



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, July 24, 2019

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

Excused: 2 - Alderperson Cathy Spears and Alderperson Chris Croatt

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

Deputy City Attorney Behrens, Assistant 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 McDonald

The following departments were excused:

Human Resources

Information Technology

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[19-1062](#)

Common Council Meeting Minutes of July 10, 2019

Attachments: [CC Minutes 7-10-19.pdf](#)

Alderperson Meltzer moved, seconded by Alderperson Firkus, 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 Joe Martin, Alderperson Katie Van Zeeland, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen and Alderperson Kyle Lobner

Excused: 2 - Alderperson Cathy Spears and Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

G. BUSINESS PRESENTED BY THE MAYOR

H. PUBLIC PARTICIPATION

*The following spoke regarding Item 19-0986 Parking Meters on College Ave:
Wendy Bolm, 519 W Summer St.
Eric Schultz, W2637 Ruby Ct*

*Item 19-1022 Utilization of Library Funding for Security Enhancements:
Cindy Kort, 405 S Olde Oneida St. #203*

*Item 19-1021 Payment to the Fox Cities Regional Partnership:
Peter Thillman, 125 N Superior St.
Kathi Seifert, 125 N Superior St.
Kip Golden, 1009 Tanya Ln*

I. PUBLIC HEARINGS

[19-0917](#) Public Hearing, Rezoning #6-19, Cypress Homes - N. Haymeadow Avenue Annexation

Attachments: [RZ #6-19 Notice of Public Hearing.pdf](#)

*The public hearing was held. The following spoke during the hearing:
Tami Van Straten, 201 E Stratford*

J. SPECIAL RESOLUTIONS

[19-1008](#) Initial Resolution for Alley W. of Oneida Street Vacation

Attachments: [Initial Resolution - Alley W. of Oneida St.pdf](#)

This Report Action Item was approved.

[19-1005](#) Initial Resolution for W. Water Street Vacation

Attachments: [Initial Resolution - W. Water St.pdf](#)

This Report Action Item was approved.

[19-1007](#) Initial Resolution for E. North Island Street Vacation

Attachments: [Initial Resolution - E. North Island St.pdf](#)

This Report Action Item was approved.

K. ESTABLISH ORDER OF THE DAY

[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: [Proposed Changes to Municipal Code Section 19-110 and Section 19-111.pdf](#)

This Item was referred back to the Municipal Services Committee due back on 7/29/2019.

[19-0986](#) R/B-Approve proposed change of the seven (7) meters on the north side of College Avenue between Appleton Street and Oneida Street from 2-hour meters to 25-minute red head meters.

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

This Item was referred back to the Municipal Services Committee due back on 7/29/2019.

[19-0988](#) R/B-Approve proposed "Yellow Meter Loading Zone" for the first three parking stalls on the southside of College Avenue east of Appleton Street similar to the zone of Oneida Street near City Center.

Attachments: [Yellow Meter Loading Zone.pdf](#)

This Item was referred back to the Municipal Services Committee due back on 7/26/2019.

[19-1021](#)

Request to approve \$30,000 payment to the Fox Cities Regional Partnership and approve the related 2019 Budget adjustment:

TIF Capital Project Funds

Other Contracts/Obligations - TIF 7	+ \$5,256
Other Contracts/Obligations - TIF 8	+ \$5,971
Other Contracts/Obligations - TIF 9	+ \$2,629
Other Contracts/Obligations - TIF 10	+ \$2,848
Other Contracts/Obligations - TIF 11	+\$10,625
Other Contracts/Obligations - TIF 12	+ \$2,671
Fund Balance (Each Individual TIF Fund)	- \$30,000

to provide funding for payment to the Fox Cities Regional Partnership (2/3 vote of Common Council required)

Attachments: [Finance Committee Fox Cities Regional Partnership.pdf](#)

This Item was referred back to the Finance Committee due back on 7/29/2019.

