



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, September 19, 2018

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 Williams.

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 Rachel Raasch, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Bob Baker, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Keir Dvorachek and Mayor Timothy Hanna

Excused: 2 - Alderperson Ed Baranowski and Alderperson Chris Croatt

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

City Attorney Walsh, Deputy City Attorney Behrens, City Clerk Lynch, Deputy City Clerk Searvogel-Graikowski, 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 departments were excused:

Information Technology

Utilities

Valley Transit

Human Resources

Parks, Recreation and Facilities

F. PUBLIC PARTICIPATION

Christopher Ray, 1500 E. Longview Drive, #30 spoke regarding item 18-1292 Special Event application for Focused Culture, LLC.

Jennifer Stephany, ADI spoke regarding item 18-1338 Street Occupancy Permit for a 'Duet' xylophone and LED message center.

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[18-1342](#)

Common Council Meeting Minutes of September 5, 2018

Attachments: [CC Minutes 9-5-18.pdf](#)

Aldersperson Martin moved, seconded by Aldersperson Baker, 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 Rachel Raasch, Aldersperson Kathleen Plank, Aldersperson Matt Reed, Aldersperson Bob Baker, Aldersperson Christine Williams, Aldersperson Patti Coenen, Aldersperson Cathy Spears, Aldersperson Kyle Lobner and Aldersperson Keir Dvorachek

Excused: 2 - Aldersperson Ed Baranowski and Aldersperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR

[18-1364](#)

Committee Reappointment to Board of Zoning Appeals

Attachments: [COMMITTEE REAPPTS 091918.pdf](#)

Aldersperson Spears moved, seconded by Aldersperson Reed, that the reappointment 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 Rachel Raasch, Aldersperson Kathleen Plank, Aldersperson Matt Reed, Aldersperson Bob Baker, Aldersperson Christine Williams, Aldersperson Patti Coenen, Aldersperson Cathy Spears, Aldersperson Kyle Lobner and Aldersperson Keir Dvorachek

Excused: 2 - Aldersperson Ed Baranowski and Aldersperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[18-1365](#)

Appointment to Appleton Housing Authority

Attachments: [APPT TO AHA 091918.pdf](#)

Aldersperson Plank moved, seconded by Aldersperson Coenen, that the appointment 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 Rachel Raasch, Aldersperson Kathleen Plank, Aldersperson Matt Reed, Aldersperson Bob Baker, Aldersperson Christine Williams, Aldersperson Patti Coenen, Aldersperson Cathy Spears, Aldersperson Kyle Lobner and Aldersperson Keir Dvorachek

Excused: 2 - Alderperson Ed Baranowski and Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

I. PUBLIC HEARINGS

[18-1279](#)

Public Hearing - Rezoning #9-18, Apple Ridge

Attachments: [Public Hearing Notice_RZ #9-18 .pdf](#)

The public hearing was held, no one spoke during the hearing.

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

Alderperson Williams moved, seconded by Alderperson Spears, that Item 18-1195 from the September 5, 2018 Common Council meeting; regarding the contract with Commercial Horizons for the Appleton Public Library be reconsidered. Roll Call. Motion failed by the following vote:

Aye: 4 - Alderperson Curt Konetzke, Alderperson Christine Williams, Alderperson Patti Coenen and Alderperson Cathy Spears

Nay: 9 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Rachel Raasch, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Bob Baker, Alderperson Kyle Lobner and Alderperson Keir Dvorachek

Excused: 2 - Alderperson Ed Baranowski and Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[18-1292](#)

Special Event application of Focused Culture LLC, Christopher F. Ray, for the Truth Music Jam, City Park, Saturday, September 29, 2018.

Attachments: [Focused Culture LLC Special Event Denial Letter.pdf](#)
[Focused Culture LLC Special Event Application.pdf](#)

Alderperson Plank moved, seconded by Alderperson Spears, that the Report Action Item be amended to refund the applicant all fees paid to the City. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderperson Vered Meltzer, Alderperson Curt Konetzke, Alderperson Joe Martin, Alderperson Rachel Raasch, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Bob Baker, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner and Alderperson Keir Dvorachek

Nay: 1 - Alderperson William Siebers

Excused: 2 - Alderperson Ed Baranowski and Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

Alderson Lobner moved, seconded by Alderson Plank, that the Special Event application of Focused Culture, LLC be denied. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderson Vered Meltzer, Alderson Curt Konetzke, Alderson Joe Martin, Alderson Rachel Raasch, Alderson Kathleen Plank, Alderson Matt Reed, Alderson Bob Baker, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears, Alderson Kyle Lobner and Alderson Keir Dvorachek

Nay: 1 - Alderson William Siebers

Excused: 2 - Alderson Ed Baranowski and Alderson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderson Dvorachek moved, Alderson Baker 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 Konetzke, Alderson Joe Martin, Alderson Rachel Raasch, Alderson Kathleen Plank, Alderson Matt Reed, Alderson Bob Baker, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears, Alderson Kyle Lobner and Alderson Keir Dvorachek

Excused: 2 - Alderson Ed Baranowski and Alderson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[18-1331](#)

Preliminary Resolution 4-P-18 for Sidewalk Construction be adopted and refer the matter to the Finance Committee to determine the assessment rate.

