



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, December 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 Spears.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Mayor Timothy Hanna

Excused: 3 - Alderperson Joe Martin, Alderperson Rachel Raasch and Alderperson Bob Baker

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 Captain Olson, Director of Public Works Vandehey, Director of Utilities Shaw, Valley Transit General Manager Mc Donald

The following Departments were excused:

Human Resources

Information Technology

F. PUBLIC PARTICIPATION

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[18-1860](#)

Common Council Meeting Minutes of December 5, 2018

Attachments: [CC Minutes 12-5-18.pdf](#)

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

Aye: 12 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konezke, Alderperson Ed Baranowski, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Alderperson Keir Dvorachek

Excused: 3 - Alderperson Joe Martin, Alderperson Rachel Raasch and Alderperson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[18-1834](#)

Request to approve payment of outstanding invoices from von Briesen & Roper, s.c. for services related to the construction of the Fox Cities Exhibition Center

A brief recess was taken from 7:24 p.m. to 7:30 p.m.

Alderperson Croatt moved, seconded by Alderperson Plank, that the payment amount be amended to \$48,705.50. Roll Call. Motion carried by the following vote:

Aye: 7 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konezke, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Kyle Lobner and Alderperson Chris Croatt

Nay: 5 - Alderperson Ed Baranowski, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears and Alderperson Keir Dvorachek

Excused: 3 - Alderperson Joe Martin, Alderperson Rachel Raasch and Alderperson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

Alderperson Plank moved, seconded by Alderperson Coenen, that the payment authorization be amended to remove the funding source of the Community Development Capital Project Fund from the Motion. Roll Call. Motion failed by the following vote:

Aye: 5 - Alderperson William Siebers, Alderperson Curt Konezke, Alderperson Kathleen Plank, Alderperson Matt Reed and Alderperson Patti Coenen

Nay: 7 - Alderperson Vered Meltzer, Alderperson Ed Baranowski, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Alderperson Keir Dvorachek

Excused: 3 - Alderperson Joe Martin, Alderperson Rachel Raasch and Alderperson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

Alderperson Croatt moved, seconded by Alderperson Reed, that the payment be approved as amended, in the amount of \$48,705.50. Roll Call. Motion failed by the following vote:

Aye: 6 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Kyle Lobner and Alderperson Chris Croatt

Nay: 6 - Alderperson Curt Konezke, Alderperson Ed Baranowski, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears and Alderperson Keir Dvorachek

Excused: 3 - Alderperson Joe Martin, Alderperson Rachel Raasch and Alderperson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

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

Aye: 12 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konezke, Alderperson Ed Baranowski, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Alderperson Keir Dvorachek

Excused: 3 - Alderperson Joe Martin, Alderperson Rachel Raasch and Alderperson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[18-1809](#)

Award 2019 Contract for Operations, Maintenance, and Monitoring at the Closed City of Appleton Landfill to SCS Engineers, in an amount not to exceed \$64,013. CRITICAL TIMING

Attachments: [2019 Contract for Operations, Maintenance, Monitoring-Landfill.pdf](#)

This Report Action Item was approved.

[18-1810](#) Approve single source and award of Oneida Street Bridge/Rocky Bleier Run Contaminated Materials Contract to OMNNI Associates, Inc. in an amount not to exceed \$105,200. CRITICAL TIMING

Attachments: [Oneida St Bridge-Rocky Bleier Run.pdf](#)

This Report Action Item was approved.

[18-1811](#) Approve 2019 Sole Source Purchase Request for various traffic equipment and technologies.

Attachments: [2019 Purchase Request -traffic equip & tech.pdf](#)

This Report Action Item was approved.

[18-1838](#) Approve Master Professional Services Agreement with OMNNI Associates, Inc. through December 31, 2022. Scope of services and compensation for professional services under this master agreement are subject to future committee and Council approval.

Attachments: [Master Professional Services Agreement-OMNNI.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[18-1843](#) Request to Purchase Fire Truck Utilizing Sole Source Agreement

Attachments: [11-29-18 2019 Sole Source Ordering.pdf](#)

This Report Action Item was approved.