[19-1000](#)

Request to approve the Development Agreement with Block 800, LLC for improvements and redevelopment of the property located at 823-825 and 827 W. College Avenue in Tax Increment Financing District No. 12

Attachments: [Memo Recommend 800 Block W College Ave Dev Agrmt.pdf](#)
[Block 800 LLC - Draft Development Agreement 6-13-19.pdf](#)

Aldersperson Lobner moved, seconded by Aldersperson Van Zeeland, that the Development Agreement be approved. Roll Call. Motion carried by the following vote:

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

Excused: 2 - Aldersperson Cathy Spears and Aldersperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[19-0875](#)

Request to approve Rezoning #6-19 for the Cypress Homes - N. Haymeadow Avenue Annexation, formerly part of Town of Grand Chute, consisting of 5.518 acres m/l located south of W. Edgewood Drive and west of N. Haymeadow Avenue (E. Clearfield Lane, E. Stratford Lane and E. Wentworth Lane dead-end at the subject property), (Tax Id #31-6-5802-00, formerly Grand Chute Tax Id #101039315), as shown on the attached maps, from Temporary AG Agricultural District to R-1B Single-Family District

Attachments: [StaffReport_Cypress Annex Rezoning_For062519.pdf](#)

Aldersperson Lobner moved, seconded by Aldersperson Van Zeeland, that the Rezoning be approved. Roll Call. Motion carried by the following vote:

Aye: 9 - Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Maiyoua Thao, Aldersperson Matt Reed, Aldersperson Christine Williams, Aldersperson Patti Coenen and Aldersperson Kyle Lobner

Nay: 2 - Aldersperson William Siebers and Aldersperson Alex Schultz

Excused: 2 - Aldersperson Cathy Spears and Aldersperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Aldersperson Martin moved, Aldersperson Van Zeeland seconded, to approve the balance of the agenda. The motion carried by the following vote:

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

Excused: 2 - Aldersperson Cathy Spears and Aldersperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[19-0888](#)

R-B-Summer Street, from Gillet Street to Richmond Street, be reconstructed with asphalt and concrete pavement and curb and gutter. The dimensions of the Summer Street reconstruction project are as follows:

Gillet Street-295' west of Mason Street: New asphalt pavement and concrete curb & gutter to be constructed to a width of 31' from back of curb to back of curb, which is 2' narrower than the existing street within this portion of the project.

285' west of Mason Street- Mason Street: New concrete pavement to be constructed to a width of 33' from back of curb to back of curb, which is the same width as the existing street within this portion of the project.

Mason Street- 100' west of Richmond Street: New asphalt pavement and concrete curb & gutter to be constructed to a width of 31' from back of curb to back of curb, which is 2' narrower than the existing street within this portion of the project.

100' west of Richmond Street- Richmond Street: New asphalt pavement and concrete curb & gutter to be constructed to a width of 33' from back of curb to back of curb, which is the same width as the existing street within this portion of the project.

Existing parking provisions within the project limits will remain unchanged.

This Report Action Item was approved.

[19-0979](#)

Approve Alley Vacation south of College Avenue and west of S. Oneida Street.

Attachments: [Alley Vacation south of College Avenue and west of S. Oneida St..pdf](#)

This Report Action Item was approved.

[19-0981](#)

Approve W. Water Street Vacation for the southeasterly side of W. Water Street located approximately 500' northeast of Jackman Street.

Attachments: [W. Water Street Vacation.pdf](#)

This Report Action Item was approved.

[19-0982](#)

Approve E. North Island Street Vacation west of S. Vulcan Street.

Attachments: [E. North Island Street Vacation.pdf](#)

This Report Action Item was approved.

[19-0983](#)

Request from Boldt to mark a route on the sidewalk from the Fox Cities Exhibition Center to Appleton Beer Factory with chalk shoe prints with the Boldt logo for the September 18, 2019 WHEA Conference. Marked route to be installed no sooner than September 17, 2019 and removed no later than September 20, 2019.

Attachments: [Boldt to mark a route on the sidewalk.pdf](#)

This Report Action Item was approved.

[19-0984](#)

Request from Crescent Lofts-Appleton, LLC for a permanent street occupancy permit to place a ground mounted transformer for Hoersch Home Appliance at the south end of the Alley south of W. Franklin Street.

Attachments: [Permanent Street Occupancy-Crescent Lofts-Appleton, LLC.pdf](#)

This Report Action Item was approved.

[19-0989](#)

Approve parking restriction changes on Vulcan Street, south of N. Island Street (Follow-up to six month trial period).

Attachments: [Parking changes on Vulcan St, south of North Island Street.pdf](#)

This Report Action Item was approved.

[19-0990](#)

Approve parking changes related to the College Avenue/Matthias Street RRFB Installation Project.

Attachments: [Parking changes on College Av-Matthias St RRFB Installation project.pdf](#)

This Report Action Item was approved.

[19-0991](#)

Approve parking changes related to the Richmond Street/Winnebago Street RRFB Installation Project.

