



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, December 5, 2018

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 Dvorachek.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konetzke, Alderperson Ed Baranowski, 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 Joe Martin and Alderperson Chris Croatt

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, Director of Parks, Recreation & Facilities Gazza, Police Chief Thomas, Director of Public Works Vandehey, Director of Utilities Shaw

The following Departments were excused:

*Human Resources,
Information Technology
Valley Transit*

F. PUBLIC PARTICIPATION

*Mike Marx, 1610 E Capitol Drive Re: Item 18-1537 Lutz Drive Parking
Peter Thillman, 125 N Superior St Re: Item 18-1666 Fox Cities Regional Partnership Contribution*

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[18-1774](#)

Common Council Meeting Minutes of November 7, 2018

Attachments: [CC Minutes 11-7-18 Reg. Mtg..pdf](#)

Aldersperson Baranowski moved, seconded by Aldersperson Lobner, 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 Ed Baranowski, 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 Joe Martin and Aldersperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[18-1775](#)

Common Council Meeting Minutes of November 14, 2018 - Budget Adoption

Attachments: [CC Minutes 11-14-18 2019 Budget Adoption.pdf](#)

Aldersperson Baranowski moved, seconded by Aldersperson Lobner, 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 Ed Baranowski, 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 Joe Martin and Aldersperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR

[18-1776](#)

Committee Reappointments

Attachments: [COMMITTEE REAPPTS 120518.pdf](#)

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

Aye: 13 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Curt Konezke, Aldersperson Ed Baranowski, 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 Joe Martin and Aldersperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[18-1777](#) Retirement of Sergeant Jeremy Haney and K-9 Jico

Attachments: [Haney, Jico Retirement \(002\).pdf](#)

Sgt. Haney and K-9 Jico were recognized for their years of service.

I. PUBLIC HEARINGS

[18-1730](#) Public Hearing - Rezoning #11-18, 5500 North Meade Street

Attachments: [Public Hearing Notice_RZ #11-18.pdf](#)

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[18-1650](#) Request to approve 2019-2020PY Community Development Block Grant (CDBG) Community Partner Allocation Recommendations

Attachments: [Alloc Recs Memo to CEDC 11-28-18.pdf](#)
[2019 CDBG Simple Summary of Recommendations.pdf](#)
[2019 CDBG Community Partner Recommendations.pdf](#)
[2019 CDBG Advisory Board Membership.pdf](#)
[CDBG Policy Adopted July 2015.pdf](#)

Aldersperson Konetzke moved, seconded by Aldersperson Meltzer, that the CDBG Allocations be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, 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 Joe Martin and Aldersperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[18-1537](#)

Approve Scenario 1 parking restrictions related to the Lutz Drive multi-use trail adjacent to the Appleton Yacht Club.

Attachments: [Parking restrictions-Lutz Drive.pdf](#)
[Lutz Drive Parking Restriction Points of Consideration.pdf](#)
[Lutz Drive Petition.pdf](#)
[Photos related to Lutz Drive trail.pdf](#)
[Path of vehicle map.pdf](#)

Alderson Baranowski moved, seconded by Alderson Coenen, that the Parking Restrictions be approved as amended in Committee. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Curt Konezke, Alderson Ed Baranowski, 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 Joe Martin and Alderson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[18-1732](#)

Request from Red Lion Paper Valley Hotel to change their signage by removing "Radisson Paper Valley Hotel" and adding "Vince Lombardi's Steakhouse" to the College Avenue Skywalk per the June 1994 Development Agreement.

Attachments: [Red Lion Paper Valley Hotel-signage.pdf](#)

Alderson Coenen moved, seconded by Alderson Lobner, that the sign change be approved. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Curt Konezke, 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 Ed Baranowski

Absent: 3 - Alderson Joe Martin, Alderson Chris Croatt and Mayor Timothy Hanna

[18-1533](#)

Request to counter the Offer to Purchase of Lot 17, Southpoint Commerce Park, Plat 2 from New Morning Coffee Roasters, Inc. at a purchase price of \$168,400 (\$40,000 per acre), comprised of approximately 4.21 acres; and, contingent upon acceptance of that counter-offer, staff is then authorized to negotiate and execute a development or like agreement providing City investment in the project of up to 50% of the land purchase amount (50% of \$168,400 = \$84,200)

Attachments: [Memo on Offer to Purchase Lot 17 Southpoint Commerce.pdf](#)
[New Morning Coffee Roasters OTP Lot 17 Southpoint Plat 2.pdf](#)
[Map Lot 17 Southpoint Commerce Park Plat 2.pdf](#)

Alderson Coenen moved, seconded by Alderson Baker, that the counter offer be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Curt Konezke, Alderson Ed Baranowski, 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 Joe Martin and Alderson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[18-1666](#)

Request to consider reallocation or refund of the \$25,000 from the 2018 budget to fund the Fox Cities Regional Partnership program, Talent Upload, which was cancelled

Attachments: [Memo to CEDC Talent Upload Support 2018 Nov.28.18.pdf](#)
[Talent Upload Funds 2018 Attachments.pdf](#)
[Fox Cities Regional Partnership PowerPoint Presentation.pdf](#)

