

City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, September 20, 2017

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order by Mayor Hanna at 7:02 p.m.

B. INVOCATION

The Invocation was offered by Alderperson Meltzer

- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS

Present: 14 - Alderperson William Siebers, Alderperson Ed Baranowski, Alderperson

Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Mayor Timothy Hanna, Alderperson Keir

Dvorachek and Alderperson Bob Baker

Excused: 2 - Alderperson Kathleen Plank and Alderperson Curt Konetzke

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

City Clerk Lynch, City Attorney Walsh, Deputy City Attorney Behrens, Economic Development Specialist Rehbein, Diversity Coordinator Nelson, Director of Finance Saucerman, Health Officer Eggebrecht, Director of Parks, Recreation & Facilities Gazza, Police Deputy Chief Potter, and Director of Public Works Vandehey

The following departments were excused:

Fire
Human Resources
Information Technology
Library
Utilities
Valley Transit

F. PUBLIC PARTICIPATION

The following spoke regarding Item 17-1393 Climate Resolution:

Bill Mys, 1203 Montclaire Court

Jill Mitchler, N308 Candlelite Way

Bryan Farmer, 839 E Washington St.

Brian Garron, 806 W Winnebago St.

Cathy Thompson, 330 E Winnebago St.

Ronna Swift, 230 W Seymour St.

Denise Fenton, 500 W Parkway Blvd.

Bill Recker, 1317 N Durkee St.

Jeanice Knapp, 1118 E Grant St.

Jeanne Roberts, 110 E Florida Ave.

Chuck Schmidt, 717 N Richmond St.

Levi Besaw, 302 S Story St.

Jade Thomson, 1340 W 2nd St.

Jan Dallman, 1715 N Morrison St.

Barbara Hines, 1911 N Morrison St.

Bedford Hines, 1911 N Morrison St.

Jayme Heiser, 1012 S. Herbert St.

Valerie Brehein, 1136 E. Jardin St.

Laura Carlson, 514 N. Lawe St.

Terry Dawson, 1131 S. Oneida

Nick Ross, 426 E Atlantic St.

Shannon Kenevan, 908 N. Fox St.

Thelma Jimenez-Anglada, 526 W 6th St.

Ann Muenster, 3528 Hillsborough Dr.

The following spoke regarding Item 17-1318 Parking Changes on 300 block of College Ave:

Steve Evans, 2017 W Prospect Ave.

Nate Weyenberg, 310 W College Ave.

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

17-1445 Common Council Meeting Minutes of September 6, 2017

Attachments: CC Minutes 9-6-17.pdf

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

Aye: 13 - Alderperson William Siebers, Alderperson Ed Baranowski, Alderperson

Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Alderperson Bob

Baker

Excused: 2 - Alderperson Kathleen Plank and Alderperson Curt Konetzke

Abstained: 1 - Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR

I. PUBLIC HEARINGS

<u>17-1395</u> Public Hearing - Comprehensive Plan Amendment #1-17

<u>Attachments:</u> Public Hearing Notice_CPA #1-17.pdf

The Public Hearing was held. There were no speakers during the Public Hearing.

<u>17-1396</u> Public Hearing - Rezoning #5-17

Attachments: RZ #5-17 Public Hearing Notice.pdf

The Public Hearing was held. There were no speakers during the Public Hearing.

J. SPECIAL RESOLUTIONS

17-1446 Resolution Authorizing a Pledge and Security Agreement for the Fox Cities

Exhibition Center Project

Attachments: Resolution for Pledge and Security Agreement - City of Appleton

9-20-17.pdf

This Resolution was held until the next meeting.

17-1447 Resolution Authorizing an Interest Reserve Fund Balance Guaranty for the

Fox Cities Exhibition Center Project

Attachments: Resolution for Interest Reserve Fund Balance Guaranty - City of

Appleton-9-20-17.pdf

This Resolution was held until the next meeting.