Attachments: [Parking changes to the Richmond St-Winnebago St RRFB Installation Project.pdf](#)

This Report Action Item was approved.

[19-0992](#) Approve parking changes related to the Evergreen Drive Urbanization Project (Haymeadow Avenue to west city limits).

Attachments: [Parking changes to Evergreen Dr Urbanization Project .pdf](#)

This Report Action Item was approved.

[19-0996](#) Approve Amendment No. 1 to the Collins Engineers, Inc. Contract for the Bridge Inspections to perform additional LRFD loading analysis as requested by WISDOT and to update the Olde Oneida Street Bridge Rehab Report in an amount not to exceed \$7,200 (revised contract amount of \$37,200)

Attachments: [Contract for the Bridge Inspections.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[19-0961](#) "Class B" Liquor and Class "B" Beer License application for Tandem Wine & Beer LLC, George Koenig, Agent, new location at 101 W. Edison Ave Suite 100, contingent upon approvals from all departments.

Attachments: [Liquor License -Tandem Wine & Beer S&L 7-10-19.pdf](#)

This Report Action Item was approved.

[19-0993](#) "Class B" Liquor and Class "B" Beer License application for Old Bavarian, Franz-Josef Schadt, Agent, located at 527 & 529 W. College Ave, contingent upon approval from all departments.

Attachments: [Liquor License-Old Bavarian S&L 7-17-19.pdf](#)

This Report Action Item was approved.

[19-0994](#) Class "B" Beer License application for Pheng Houa Daily Foods, Youa Bee Xiong, Agent, located at 1216 North Division St, contingent upon approval from all departments.

Attachments: [Liquor License-Pheng Houa Daily Foods S&L 7-17-19.pdf](#)

This Report Action Item was approved.

[19-1033](#) Operator's Licenses

Attachments: [Operator's Licenses for 7-17-19.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[19-0937](#)

Request to approve the street discontinuance to vacate a portion of alley public right-of-way generally located west of South Oneida Street and south of West College Avenue and adopt the Initial Resolution and exhibit map

Attachments: [StaffReport_AlleyWestOfOneida_StreetVacation_For07-09-19.pdf](#)

This Report Action Item was approved.

[19-0939](#)

Request to approve the street discontinuance to vacate a portion of East North Island Street public right-of-way generally located west of South Vulcan Street and adopt the Initial Resolution and exhibit map

Attachments: [StaffReport_ENorthIslandSt_StreetVacation_For07-09-19.pdf](#)

This Report Action Item was approved.

[19-0941](#)

Request to approve the street discontinuance to vacate a portion of West Water Street public right-of-way generally located on the southeasterly side of West Water Street, 500' m/l northeast of Jackman Street and adopt the Initial Resolution and exhibit map (Associated with File Item #19-0942)

Attachments: [StaffReport_WaterStreet_StreetVacation_For07-09-19.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[19-1022](#)

Request to utilize up to \$175,000 of new library funding included in the 2019 Downtown Development Capital Improvement Plan for security enhancements to the current library

Attachments: [Finance Committee Library Security Improvements.pdf](#)

This Report Action Item was approved.

[19-1024](#)

Award of contract for Unit BB-19 Edgewood Drive Sanitary Sewer - French Road to Lightning Drive to Kruczek Construction, Inc. for \$479,000 with a 10% contingency of \$47,900 for a total contract not to exceed \$526,900

Attachments: [Kruczek Construction BB-19 Award.pdf](#)

This Report Action Item was approved.

[19-1025](#)

Request to approve contract amendment/Change Order No. 1 to Contract 77-19 for Kernan Avenue/East South River Street Storm Sewer Construction for additional funding to complete permanent concrete surface restoration in lieu of temporary asphalt in the amount of \$121,841 with an increase in contingency from \$50,000 to \$70,000. Overall contract increases from \$904,655 to \$1,046,496

Attachments: [Unit T-19 Change Order No.1.pdf](#)

This Report Action Item was approved.

[19-1026](#)

Request authorization to engage outside counsel for defense of taxation lawsuit

This Report Action Item was approved.

