



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, September 4, 2019

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 Meltzer.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 12 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Chris Croatt and Mayor Timothy Hanna

Excused: 2 - Alderperson Joe Martin and Alderperson Cathy Spears

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

City Attorney Walsh, Deputy City Attorney Behrens, Asst. City Attorney Abshire, City Clerk Lynch, Director of Community & Economic Development Harkness, Director of Finance Saucerman, Fire Chief Hansen, Health Officer Eggebrecht, Library Director Rortvedt, Director of Parks, Recreation & Facilities Gazza, Police Chief Thomas, Director of Public Works Vandehey, Director of Utilities Shaw, Valley Transit General Manager Mc Donald

The following were excused:

Human Resources

Information Technology

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[19-1292](#)

Common Council meeting minutes of August 21, 2019

Attachments: [CC Minutes 8-21-19.pdf](#)

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

Aye: 11 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Chris Croatt

Excused: 2 - Alderperson Joe Martin and Alderperson Cathy Spears

Abstained: 1 - Mayor Timothy Hanna

G. BUSINESS PRESENTED BY THE MAYOR

[19-1295](#)

Committee Reappointments - Public Arts Committee

Attachments: [APPTS TO PUBLIC ARTS COMM 090419.pdf](#)

Alderperson Lobner moved, seconded by Alderperson Croatt, that the Committee Appointments be approved. Roll Call. Motion carried by the following vote:

Aye: 11 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Chris Croatt

Excused: 2 - Alderperson Joe Martin and Alderperson Cathy Spears

Abstained: 1 - Mayor Timothy Hanna

[19-1298](#)

Presentation concerning US Venture Bluff Site Development and Status of Project

This Item was presented

H. PUBLIC PARTICIPATION

The following spoke during public participation:

*Item 19-0985 Parking Changes:
Wendy Bolm, 519 W Summer St.
Eric Schultz, W2637 Ruby Ct*

*Item 19-1231 BID Operating Plan
Jennifer Stephany, ADI*

I. PUBLIC HEARINGS

[19-1131](#)

Public Hearing, Street Vacation for Alley west of S. Oneida Street

Attachments: [Public Hearing - Alley W of Oneida.pdf](#)*The public hearing was held, no one spoke during the hearing.*[19-1132](#)

Public Hearing, Street Vacation for W. Water Street

Attachments: [Public Hearing - W.WaterSt.pdf](#)*The public hearing was held, no one spoke during the hearing.*[19-1133](#)

Public Hearing, Street Vacation for E. North Island Street

Attachments: [Public Hearing - ENorthIsland.pdf](#)*The public hearing was held, no one spoke during the hearing.*[19-1138](#)

Public Hearing, Rezoning #7-19, Perez - 219 W. Edgewood Drive Annexation

Attachments: [RZ #7-19 Notice of Public Hearing.pdf](#)*The public hearing was held, no one spoke during the hearing.*[19-1122](#)

Public Hearing, Zoning Ordinance Text Amendments, Sec. 23-22 & 23-651 Historic Preservation

Attachments: [Public Hearing_Sec 23-22 & 23-651 HPC Amendments.pdf](#)*The public hearing was held, no one spoke during the hearing.*

J. SPECIAL RESOLUTIONS

[19-1290](#)

Resolution Authorizing General Obligation Promissory Notes, Series 2019A

Attachments: [Appleton 2019A G.O. Promissory Notes - Award Resolution.pdf](#)
[Appleton 2019A G.O. Promissory Notes - Award Resolution FINAL.pdf](#)**Aldersperson Lobner moved, seconded by Aldersperson Croatt, that the Resolution be approved. Roll Call. Motion carried by the following vote:**

Aye: 11 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Chris Croatt

Excused: 2 - Alderperson Joe Martin and Alderperson Cathy Spears

Abstained: 1 - Mayor Timothy Hanna

[19-1287](#)

Final Resolution for Street Vacation for Alley west of S. Oneida Street

Attachments: [Alley West of Oneida - Final Resolution.pdf](#)

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

Aye: 11 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Chris Croatt

Excused: 2 - Alderperson Joe Martin and Alderperson Cathy Spears

Abstained: 1 - Mayor Timothy Hanna

[19-1288](#)