Attachments: [Sidewalk Construction Resolution 4-P-18.pdf](#)

This Report Action Item was approved.

[18-1333](#)

Award Contract for design services for the Pacific Street Bridge, Lawe Street Bridge over the Fox River, Lawe Street Bridge over the Navigation Canal and the Oneida Street Bridge over the Navigation Canal in an amount not to exceed \$49,160.

Attachments: [Design Services-Pacific Street & Lawe Street Bridge.pdf](#)

This Report Action Item was approved.

[18-1334](#)

Approve parking restriction change at 1111 E. South River Street.

Attachments: [Parking Restriction change-1111 E South River St.pdf](#)

This Report Action Item was approved.

[18-1335](#)

Approve installation of additional street light on the east side of 217 Pierce Avenue.

Attachments: [New Street Light Request-200 S. Pierce Ave.pdf](#)

This Report Action Item was approved.

[18-1336](#)

Approve Appleton Downtown Inc. request to purchase up to 24 parking stalls on September 21, 2018 for Park(ing) Day.

Attachments: [ADI-Park\(ing\) Day.pdf](#)

This Report Action Item was approved.

[18-1338](#)

Approve request from Appleton Downtown Inc. for a Street Occupancy Permit to install a 'Duet' xylophone in the College Avenue beautification strip near the corner of College and Morrison with the exact location to be approved by the Department of Public Works.

Attachments: [ADI-request for a Duet xylophone .pdf](#)

This Report Action Item was approved.

[18-1339](#)

Approve request from Appleton Downtown Inc. for a Street Occupancy Permit to install four (4) flower bell instruments with the exact locations to be approved by the Department of Public Works.

Attachments: [ADI-request to install four flowe bell instruments.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[18-1277](#)

"Class B" Beer/Liquor License Premise Amendment application of Gregg Van Dinter Riverside Bar & Grill, 906 S. Olde Oneida St., contingent upon approval from all departments.

Attachments: [Riverside Bar & Grill amendment application 2.pdf](#)

This Report Action Item was approved.

[18-1272](#)

"Class B" Beer/Liquor License application of PJW, LLC d/b/a Chadwicks, Jennifer A. Thomas, Agent, 413 W. College Ave., contingent upon approval from all departments.

Attachments: [Chadwicks application.pdf](#)

This Report Action Item was approved.

[18-1287](#)

Operator's Licenses

Attachments: [Operator's Licenses for 09-12-2018 S&L.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[18-1228](#)

Request to approve Rezoning #9-18 for the Apple Ridge Annexation, formerly part of the Town of Grand Chute, located at the southeast corner of N. Ballard Road and E. Apple Creek Road, including to the centerline of existing adjacent right-of-way, as shown on the attached maps, from Temporary AG Agricultural District to R-1B Single-Family District

Attachments: [StaffReport Rezoning AppleRidgeAnnexation 8-21-18.pdf](#)

This Report Action Item was approved.

[18-1229](#)

Request to approve the Apple Ridge Preliminary Plat as shown on the attached maps and subject to the attached conditions

Attachments: [StaffReport PrePlat AppleRidge 8-21-18.pdf](#)

This Report Action Item was approved.

[18-1297](#) Request to approve Special Use Permit #6-18 for an indoor personal storage facility located at 2705 S. Lake Park Road (Tax Id #31-9-4105-00), 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 required)

Attachments: [StaffReport_Lake Park Road_SUP_9-11-18.pdf](#)

This Report Action Item was approved.

[18-1300](#) Request to approve the Cherryvale Meadows Final Plat as shown on the attached maps and subject to the attached conditions

Attachments: [StaffReport_CherryvaleMeadows_FinalPlat_For09-11-18.pdf](#)

This Report Action Item was approved.

[18-1301](#) Request to approve the North Edgewood Estates Final Plat as shown on the attached maps and subject to the attached conditions

Attachments: [StaffReport_NorthEdgewoodEstates_FinalPlat_For09-11-18.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[18-1320](#) Action: Award the City of Appleton's "2018 Jones Park Playground Equipment Project" contract to Lee Recreation, LLC. in an amount not to exceed \$100,000

Attachments: [2018 Jones Playground Memo.docx](#)

This Report Action Item was approved.

