



# City of Appleton

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

## Meeting Minutes - Final Common Council

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Wednesday, March 20, 2019

7:00 PM

Council Chambers

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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 Spears.*

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

**Present:** 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konetzke, Alderperson Joe Martin, Alderperson Ed Baranowski, Alderperson Rachel Raasch, Alderperson Matt Reed, Alderperson Bob Baker, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Mayor Timothy Hanna

**Excused:** 1 - Alderperson Kathleen Plank

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*City Attorney Walsh, Deputy City Attorney Behrens, City Clerk Lynch, Director of Community & Economic Development Harkness, Director of Finance Saucerman, Fire Chief Hansen, Health Officer Eggebrecht, Library Director Rortvedt, Police Chief Thomas, Director of Public Works Vandehey.*

*The following were excused:*

*Human Resources*

*Information Technology*

*Parks, Recreation & Facilities*

*Utilities*

*Valley Transit*

## F. PUBLIC PARTICIPATION

*The following spoke during Public Participation regarding Item 19-0185 E-Cigarette Resolution:*

*Cindy Czarnik-Neimeyer, 120 E Harris St  
Ken Kemper, 1725 S Oneida St  
Wendy VanderZanden, 126 S Main St  
Emma Kane, 1804 N Charlotte St  
Benjamin Grothe, 420 E Northland Ave  
George Packard, 1375 Cooke Road, Neenah  
Lee Vogel, N2621 N Meade St  
Melissa Adlebush, 3197 Mill Rd  
Beth Menzel, 3670 N Maple Edge Ct  
Khris Fishcer, 2575 S Memorial Dr  
John Knox, 612 S Lee St  
Nate Wolff, 1800 W Marquette St  
Mike Dix, 3480 W College Ave  
Thomas Rain, 921 S 7th St, DePere  
Ronna Swift, 230 W Seymour St*

## G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[19-0387](#)

Common Council Meeting Minutes of March 6, 2019

**Attachments:** [CC Minutes 3-6-19.pdf](#)

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

**Aye:** 14 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Curt Konetzke, Alderson Joe Martin, Alderson Ed Baranowski, Alderson Rachel Raasch, Alderson Matt Reed, Alderson Bob Baker, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears, Alderson Kyle Lobner, Alderson Chris Croatt and Alderson Keir Dvorachek

**Excused:** 1 - Alderson Kathleen Plank

**Abstained:** 1 - Mayor Timothy Hanna

## H. BUSINESS PRESENTED BY THE MAYOR

[19-0300](#)

CPR Life-saver recognition of Luke Benrud

**The life-saver award was presented.**

[19-0388](#)

Announcement of the Winning Poems from the 2019 Sidewalk Poetry Program

**The winning poems were presented.**

## I. PUBLIC HEARINGS

[19-0154](#) Public Hearing, Rezoning #3-19, E. Glenhurst Ln and N Lightning Dr, from C-O to R-3

**Attachments:** [REVISED\\_RZ #3-19, Public Hearing Notice.pdf](#)

*The following spoke during the Public Hearing:*

*Mary Ann O'Connor, 2379 E Glenhurst Ln  
Tom & Kristin Schrei, 2301 E Glenhurst Ln  
Rachel Rogowski, 2447 E Glenhurst Ln  
Henry Chou, 3033 W Spencer St Suite 102  
Kathi Drake, 2433 E Glenhurst Ln  
Gordon Hale, 2319 E Glenhurst Ln  
Cathy Van Deurzen, 2355 E Glenhurst Ln  
Jason Mroz, 2425 E Glenhurst Ln  
Sylvia Bull, 2459 Glenhurst Ln  
Cara & Matt Muchow, 4620 N Lightning Dr  
Deb Blank, 2623 Sundance Dr  
Jeff Drake, 2433 E Glenhurst Ln*

## J. SPECIAL RESOLUTIONS

## K. ESTABLISH ORDER OF THE DAY

*A 10-minute break was taken per Council Rules.*

[19-0325](#) Approve proposed changes to the Sidewalk Maintenance Policy.