[18-1842](#) Reserve "Class B" Liquor & Class "B" Beer License Application from Steven Van Fossen (Agent) for JJs Ventures, LLC located at 509 W College Avenue; contingent upon approval from all departments.

Attachments: [Van Fossen, 509 W College Class B Liquor app.pdf](#)

This Report Action Item was approved.

[18-1778](#) Class "A" Beer License Change of Agent of Kwik Trip Inc, Cheri L. Werner, Agent, 4085 E. Calumet St., contingent upon approval from the Police Department.

This Report Action Item was approved.

[18-1822](#) Operator's Licenses

Attachments: [Operator's Licenses for 12-12-18 S & L.pdf](#)

This Report Action Item was approved.

[18-1830](#) Secondhand Article License Renewal application of Attic on the Ave., 506 W. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[18-1831](#) Secondhand Article License Renewal application of Replay Toys, 127 E. Wisconsin Ave. , contingent upon approval from all departments.

This Report Action Item was approved.

[18-1832](#) Secondhand Article License Renewal application of The Exclusive Company, 770 W Northland Avenue, contingent upon approval from all departments.

This Report Action Item was approved.

[18-1835](#) Secondhand Article License Renewal application of Play It Again Sports, 611 W. Northland Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[18-1856](#) Secondhand Article License Renewal application of Tiffani's Bridal, 1314 W. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[18-1790](#) Request to approve the dedication of land for public right-of-way for Appleton Street, located at the east end of Jones Park along the west line of existing Appleton Street right-of-way (part of Tax Id #31-2-0116-01), as shown on the attached maps

Attachments: [StaffReport_AppletonStJonesPark_StreetDedciation_For12-11-18.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[18-1806](#)

Action: Proposed 2019 Golf Course Rates Policy

- Attachments:** [2019 Golf Course Rates Policy Memo.doc](#)
 [2019 Reid Rate Policy Redline.docx](#)
 [Proposed 2019 Reid Rate Policy.docx](#)

This Report Action Item was approved.

[18-1813](#)

Action: Request Approval of Updated Recreation Program Fee Waiver Policy

- Attachments:** [Memo - Updated Recreation Fee Waiver Policy \(12.10.18\).doc](#)
 [2019 Proposed Fee Waiver Policy.Redline.2018.doc](#)
 [2019 Proposed Fee Waiver Policy.CLEAN.doc](#)

This Report Action Item was approved.

5. MINUTES OF THE FINANCE COMMITTEE

[18-1741](#)

Request to approve the following 2018 Budget adjustment:

<u>Facilities Capital Projects Fund</u>	
Equipment	+ \$100,000
Donations	+ \$100,000

to record donation from Principal Financial for playground equipment at Jones Park

This Report Action Item was approved.

[18-1792](#)

Request approval to award the Municipal Services Building Fuel Site Improvements contract to US Petroleum in the amount of \$141,692 with a 7% contingency of \$9,919 for a project total not to exceed \$151,611

- Attachments:** [MSB Fuel Site Improvements.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

[18-1799](#) Award of 2019C Stormwater Consulting Services Contract for Newberry Street reconstruction with Brown and Caldwell in an amount not to exceed \$28,690.

Attachments: [2019C Award to Brown and Caldwell.pdf](#)

This Report Action Item was approved.

[18-1800](#) Award of 2019D Stormwater Consulting Services Contract for Lightning Drive Drainage Study Update and Preliminary Engineering to raSmith, Inc. in an amount not to exceed \$58,140.

Attachments: [2019D Lightning Drive Approval Memo raSmith.pdf](#)

This Report Action Item was approved.

[18-1801](#) Award of 2019E Stormwater Consulting Services Contract for K2 Drainage Study to McMahon, Inc. in an amount not to exceed \$29,700.

Attachments: [2019E K2 Drainage Study Approval Memo McMahon FINAL.pdf](#)

This Report Action Item was approved.

[18-1802](#) Approval to single source and award the 2019F Stormwater Consulting Services Contract for an UNPS Planning Grant application for the next City-wide stormwater management plan to Brown and Caldwell in an amount not to exceed \$6,850.

