



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, February 6, 2019

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 Meltzer.

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 Kathleen Plank, Alderperson Matt Reed, Alderperson Bob Baker, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Mayor Timothy Hanna

Excused: 1 - Alderperson Keir Dvorachek

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

City Attorney Walsh, Deputy City Attorney Behrens, City Clerk Lynch, Director of Finance Saucerman, Fire Chief Hansen, Deputy Director of Parks, Recreation & Facilities Flick, Asst. Police Chief Potter, Director of Public Works Vandehey

The following were excused:

Community & Economic Development

Health

Human Resources

Information Technology

Library

Valley Transit

Utilities

F. PUBLIC PARTICIPATION

The following spoke during public participation:

Richard Abb, 1100 S East St Re: Item 19-0089 Development Agreement for Gabriel Furniture Site

Greg Otis, 1731 Schaefer Circle Re: Item 19-0099 Parade Committee Appointment

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[19-0093](#)

Common Council Meeting Minutes of January 16, 2019

Attachments: [CC Minutes 1-16-19.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 Konezke, Alderson Joe Martin, 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 Chris Croatt**Excused:** 1 - Alderson Keir Dvorachek**Abstained:** 1 - Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR

[19-0098](#)Fire Department Award Presentations for 2018

-Citizen Good Samaritan

-Citizen Awards of Merit

-Fire Department Employee of the Year

The 2018 Fire Department Awards were presented.[19-0099](#)

Parade Committee Appointment

Attachments: [APPT TO PARADE COMM 020619.pdf](#)**Alderson Konezke moved, seconded by Alderson Croatt, that the appointment 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 Kathleen Plank, Alderson Matt Reed, Alderson Bob Baker, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears, Alderson Kyle Lobner and Alderson Chris Croatt**Excused:** 1 - Alderson Keir Dvorachek**Abstained:** 1 - Mayor Timothy Hanna[19-0100](#)

Appointment to the Business Improvement District Board of Directors

Attachments: [APPT TO BID BOARD 020619.pdf](#)**Alderson Reed moved, seconded by Alderson Baranowski, that the appointment be approved. Roll Call. Motion carried by the following vote:**

Aye: 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konezke, Alderperson Joe Martin, Alderperson Ed Baranowski, Alderperson Rachel Raasch, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Bob Baker, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner and Alderperson Chris Croatt

Nay: 1 - Alderperson Christine Williams

Excused: 1 - Alderperson Keir Dvorachek

Abstained: 1 - Mayor Timothy Hanna

I. PUBLIC HEARINGS

[19-0104](#)

Public Hearing to amend the City of Appleton Official Map for the future extensions of N. Kurey Drive and E. Werner Road

Attachments: [Public Hearing - Extensions of N. Kurey Dr & E. Werner Rd.pdf](#)

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

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[19-0027](#)

Request to approve Amendment to the City of Appleton Official Map for the future extensions of N. Kurey Drive and E. Werner Road, generally located adjacent to existing Kurey Drive and Werner Road in the area north of E. Broadway Drive, east of N. Meade Street and south of Mackville Road, (part of Tax Id #'s 31-1-9310-19, 31-1-9310-7, 31-1-9310-6, 31-1-9310-18, 31-1-9310-17, 31-1-9310-5, 31-1-9310-2, 31-1-9310-4, 31-1-9310-13, 31-1-9310-14, 31-1-9310-16 and 040099301 [within the Town of Center]), as shown on the attached maps

Attachments: [StaffReport_FutureKureyandWerner_OfficialMapAmendment_For1-8-19.pdf](#)

Alderperson Plank moved, seconded by Alderperson Baranowski, that the Official Map Amendment be approved. 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 Kathleen Plank, Alderperson Matt Reed, Alderperson Bob Baker, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner and Alderperson Chris Croatt

Absent: 2 - Alderperson Keir Dvorachek and Mayor Timothy Hanna

[19-0089](#)

Request to approve the Development Agreement between the City of Appleton and Gabriel Lofts, LLC in Tax Increment Financing District No. 11

Attachments: [Memo Recommend Gabriel Lofts LLC Dev Agrmt.pdf](#)
[Gabriels - Dev Agrm - City - Clean - 01-28-2019.pdf](#)
[Richard Abb's Questions.pdf](#)

Item 19-0089

Initially, this item was referred back to Committee by Alderperson Williams.

Alderperson Lobner moved, seconded by Alderperson Coenen that the Common Council convene into the Committee of the Whole acting as the Community & Economic Development Committee to consider this item.

Roll Call. Motion Carried 10/4 with alderpersons Croatt, Siebers, Williams, & Baranowski voting 'Nay'.

[19-0150](#)

Committee of the Whole - CEDC Item: 19-0089

Alderperson Baker moved, seconded by Alderperson Konetzke, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konetzke, Alderperson Joe Martin, Alderperson Ed Baranowski, Alderperson Rachel Raasch, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Bob Baker, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner and Alderperson Chris Croatt

Nay: 1 - Alderperson Christine Williams

Excused: 1 - Alderperson Keir Dvorachek

Abstained: 1 - Mayor Timothy Hanna

[19-0152](#)

Report of the Committee of the Whole

Motion by Alderperson Baker, seconded by Alderperson Plank to Rise and Report. Roll Call. Motion Carried 14/0.

A vote on the Report of the Committee of the Whole was taken (see below Item: 19-0089). Motion Carried 13/1.

