



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, June 5, 2019

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order by Mayor Hanna at 7:06 p.m.

B. INVOCATION

The Invocation was offered by Alderperson Lobner

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Rachel Raasch, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Mayor Timothy Hanna

Absent: 1 - Alderperson Keir Dvorachek

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

City Attorney Walsh, City Attorney Behrens, City Clerk Lynch, Director of Community & Economic Development Harkness, Director of Finance Saucerman, Fire Chief Hansen, Health Officer Eggebrecht, Director of Parks, Recreation & Facilities Gazza, Police Lt. Neff, Deputy Director of Public Works Buetow, Library Director Rortved

The following were excused:

Human Resources

Information Technology

Valley Transit

Utilities

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[19-0779](#)

Common Council Meeting Minutes of May 15, 2019

Attachments: [CC Minutes 5-15-19.pdf](#)

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

Aye: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Rachel Raasch, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner and Alderperson Chris Croatt

Absent: 1 - Alderperson Keir Dvorachek

Abstained: 1 - Mayor Timothy Hanna

G. BUSINESS PRESENTED BY THE MAYOR

[19-0782](#) Homeownership Month Proclamation

This Proclamation was presented

[19-0783](#) Foster Care Month Proclamation

This Proclamation was presented

H. PUBLIC PARTICIPATION

*The following spoke during Public Participation:
Gwen Sargeant, 2401 W Cherokee Dr Re: Item 19-0556 Naming of Alleys
Julie Lopas, W6362 Racine Court Re: Item 19-0695 CDBG Funding*

I. PUBLIC HEARINGS

[19-0650](#) Public Hearing on Special Resolution 3-P-19; Sanitary Laterals, Storm Laterals, and Storm Main
Morrison Street - Hancock Street to Wisconsin Avenue
Winnebago Street - Oneida Street to Drew Street
Carpenter Street - Taft Avenue to Fremont Street
Prospect Avenue - Seminole Road to Haskell Street
Opechee Street at Leminwah Street
Henry Street - Warner Street to Telulah Avenue
Warner Street - Henry Street to College Avenue
Harriet Street - Walter Avenue to Telulah Avenue
Erb Street - Michigan Street to 100' N/O Michigan Street
Randall Street - Oneida Street to Meade Street

Attachments: [3-P-19 Public Hearing Notice.pdf](#)

The Public Hearing was held, there were no speakers during the hearing.

J. SPECIAL RESOLUTIONS

[19-0651](#)

Final Resolution 3-P-19 for Sanitary Laterals, Storm Laterals, and Storm Main

Attachments: [3-P-19 Final Resolution.pdf](#)

Alderson Croatt moved, seconded by Alderson Lobner, that the Resolution be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Katie Van Zeeland, Alderson Rachel Raasch, Alderson Maiyoua Thao, Alderson Matt Reed, Alderson Alex Schultz, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears, Alderson Kyle Lobner and Alderson Chris Croatt

Absent: 1 - Alderson Keir Dvorachek

Abstained: 1 - Mayor Timothy Hanna

K. ESTABLISH ORDER OF THE DAY

[19-0695](#)

Request to approve the REVISED 2019-2020PY Community Development Block Grant (CDBG) funding as specified in the attached community partner allocation recommendations

Attachments: [Alloc Recs Memo to CEDC Final Award 05-22-2019.pdf](#)
[Alloc Recs Memo to CEDC 11-28-18.pdf](#)
[REVISED- 2019 CDBG Summary of Recommendations.pdf](#)
[REVISED- 2019 CDBG Simple Summary of Recommendations.pdf](#)

Alderson Croatt moved, seconded by Alderson Lobner, that the revised CDBG funding be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Rachel Raasch, Alderson Maiyoua Thao, Alderson Matt Reed, Alderson Alex Schultz, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears, Alderson Kyle Lobner and Alderson Chris Croatt

Absent: 1 - Alderson Keir Dvorachek

Abstained: 2 - Alderson Katie Van Zeeland and Mayor Timothy Hanna

[19-0696](#)

Request to approve the Development Agreement with Fore Development LLC for improvements and development of the property located at 309 E. Washington Street, 118 N. Durkee Street, and 122 N. Durkee Street in Tax Increment Financing District No. 11