Alderson Coenen moved, seconded by Alderson Baker, that the reallocation of funds be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Curt Konezke, Alderson Ed Baranowski, 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 Joe Martin and Alderson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[18-1788](#)

Request to approve acceptance of a \$25,000 matching grant from I'ACT to provide tools and resources to help individuals cope with emotional stress; and approve the related 2019 Budget adjustment:

General Fund - Police Department

Local Aids - Grant	+\$25,000
Other Contracts/Obligations	+\$25,000

Attachments: [Award Letter.pdf](#)

Aldersperson Baranowski moved, seconded by Aldersperson Baker, that the acceptance of the grant be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Curt Konezke, Aldersperson Ed Baranowski, 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 Joe Martin and Aldersperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[18-1418](#)

Resolution #12-R-18 Medical Marijuana

Attachments: [REVISED Resolution #12-R-18 Medical Marijuana.pdf](#)
 [#12-R-18 Medical Marijuana.pdf](#)
 [NASEM Report - Health Effects of Cannabis and Cannabinoids - SUMMARY.pdf](#)
 [WPHA Resolution-Access to Therapeutic Marijuana-Cannabis.pdf](#)

Aldersperson Baranowski moved, seconded by Aldersperson Baker, that the Resolution be approved as amended at the Board of Health meeting. Roll Call. Motion carried by the following vote:

Aye: 13 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Curt Konezke, Aldersperson Ed Baranowski, 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 Joe Martin and Aldersperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderson Baker moved, Alderson Meltzer 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 Ed Baranowski, 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 Joe Martin and Alderson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**[18-1733](#)**

Approve changes to Municipal Code Sections 19-106 City-owned parking facilities, 19-109 Hours of operation, 19-110 Metered on-street parking and 19-111 Metered off-street parking, effective January 1, 2019.

Attachments: [Municipal Code Sections 19-106, 19-109, 19-110 & 19-111 changes.pdf](#)

This Report Action Item was approved.

[18-1734](#)

Approve Amendment No. 2 to the OMNNI Associates, Inc. Contract for Bridge Maintenance Design to design an extension of the existing Cedar Street retaining wall for the future sidewalk construction in an amount of \$7,200 (revised contract amount of \$72,000).

Attachments: [Amendment No. 2 to the OMNNI Associates.pdf](#)

This Report Action Item was approved.

[18-1755](#)

Approve parking restriction change on the east side of Summit Street near Summit Park. (Follow-up to Six Month Trial Period)

Attachments: [Parking restriction change on Summit St by Summit Park \(E side\).pdf](#)

This Report Action Item was approved.

[18-1756](#) Approve parking restriction changes on Glenhurst Drive near Lightning Drive. (Follow-up to Six Month Trial period)

Attachments: [Parking restriction change on Glenhurst Dr, east of Lightning Dr \(N side\).pdf](#)

This Report Action Item was approved.

[18-1757](#) Approve parking restriction change on Taft Avenue east of Oneida Street.

Attachments: [Traffic-related ordinance changes for the Oneida St Reconstruction Project..pdf](#)

This Report Action Item was approved.

[18-1758](#) Install STOP signs on Herbert Street at Pine Street. (Follow-up to Six Month Trial Period)

Attachments: [Intersection traffic control-Herbert St-Pine Street intersection.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[18-1624](#) Secondhand Jewelry License Renewal application of Avenue Jewelers, Jason A. Druxman, Applicant, 303 E. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[18-1627](#) Secondhand Article License Renewal application of ecoATM, LLC, Hunter E. Bjorkman, Applicant, 3701 E. Calumet St., contingent upon approval from all departments.

This Report Action Item was approved.

[18-1628](#) Secondhand Jewelry License Renewal application of Tennes Jewelry, Brian D. Frisch, Applicant, 208 E. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[18-1629](#)

Secondhand Jewelry License Renewal application of Krieger Jewelers, Jamie L. Boyce, Applicant, 934 W. Northland Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[18-1631](#)

Secondhand Article License Renewal application of Side Quest Gaming, John J. Steudel, Applicant, 502 W. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[18-1639](#)

Secondhand Article License Renewal application of Warehouse Office Products, 1825 N. Richmond St., Jeff S. Lemery, Applicant, contingent upon approval from all departments.

This Report Action Item was approved.

[18-1676](#)

Class "B" Beer License application of Nalee Song d/b/a Bangkok Post, 1804 S. Lawe St., Ste 203, contingent on approval from all departments.

Attachments: [Nalee Song Bangkok Post - application.pdf](#)

This Report Action Item was approved.

[18-1677](#)

Secondhand Article License Renewal application of Beatnik Betty's Resale Butik, Monika L. Austin, Applicant, 214 E. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[18-1717](#)

Taxi Cab Company License application of Cavanaugh's Carriages, Rodger Cavanaugh, 3910 Fairview Road, Neenah, contingent upon approval from all departments.

This Report Action Item was approved.

[18-1718](#)

Secondhand Article License Renewal application of Kay Jewelers, #4739, Megan L. Stepniewski, Applicant, 3845 E. Calumet St., contingent upon approval from all departments.