**Attachments:** [Sidewalk Maintenance Policy.pdf](#)

*This item was referred back to the Municipal Services Committee by Alderperson Croatt.*

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

[19-0342](#) Approve parking restrictions on Evergreen Drive from Haymeadow Avenue to Meade Street.

**Attachments:** [Parking changes related to Evergreen Drive bike lane retrofit project \(Haymeadow to Meade\).pdf](#)

*This Item was referred back to the Municipal Services Committee by Alderperson Spears.*

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

[19-0164](#)

Request to approve Rezoning #3-19 for the subject parcels located on East Glenhurst Lane (Tax Id #31-1-6501-03 and #31-1-6501-04, Lots 3 and 4 of the Apple Creek Center plat), including all of the adjacent one-half (1/2) right-of-way of East Glenhurst Lane and North Lightning Drive, as shown on the attached maps, from C-O Commercial Office District to R-3 Multi-Family District

**Attachments:** [StaffReport\\_GlenhurstLane\\_Rezoning\\_For02-26-19.pdf](#)  
[StaffReport\\_GlenhurstLane\\_Rezoning\\_For02-12-19.pdf](#)  
[Addl Email Distributed at 2-26-19 PC mtg.pdf](#)  
[Handout\\_Gordon Hale\\_Traffic.pdf](#)  
[Handout\\_Gordon Hale\\_Values.pdf](#)  
[Handout\\_Henry Chou\\_Photos.pdf](#)

**Aldersperson Konezke moved, seconded by Aldersperson Spears, that the Rezoning be approved. Roll Call. Motion failed by the following vote:**

**Aye:** 1 - Aldersperson Joe Martin

**Nay:** 13 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Curt Konezke, Aldersperson Ed Baranowski, Aldersperson Rachel Raasch, Aldersperson Matt Reed, Aldersperson Bob Baker, Aldersperson Christine Williams, Aldersperson Patti Coenen, Aldersperson Cathy Spears, Aldersperson Kyle Lobner, Aldersperson Chris Croatt and Aldersperson Keir Dvorachek

**Excused:** 1 - Aldersperson Kathleen Plank

**Abstained:** 1 - Mayor Timothy Hanna

[19-0185](#)

Resolution #1-R-19: E-Cigarettes

**Attachments:** [Resolution #1-R-19 E-Cigarettes.pdf](#)  
[Surgeon General's Advisory on E-cigarette Use Among Youth.pdf](#)  
[Xtreme Vape, LLC Email.pdf](#)  
[WI Department of Health Services E-Cigarette Public Health Advisory.pdf](#)  
[Public Health Consequences of E-Cigarettes-Conclusions by Level of Evidence.pdf](#)  
[Perio-Implant Advisory- Vaping and Oral Health.pdf](#)  
[Attorney's Office Memo.pdf](#)

**Aldersperson Meltzer moved, seconded by Aldersperson Lobner, that the Resolution be amended as follows:**

**Make an exemption for businesses that ID customers at the door and don't allow anyone under 18 on their premises, to allow sampling exclusively of electronic non-combustible products.**

**Roll Call. Motion carried by the following vote:**

**Aye:** 12 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konezke, Alderperson Joe Martin, Alderperson Rachel Raasch, Alderperson Matt Reed, Alderperson Bob Baker, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Chris Croatt and Alderperson Keir Dvorachek

**Nay:** 2 - Alderperson Ed Baranowski and Alderperson Cathy Spears

**Excused:** 1 - Alderperson Kathleen Plank

**Abstained:** 1 - Mayor Timothy Hanna

**Alderperson Spears moved, seconded by Alderperson Baker, that the Resolution be approved as amended. 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 Matt Reed, Alderperson Bob Baker, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Alderperson Keir Dvorachek

**Excused:** 1 - Alderperson Kathleen Plank

**Abstained:** 1 - Mayor Timothy Hanna

[19-0328](#)

Request from Gene Jacquet, 331 W. Foster Street, to have his sidewalk snow removal bill of \$75 waived.

