence strike 2% and change to 4%.. Discussion held on proposed amendment to Item #3.

ROLL CALL ON AMENDMENT TO ITEM #3: Aye – 4/Konetzke, Martin, Dannecker, Plank. Nay – 11. AMENDMENT TO ITEM #3 FAILED.

Discussion continued on Item #3, notwithstanding.

Croatt moved, seconded by Stueck, to amend to prime plus 3%. Discussion held.

ROLL CALL ON AMENDMENT: Aye – 12. Nay – 3/Mettile, Konetzke, Dannecker. AMENDMENT ADOPTED.

ROLL CALL ON ITEM #3, AS AMENDED: Aye – 13. Nay – 2/Konetzke, Dannecker. ITEM #3, AS AMENDED, APPROVED NOTWITHSTANDING.

ROLL CALL ON BALANCE OF REPORT: Aye – 15. BALANCE OF REPORT ADOPTED.

**REPORT OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE
Meeting of May 6, 2013**

MEMBERS PRESENT: Alderperson Coenen, Alderperson Jirschele, Alderperson Metille, Alderperson Stueck

MEMBERS EXCUSED: Alderperson Garb

The Community and Economic Development reports and recommends that:

1. Variance for Aluma Cast Foundry **BE APPROVED (4/0)**

The deed restriction reads as follows:

1. **Setbacks:**

- a. *Front Yard:* No building shall be constructed on the site nearer than forty (40) feet of the right-of-way of any public street or highway. In the case of corner lots, both forty (40) feet setbacks will apply.
- b. *Side and Rear Yards:* Minimum side and rear yards shall be twenty-five (25) feet, provided that adjacent property owners may mutually agree to jointly construct common wall structures thereby eliminating any setback between buildings.

McMahon Associates, Inc. identified the existing building is not in conformance with the Deed restrictions as it is 38' from the Front Yard and 24' from the side yard. The Deed restrictions were either not enforced at the time of construction or documentation of a variance was not retained. This is preventing a transfer of ownership as the title insurance company cannot remove the "Survey Exception Language". The fact that ALTA Surveys are often used as a Title Insurance Underwriting tool adds credence to the importance of awarding this variance.

A variance to the Deed Restrictions, Item 1(a) and (b) for the Northeast Industrial Park Plat, allowing for a 38' front yard setback and 24' side yard setback,

May 15, 2013 Council Meeting

Alderson Stueck
Chairperson

Martin moved, seconded by Spears, the Community and Economic Development Committee Report be adopted.

ROLL CALL: Aye – 15. Report adopted.

**REPORT OF THE UTILITIES COMMITTEE
Meeting of May 7, 2013**

MEMBERS PRESENT: Alderson Hill, Alderson Jirschele, Alderson Lobner,
Alderson Martin, Alderson Spears

MEMBERS ABSENT: None

The Utilities Committee reports and recommends that:

1. Engineering Contract for the Bar Screen Replacement Project BE AWARDED to Strand Associates in the amount of \$64,300 plus a 14% contingency of \$9,002 for a total of \$73,302. (5/0)

May 15, 2013 Council Meeting

Alderson Joe Martin
Chairperson

Spears moved, seconded by Lobner, the Utilities Committee Report be adopted.

ROLL CALL: Aye – 15. Report adopted.

**REPORT OF THE HUMAN RESOURCES COMMITTEE
Meeting of May 6, 2013**

MEMBERS PRESENT: Alderperson Hill, Alderperson Jirschele, Alderperson Konetzke, Alderperson Mettille, Alderperson Stueck

MEMBERS ABSENT: None

The Human Resources Committee reports and recommends that:

1. Request to approve the proposed grade order list dated December 2012 for non represented employees. BE APPROVED 5/0

May 15, 2013 Council Meeting

Jeff Jirschele
Alderperson

Smith moved, seconded by Stueck, the Human Resources Committee Report be adopted.

ROLL CALL: Aye – 15. Report adopted.

CONSOLIDATED ACTION ITEMS

1. Fire Department request to accept grant funds – Self-Contained Breathing Apparatus
 - a. Finance #1
 - b. Safety and Licensing #13
2. Fire Department request to accept grand funds – Continuation of Smoke Detector Program
 - a. Finance #7 and #8
 - b. Safety and Licensing #12

Konetzke moved, seconded by Martin, the Consolidated Action Items be approved.

ROLL CALL: Aye – 15. Items approved.

ORDINANCES #15-13 THROUGH #20-13

Smith moved, seconded by Stueck, Ordinances #15-13 through #20-13 be adopted and ordered published.

ROLL CALL: Aye – 15. Ordinances #15-13 through #20-13 adopted and ordered published.

REFERRALS – COMMUNICATIONS AND RESOLUTIONS

COMMUNICATIONS

CITY PLAN COMMISSION

1. PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL – North Meadows Investment/Evergreen Drive Annexation – Town of Grand Chute.

SAFETY AND LICENSING COMMITTEE

1. All license applications filed in the office of the City Clerk

RESOLUTIONS SUBMITTED BY ALDERPERSONS

MUNICIPAL SERVICES COMMITTEE

1. #13-R-13/Jirschele – “Resolved, a neighborhood impact study be conducted by Community and Economic Development Department in the areas affected by the Mason Street bike lane initiative to identify neighborhood/development challenges and possible solutions; to include public information gathering sessions.”

The Chair called for Other Business.

Human Resources Director Behnke shared information on the EAP Program with the alderpersons.

Martin invited everyone to stop down to Coventry Glass to put a few pieces on the mosaic for the park.

Plank spoke on the document attached to the Finance Committee Report relating to the transition to the Granicus system and going paperless with alderperson packets at the end of June.

Mettille invited everyone to the conference for Appleton Goes to College Week.

Smith asked how the public will get the Council information packet once we utilize the Granicus system. Clerk Peterson spoke on the Granicus Council Agenda and the information it contains.

Konetzke spoke on the Fox Valley Voices of Men organization.

Croatt reminded the Council of the Budget Schedule and asked the Council to check out Houdini Plaza.

Plank asked for ideas on being creative with the Budget Schedule.

The meeting adjourned at 10:27 p.m. on motion of Smith, second by Plank, and unanimously adopted by voice vote.

CHARLENE M. PETERSON, CMC/WCMC
City Clerk