



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, April 3, 2019

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order by Mayor Hanna at 7:01 p.m.

B. INVOCATION

The Invocation was offered by Alderperson Croatt.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konetzke, Alderperson Joe Martin, Alderperson Ed Baranowski, Alderperson Rachel Raasch, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Mayor Timothy Hanna

Excused: 2 - Alderperson Bob Baker and Alderperson Keir Dvorachek

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

City Attorney Walsh, Deputy City Attorney Behrens, Assistant City Attorney Glad, City Clerk Lynch, Director of Community & Economic Development Harkness, Director of Finance Saucerman, Fire Chief Hansen, Health Officer Eggebrecht, Director of Parks, Recreation & Facilities Gazza, Police Chief Thomas, Director of Public Works Vandehey, Valley Transit General Manager McDonald

The following were excused:

Human Resources

Information Technology

Utilities

Library

F. PUBLIC PARTICIPATION

The following spoke during public participation:

Item 19-0439 Reconsideration of Resolution regarding e-cigarettes:

Wendy Vander Zanden, 126 S Main St

Hannah Wilz, 1301 Rosehill Rd

Maggie VanHeuklon, 1008 N New York Ave

Emma Kane, 1804 N Charlotte St

Beth Menzel, 3670 N Maple Edge Ct

Gwen Sargent, 2401 W Cherokee Dr - Consolidated Action Items- Kimball Street Vacation

Item 19-0412 Resolution Repealing the Truancy Ordinance

Ronna Swift, 230 W Seymour St

Barry O'Connor, 500 E Timberline Dr

Item 19-0416 Resolution regarding charging for special events:

Eric Stadler, 1729 S Lee St

Jennifer Stephany, Appleton Downtown Inc.

Kole Oswald, Item 19-0438 Recognition of Alderpersons not seeking re-election

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[19-0441](#)

Common Council Meeting Minutes of March 20, 2019

Attachments: [CC Minutes 3-20-19.pdf](#)

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

Aye: 13 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Curt Konezke, Aldersperson Joe Martin, Aldersperson Ed Baranowski, Aldersperson Rachel Raasch, Aldersperson Kathleen Plank, Aldersperson Matt Reed, Aldersperson Christine Williams, Aldersperson Patti Coenen, Aldersperson Cathy Spears, Aldersperson Kyle Lobner and Aldersperson Chris Croatt

Excused: 2 - Aldersperson Bob Baker and Aldersperson Keir Dvorachek

Abstained: 1 - Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR

[19-0435](#)

Committee Reappointments

Attachments: [COMMITTEE REAPPTS 040319.pdf](#)

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

Aye: 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konezke, Alderperson Joe Martin, Alderperson Ed Baranowski, Alderperson Rachel Raasch, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner and Alderperson Chris Croatt

Excused: 2 - Alderperson Bob Baker and Alderperson Keir Dvorachek

Abstained: 1 - Mayor Timothy Hanna

[19-0436](#)

Appointment of Rudy Nyman to the Police & Fire Commission

Attachments: [APPT TO POLICE FIRE COMM 040319.pdf](#)

Alderperson Croatt moved, seconded by Alderperson Baranowski, that the Appointment of Rudy Nyman be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konezke, Alderperson Joe Martin, Alderperson Ed Baranowski, Alderperson Rachel Raasch, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner and Alderperson Chris Croatt

Excused: 2 - Alderperson Bob Baker and Alderperson Keir Dvorachek

Abstained: 1 - Mayor Timothy Hanna

I. PUBLIC HEARINGS

[19-0274](#)

Public Hearing, Street Vacation, E. Pacific Street

Attachments: [Public Hearing - E Pacific Street, east of N Owaissa.pdf](#)

The public hearing was held, no one participated in the public hearing.

J. SPECIAL RESOLUTIONS

[19-0440](#)

Final Resolution for E. Pacific Street Vacation

Attachments: [Pacific Street - Final Resolution.pdf](#)

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

Aye: 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konezke, Alderperson Joe Martin, Alderperson Ed Baranowski, Alderperson Rachel Raasch, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner and Alderperson Chris Croatt

Excused: 2 - Alderperson Bob Baker and Alderperson Keir Dvorachek

Abstained: 1 - Mayor Timothy Hanna

[19-0443](#)

Initial Resolution for E. Kimball Street Vacation

Attachments: [Initial Resolution - E Kimball St Vacation.pdf](#)

Alderperson Croatt moved, seconded by Alderperson Baranowski, that the Initial Resolution be held, due to the Consolidated Action Item being referred back to Municipal Services Committee and Plan Commission. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konezke, Alderperson Joe Martin, Alderperson Ed Baranowski, Alderperson Rachel Raasch, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner and Alderperson Chris Croatt

Excused: 2 - Alderperson Bob Baker and Alderperson Keir Dvorachek

Abstained: 1 - Mayor Timothy Hanna

K. ESTABLISH ORDER OF THE DAY

[19-0412](#)

Resolution #3-R-19 directing that Section 10-42 of the Municipal Code regarding truancy, be repealed

Attachments: [#3-R-19 Repealing Truancy Ord..pdf](#)
[Truancy Resolution Talking Points- Chief Thomas-4-1-19.pdf](#)

This Report Action Item was referred to the Safety and Licensing Committee due back on 4/24/2019.