**Attachments:** [331 W. Foster Street.pdf](#)

*A notwithstanding vote was taken, an aye vote approves the waiver of fee request and a nay vote denies the request.*

**Alderperson Croatt moved, seconded by Alderperson Martin, that the Fee Waiver Request be approved. Roll Call. Motion failed by the following vote:**

**Aye:** 3 - Alderperson Vered Meltzer, Alderperson Ed Baranowski and Alderperson Matt Reed

**Nay:** 11 - Alderperson William Siebers, Alderperson Curt Konezke, Alderperson Joe Martin, Alderperson Rachel Raasch, Alderperson Bob Baker, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Alderperson Keir Dvorachek

**Excused:** 1 - Alderperson Kathleen Plank

**Abstained:** 1 - Mayor Timothy Hanna

[19-0330](#)

Approve Aesthetic Standards for Small Cell Wireless Facilities and other private utilities within the public right-of-way.

**Attachments:** [Aesthetic Standards for Small Cell Wireless and Other Private Utilities In Public Right-Of-Way.pdf](#)

**Alderson Croatt moved, seconded by Alderson Dvorachek, that the Aesthetic Standards 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 Matt Reed, Alderson Bob Baker, Alderson Christine Williams, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Chris Croatt and Alderson Keir Dvorachek

**Nay:** 1 - Alderson Cathy Spears

**Excused:** 1 - Alderson Kathleen Plank

**Abstained:** 1 - Mayor Timothy Hanna

[19-0347](#)

Request to approve Relocation Order for Construction of Oneida Street, south of Lawrence Street, a stairway to Rocky Bleier Run, assess to the public parking ramp and necessary retaining walls

**Attachments:** [Oneida \(Pfefferle-Hoffman\) - Relocation Order.pdf](#)

**Alderson Croatt moved, seconded by Alderson Konezke, that the Relocation Order be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Curt Konezke, Alderson Joe Martin, Alderson Ed Baranowski, Alderson Rachel Raasch, Alderson Matt Reed, Alderson Bob Baker, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears, Alderson Kyle Lobner, Alderson Chris Croatt and Alderson Keir Dvorachek

**Excused:** 1 - Alderson Kathleen Plank

**Abstained:** 1 - Mayor Timothy Hanna

## L. COMMITTEE REPORTS

### Balance of the action items on the agenda.

**Alderson Baranowski moved, Alderson Konezke seconded, to approve the Balance of the Agenda, excluding the Ordinance (#35-19). The motion carried by the following vote:**

**Aye:** 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konezke, Alderperson Joe Martin, Alderperson Ed Baranowski, Alderperson Rachel Raasch, Alderperson Matt Reed, Alderperson Bob Baker, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Mayor Timothy Hanna

**Excused:** 1 - Alderperson Kathleen Plank

**1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**

[19-0326](#)

Approve installation of STOP control on Washington Street at Bennett Street. Follow up to six-month trial period.

**Attachments:** [Intersection traffic control Bennett Street at Washington Street. Follow up to six month trial period.pdf](#)

**This Report Action Item was approved.**

[19-0327](#)

Approve parking restrictions on Wayne Street north of Wisconsin Avenue. Follow up to six-month trial period.

**Attachments:** [Parking restriction changes on Wayne Street, north of Wisconsin Avenue. Follow up to six month trial period.pdf](#)

**This Report Action Item was approved.**

[19-0329](#)

Approve updates to Municipal Code Sections 16-135 through 16-148 related to wireless telecommunication facilities in the right-of-way.

**Attachments:** [Municipal Code Sections 16-135 through 16-148 Wireless Telecommunications Facilities in the Right-Of-Way.pdf](#)

**This Report Action Item was approved.**

[19-0331](#)

Approve 2019 Department of Public Works Fee Schedule.

**Attachments:** [Fee Schedules Department of Public Works.pdf](#)

**This Report Action Item was approved.**

[19-0340](#)

Approve parking restriction changes on the 200 block of N. Bennett Street. Follow up to six-month trial period.