Final Resolution for Street Vacation for W. Water Street

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

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

Aye: 11 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Chris Croatt

Excused: 2 - Alderperson Joe Martin and Alderperson Cathy Spears

Abstained: 1 - Mayor Timothy Hanna

[19-1289](#)

Final Resolution for Street Vacation for E. North Island Street

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

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

Aye: 11 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Chris Croatt

Excused: 2 - Alderperson Joe Martin and Alderperson Cathy Spears

Abstained: 1 - Mayor Timothy Hanna

K. ESTABLISH ORDER OF THE DAY

[19-1249](#)

R/B-Request from Sal Galante, 510 E. Frances Street, for a variance to Municipal Code 19-91 (f)(5) to extend the driveway 13 feet into the front yard.

Attachments: [Driveway variance-510 E Frances St.pdf](#)

This Report Action Item was referred to the Municipal Services Committee due back on 9/9/2019.

[19-0985](#)

R/B-Approve proposed changes to Municipal Code Section 19-110 Metered on-street parking and Section 19-111 Metered off-street parking related to red-head meter time limits.

Attachments: [Existing Red-head Meter Parking.pdf](#)

Alderperson Croatt moved, seconded by Alderperson Lobner, that the metered parking changes be approved. Roll Call. Motion failed by the following vote:

Aye: 4 - Alderperson Brad Firkus, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Chris Croatt

Nay: 7 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Katie Van Zeeland, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz and Alderperson Christine Williams

Excused: 2 - Alderperson Joe Martin and Alderperson Cathy Spears

Abstained: 1 - Mayor Timothy Hanna

[19-1271](#)

Operator's Licenses

Attachments: [Operator's Licenses for 8-28.pdf](#)

Alderperson Croatt moved, seconded by Alderperson Lobner, that the Operator Licenses be approved. Roll Call. Motion carried by the following vote:

Aye: 10 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Chris Croatt

Absent: 3 - Alderperson Joe Martin, Alderperson Cathy Spears and Mayor Timothy Hanna

Abstained: 1 - Alderperson Maiyoua Thao

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

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

Aye: 11 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Chris Croatt

Excused: 2 - Alderperson Joe Martin and Alderperson Cathy Spears

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[19-1006](#)

Resolution #8-R-19 North Clark Street

Attachments: [Resolution #8-R-19.pdf](#)

This Report Action Item was approved

[19-1247](#)

Approve Appleton Downtown Inc. request to purchase up to 36 parking stalls on September 20, 2019 for Park(ing) Day.

Attachments: [ADI-Art on the Town.pdf](#)

This Report Action Item was approved.

[19-1248](#)

Approve Intergovernmental Agreement with Outagamie County and the Town of Grand Chute for the reconstruction of Prospect Avenue.

Attachments: [Intergovernmental Agreement for Prospect Avenue.pdf](#)

This Report Action Item was approved.

[19-1250](#)

Request from Deja vu Martini Lounge for a Street Occupancy Permit to place a boarder fence, barricade posts and dumpster privacy fencing in the alley at 519 W. College Avenue.

Attachments: [Deja vu Martini Lounge-Street Occupancy Permit.pdf](#)

This Report Action Item was approved.

[19-1251](#)

Request from Hoffman Planning, Design & Construction, Inc. for a Street Occupancy Permit to place a table at 122 E. College Avenue.

Attachments: [Hoffman-table request.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[19-1031](#)

Resolution #6-R-19 regarding Massage Establishments

Attachments: [#6-R-19 Massage Establishments.pdf](#)
[SL - Memo re Resolution #6-R-19.pdf](#)

This Report Action Item was approved.

[19-1204](#)

Class "B" Beer and "Class B" Liquor License Change of Agent application for Applebee's Neighborhood Grill & Bar, Joseph E. Behn, New Agent, located at 3040 E College Ave.

Attachments: [Joseph E Behn S&L 8-28-19.pdf](#)

This Report Action Item was approved.

[19-1226](#)

Class "B" Beer and "Class C" Wine License application for Meraki Tea Bar LLC d/b/a Fika Tea Bar, Ashon Anderson, Agent, located at 207 W College Ave, contingent upon approval from all departments.

Attachments: [Liquor License-Fika Tea Bar S&L 8-28-19.pdf](#)

This Report Action Item was approved.