[19-0419](#)

R/B-Request from Renewal by Anderson to replace Radisson Paper Valley signage on the Superior Street Skywalk with their signage.

Attachments: [Renewal by Anderson Signage.pdf](#)

This Report Action Item was referred to the Municipal Services Committee due back on 4/8/2019.

[19-0420](#)

R/B-Approve Kimball Street Vacation west of Allen Street, less the future S. Oneida Street right-of-way.

Attachments: [Kimball Street Vacation.pdf](#)

This Report Action Item was referred to the Municipal Services Committee due back on 4/8/2019.

[19-0394](#)

Request to approve the street discontinuance to vacate a portion of East Kimball Street public right-of-way located west of South Allen Street and adopt the Initial Resolution and exhibit map

Attachments: [StaffReport_KimballWestOfAllen_StreetVacation_For03-26-19.pdf](#)

This Report Action Item was referred to the City Plan Commission due back on 4/9/2019.

[19-0416](#)

Resolution introduced by Alderpersons Plank, District 7, Coenen, District 11 and Croatt, District 14 at the March 20, 2019 Common Council meeting relating to Special Events:

#2-R-19 - Plank/Coenen/Croatt

Whereas,
special events held in the city of Appleton, contribute to the quality of life and draw thousands of visitors both from within the city and beyond.

And whereas,
these events benefit many local for profit and not for profit entities.

And whereas,
event holders, attendees and tax paying citizens of Appleton have a high expectation that these events are conducted with the utmost priority given to safety and cleanliness in the hours before, during and after.

And whereas,
events vary in their demands for city services to meet this expectation, and in 2017, for the significant size events alone, the tax payers of Appleton funded in excess of \$50,000 in city services.

And whereas,
events where a high amount of alcohol is consumed, and trash is accumulated, create a unique and particular residual stress on the department of public works and the police department many hours past the end of an event.

And whereas,
comparable municipalities who also enjoy similar wonderful events, recognize the value and cost of city services and constraints on the city tax payers and budget and are charging a fee for services provided.

And whereas,
groups holding and participating in special events also appreciate and desire to continue for the City to provide sanitation and public safety services necessary for their event.

Therefore, be it resolved,
the City of Appleton modify the special events policy to include a method that monetarily reimburses the city for a portion or total of the staff time and labor necessary to cleanly and safely execute and clean up after special events.

A notwithstanding vote was taken, an 'aye' vote approves the Resolution and a 'nay' vote denies it.

Alderson Croatt moved, seconded by Alderson Plank, that the Resolution be approved. Roll Call. Motion failed by the following vote:

Aye: 2 - Alderson Kathleen Plank and Alderson Chris Croatt

Nay: 11 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Curt Konezke, Alderson Joe Martin, Alderson Ed Baranowski, Alderson Rachel Raasch, Alderson Matt Reed, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears and Alderson Kyle Lobner

Excused: 2 - Alderson Bob Baker and Alderson Keir Dvorachek

Abstained: 1 - Mayor Timothy Hanna

[19-0410](#)

Request to approve the 2018-2019 Budget appropriations:

1. Items not under contract \$9,219,631
2. Special consideration \$2,127,320

Attachments: [2018-19 Not-Under contract carryover list.pdf](#)

[2018-19 Special consideration carryover list.pdf](#)

Alderson Lobner moved, seconded by Alderson Croatt, that the Budget Appropriations be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Curt Konezke, Alderson Joe Martin, Alderson Ed Baranowski, Alderson Rachel Raasch, Alderson Kathleen Plank, Alderson Matt Reed, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears, Alderson Kyle Lobner and Alderson Chris Croatt

Absent: 3 - Alderson Bob Baker, Alderson Keir Dvorachek and Mayor Timothy Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

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

Aye: 13 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Curt Konezke, Alderson Joe Martin, Alderson Ed Baranowski, Alderson Rachel Raasch, Alderson Kathleen Plank, Alderson Matt Reed, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears, Alderson Kyle Lobner and Alderson Chris Croatt

Excused: 2 - Alderperson Bob Baker and Alderperson Keir Dvorachek

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[19-0418](#)

Request from Taste of Thai for a Street Occupancy Permit to place tables and chairs in the College Avenue Beautification strip at 321 E. College Avenue.