K. ESTABLISH ORDER OF THE DAY

17-1221 Request for Comprehensive Plan 2010-2030 Future Land Use Map

Amendment #1-17 for two vacant parcels located along the north side of W. Washington Street, west of N. Bennett Street and east of N. Story Street, (Tax Id #31-5-1225-00 and #31-5-1229-00) from One and Two-Family Residential land use designation to Central Business District

land use designation as shown on the attached man

land use designation as shown on the attached map

Attachments: StaffReport_CompPlanAmend#1-17&Rz#5-17 For09-26-17.pdf

Resolution CompPlanAmend#1-17.pdf

Req. to Withdraw RZ#5-17 &CompPlanAmend #1-17 J. May

9-15-17.pdf

This Comprehensive Plan Amendment was referred to the City Plan Commission due back on 9/26/2017.

<u>17-1223</u>

Request for Rezoning #5-17 for two vacant parcels located along the north side of W. Washington Street, west of N. Bennett Street and east of N. Story Street, (Tax Id #31-5-1225-00 and #31-5-1229-00), including to the centerline of the adjacent right-of-way, as shown on the attached map, from R-1C Central City Residential District to CBD Central Business District

StaffReport CompPlanAmend#1-17&Rz#5-17 For09-26-17.pdf Attachments:

Req. to Withdraw RZ#5-17 &CompPlanAmend #1-17 J. May

9-15-17.pdf

This Rezoning was referred to the City Plan Commission due back on 9/26/2017.

17-1371

City Program Funding Approval and City Proposals for 2018 CDBG **Funding**

Attachments: City proposals memo to CEDC 09-13-17.pdf

CDBG Policy Adopted July 2015.pdf

Alderperson Spears moved, seconded by Alderperson Baranowski, that the CDBG Funding be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson William Siebers, Alderperson Ed Baranowski, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Alderperson Bob

Excused: 2 - Alderperson Kathleen Plank and Alderperson Curt Konetzke

Abstained: 1 -Mayor Timothy Hanna

17-1318

Approve the following parking changes related to the 300 block alley north of College Avenue:

*Create a 15 minute loading zone on Division Street from 9:00 a.m. to 5:00 p.m.

*Sign the alley NO STOPPING, STANDING OR PARKING from 9:00 a.m. to 5:00 p.m.

*Convert the existing two 15-minute loading zone spaces on College Avenue back to 2-hour metered parking.

Attachments: Rye Restaurant.pdf

Parking changes-300 block alley-revised attachment.pdf

Memo-Steve Evans.pdf

Approved Municipal Services Committee Amendment: Convert two Division St. spaces and area up to alley to 30 minute loading zone. Change Superior loading zone from 5 minutes to 15 minutes.

Alderperson Coenen moved, seconded by Alderperson Spears, that the Parking Changes on the 300 block of College Ave be amended to allow a 30 minute loading zone in the alley limited to one vehicle from 9 a.m. to 5 p.m. and to have staff report to the Municipal Services Committee on the parking changes in 6 months. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson William Siebers, Alderperson Ed Baranowski, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Alderperson Bob Baker

Excused: 2 - Alderperson Kathleen Plank and Alderperson Curt Konetzke

Abstained: 1 - Mayor Timothy Hanna

Alderperson Spears moved, seconded by Alderperson Martin, that the Parking Changes be approved as amended. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson William Siebers, Alderperson Ed Baranowski, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Alderperson Bob Baker

Excused: 2 - Alderperson Kathleen Plank and Alderperson Curt Konetzke

Abstained: 1 - Mayor Timothy Hanna

17-1385 Request to approve updates to the Energy Conservation Policy

Attachments: 2017 Policy Changes Memo.pdf

Energy Conservation Policy.pdf

Alderperson Spears moved, seconded by Alderperson Dannecker, that the Energy Conservation Policy updates be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson William Siebers, Alderperson Ed Baranowski, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Alderperson Bob

Baker

Excused: 2 - Alderperson Kathleen Plank and Alderperson Curt Konetzke

Abstained: 1 - Mayor Timothy Hanna

<u>17-1393</u> City of Appleton - Resolution #15-R-17

July 19, 2017

Submitted by: Alderperson Baker - District 9, Alderperson Meltzer - District 2,

Alderperson Dvorachek - District 15

Referred to: Mayor's Office

WHEREAS, consensus exists among the world's leading climate scientists that global warming caused by emissions of greenhouse gases from human activities is among the most significant problems facing the world today; and