**Attachments:** [Parking restriction changes on the 200 block of N. Bennett Street. Follow up to six-month trial period.pdf](#)

**This Report Action Item was approved.**

[19-0341](#)

Approve ALL WAY STOP control at the Cedar Street at Mason Street intersection. Follow up to six-month trial period.

**Attachments:** [Intersection traffic control Cedar Street at Mason Street intersection. Follow up to six-month trial period.pdf](#)

This Report Action Item was approved.

[19-0360](#)

Request from Josh Nave for a permanent street occupancy permit to install a new awning that extends into the College Avenue right-of-way at 125 E. College Avenue be denied.

**Attachments:** [125 E. College Avenue.pdf](#)

This Report Action Item was approved.

## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[19-0343](#)

Operator's Licenses

**Attachments:** [Operator's Licenses for 3-13-19 S & L.pdf](#)

This Report Action Item was approved.

[19-0357](#)

Class "B" Beer and Reserve "Class B" Liquor application of Christianos Pizza, Located at 2400 Kensington Dr, Paul Wise, Agent, contingent upon approval from all departments.

**Attachments:** [Liquor License-Christianos Pizza.pdf](#)

This Report Action Item was approved.

[19-0359](#)

Cigarette and Tobacco License application for The Factory, Eugene Rice, Agent, 508 W. College Ave.

**Attachments:** [The Factory S&I.pdf](#)

This Report Action Item was approved.

## 3. MINUTES OF THE CITY PLAN COMMISSION

## 4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

## 5. MINUTES OF THE FINANCE COMMITTEE



[19-0349](#)

Request for City of Appleton to waive the sidewalk special assessment for 1225 W Cedar Street in exchange for dedication of 752 SF of property needed for future maintenance, and to install a sheet pile retaining wall for the construction of the sidewalk / multi-purpose sidepath

**Attachments:** [Cedar St sidewalk sp assessment.pdf](#)

This Report Action Item was approved.

[19-0352](#)

Request to approve the following 2018 Budget adjustments:

**Housing Rehabilitation Grant**

Project Repayment Revenue	+\$ 53,900
Federal Grants	+\$ 76,000
Fund Balance	- \$ 42,511
Grant Expenses	+\$172,411

to record additional project repayments and grant funds awarded in 2018 and related expenditures (2/3 of Common Council required for approval)

**Police Grants Fund**

State Grants	+\$60,660
Local Aid	+\$10,000
Grant Expenses	+\$70,660

to record additional local and state grant revenue and related expenditures (2/3 of Common Council required for approval)

**General Fund- Fire Department**

State Aids	+\$70,000
Salaries	+\$70,000

to record additional State reimbursement for overtime incurred in training exercises (2/3 of Common Council required for approval)

**General Fund**

Salaries/Fringe Benefits - Police Department	+\$97,000
Salaries/Fringe Benefits - Mayors Office	+\$ 1,100
Wage Reserve	- \$98,100

to allocate wage reserve funds (2/3 of Common Council required for approval)

**Attachments:** [Finance Committee - 2018 Final Budget adjustments\\_.pdf](#)

This Report Action Item was approved.

**6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**[19-0305](#)

Request to approve the repurchase of Lot 4 of Plat 4 in the Northeast Industrial Park from Onstage Audio, LLC (d/b/a Event Production Systems) under the terms outlined in Section 11 of the Declaration of Covenants and Restrictions and increase the purchase price by the cost of the wetland delineation

**Attachments:** [Onstage Audio \(EPS\) Repurchase Memo 3-5-19.pdf](#)  
[Letter From EPS Requesting Repurchase of 1-5362 Goodland Drive.pdf](#)  
[NE Ind Park Plat 4 Deed Restrictions & Covenants.pdf](#)  
[Repurchase Calcs for Lot 4 Plat 4 NE Ind Park.pdf](#)  
[EPS Subject Area.pdf](#)

**This Report Action Item was approved.**

[19-0306](#)

Request to approve recommended funding of \$15,500 for 2019 sponsorships for Appleton Downtown Inc. (ADI) programs as outlined in the attached document