Attachments: [Memo Recommend Avant LLC Dev Agrmt.pdf](#)
[Fore Dev - Avant LLC - Dev Agrm - Clean - 05-15-2019.pdf](#)

Alderson Croatt moved, seconded by Alderson Lobner, that the Item be amended to reflect the Agreement is with Fore Development, a subsidiary of Avant, LLC. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Katie Van Zeeland, Alderson Rachel Raasch, Alderson Maiyoua Thao, Alderson Matt Reed, Alderson Alex Schultz, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears, Alderson Kyle Lobner and Alderson Chris Croatt

Absent: 1 - Alderson Keir Dvorachek

Abstained: 1 - Mayor Timothy Hanna

Alderson Croatt moved, seconded by Alderson Lobner, that the Report Action Item be approved as amended. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Katie Van Zeeland, Alderson Rachel Raasch, Alderson Maiyoua Thao, Alderson Matt Reed, Alderson Alex Schultz, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears, Alderson Kyle Lobner and Alderson Chris Croatt

Absent: 1 - Alderson Keir Dvorachek

Abstained: 1 - Mayor Timothy Hanna

[19-0702](#)

Request to approve the Development Agreement with 320 East College LLC for redevelopment of the property located at 320 E. College Avenue in Tax Increment Financing District No. 11

Attachments: [Memo Recommend 320 E College Ave Dev Agrmt.pdf](#)
[320 East College LLC - Dev Agrm 5-16-19 Draft 1.pdf](#)
[Memo Recommend ARA Rescind Approved Funds for 320 E College Ave.pdf](#)

Alderson Croatt moved, seconded by Alderson Lobner, that the Development Agreement be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Rachel Raasch, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner and Alderperson Chris Croatt

Absent: 1 - Alderperson Keir Dvorachek

Abstained: 1 - Mayor Timothy Hanna

[19-0635](#)

Farm Market Renewal Application, Long Cheng Marketplace, Maiyoua Thao, 1804 S. Lawe St, contingent upon approval from all departments.

Attachments: [Long Cheng Farm Market.pdf](#)

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

Aye: 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Rachel Raasch, Alderperson Matt Reed, Alderperson Alex Schultz, 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

Abstained: 1 - Alderperson Maiyoua Thao

[19-0556](#)

Request to approve the naming of ~~22~~ 21 alleys located throughout the City, honoring some of Appleton's historic citizens as depicted in the attached list of names and map, so as to mitigate confusion for public safety personnel, the post office, delivery drivers and residents

Attachments: [StaffReport_Naming21Alleys_For5-21-19.pdf](#)
[ExhibitA_Cleggett_5-21-19.pdf](#)
[ExhibitB_Ord33-77_RiverDr_5-21-19.pdf](#)
[LtrOpposingAlleyDesignationforRiverDrive_5-10-19.pdf](#)
[StaffReport_Naming22Alleys_For4-23-19.pdf](#)
[PhinneyNameSuggestion_Distributedat5-21-19PC.pdf](#)

Alderperson Martin moved, seconded by Alderperson Lobner, that the naming of alleys be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Rachel Raasch, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner and Alderperson Chris Croatt

Absent: 1 - Alderperson Keir Dvorachek

Abstained: 1 - Mayor Timothy Hanna

[19-0715](#)

Approval of 2019-2020 Beer/Liquor License renewals contingent upon approval from all departments by 12:00 p.m. on June 28, 2019.

Attachments: [2019-20 Beer-Liquor License Renewals S&L 5-22.docx](#)

Alderson Croatt moved, seconded by Alderson Lobner, that the License Renewals be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Katie Van Zeeland, Alderson Rachel Raasch, Alderson Maiyoua Thao, Alderson Matt Reed, Alderson Alex Schultz, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears, Alderson Kyle Lobner and Alderson Chris Croatt

Absent: 1 - Alderson Keir Dvorachek

Abstained: 1 - Mayor Timothy Hanna

[19-0720](#)

Request to approve agreement with Clearwater Creek Development for Spartan Drive and Stormwater Management Facilities

Attachments: [Clearwater Creek Development - Spartan Drive Stormwater Mgmt Facilities - FINAL 05-29-2019.pdf](#)