WHEREAS, documented impacts of global warming include but are not limited to increased occurrences of extreme weather events, adverse impacts on ecosystems, demographic patterns and economic value chains; and

WHEREAS, responding to climate change provides communities an opportunity to access first mover advantage in a range of products, services and know-how that transitioning to a climate compatible future brings; and

WHEREAS, the Paris Agreement resulted in a commitment from all but 3 nations to take action and enact programs to limit global temperature increase to less than 2 degrees Celsius, with an expectation that this goal would be reduced to 1.5 degrees in the future;

NOW, THEREFORE, BE IT RESOLVED that the City of Appleton, Wisconsin

- Indicates its commitment to reducing GHG emissions through future implementation of a Climate Action Plan; and
- Join other US cities in the Climate Mayors network in adopting and supporting the goals of the Paris Agreement; and
- Commits to exploring the potential benefits and costs of adopting
 policies and programs that promote the long-term goal of GHG emissions
 reduction while maximizing economic and social co-benefits of such
 action.
- 4. Form a Climate Change Board, to be filled by citizens of Appleton, city officials, and city staff to help set these goals and policies.

Attachments: GTLC Report 9-11-17.docx

GTLC Sustainability Strategies (9-11-17).xls

Master Plan-Sustainable City (9-11-17).doc

Alderperson Baker moved, seconded by Alderperson Dvorachek to approve the Resolution.

Discussion was held, and a separate vote on items 1-3 in the Resolution,

followed by a separate vote on item 4 in the Resolution was requested.

Per Council Rule, a 5 minute recess was taken at 9:02 p.m.

After the meeting reconvened at 9:07 p.m., the item was Referred back to the Parks & Recreation Committee due back on 10/9/2017.

No action was taken on the item.

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

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

Aye: 13 - Alderperson William Siebers, Alderperson Ed Baranowski, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Alderperson Bob Baker

Excused: 2 - Alderperson Kathleen Plank and Alderperson Curt Konetzke

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

17-1379 Request from Bob DeBruin to have the \$50 Weed Administration Fee waived for parcels 6-6201-5, 6-6200-91, and 6-6202-21; and the \$160 Warrant Fee waived for parcel 6-6202-27.

<u>Attachments:</u> Bob DeBruin-Weed fee waived.pdf

This Report Action Item was approved.

17-1400 Approve traffic-related ordinance changes for the Richmond Street/Northland Avenue/Mason Street Safety Improvement Project.

Attachments: Richmond St-Northland Ave-Mason St. Safety Project.pdf

This Report Action Item was approved.

<u>17-1401</u> Approve traffic-related ordinance changes for the Edgewood Drive/Lightning Drive Urbanization Project.

Attachments: Edgewood Dr-Lightning Dr. Urbanization Project.pdf

17-1402 Approve traffic-related ordinance changes for the Owaissa Street

Reconstruction Project.

Attachments: Owaissa St. Reconstruction Project.pdf

This Report Action Item was approved.

17-1403 Approve traffic-related ordinance changes for the Pierce Avenue

Sidewalk Project.

Attachments: Pierce Ave-Sidewalk Project.pdf

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

<u>17-1280</u> Operator's Licenses

Attachments: Operator's Licenses for 9-13-17 S & L.pdf

This Report Action Item was approved.

17-1331 "Class A" Beer/Liquor License change of premise description of

Walmart, Glenn B. Martin, Agent, 3701 E. Calumet Street, contingent

upon approval from all departments.

Attachments: Change of Description-Walmart.pdf

Walmart s Online Grocery Pickup Procedure Guide 9-14-17.pdf

This Report Action Item was approved.

<u>17-1366</u> "Class B" Beer/Liquor License - temporary change of premise

description of K Corporation d/b/a Grumpy's Pub, Robert J. Kunstman,

Agent, 1501 N. Richmond St., contingent upon approval from all

departments.

