

City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, November 6, 2019 7:00 PM Council Chambers

A. CALL TO ORDER

The meeting was called to order by Mayor Hanna at 7:47 p.m.

B. INVOCATION

The Invocation was offered by Alderperson Otis.

- 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 Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matt

Reed, Alderperson Alex Schultz, Alderperson Christine Williams,

Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle

Lobner, Alderperson Corey Otis and Mayor Timothy Hanna

Excused: 1 - Alderperson Chris Croatt

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, Director of Human Resources Matz, Director of Information Technology Fox, Library Director Rortvedt, Director of Parks, Recreation & Facilities Gazza, Police, Director of Public Works Vandehey, Director of Utilities Shaw, Valley Transit General Manager Mc Donald

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

<u>19-1673</u> Common Council Meetings of October 16, 2019

Attachments: CC Minutes 10-16-19.pdf

Alderperson Reed 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 Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matt

Reed, Alderperson Alex Schultz, Alderperson Christine Williams,

Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle

Lobner and Alderperson Corey Otis

Excused: 1 - Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

G. BUSINESS PRESENTED BY THE MAYOR

19-1674 Reappointment of Karen Harkness to the Convention & Visitors Bureau Board of Directors

Alderperson Lobner moved, seconded by Alderperson Coenen, that the Reappointment 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 Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matt

Reed, Alderperson Alex Schultz, Alderperson Christine Williams,

Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle

Lobner and Alderperson Corey Otis

Excused: 1 - Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

H. PUBLIC PARTICIPATION

Item 19-1419 Resolution creating a parking lot on the former Conway site: Paul Hoffman, 200 E Washington Street Jennifery Stephany, 333 W College Ave

Item 19-1609 Resolution regarding 5G technology: Tiffany Schmidt, Kimberly Chelsea Malueg, 2141 W Cortland Drive Mary Bloomer, 1982 Mayflower, Kaukauna

Item 19-1662 CDBG Allocations: Julie Lopas, W6362 Racine Ct, Menasha

PUBLIC HEARINGS

19-1497 Public Hearing, Rezoning #9-19, NW corner W. Washington Street & N.

Richmond Street, C-2 to CBD

Attachments: RZ #9-19 Notice of Public Hearing.pdf

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

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

19-1594 R/B-Approve proposed changes to Municipal Code Section 19-90

related to parking violation forfeitures.

Attachments: Changes to Municipal Code Section 19-90.pdf

This Report Action Item was referred to the Municipal Services Committee due

back on 11/11/2019.

19-1419 R/B-Resolution #11-R-19 regarding the creation of a parking lot on the

former Blue Ramp Conway site.

Attachments: Resolution #11-R-19.pdf

Resolution #11-R-19(#2).pdf

This Report Action Item was referred to the Municipal Services Committee due

back on 11/11/2019.

19-1586 Request authorization to engage outside counsel for assistance with

current labor negotiations

This Report Action Item was referred to the Finance Committee due back on

11/11/2019.

<u>19-1543</u>

Reaffirm the following properties that have an Assessor land use code of single family or duplex be considered commercial property for stormwater billing purposes.

a. 203 S. State Street

b. 1935 E. John Street

c. 6600 N. Ballard Road

d. 8711 N. French Road

Attachments: 203 S State combined.pdf

1935 E John St combined.pdf 6600 Ballard combined.pdf 8711 N French Combined.pdf

Property c. 6600 N. Ballard Road was referred back to the Utilities Committee, therefore no action was taken on this portion of the item.

The remaining 3 properties were recommended for approval.