Alderson Martin moved, seconded by Alderson Croatt, that the Agreement be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Katie Van Zeeland, Alderson Rachel Raasch, Alderson Maiyoua Thao, Alderson Matt Reed, Alderson Alex Schultz, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears, Alderson Kyle Lobner and Alderson Chris Croatt

Absent: 1 - Alderson Keir Dvorachek

Abstained: 1 - Mayor Timothy Hanna

[19-0721](#)

Request to approve agreement with ARBB Farm, LLC for Spartan Drive and Stormwater Management Facilities

Attachments: [Agreement - ARBB Farm - Spartan Drive Stormwater - FINAL 05-29-2019.pdf](#)

Motion by Alderson Martin, seconded by Alderson Croatt, that the Agreement be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Rachel Raasch, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner and Alderperson Chris Croatt

Absent: 1 - Alderperson Keir Dvorachek

Abstained: 1 - Mayor Timothy Hanna

COMMITTEE REPORTS

Balance of the action items on the agenda.

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

Aye: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Rachel Raasch, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner and Alderperson Chris Croatt

Absent: 1 - Alderperson Keir Dvorachek

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[19-0648](#)

Class "B" Beer and "Class B" Liquor License - Change of Agent application for Appleton Holdings LLC to include Red Lion's Intermezzo, Red Lion Lombardi Bar, Red Lion Banquet Services and Red Lion Clubhouse Bar licenses, Linda M. Garvey, Agent, located at 333 West College Ave, contingent upon approval from the police department.

Attachments: [Linda M. Garvey - Appleton Holdings S&L 5-22-19 .pdf](#)

This Report Action Item was approved

[19-0649](#)

Reserve "Class B" Liquor and Class "B" Beer License - Change of Agent application for Appleton Holdings LLC/Inner Circle Fox Cities LLC d/b/a Fox Cities Exhibition Center, Linda M. Garvey, Agent, located at 355 West Lawrence Street, contingent upon approval from the police department.

Attachments: [Linda M. Garvey - Inner Circle Fox Cities S&L 5-22-19.pdf](#)

This Report Action Item was approved.

[19-0674](#)

Reserve "Class B " Liquor and Class "B" Beer license - Change of Agent application for Buffalo Wild Wings, Kimberly Lutzewitz, Agent, located at 3201 E Calumet St.

Attachments: [Kimberly M. Lutzewitz S&L 5-22-19.pdf](#)

This Report Action Item was approved.

[19-0697](#)

Class "B" Beer and "Class B" Liquor license application for El Sabor Mexican Grill, Luis A Santiago, Agent, located at 2190 S Memorial Dr., contingent upon approval from all departments.

Attachments: [El Sabor Mexican Grill.pdf](#)

This Report Action Item was approved.

[19-0726](#)

Operator's Licenses

Attachments: [Operator's Licenses for 5-22-19 S & L.pdf](#)

This Report Action Item was approved.

[19-0728](#)

RENEWAL Operator's Licenses

Attachments: [RENEWAL Operator's Licenses for 5-22-19 S & L.docx](#)

This Report Action Item was approved.

[19-0735](#)

Taxi Cab Company Renewal License application of People Movers Inc, (Appleton Yellow Taxi Co), Paul O. Davies, 705 W. Wisconsin Ave, Appleton, contingent upon approval from all departments.

Attachments: [People Movers.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[19-0688](#)

Request to approve Special Use Permit #4-19 for a restaurant with alcohol sales and service located at 1619 West College Avenue, Suite F (Tax Id #31-3-0049-00), 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 of Common Council required for approval)

Attachments: [StaffReport_1619WCollege_SUP_For5-21-19.pdf](#)

This Report Action Item was approved.

[19-0691](#)

Request to approve Special Use Permit #5-19 for an existing restaurant with alcohol sales and service and a sidewalk cafe with alcohol sales and service located at 321 East College Avenue (Tax Id #31-2-0007-00), 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 of Common Council required for approval)

Attachments: [StaffReport_321ECollege_SUP_For5-21-19.pdf](#)

This Report Action Item was approved.