<u>Attachments:</u> Change of Description-Grumpy's Pub.pdf

<u>17-1367</u> Class "B" Beer/"Class C" Wine License application of The Draw LLC,

John C. Adams, Agent, 800 S. Lawe St., contingent upon approval from

all departments.

Attachments: The Draw application.pdf

This Report Action Item was approved.

17-1405 Secondhand Article License application of D'l Angel B.S.T., Sonia G.

Guarisco, Applicant, 1619 W. College Ave., contingent upon approval

from all departments.

Attachments: D'l Angel B.S.T. application.pdf

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

17-1442 Anticipated award of contract to address structural repairs to six columns

in the Red Ramp (bids to be opened September 18, 2017).

<u>Attachments:</u> Concrete Column Repairs Red Parking Ramp.pdf

This Report Action Item was approved.

17-1444 Request to award the 2017 CE Trail Repairs Project contract to

Northeast Asphalt, Inc in the amount of \$49,480 with a contingency of

10% for a project total not to exceed \$54,428

Attachments: 2017 CE Trail Hardscape Repairs.pdf

<u>17-1383</u>

Request to approve Contract Amendment/Change Order No. 4 to contract 9-17 for Unit U-17 Sewer and Water Reconstruction No. 2 to increase for 798 L.F. of 10" sanitary sewer reconstruction and steel reinforcement ring replacement on existing 42" water main in the amount of \$105,500 resulting in no change to contingency. Overall contract increased from \$2,508,485 to \$2,613,985.

<u>Attachments:</u> Unit U-17 Contract Amendment-Change Order No.4.pdf

This Report Action Item was approved.

17-1384

Request to deed City owned land along Packard Street between Division Street and Superior Street (Tax Key 31-2-0677-00, 31-2-0706-00 and 31-2-0709-00) to the abutting property owners at 507 N Clark Street, 508 N Clark Street and 509 N Superior Street.

Attachments: Packard St City Owned.pdf

This Report Action Item was approved.

17-1386

Request to approve updates to the Facilities & Grounds Modification policy

<u>Attachments:</u> 2017 Policy Changes Memo.pdf

Facilities Grounds Modification Policy.pdf

This Report Action Item was approved.

<u>17-1387</u>

Request to approve updates to the Furniture policy

<u>Attachments:</u> 2017 Policy Changes Memo.pdf

Furniture Policy.pdf

17-1406 Request to approve the following 2017 Budget adjustment:

HAZMAT Grant Fund

Chemicals +\$48,717 Federal Grants +\$48,717

to record purchase of firefighting foam and the related grant funding.

Attachments: Hazmat Grant for Foam.pdf

This Report Action Item was approved.

17-1407 Request to approve the following 2017 Budget adjustment:

Water Utility

Infrastructure +\$90,000 Fund Balance -\$90,000

Wastewater Utility

Infrastructure +\$65,000 Fund Balance -\$65,000

to record cost of sanitary sewer and watermain through the Pathways Church property.

Attachments: Pathways' Memo.pdf

Pathways Letter.pdf

Pathways Master Plan.pdf

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

17-1394 Request to award Wetland Banking Feasibility Analysis to Stantec

Consulting Services, Inc. in an amount not to exceed \$25,000 for Phase I (estimated \$14,950 on a time and materials basis outlined in the

attached proposal dated August 30, 2017) and anticipated Phase II scope of work (to be approved by CEDC on December 13, 2017)

<u>Attachments:</u> Wetland Banking Feasibility Analysis Memo 9-6-17.pdf

Wetland Bank RFP-Final.pdf

Stantec Proposal.pdf

7. MINUTES OF THE UTILITIES COMMITTEE

<u>17-1337</u> Amend 2017C Stormwater Consulting Services Contract for Spartan

Drive Culverts and Stormwater Practices Sixty Percent (60%) Design and Permitting to Brown & Caldwell in an amount not to exceed \$35,255.