This Report Action Item was approved.

[18-1763](#)

"Class B" Beer/Liquor License application of Generation Paulson d/b/a The Daily Pint, Chris D. Paulson, Agent, 830 E. Northland Avenue, contingent upon approval from all departments.

Attachments: [Generation Paulson application.pdf](#)

This Report Action Item was approved.

[18-1764](#)

Operator's Licenses

Attachments: [Operator's Licenses for 11-28-18 S & L.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[18-1654](#)

Request to approve Rezoning #11-18 for the Randal Leeman, Et al Annexation, formerly part of the Town of Grand Chute, located at 5500 North Meade Street, from Temporary AG Agricultural District to R-1B Single-Family District and including to the centerline of the adjacent right-of-way from R-1A Single-Family District to R-1B Single-Family District as shown on the attached maps

Attachments: [StaffReport Rezoning LeemanAnnexation 11-13-18.pdf](#)

This Report Action Item was approved.

[18-1656](#)

Request to approve Special Use Permit #7-18 for a private recreational facility including an outdoor pool, indoor fitness center and community room with kitchen facilities for use by the homeowners of Apple Ridge Subdivision and their guests, 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 AppleRidgeRecFacility SUP 11-13-18.pdf](#)

This Report Action Item was approved.

[18-1658](#)

Request to approve Special Use Permit #8-18 for an essential services facility (utility substation) located at 139 North State Street (Tax Id #31-5-1138-02), 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 WeEnergiesStateSt SUP_For11-13-18.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE**5. MINUTES OF THE FINANCE COMMITTEE**[18-1738](#)

Request to approve Finance Committee Report 5-P-18 for Storm Sewer Construction

Attachments: [Report 5-P-18.pdf](#)

This Report Action Item was approved.

[18-1739](#)

Request to approve Change Order No. 3 to contract 11-18 for Unit Z-18 Sewer and Water Reconstruction No. 2 for adjustment to final earned / measured quantities in the amount of \$3,114.99 resulting in a decrease to contingency from \$21,196.67 to \$18,081.68. No change to overall contract amount

Attachments: [Unit Z-18 Change Order No.3.pdf](#)

This Report Action Item was approved.

[18-1740](#)

Request to award contract for front-load solid waste trash disposal to Advanced Disposal Services

Attachments: [Trash Disposal Recomm.Memo to FC-2018.pdf](#)

This Report Action Item was approved.

[18-1748](#)

Request to award Briarcliff and Midway Road Lift Station Improvements project bid to Vinton Construction in the amount of \$194,870 plus a 7.5% contingency of \$14,615 for a total cost not to exceed \$209,485

Attachments: [Briarcliff and Midway Improvements Bid Award_Vinton.pdf](#)
[Award Recommendation.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**7. MINUTES OF THE UTILITIES COMMITTEE**

[18-1767](#)

Authorize the 2018 Request from Outagamie County Recycling and Solid Waste (OCRSW) to Discharge Leachate from the proposed Northwest Landfill Expansion Project and reject discharges from the East and Northeast Landfills.

Attachments: [Utilities Memo NW Landfill Leachate Request OCRSW.pdf](#)
[Landfill Dwg.pdf](#)

This Report Action Item was approved.

[18-1768](#)

Amend 2017F Evergreen Drive and Alvin Street Stormwater Management Design and Permitting with McMahon Associates, Inc. in an amount not to exceed \$4,000.

Attachments: [2017 Evergreen Alvin Amend DESIGN Contract Nov 2018.pdf](#)

This Report Action Item was approved.

[18-1769](#)

Award of 2019A Stormwater Consulting Services Contract for 2019 Stormwater Management Plan Reviews to Brown and Caldwell in an amount not to exceed \$50,000.

Attachments: [2019 A Plan Review Award Util Memo BC.pdf](#)

This Report Action Item was approved.

[18-1770](#)

Award of 2019B Stormwater Consulting Services Contract for North Edgewood Estates Stormwater Engineering Services to McMahon Associates, Inc. in an amount not to exceed \$48,400.

Attachments: [2019 B North Edgewood Stormwater Approval Memo McMahon.pdf](#)

This Report Action Item was approved.

[18-1771](#)

Preliminary Resolution 5-P-18 for storm sewer construction, Evergreen Drive from Alvin Street to Haymeadow Avenue, be adopted and refer the matter to the Finance Committee to determine the assessment rate.

Attachments: [5-P-18 Storm Sewer.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

[18-1729](#) Ordinances 102-18 to 110-18

Attachments: [Ordinances going to Council 12-5-18.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

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Alderson Baranowski moved, seconded by Alderson Baker, that the meeting be adjourned at 7:24 p.m. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Curt Konezke, Alderson Ed Baranowski, Alderson Rachel Raasch, Alderson Kathleen Plank, Alderson Matt Reed, Alderson Bob Baker, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears, Alderson Kyle Lobner, Alderson Keir Dvorachek and Mayor Timothy Hanna

Excused: 2 - Alderson Joe Martin and Alderson Chris Croatt

Kami Lynch, City Clerk