Attachments: [Taste of Thai.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[19-0382](#)

Class "B" Beer and "Class C" Wine application of Pinot's Palette, Located at 226 E. College Ave, Brianne Getchius, Agent, contingent upon approval from all departments.

Attachments: [Liquor License-Pinots Palette.pdf](#)

This Report Action Item was approved.

[19-0385](#)

Change of Agent application for Skyline Comedy Club, located at 1004 S. Olde Oneida St Suite 3.

Attachments: [Bridget M. Friel s&l.pdf](#)

This Report Action Item was approved.

[19-0386](#)

Change of Agent application for The Viking Room at Lawrence University of Wisconsin, located at 615 E. College Ave, Appleton WI 54911

Attachments: [Gregory L. Griffin s&l.pdf](#)

This Report Action Item was approved.

[19-0395](#)

Operator's Licenses

Attachments: [Operator's Licenses for 3-27-19 S & L.pdf](#)

This Report Action Item was approved.

[19-0401](#)

Approval of single source purchase for a new ladder truck in January 2020.

Attachments: [New Ladder Truck-FIRE.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[19-0392](#)

Request to approve Special Use Permit #3-19 for a restaurant with alcohol sales and service located at 216 East College Avenue (Tax Id #31-2-0317-00), 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 and approve attached Resolution (2/3 vote of Common Council required for approval)

Attachments: [StaffReport_216College_SUP_For3-26-19.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[19-0405](#)

Request to deny the Claim for Excessive Assessment from Wal-mart for the tax year 2018

Attachments: [Wal-mart Claim for Finance Committee.pdf](#)

This Report Action Item was approved.

[19-0406](#)

Request to award the Fire Station #1 2019 Partial Roof Replacement project contract to Kaschak Roofing, Inc in the amount of \$137,100 with a contingency of 15% for a project total not to exceed \$157,665

Attachments: [2019 Fire Station #1 Roof Replacement_.pdf](#)

This Report Action Item was approved.

[19-0407](#)

Request approval of resolution for Lawe Street Trestle Trail Grant Application

Attachments: [Lawe Street Trestle Project - Resolution.pdf](#)

This Report Action Item was approved.

[19-0411](#)

Request to approve land purchase from Neenah Paper FR, LLC in the amount of \$100

Attachments: [Neenah Paper Land Purchase Final \(3-25-19 Finance\).pdf](#)

This Report Action Item was approved.

[19-0413](#)

Request to award Unit C-19 Sidewalk Sawcutting to ASTI Sawing, Inc in the amount not to exceed \$30,000

Attachments: [Award of Contract Unit C-19.pdf](#)

This Report Action Item was approved.

[19-0414](#)

Request to award Unit E-19 Miscellaneous Concrete and Street Excavation Repair to Fischer-Ulman Construction, Inc in an amount not to exceed \$701,300

Attachments: [Award of Contract Unit E-19.pdf](#)

This Report Action Item was approved.

[19-0415](#)

Request to award Unit Y-19 Sewer & Water Reconstruction #3 to VanStraten Construction Co in the amount of \$1,581,773 with a 5% contingency of \$79,089 for a project total not to exceed \$1,660,862

Attachments: [Award of Contract Unit Y-19.pdf](#)

This Report Action Item was approved.

[19-0428](#)

Request to approve the following 2018 Budget adjustment:

TIF 7 Capital Projects Fund

| | |
|-----------------------------|-----------|
| Other Contracts/Obligations | +\$16,263 |
| Interest Income | +\$ 4,585 |
| Fund Balance | +\$11,678 |

to record additional revenues and expenses in TIF 7 in excess of budget (2/3 of Common Council required for approval)

Attachments: [2018 Corrected Final Budget adjustments .pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**7. MINUTES OF THE UTILITIES COMMITTEE****8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE****9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION**[19-0424](#)

Authorization to purchase Paratransit Scheduling & Dispatching Software

Attachments: [Memo Paratransit software.pdf](#)

This Report Action Item was approved.