Alderperson Martin moved, seconded by Alderperson Reed, that the Report Action Item 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 Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matt

Reed, Alderperson Alex Schultz, Alderperson Christine Williams,

Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle

Lobner and Alderperson Corey Otis

Excused: 1 - Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

19-1609

Resolution introduced by Alderpersons Schultz and Spears at the October 16, 2019 Common Council meeting relating to small cell wireless equipment:

#16-R-19

WHEREAS, small cell wireless equipment is designed to boost cellular service from the existing wireless carriers and will enable those carriers to implement 5G technology by placing these installations on existing streetlights and utility poles; and

WHEREAS, concerns have been raised about the health risks of 5G technology including small cell installations. Studies have linked low-level wireless radio frequency radiation exposures to adverse biological effects including DNA single and double strand breaks, oxidative damage, disruption of cell metabolism, increased blood brain barrier permeability, melatonin reduction disruption to brain glucose metabolism and generation of stress proteins. This list warrants additional scientific studies before residents are put at risk; and

WHEREAS, the health hazards of 5G technology have been intensely debated at the federal level before Congress and the Federal Communications Commission (FCC). There does not appear to be any widely accepted definitive scientific study that proves one way or the other whether small cell installations - emitting extremely high or "millimeter wave" frequencies above 24 GHz - may have an adverse health impact, though in 2011 the World Health Organization classified radio frequency radiation as a possible 2B carcinogen; and

WHEREAS, the only applicable FCC standards for radio-frequency radiation emissions were set in 1996 and did not consider the use of modern wireless equipment like small cells that will be located close to residences. Mere compliance with the FCC's outdated standards does not assure safety; and

WHEREAS, the State of Wisconsin has preempted local governments from regulating the installation of small cells as it relates to their potential health effects or proximity to residential areas; and

WHEREAS, the FCC adopted regulations in 2018 that are intended to facilitate the installation of 5G technology "underscore[ing] the FCC's commitment to ensuring that the United States wins the global race to 5G," as stated in the FCC Press Release dated September 26, 2018; and

WHEREAS, global communications and technological advancements are important components of the state and federal economy but need not come at the expense of the public's health. As the world's leading economy the United States can and should "win the global race" while protecting its residents from potential long term health effects that will only further harm the economy in the future; and

WHEREAS, the FCC's action allows private cell providers the right to put antennas and transmission control boxes on city-owned streetlight poles and privately-owned utility wood poles subject to only minimal limitations. This means that a 5G antenna could be mounted on the streetlight or utility pole in front of a resident's home, and there would be little the resident could do about it. Given the health concerns described above, the City believes this should cause great concern for all City residents; and

WHEREAS, the City of Appleton's Health in All Policy Ordinance states that Stakeholder engagement is essential for ensuring the Health and Well-bing of our citizens when reviewing technology advancement and their potential health risks, and

WHEREAS, we the undersigned find it is in the best interest of the residents to urge the state and federal governments to initiate independent scientifically reliable studies of the health effects of small cell wireless and 5G technology on residential populations and develop guidelines for the installation of this technology that will protect the health and welfare of the public.

NOW, THEREFORE, BE IT RESOLVED; The Mayor and the City of Appleton hereby urge the state and federal governments to initiate independent scientifically reliable studies of the health effects of small cell wireless and 5G technology on residential populations and develop guidelines for the installation of this technology that will protect the health and welfare of the public.

BE IT FURTHER RESOLVED; The Common Council hereby directs the City Clerk to transmit a copy of this Resolution to all appropriate entities.

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

Aye: 11 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Denise Fenton, Alderperson Maiyoua Thao,
 Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears and Alderperson Corey Otis

Nay: 3 - Alderperson Brad Firkus, Alderperson Katie Van Zeeland and Alderperson

Kyle Lobner

Excused: 1 - Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

19-1662 Request to approve 2020-2021PY Community Development Block Grant (CDBG) Community Partner Allocation Recommendations

Attachments: Alloc Recs Memo to CEDC 11-5-19.pdf

2020 CDBG Advisory Board Membership.pdf

CDBG Policy Adopted July 2015.pdf

2020 CDBG Community Partner & Simple Summary

Recommendations.pdf

2020 CDBG Affordable Housing Project Recommendations.pdf

2020 CDBG Simple Summary Recommendations.pdf

Alderperson Coenen moved, seconded by Alderperson Lobner, that the CDBG allocations 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 Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matt

Reed, Alderperson Alex Schultz, Alderperson Christine Williams,

Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle

Lobner and Alderperson Corey Otis

Excused: 1 - Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

19-1492 Request to approve the Aldermanic Salary for the 2021 election year.