Attachments: [2019F Single Source Award to Brown and Caldwell.pdf](#)

This Report Action Item was approved.

[18-1837](#) Approval of a Coating Services contract for the #2 Receiving Station to Mississippi Valley Coating in the amount of \$68,782 plus a contingency of \$8,250 for a total not to exceed cost of \$77,032.

Attachments: [utilities memo #2 RS Coating Contract Award 12-07-18.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

[18-1818](#)

Approve the Intermunicipal Agreement with Outagamie County for Specialized Transportation Services for 2019 Contingent on Outagamie County Approval

Attachments: [2019 Outagamie County Contract.pdf](#)

This Report Action Item was approved.

[18-1819](#)

Approve the Intermunicipal Agreement with Winnebago County for Specialized Transportation Services for 2019 Contingent on Winnebago County Approval

Attachments: [2019 Winnebago County Contract.pdf](#)

This Report Action Item was approved.

[18-1820](#)

Approve the Intermunicipal Agreement with Calumet County for Specialized Transportation Services for 2019 Contingent on Calumet County Approval

Attachments: [2019 Calumet County Contract.pdf](#)

This Report Action Item was approved.

[18-1823](#)

Approve the Memorandum of Understanding between the City of Appleton, Valley Transit and Community Care Inc. for 2019 Specialized Transportation Services

Attachments: [2019 Community Care Memorandum of Understanding.pdf](#)

This Report Action Item was approved.

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[18-1862](#)

Ordinances #111-18 to #123-18

Attachments: [Ordinances going to Council 12-19-18.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 # 13-R-18
Interstate 41 Public Safety Resolution*

*Submitted by:
Aldersperson Curt Konetzke – District 3, and Aldersperson Chris Croatt – District 14
December 19, 2018
Under Review – Comparing to a similar Resolution adopted in August*

Whereas, in the 1960's US-41 was constructed in its current location as a four-lane divided highway between Appleton and DePere and in the 1970's US-41 in the Appleton area attained freeway status with the removal of all intersecting crossroads.

And Whereas, in 1992 US-41 between Breezewood Lane and CTH OO/STH 15 was upgraded to six lanes and in 2015 US-41 attained official Interstate status in Wisconsin and the speed limit in the Fox Cities area was increased to 70mph. In 2015/2016 Interstate 41 from DePere to Howard was upgraded to six lanes.

And Whereas, the current four lane 23 mile segment between CTH OO/STH 15 and Scheuring Road creates a bottleneck between two six lane segments.

And Whereas, I-41 is outdated and doesn't meet current design standards for the volumes of traffic and a 70mph speed limit and average daily traffic in 2015 was 55,600 vehicles per day and 63,000 in 2016, which is a yearly increase of 11.7%

And Whereas, there are a high number of crashes that occur weekly and often times daily, which causes injuries, fatalities, delays, costly vehicle damage, infrastructure damage, costly and dangerous cleanup activities for emergency, state, county, and local agencies and staff.

And Whereas, I-41 is designated on the national Primary Freight Network due to the sheer number of trucks that transport products into and out of the region. I-41 is a crucial commuter route for the much-needed Northeast Wisconsin workforce, as well as promoting tourism to the area.

And Whereas, the Wisconsin Department of Transportation (WisDOT) has recognized that the existing facility is failing and have plans to spend \$1 million in 2018 to 2021 to design for improvements to five interchanges and \$3 million to design surface improvements. It is important to note that construction funding for these design projects has not yet been scheduled.

And Whereas, the East Central Regional Planning Commission (ECWRPC) is the federally designated Metropolitan Planning Organization (MPO) for the Fox Cities Urbanized Area and has had the expansion of I-41 recommendation in the required and adopted MPO Long Range Transportation Plan. ECWRPC Transportation Committee has adopted a resolution on July 27, 2018 with the same recommendation described below.