**Attachments:** [Memo to CEDC on ADI Sponsorships 2019.pdf](#)  
[ADI Support Proposal to City 2019.pdf](#)

**This Report Action Item was approved.**

[19-0307](#)

Request to approve the City of Appleton maintain its current selling prices for business/industrial park land as described in the attached documents

**Attachments:** [Business-Industrial Park Land Value Memo.pdf](#)  
[Exhibit A-Ind Land Sales Comparison.pdf](#)  
[Exhibit B-Ind Land Asking Price Comparison.pdf](#)  
[Southpoint Map.pdf](#)  
[NE Business Park Map.pdf](#)

**This Report Action Item was approved.**

**7. MINUTES OF THE UTILITIES COMMITTEE**[19-0319](#)

Approve 2018 Annual Stormwater Report to the Wisconsin Department of Natural Resources.

**Attachments:** [2018 Annual Report to UC with attachments.pdf](#)

**This Report Action Item was approved.**

[19-0320](#)

Award of 2019H Consulting Services Contract to NES Ecological Services for Wetland Delineations in an amount not to exceed \$30,000.

**Attachments:** [2019H Wetland Delineations Award Memo Final 03-04-2019.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

[19-0353](#)

Ordinance 35-19

**Attachments:** [Ordinance going to Council 3-20-19.pdf](#)

*No action was taken on this Ordinance as the Rezoning (Item 19-0164) was denied.*

**P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION**

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

#2-R-19

*Resolution Regarding Special Events*

*March 20, 2019*

*Submitted by Alderpersons:*

*Kathleen S. Plank, District 7*

*Patti Coenen, District 11*

*Christopher Croatt, District 14*

*Referred to: Finance Committee*

*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.*

#3-R-19

*Repealing the Truancy Ordinance*

*March 20, 2019*

*Submitted By: Alderperson William J. Siebers, District 1*

*Referred To: Safety & Licensing Committee*

*Whereas, the City of Appleton has through the City Attorney's office and the Appleton Police Department, been a partner with the school district in addressing truancy issues*

*and,  
Whereas, the City's authority to deal with truancy issues is outlined in Section 10-42 of the City Code and is referenced by Wisconsin State Statute chapter 118, and at times is done by punitive means,  
Whereas, the Honorable James Morrison – Chief Judge of the 8th Judicial District – in his letter dated January 3, 2019 to the Appleton Area School District administration, announcing that judges in the 8th Judicial District would no longer be a part of the truancy court, stated that preventing truancy is fundamentally the responsibility of educational officers and best handled by the school district and,  
Whereas, the Appleton Area School District would retain the ability to issue truancy citations under state law where city ordinance Section 10-42 is repealed and,  
Whereas, truants in a national student truancy survey cited boredom, loss of interest in school, irrelevant courses, suspensions, bad relationships with teachers, struggles academically, not having friends who are attending school regularly, seeing no reason for attending school, and feeling socially isolated in school for not attending classes and most educations believing that family problems cause chronic truancy and,  
Whereas, the fact that the School District and Human Social Services can deal with these issues without punitive measures, which are asked to be carried out by the Police Department and City Attorney's office,  
Therefore Be It Resolved, that City Ordinance Section 10-42, dealing with truancy be repealed.*

R. OTHER COUNCIL BUSINESS

S. ADJOURN

**Aldersperson Baranowski moved, seconded by Aldersperson Baker, that the meeting be adjourned at 10:28 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 15 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Curt Konetzke, Aldersperson Joe Martin, Aldersperson Ed Baranowski, Aldersperson Rachel Raasch, Aldersperson Matt Reed, Aldersperson Bob Baker, Aldersperson Christine Williams, Aldersperson Patti Coenen, Aldersperson Cathy Spears, Aldersperson Kyle Lobner, Aldersperson Chris Croatt, Aldersperson Keir Dvorachek and Mayor Timothy Hanna

**Excused:** 1 - Aldersperson Kathleen Plank

Kami Lynch, City Clerk