<u>Attachments:</u> Elected Alderperson official salary.pdf

alderperson comparison 2019.pdf

Alderperson Lobner moved, seconded by Alderperson Martin, that the Aldermanic Salary for the 2021 election year be amended to reflect a 1.5% increase. Roll Call. Motion carried by the following vote:

Aye: 11 - 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 Cathy Spears and Alderperson Kyle Lobner

Nay: 3 - Alderperson William Siebers, Alderperson Denise Fenton and Alderperson

Corey Otis

Excused: 1 - Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

Alderperson Spears moved, seconded by Alderperson Coenen, that the Aldermanic Salary for the 2021 election year be approved as amended. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe

Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen,

Alderperson Kyle Lobner and Alderperson Corey Otis

Nay: 2 - Alderperson William Siebers and Alderperson Cathy Spears

Excused: 1 - Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderperson Martin moved, Alderperson Reed 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 Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matt

Reed, Alderperson Alex Schultz, Alderperson Christine Williams,

Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle

Lobner and Alderperson Corey Otis

Excused: 1 - Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

19-1593 Approve proposed changes to Municipal Code Sections 19-106 and

19-112 related to City owned parking facilities.

Attachments: Changes to Municipal Code Sections 19-106 and 19-112.pdf

19-1595 Amend 2019 Materials Testing Contract (M-19) with OMNNI Associates, Inc. from an amount not to exceed \$100,000 to an amount not to exceed \$125,000.

<u>Attachments:</u> Amend 2019 Materials Testing Contract M-19.pdf

This Report Action Item was approved.

19-1598 Approve parking restriction changes on Ashbury Drive and Lightning Drive near Appleton North High School (Follow-up to six month trial period).

<u>Attachments:</u> Ashbury Drive and Lightning Drive.pdf

This Report Action Item was approved.

19-1599 Approve parking restriction changes on Everett Street, between Lilas Drive and Lynndale Drive (Follow-up to six month trial period).

<u>Attachments:</u> Everett St between Lilas Dr and Lynndale Dr.pdf

This Report Action Item was approved.

19-1600 Anticipated Award for Structural Condition Analysis of City Parking Ramps.

Attachments: Award of Contract-City Parking Ramps.pdf

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

3. MINUTES OF THE CITY PLAN COMMISSION

19-1443

Request to approve Rezoning #9-19 to rezone the area generally located at the northwest corner of West Washington Street and North Richmond Street (Tax Id #31-5-1188-00 and #31-5-1187-00), including all of the adjacent one-half (1/2) right-of-way of N. Richmond Street, W. Washington Street and Fisk Alley, as shown on the attached maps, from C-2 General Commercial District to CBD Central Business District

Attachments: StaffReport NW Richmond-Washington Rezoning For10-08-19.pdf

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

19-1499 Request to approve the 2020 Policy for Special Assessments

Attachments: 2020 Assessment Policy.pdf

This Report Action Item was approved.

19-1500 Request to approve Finance Committee Report 4-P-19 for Storm Main

Liner

Attachments: Report 4-P-19.pdf

This Report Action Item was approved.

19-1583 Request approval to dispose of eight (8) Valley Transit buses

Attachments: Bus Disposal.pdf

This Report Action Item was approved.

19-1602 Request to award contract to CleanPower to provide Janitorial services

to all City of Appleton facilities/locations for the years 2020 - 2024. The annual contract amounts will be \$406,199 for 2020, \$406,199 for 2021,

\$419,417 for 2022, \$419,417 for 2023 and \$419,417 for 2024

Attachments: Housekeeping Contract 2020-2024.pdf

This Report Action Item was approved.