Alderperson Konetzke moved, seconded by Alderperson Baker, that the Report of the Committee of the Whole be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konetzke, Alderperson Joe Martin, Alderperson Ed Baranowski, Alderperson Rachel Raasch, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Bob Baker, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner and Alderperson Chris Croatt

Nay: 1 - Alderperson Christine Williams

Excused: 1 - Alderperson Keir Dvorachek

Abstained: 1 - Mayor Timothy Hanna

[19-0089](#)

Request to approve the Development Agreement between the City of Appleton and Gabriel Lofts, LLC in Tax Increment Financing District No. 11

Attachments: [Memo Recommend Gabriel Lofts LLC Dev Agrmt.pdf](#)
[Gabriels - Dev Agrm - City - Clean - 01-28-2019.pdf](#)
[Richard Abb's Questions.pdf](#)

Alderperson Konezke moved, seconded by Alderperson Baker, that the Development Agreement be approved. Roll Call. Motion carried 13/1.

Aye: 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konezke, Alderperson Joe Martin, Alderperson Ed Baranowski, Alderperson Rachel Raasch, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Bob Baker, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner and Alderperson Chris Croatt

Nay: 1 - Alderperson Christine Williams

Excused: 1 - Alderperson Keir Dvorachek

Abstained: 1 - Mayor Timothy Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderperson Baker moved, Alderperson Baranowski seconded, to approve the balance of the agenda. The 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 Kathleen Plank, Alderperson Matt Reed, Alderperson Bob Baker, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner and Alderperson Chris Croatt

Excused: 1 - Alderperson Keir Dvorachek

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[19-0091](#)

Approve proposed 1-year extension of the Bicycle and Pedestrian Engineering on-call Consulting Services Contract with Alta Planning and Design in an amount not to exceed \$12,000.

Attachments: [1 year extension of the Bicycle and Pedestrian Engineering on-call Contract.pdf](#)

This Report Action Item was approved

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[19-0067](#)

Class "B" Beer and "Class C" Wine application of Garden View Family Restaurant LLC, Located at 216 E College Ave., Rose Villanueva Salinas, Agent, contingent upon approval from all departments.

Attachments: [Liquor License Garden View Application.pdf](#)

This Report Action Item was approved.

[19-0080](#)

Operator's Licenses

Attachments: [Operator's Licenses for 1-23-19 S & L.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[19-0063](#)

Request to approve the Spartan Drive at Meade Street Annexation located west of N. Meade Street, between E. Edgewood Drive and E. Broadway Drive, currently in the Town of Grand Chute, as shown on the attached maps, subject to the stipulation in the attached staff report

Attachments: [StaffReport_SpartanDrMeadeSt_Annexation_For01-22-19.pdf](#)

This Report Action Item was approved.

[19-0064](#)

Request to approve the Lucht Annexation (E. Broadway Drive) located north of Plamann Park, between N. Meade Street and N. Ballard Road, currently in the Town of Grand Chute, as shown on the attached maps, subject to the stipulation in the attached staff report

Attachments: [StaffReport_Lucht_Annexation_For01-22-19.pdf](#)

This Report Action Item was approved.

[19-0071](#)

Request to approve the dedication of land for public right-of-way for the alley located north of Wisconsin Avenue between N. Morrison Street and N. Durkee Street (northern limits of the parcels at 208 & 218 E. Wisconsin Avenue - portion of Tax Id #'s 31-6-0521-00 and 31-6-0520-00), as shown on the attached maps

Attachments: [StaffReport_Wisconsin-Morrison_AlleyDedication_For1-22-19.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[19-0084](#)

Request to approve retaining Stafford Rosenbaum for St. Joseph's site.

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

[19-0073](#)

Approval to single source and award the 2019I Valley Road Stormwater Management Alternatives Evaluation in an amount not to exceed \$37,400 and authorization to single source the future design contract and construction related services contract with McMahon Associates, Inc.

Attachments: [2019 Valley Road Stormwater Evaluation Contract Award.pdf](#)

This Report Action Item was approved.

[19-0087](#)

Approve Intergovernmental Agreement with the City of Menasha and Village of Fox Crossing for stormwater management related to the urbanization of Valley Road.

Attachments: [Valley Road.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

[19-0103](#) Ordinances 1-19 to 5-19

Attachments: [Ordinances going to Council 2-6-19.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 #1-R-19
E-Cigarettes*

Date: 02/06/2019

Submitted by: Alderperson 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 indoor air ordinance, outlined in 7-100, that was enacted to protect workers and the public from secondhand smoke;

Now, Therefore Be it Resolved, that the definition of “smoking” be modified to read: “Smoking” means inhaling, exhaling, burning, or carrying any lighted, heated or ignited cigar, cigarettes, cigarillo, pipe, hookah, Electronic Smoking Device, or any plant product intended for human inhalation.

“Electronic Smoking Device” means an electronic device that can be used to deliver an inhaled dose of nicotine, or other substances, including any component part, or accessory of such a device, whether or not sold separately. “Electronic Smoking Device” includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

“Electronic Smoking Device Paraphernalia” means cartridges, cartomizers, e-liquid, smoke juice, tips, atomizers, Electronic Smoking Device batteries, Electronic Smoking Device chargers, and any other item specifically designed for the preparation, charging, or use of Electronic Smoking Devices.

[19-0106](#)

Resolution #15-R-18

Attachments: [#15-R-18 Truancy.pdf](#)

[Council Memo-re- Resolution 15-R-18.pdf](#)

This Resolution was referred to the Finance Committee due back on 2/25/2019.

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Alderson Baranowski moved, seconded by Alderson Baker, that the meeting be adjourned at 7:55 p.m. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Curt Konezke, Alderson Joe Martin, 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 Chris Croatt and Mayor Timothy Hanna

Excused: 1 - Alderson Keir Dvorachek

Kami Lynch, City Clerk