[19-0693](#)

Request to approve Special Use Permit #6-19 for an indoor personal storage facility located on North Ballard Road, on a landlocked parcel east of 3030 N. Ballard Road (Tax Id #31-1-6726-00), 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 of Common Council required for approval)

Attachments: [StaffReport_Ballard Road Storage_SUP.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[19-0722](#)

Request to approve the following 2019 Budget adjustment:

Parking Utility Fund Balance	- \$120,000
Parking Utility Operations & Maintenance	+\$120,000

to provide funding for unanticipated parking ramp maintenance and construction projects in 2019 (2/3 of Common Council required for approval)

Attachments: [Budget Adjustment - Parking Division Projects.pdf](#)

This Report Action Item was approved.

[19-0723](#)

Request to approve Finance Committee Report 3-P-19 for Sanitary Laterals, Storm Laterals and Storm Main

Attachments: [Report 3-P-19.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[19-0703](#)

****CRITICAL TIMING**** Request to submit Counter-Offer #3 to the Offer-to-Purchase from Valley Tool, Inc. or its assigns to purchase Lots 1, 2, and 3 on Goodland Drive in the Northeast Industrial Park Plat No. 4, consisting of approximately 4.36 acres, at a purchase price of \$160,000 (\$36,697.25 per acre) with Counter-Offer #3 amending various lines in the Offer as referenced in the attached documents and approving a variance to the Deed Restrictions and Covenants to allow for a loading dock and overhead door facing east towards Zuehlke Drive subject to staff approval of final site plans and elevations of east side

Attachments: [Valley Tool Memo 5-15-19.pdf](#)
[Valley Tool - Counter Offer No. 3.pdf](#)
[Valley Tool Memo 4-19-19.pdf](#)
[Valley Tool_OTP_Lots 1-2-3 Goodland Dr_4-17-19.pdf](#)
[Valley Tool - Counter Offer 1_2.pdf](#)
[NEIP Plat No 4 Covenants and Restrictions.pdf](#)
[Map_Available Sites NE Bus Park_04182019.pdf](#)
[NEBPUilities.pdf](#)

This Report Action Item was approved.

[19-0755](#)

Request to approve the Offer to Purchase from Alco Tech Properties, LLC to purchase Lot 9, Plat 1 of Southpoint Commerce Park, consisting of approximately 3.48 acres, at a purchase price of \$144,072 (\$41,400 per acre)

Attachments: [Alco Tech Lot 9 Memo_5-16-19.pdf](#)
[Alco Tech Lot 9 Offer to Purchase.pdf](#)
[SP Deed Restrictions.pdf](#)
[Office Use Memo from 11-10-08 Lots 9 & 12 Southpoint.pdf](#)
[Alco Tech Map Lot 9.pdf](#)

This Report Action Item was approved.

7. MINUTES OF THE UTILITIES COMMITTEE

[19-0708](#)

Preliminary Resolution 3-P-19 for Sanitary Laterals, Storm Laterals and Storm Main be adopted and refer the matter to the Finance Committee to determine the assessment rate.

Attachments: [3-P-19.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

[19-0777](#)

Ordinances 42-19, 56-19 to 67-19

Attachments: [Ordinances going to Council 6-5-19.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

R. OTHER COUNCIL BUSINESS

[19-0780](#)

Discussion regarding the vacancy for Alderperson District 15

Attachments: [KD Resignation 5-19.pdf](#)

Discussion occurred, no action was taken.

S. CLOSED SESSION

[19-0781](#)

The Common Council will go into closed session according to State Statute §19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session regarding the bluff site development and then reconvene into open session.

Alderperson Martin moved, seconded by Alderperson Croatt, that the Council convene into Closed Session at 8:20 p.m. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Rachel Raasch, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner and Alderperson Chris Croatt

Absent: 1 - Alderperson Keir Dvorachek

Abstained: 1 - Mayor Timothy Hanna

T. ADJOURN

Motion by Lobner, seconded by Spears to reconvene into Open Session at 9:30 p.m. Roll Call. Motion Carried 14/0.

No action was taken in Closed Session.

Alderperson Lobner moved, seconded by Alderperson Spears, that the meeting be adjourned at 9:33 p.m. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Rachel Raasch, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Mayor Timothy Hanna

Absent: 1 - Alderperson Keir Dvorachek

Kami Lynch, City Clerk