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

[19-1009](#)

Request the Approval of the Electronic Compliance Maintenance Annual Report (eCMAR) for 2018 (attached) and Request the following Resolution be presented to the Common Council for approval:

Whereas, the City of Appleton has successfully been operating a biosolids compost program in cooperation with the Outagamie Department of Solid Waste; and

Whereas, Outagamie County has committed to continue to allowing biosolids composting during the next five years on over five acres of County property; and

Whereas, the City of Appleton had applied for and has now been re-issued a Wisconsin Pollution Discharge Elimination System (WPDES) permit; and

Whereas, the WPDES permit application requested and the facility was approved for a biosolids compost program and outfall; and

Whereas, the City of Appleton now meets requirements of NR 204 for biosolids storage due to the reissuance of the WPDES permit as of April 1, 2017;

Now, therefore, be it resolved by the City Council that the City of Appleton:

Article 1. Continues supporting an active biosolids compost program.

Article 2. Continue planning for a long term composting facility as the County site is limited to the next five years.

Attachments: [eCMAR memo 2018.pdf](#)
 [Compliance Maintenance Annual Report.pdf](#)

This Report Action Item was approved.

[19-1010](#)

Award the Lindbergh Painting Project to Classic Protective Coatings in the amount of \$693,850 with a 10% contingency of \$69,385 for a project total not to exceed \$763,235.

Attachments: [Lindbergh - Contractor Award.pdf](#)
[Lindbergh - Contractor Award Rev 071719.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[19-1012](#)

Request to approve Public Works table of organization change a CEA Serviceperson position to a CEA Master Mechanic position.

Attachments: [DPW reog Serviceperson to Mechanic.pdf](#)
[Public Works draft 7-17-19.pdf](#)

This Report Action Item was approved.

[19-1018](#)

Request to approve changes to the Salary Administration Policy.

Attachments: [Salary Administration Policy 7-17-19.pdf](#)

This Report Action Item was approved.

[19-1019](#)

Request to approve changes to the Travel Policy.

Attachments: [Travel Policy Summary of Changes 7-17-19.pdf](#)
[Travel Policy 7-17-19.pdf](#)

This Report Action Item was approved.

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

[19-1064](#) Consolidated Action Items: Oneida St. & College Ave. Alley Vacation
Item 19-1008 Special Resolutions
Item 19-0979 Municipal Services
Item 19-0937 Plan Commission

This Report Action Item was approved.

[19-1065](#) Consolidated Action Items- W. Water St. Vacation
Item 19-1005 Special Resolutions
Item 19-0981 Municipal Services Committee
Item 19-0941 Plan Commission

This Report Action Item was approved.

[19-1066](#) Consolidated Action Items - E. North Island St. Vacation
Item 19-1007 Special Resolutions
Item 19-0982 Municipal Services Committee
Item 19-0939 Plan Commission

This Report Action Item was approved.

N. ITEMS HELD

O. ORDINANCES

[19-1037](#) Ordinances 71-19 to 75-19

Attachments: [Ordinances going to Council 7-24-19.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 #9-R-19
E-Cigarette/Nicotine Device Use in Young Adults*

*Date: July 24, 2019
Submitted by: Cathy Spears, Alderperson District 12
Referred to: Safety & Licensing Committee*

Whereas, the CDC and Surgeon General have released advisories alerting the public to the negative health effects of the use of e-cigarettes and especially the negative impact of nicotine on the adolescence population.

Whereas, the brain continues to develop until the age of 25

Whereas, the use of nicotine negatively impacts teens and young adults by actually changing adolescents' brain cell activity in the parts of the brain responsible for attention, learning, and memory

Whereas, it is difficult to distinguish the difference between e-cigarettes that contain nicotine and those that do not.

*Therefore be it resolved;
That the Appleton Health Department and Appleton Police Department work together with the Attorney's office to craft the language prohibiting the use and possession of any e-cigarette and or nicotine containing device by anyone under the age that the State Statute age allows for possession and use of nicotine.
The final language is to include recommendations for enforcement and fines.*

R. OTHER COUNCIL BUSINESS

S. CLOSED SESSION

[19-1063](#)

The Common Council may convene into closed session to confer with legal counsel concerning strategy to be adopted by the body with respect to litigation in which it is involved or likely to become involved regarding real estate tax assessments pursuant to the exceptions contained in §19.85(1)(g) of the Wisconsin Statutes. The Common Council will then reconvene into open session.

The Common Council did not convene into closed session.

T. ADJOURN

Alderson Siebers moved, seconded by Alderson Coenen, that the meeting be adjourned at 8:07 p.m. Roll Call. Motion carried by the following vote:

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

Excused: 2 - Alderperson Cathy Spears and Alderperson Chris Croatt

Kami Lynch, City Clerk