10. MINUTES OF THE BOARD OF HEALTH**M. CONSOLIDATED ACTION ITEMS**[19-0442](#)Street Vacation of East Kimball Street*Item 19-0443 Special Resolutions**Item 19-0420 Municipal Services Committee**Item 19-0394 City Plan Commission***The Consolidated Action Items were held as a result of the Committee/Commission Items being referred back.****N. ITEMS HELD****O. ORDINANCES**[19-0434](#)

Ordinances 36-19 to 42-19

Attachments: [Ordinances Going to Council 4-3-19.pdf](#)**The Ordinances were approved, with the exception of 42-19 which was separated out.****19-0462**

Ordinance 42-19

*This Ordinance was separated out, as it relates to the e-cigarette Resolution.**It was referred to the Attorney's Office.*

- P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION
- Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION
- R. OTHER COUNCIL BUSINESS

[19-0439](#)

Reconsideration of Resolution #R-1-19 Regarding E-Cigarettes, as amended on 3-20-2019

Attachments: [#1-R-19 E-Cigarettes - Amended 3-20-19.pdf](#)

Aldersperson Baranowski moved, seconded by Aldersperson Konetzke, that the Item be reconsidered. Roll Call. Motion carried by the following vote:

Aye: 10 - Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Joe Martin, Aldersperson Ed Baranowski, Aldersperson Rachel Raasch, Aldersperson Kathleen Plank, Aldersperson Matt Reed, Aldersperson Cathy Spears, Aldersperson Kyle Lobner and Aldersperson Chris Croatt

Nay: 3 - Aldersperson Vered Meltzer, Aldersperson Christine Williams and Aldersperson Patti Coenen

Excused: 2 - Aldersperson Bob Baker and Aldersperson Keir Dvorachek

Abstained: 1 - Mayor Timothy Hanna

[19-0461](#)

Resolution #1-R-19 relating to e-cigarettes, as amended at the March 20, 2019 Common Council Meeting.

Aldersperson Konetzke moved, seconded by Aldersperson Lobner, that the Report Action Item be amended as follows:

Strike and replace the amendment from 3/20/2019 with:

(1) Exceptions. The prohibition against the use of an electronic delivery device does not apply to a business establishment in which the primary activity is the retail sale of electronic delivery devices, accessories, and related products, under the following conditions:

- a. The sale of all other products is incidental, 10% or less of total sales volume.
- b. The practice of using electronic delivery devices is limited to the sampling, by customers, of products used in conjunction with electronic delivery devices;
- c. The owner and employees of the establishment are not permitted to sample or use products associated with electronic delivery devices on the premises;
- d. The owner and employees shall not facilitate or allow prolonged use of electronic delivery devices on the premises by any person;
- e. Entrance to the establishment is made directly from the outside and the establishment is not co-located with any other business;
- f. Ventilation is sufficient to ensure vapors do not migrate to any other structure or area where the use of electronic delivery devices is prohibited, or persons might be involuntarily subjected to secondhand vapors/smoke;
- g. The establishment posts sign conspicuously at all entrances warning persons entering of the potential exposure to harmful vapors; and
- h. Entry into the premises is restricted to person eighteen years of age or older, verified by ID's presented at the door.

Roll Call. Motion failed by the following vote:

Aye: 4 - Aldersperson Curt Konetzke, Aldersperson Cathy Spears, Aldersperson Kyle Lobner and Aldersperson Chris Croatt

Nay: 8 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Rachel Raasch, Aldersperson Kathleen Plank, Aldersperson Matt Reed, Aldersperson Christine Williams and Aldersperson Patti Coenen

Excused: 2 - Aldersperson Bob Baker and Aldersperson Keir Dvorachek

Abstained: 2 - Aldersperson Ed Baranowski and Mayor Timothy Hanna

Meltzer moved, seconded by Coenen that the proposed Amendment language be amended to strike section 'c.' from the exceptions listing. Roll Call. Motion failed by the following vote:

Aye: 6 - Aldersperson Vered Meltzer, Aldersperson Rachel Raasch, Aldersperson Kathleen Plank, Aldersperson Matt Reed, Aldersperson Christine Williams and Aldersperson Patti Coenen

Nay: 6 - Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Cathy Spears, Aldersperson Kyle Lobner and Aldersperson Chris Croatt

Excused: 2 - Aldersperson Bob Baker and Aldersperson Keir Dvorachek

Abstained: 2 - Alderperson Joe Martin and Mayor Timothy Hanna

The item was then referred back to the Board of Health by Alderperson Martin.

[19-0438](#)

Recognition of Alderpersons who will not be returning for another term

S.

ADJOURN

Alderperson Baranowski moved, seconded by Alderperson Plank, that the meeting be adjourned at 8:58 p.m. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konezke, Alderperson Joe Martin, Alderperson Ed Baranowski, Alderperson Rachel Raasch, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Mayor Timothy Hanna

Excused: 2 - Alderperson Bob Baker and Alderperson Keir Dvorachek

Kami Lynch, City Clerk