[19-1235](#)

Class "A" Beer and "Class A" Liquor License application form for Family Dollar Stores of Wisconsin LLC d/b/a Family Dollar #23800, Joshua D Nigbor, Agent, located at 808 W. Wisconsin Ave, contingent upon approval from all departments.

Attachments: [Liquor License-Family Dollar.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[19-0942](#)

Request to approve the dedication of land for public right-of-way for a portion of West Water Street generally located on the northwesterly side of West Water Street, southwest of South Elm Street and southeast of West Prospect Avenue (part of Tax Id #31-3-0373-00), as shown on the attached maps (Associated with File Item #19-0941)

Attachments: [StaffReport_WaterStreet_StreetDedication_For07-09-19.pdf](#)

This Report Action Item was approved.

[19-1154](#)

Request to approve Rezoning #7-19 for the Perez Annexation, formerly part of Town of Grand Chute, consisting of approximately 0.8 acres located at 219 West Edgewood Drive, including all of the adjacent 1/2 right-of-way of West Edgewood Drive (Tax Id #31-6-5803-00, formerly Grand Chute Tax Id #101039314), as shown on the attached maps, from Temporary AG Agricultural District to R-1B Single-Family District

Attachments: [StaffReport_PerezAnnex_Rezoning_For081319.pdf](#)

This Report Action Item was approved.

[19-1158](#)

Request to approve text amendments to Chapter 23 Zoning Ordinance of the Municipal Code relating to Section 23-22 Words and Terms Defined related to Historic Preservation and Section 23-651 Historic Preservation, as identified in the attached staff report

Attachments: [StaffReport_ZOTextAmendments_Sec23-22+23-651_For08-13-19.pdf](#)

This Report Action Item was approved.

[19-1230](#)

Request to approve the Spartan Drive-Sommers Drive-Edgewood Drive Annexation consisting of approximately 31.8498 acres generally located north of Edgewood Drive and west of Haymeadow Avenue, currently in the Town of Grand Chute, as shown on the attached maps, subject to the stipulation in the attached staff report

Attachments: [StaffReport_SpartanSommersEdgewoodAnnexation_For08-27-19.pdf](#)

This Report Action Item was approved.

[19-1231](#)

****CRITICAL TIMING**** Annual review and request to approve the Downtown Appleton Business Improvement District (BID) 2020 Operating Plan

Attachments: [StaffReport_2020BIDOperatingPlan_For08-27-19.pdf](#)
[2020 BID Operational Plan.pdf](#)
[2018 BID Annual Report.pdf](#)
[2018 BID Audit - Financial Statements.pdf](#)
[2018 BID Audit - Management Communications.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[19-1266](#)

Request to award the City of Appleton 2019 Pierce Park Playground Sitework project contract to Cardinal Construction Co, Inc in the amount of \$250,467.37 with a contingency of \$24,000 for a project not to exceed \$274,467.37 and approve the following 2019 Budget adjustment:

Facilities Capital Projects Fund

2019 Parks Lighting Upgrades Project	- \$100,000
2019 Pierce Park Playground Sitework Project	+\$100,000

to transfer funds between projects (2/3 of Common Council required for approval)

Attachments: [2019 Pierce Park Playground Project with Budget transfer.pdf](#)

This Report Action Item was approved.

[19-1267](#)

Request to reject bids from Van Ert Electric, Michels Power, and Bodart Electric for the 2019 Pierce Park Lighting Upgrades Project Phase 1

Attachments: [2019 Parks Lighting Upgrades Project \(Reject Bids\).pdf](#)

This Report Action Item was approved.

[19-1268](#)

Request to approve storm sewer easement agreement with Lawrence University for their property at 100 W. Water Street

Attachments: [RockyBleier_Lawrence_UW_0815_2019.pdf](#)

This Report Action Item was approved.

[19-1269](#)

Request to approve sole source contract to Holtger Bros., Inc for a contract fee of \$36,840 and a contingency of \$3,800 for installation of fiber to the Scheig Center for a contract amount not to exceed \$40,640

Attachments: [2019 Scheig Center Fiber Installation Sole Source.pdf](#)

This Report Action Item was approved.

[19-1275](#)

A Resolution authorizing and providing for the sale and issuance of \$18,660,000 General Obligation Promissory Notes, Series 2019, and all related details

Attachments: [Appleton 2019A G.O. Promissory Notes - Award Resolution.pdf](#)

This Report Action Item was approved.