Attachments: 2017C Spartan ammend for SW 1 2.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

<u>17-1111</u> CONSOLIDATED ACTION ITEMS:

Municipal Services Item 17-991 City Plan Commission Item 17-1003 Initial Resolution Item 17-1110

This Report Action Item was held

17-991 Approve Discontinuance of Locust Street at the CN Railroad Crossing

Number 179 919F.

<u>Attachments:</u> <u>Discontinuance of Locust St at the CN Railroad crossing.pdf</u>

This Report Action Item was held

17-1003 Request to approve the street discontinuance to vacate a portion of

South Locust Street public right-of-way in the 100 block at the CN Railroad Crossing Number 179 919F, as shown on the attached maps and legal description, pending approval by the Municipal Services

Committee, and adopt the Initial Resolution

<u>Attachments:</u> <u>StaffReport StreetVacation SLocustStreet.pdf</u>

This Report Action Item was held

<u>17-1110</u> Initial Resolution- South Locust Street Vacation

<u>Attachments:</u> Locust Street RR Xing - Initial Resolution.pdf

This Report Action Item was held

O. ORDINANCES

<u>17-1448</u> Ordinances 60-17 to 62-17

Attachments: Ordinances going to Council 9-20-17.pdf

Ordinances 61-17 & 62-17 were not approved due to the respective items 17-1221 &

17-1223 being referred back to City Plan Commission

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

City of Appleton – Resolution #18-R-17

September 20, 2017

Submitted by: Alderperson Meltzer - District 2, Alderperson Baker - District 9,

Alderperson Coenen - District 11

Referred to: Safety & Licensing Committee

Resolution Reaffirming the Public Safety Function of Local Law Enforcement

WHEREAS the City of Appleton devotes resources to law enforcement for the purpose of assuring the safety of all persons who reside in or visit our community; and WHEREAS the power to regulate immigration is exclusive to the federal government and the enforcement of immigration law is a function of the federal government that currently resides with Immigration and Customs Enforcement (ICE) of the Department of Homeland Security; and

WHEREAS no federal law compels the local police to participate in the enforcement of federal immigration law and any such requirement would raise significant anti-commandeering issues under the Tenth Amendment to the Constitution of the United States; and

WHEREAS any perception that the local police are involved in the enforcement of immigration law will undermine the time and energy our police force has spent building trust with the immigrant community, and thereby undermine the ability of the police to keep the community safe; and

WHEREAS it is essential to public safety that every person, regardless of immigration status, who is a victim of or a witness to a crime feels comfortable reporting crimes or aiding in the investigation of crimes -

NOW THEREFORE BE IT RESOLVED THAT IN THE CITY OF APPLETON:

- 1. Except as necessary for public safety as determined by the Police Chief or designee, or as otherwise required by state or federal law, the Appleton Police Department shall not undertake any law enforcement action for the purpose of detecting the presence of undocumented persons or devote any public resources to the enforcement of federal immigration law.
- 2. Except as necessary for public safety as determined by the Appleton City Council, the Appleton Police Department shall not enter into any partnership with ICE in order to receive delegated authority for immigration enforcement.
- 3. This resolution addresses the discretionary use of legal city resources and does not: (i) Affect or limit the enforcement of federal immigration law by federal authorities within the City of Appleton;
- (ii) Affect or limit ICE's Priority Enforcement Program whereby all fingerprints of adults arrested, or juveniles taken into custody, for a crime other than a simple misdemeanor are automatically included in the federal automated fingerprint identification system and cross checked against the ICE database, such that ICE is notified of that person's arrest and detention in the jail; or
- (iii) In any way condone, encourage or assist the violation of federal law which makes it a crime for any person to "knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation." (8 U.S.C. Section 1324)

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Alderperson Baranowski moved, seconded by Alderperson Spears, that the meeting be adjourned at 9:25 p.m. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson William Siebers, Alderperson Ed Baranowski, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt, Mayor Timothy Hanna, Alderperson Keir Dvorachek and Alderperson Bob Baker

Excused: 2 - Alderperson Kathleen Plank and Alderperson Curt Konetzke

Kami Lynch, City Clerk