Now, Therefore, be it Resolved, the City of Appleton does formally request the Wisconsin Department of Transportation (WisDOT) plan, design, and expand Interstate 41 (I-41) to 6 lanes between WIS 15 in Outagamie County and Scheuring Road in Brown County as soon as possible., and

Be it Further Resolved, that the City of Appleton Clerk be directed to forward a copy of this resolution to Governor Tony Evers, WisDOT Secretary of Transportation, Outagamie County Highway Commissioner

*Resolution # 14-R-18
E-Cigarettes*

Submitted by:

Aldersperson Cathy Spears – District 12

Referred To: Board of Health

Whereas, e-cigarettes are known by many different names. They are sometimes called “e-cigs”, “e-hookahs”, “mods”, “vape pens”, “vapes”, “tank systems”, and “electronic nicotine delivery systems”; and
Whereas, some e-cigarettes are made to look like regular cigarettes, cigars, or pipes. Some resemble pens, USB sticks, and other everyday items; and
Whereas, e-cigarettes produce an aerosol by heating a liquid that usually contains nicotine – the addictive drug in regular cigarettes, cigars, and other tobacco products, - flavorings, and other chemicals that help to make the aerosol. Users inhale this aerosol into their lungs. Bystanders can also breathe in this aerosol when the user exhales into the air; and
Whereas, e-cigarettes can be used to deliver marijuana and other drugs; and
Whereas, the CDC Report on e-cigarettes and electronic nicotine delivery systems reports that vaping clouds contain high levels of two chemicals known to cause permanent and sometimes fatal lung disease: diacetyl and its chemical cousin, 2,3-pentanedione; and
Whereas, e-cigarettes aerosol ingredients include: nicotine, ultrafine particles, flavorings such as diacetyl; a chemical linked to lung disease, volatile organic compounds such as benzene; which is found in car exhaust and heavy metals such as nickel tin and lead; and
Whereas, diacetyl destroys the lungs’ tiniest airways, leading to scar tissue buildup which blocks airflow. Its damage is irreversible; and
Whereas, Appleton has a smoke free workplace ordinance that was enacted to protect workers and the public from secondhand smoke;
Now, Therefore Be it Resolved, that the definition of smoke free workplaces be modified to include the prohibition of electronic smoking devices.

Resolution # 15-R-18

Truancy

Submitted by:

Aldersperson Meltzer – District 2, Aldersperson Raasch – District 6, Aldersperson Baker – District 9

Referred To: Attorney’s Office

WHEREAS nearly 700 students have gone through truancy court in Outagamie County between 2013 and 2018, and criminalizing truancy is harmful to all children and their families;
And WHEREAS several appeals courts have overturned truancy court rulings;
And WHEREAS some district attorneys are already shifting cases to social workers and Health and Human Services;
THEREFORE BE IT RESOLVED that the City of Appleton end the practice of GPS monitoring and jail for truant students AND support removing truancy from the criminal code in the State of Wisconsin.

R.

OTHER COUNCIL BUSINESS

[18-1861](#)

Suspend the Council Rules to Consider Cancellation of the January 2, 2019 Common Council Meeting

Alderson Croatt moved, seconded by Alderson Coenen, that the cancellation of the January 2nd Council Meeting be approved. Roll Call.

Motion carried by the following vote:

Aye: 11 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Curt Konezke, Alderson Kathleen Plank, Alderson Matt Reed, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears, Alderson Kyle Lobner, Alderson Chris Croatt and Alderson Keir Dvorachek

Nay: 1 - Alderson Ed Baranowski

Excused: 3 - Alderson Joe Martin, Alderson Rachel Raasch and Alderson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

S. ADJOURN

Alderson Baranowski moved, seconded by Alderson Coenen, that the meeting be adjourned at 7:50 p.m. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Curt Konezke, Alderson Ed Baranowski, Alderson Kathleen Plank, Alderson Matt Reed, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears, Alderson Kyle Lobner, Alderson Chris Croatt, Alderson Keir Dvorachek and Mayor Timothy Hanna

Excused: 3 - Alderson Joe Martin, Alderson Rachel Raasch and Alderson Bob Baker

Kami Lynch, City Clerk