[19-1270](#)

Request to approve contract for Concrete Column and Beam Repairs in the Green and Yellow Parking Ramps to The Boldt Company in the amount of \$26,868 with a 15% contingency of \$4,030 for a project total not to exceed \$30,898

Attachments: [Memo Parking Ramp contract award.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

[19-1237](#)

Amend 2019H Wetlands Delineation Contract with NES by an amount not to exceed \$16,650.

Attachments: [2019H Wetlands Delineation Amendment 2 Memo Util Cmte 08-20-2019 FINAL.pdf](#)

This Report Action Item was approved.

[19-1293](#)

Award Phase 1 Optimized Corrosion Control Treatment Studies to Jacobs in the amount of \$34,080 with an option to Award Phase 2 Engineering Services for \$116,070 with a total not to exceed cost of \$150,150.

Attachments: [OCCT Project 08-28-19.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

[19-1286](#)

Ordinances: 86-19 (Truancy Repeal), 87-19 & 88-19 (HPC Text Amendments), 89-19 (Perez Annexation Rezoning), 90-19 (Spartan Drive/Sommers Drive/Edgewood Drive Annexation)

Attachments: [Ordinances going to Council 9-4-19.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

*Resolution #12-R-19
Warning Siren Operation & Maintenance*

*Date: September 4, 2019
Submitted by: Kyle Lobner, Alderperson District 13
Referred to: Safety & Licensing Committee*

Whereas in early 2018 Outagamie County approached municipalities in the county to discuss transferring maintenance, ownership and replacement of outdoor warning systems as of January 1, 2020; and

Whereas Outagamie County has adopted County Board Resolution 21-2018-2019 outlining the position of turning over these essential emergency management functions to local municipalities and the county has asked each municipality to identify the future of each local outdoor warning system; and

Whereas while there is no single medium of communication that can reach all residents at all times, outdoor warning sirens have historically been a cost effective warning system and could easily be coupled with other means of communication to create a more robust and effective system; and

Whereas emerging technologies and weather radios are great supplemental tools, but the sirens remain a vital component for some of our city's most vulnerable residents; and

Whereas communities throughout the Midwest continue to rely on and invest in sirens as one tool enabling public agencies to notify large segments of the public during times of inclement weather, including larger metro areas like Dane County, Wisconsin and Nashville, Tennessee; and

Whereas the costs to operate, maintain and acquire sirens, when averaged over the life cycle of a siren, is less than \$2000 per warning siren annually; and

Whereas the decision to have 21 municipalities in Outagamie County individually determine if they should utilize a countywide system is an ineffective and inefficient policy that could have severe ramifications for all county residents and visitors to our communities,

Therefore be it resolved that the City of Appleton requests Outagamie County utilize a portion of the County's new one-half percent sales tax to fund, operate and maintain the Outdoor Warning System for the safety of our residents and visitors.

R. OTHER COUNCIL BUSINESS

S. CLOSED SESSION

[19-1291](#)

The Common Council will go into closed session according to State Statute §19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session regarding the bluff site development and then reconvene into open session.

Alderson Lobner moved, seconded by Alderson Reed, that the Common Council convene into closed session at 8:25 p.m. Roll Call. Motion carried by the following vote:

Aye: 11 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Katie Van Zeeland, Alderson Maiyoua Thao, Alderson Matt Reed, Alderson Alex Schultz, Alderson Christine Williams, Alderson Patti Coenen, Alderson Kyle Lobner and Alderson Chris Croatt

Excused: 2 - Alderson Joe Martin and Alderson Cathy Spears

Abstained: 1 - Mayor Timothy Hanna

T. ADJOURN

Croatt moved, seconded by Coenen to reconvene in open session. Roll Call. Motion carried 11/0 and at 9:41 p.m. the Council reconvened into open session. No action was taken in closed session.

Alderson Croatt moved, seconded by Alderson Lobner, that the meeting be adjourned at 9:41 p.m. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Katie Van Zeeland, Alderson Maiyoua Thao, Alderson Matt Reed, Alderson Alex Schultz, Alderson Christine Williams, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Chris Croatt and Mayor Timothy Hanna

Excused: 2 - Alderson Joe Martin and Alderson Cathy Spears

Kami Lynch, City Clerk