5. MINUTES OF THE FINANCE COMMITTEE

[18-1242](#) Request to approve the 2019 Special Assessment Policy.

Attachments: [2019 Special Assessment Policy.pdf](#)

This Report Action Item was approved.

[18-1308](#) Request for City of Appleton to waive the sidewalk special assessment for 1233 W Cedar Street in exchange for dedication of 253 SF for property needed to construct the wide sidewalk/multi-purpose sidepath

Attachments: [Cedar Street sidewalk assessment.pdf](#)

This Report Action Item was approved.

[18-1309](#)

Request approval to create a tiered fee system for the annual Street Snow Removal Assessments and approve rates for the 2018/2019 winter season

Attachments: [Street Snow Removal Assessment.pdf](#)

This Report Action Item was approved.

[18-1314](#)

Request to award the Blue Parking Ramp Demolition contract to The Boldt Company in the amount of \$1,998,000 with a contingency of 15% for a project total not to exceed \$2,297,700

Attachments: [2018 Blue Ramp Demolition.pdf](#)

This Report Action Item was approved.

[18-1324](#)

Request to approve Finance Committee Report 4-P-18 for Sidewalk Construction.

Attachments: [Report 4-P-18.pdf](#)

This Report Action Item was approved.

[18-1325](#)

Request to award Concrete, Beam and Deck repairs in the Red Parking Ramp to The Boldt Company in the amount of \$36,443 with a 10% contingency of \$3,644 for a project total not to exceed \$40,087

Attachments: [Award of Contract - Red Ramp Concrete Beam and Column Repairs.pdf](#)

This Report Action Item was approved.

[18-1326](#)

Request to approve Contract Amendment / Change Order No. 1 to contract 68-17 for Red Parking Ramp Expansion Joint Replacement for the addition of a level 4 deck seal spot repair and 120 linear feet of EMSEAL expansion joint sealer in the amount of \$19,060.00 resulting in a decrease to contingency from \$4,000.00 to \$0.00. Overall contract increases from \$84,030.00 to \$99,090

Attachments: [Red Ramp Expansion Joint Replacement Change Order No.1.pdf](#)

This Report Action Item was approved.

[18-1328](#)

Request approval of the use of Exhibition Center bond proceeds originally intended for interest reimbursement to fund consulting fees related to providing private funding option

Attachments: [von Briesen Payment 2018.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

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

[18-1343](#)

Consolidated Action Items

18-1341 (Finance Committee)

18-1302 (Community & Economic Development Committee)

The Consolidated Action Items were approved.

[18-1341](#)

Request to approve the Development Agreement with McFleshmans Commons LLC for improvements and development of the property at 115 S. State Street in Tax Increment Financing District No. 12

Attachments: [Memo Recommend McFleshmans Commons Dev Agrmt.pdf](#)

[McFleshmans Commons LLC - Dev Agrmt 08-14-2018_2.pdf](#)

This Report Action Item was approved.

[18-1302](#)

Request to approve the Development Agreement with McFleshmans Commons LLC for improvements and development of the property at 115 S. State Street in Tax Increment Financing District No. 12

Attachments: [Memo Recommend McFleshmans Commons Dev Agrmt.pdf](#)

[McFleshmans Commons LLC - Dev Agrmt 08-14-2018_2.pdf](#)

This Report Action Item was approved.

N. ITEMS HELD

O. ORDINANCES

[18-1360](#)

Ordinance 91-18

Attachments: [Ordinance going to Council 9-19-18.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-18 Medical Marijuana

Submitted by Christine Williams, District 10; Patti Coenen, District 11

Date: September 19, 2018

Referred to: Board of Health

WHEREAS, medical marijuana can be used to ease chronic pain, reduce nausea and increase appetite in patients receiving chemotherapy, can help control epileptic seizures, improve symptoms in patients with multiple sclerosis, treat glaucoma, soothe tremors in those with Parkinson's, treat anxiety along with many other diseases, and

WHEREAS, 31 states, the District of Columbia, Guam and Puerto Rico allow comprehensive medical marijuana use, and

WHEREAS, 16 Wisconsin counties and two Wisconsin cities have advisory referendums on the November 6 ballot regarding the use of marijuana for medical or recreational uses, and

WHEREAS, Outagamie County is discussing the future of an advisory referendum on medical marijuana,

Now, therefore, be it resolved that the City of Appleton supports Wisconsin legislation allowing the use of medical marijuana in the State of Wisconsin.

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Aldersperson Lobner moved, seconded by Aldersperson Baker, that the meeting be adjourned at 7:34 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 Rachel Raasch, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Bob Baker, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Keir Dvorachek and Mayor Timothy Hanna

Excused: 2 - Alderperson Ed Baranowski and Alderperson Chris Croatt

Kami Lynch, City Clerk