19-1603 Request to approve Contract Amendment and Change Order No. 1 to

contract 112-19 for Green and Yellow Parking Ramp Column and Beam Repairs for additional quantities of precast concrete patching and caulking of columns in the amount of \$4,290 resulting in a decrease in contingency from \$4,030 to \$0. Overall contract increases from \$30,898

to \$31,158

<u>Attachments:</u> Parking Ramp Concrete Repairs - Change Order No.1.pdf

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

<u>19-1571</u>

Request to amend the Development Agreement with EP Development, Inc. for Eagle Point located at 955 East John Street to incorporate updated Phase II (Eagle Court) at 975 East John Street in Tax Increment Financing District No. 8

Attachments:

Memo_Amended DA Eagle Point_Phase 2-Eagle Court.pdf

Eagle Point Development Agreement Amendment 10-28-19

FINAL.pdf

Eagle Point Development Agreement 3-7-17.pdf

Eagle Court-A100-SITE PLAN.pdf

Eagle Court-A201-FIRST FLOOR PLAN.pdf

Eagle Court-A301-BUILDING ELEVATIONS.pdf

Eagle Court-A302-BUILDING ELEVATIONS.pdf

TIF8.pdf

This Report Action Item was approved.

19-1663

Variance request to the Declaration of Covenants and Restrictions to allow for restaurant use (with or without alcohol) at 2101 East Evergreen Drive (Parcel #31-1-6622-00) in the Northeast Business Park Plat 3

Attachments:

Memo on Variance Request for 2101 E Evergreen Drive NEBP Plat

3.pdf

Rollie Winter Letter 10-22-19.pdf

A1.0-Floor Plan Elevations Winters Development.pdf

R1.0-3D-Renderings Winters Development.pdf

NEBP Plat 3 Covenants.pdf

CEDC 09-10-2007.pdf

Dev Agrmt Gateway of Appleton and Steve Winter June 2005.pdf

NEBP Plat 3 Map.pdf

AerialMap 2101EEvergreenDr.pdf

This Report Action Item was approved.

19-1668

Request approval of engineering services for wetland delineation of Southpoint Commerce Park to be performed by R.A. Smith at a cost of \$20,300 with a contingency of \$3,045, for a project total not to exceed \$23.345

Attachments:

Memo on Southpoint Commerce Park Redelineation of Wetlands

October 2019.pdf

RA Smith Proposal Wetland Delineation SPCP October 2019.pdf

Map of Southpoint Commerce Park with Wetlands October 2019.pdf

This Report Action Item was approved.

<u>19-1569</u>

CRITICAL TIMING Request to accept the Amendment to the Offer to Purchase from Messenger Property Management, LLC (MPM LLC) and/or assignee to purchase only Lot 11 (removing Lot 5) in Southpoint Commerce Park Plat 1, consisting of approximately 3.25 acres, now at a purchase price of \$130,000 (\$40,000 per acre) and staff be authorized to negotiate and execute a development or like agreement providing City investment in the project of up to 50% of the land purchase amount (50% of \$130,000 = \$65,000)

<u>Attachments:</u> Messenger Property Management Amendment to OTP Memo to

CEDC 10-23-19.pdf

WB-40 Amendment MPM LLC Lot 11.pdf

Messenger Property Management OTP Memo to CEDC 6-12-19.pdf

Messenger Property Management_OTP Lots 5 & 11.pdf

Messenger Property Management OTP Lots 5 & 11 pages 4,5.pdf

SPCP Messenger Property Management Map.pdf

SPCP Deed Restrictions.pdf

This Report Action Item was approved.

7. MINUTES OF THE UTILITIES COMMITTEE

19-1414 Preliminary Resolution 4-P-19 for Storm Main Liner be adopted and refer the matter to the Finance Committee to determine the assessment rate.

Attachments: 4-P-19 Storm Main Liner.pdf

This Report Action Item was approved.

19-1546 Request to waive stormwater utility billing for parcel 31-1-9202-00.

Attachments: Memo 311920200.pdf

This Report Action Item was approved.

19-1580 Award consulting contract for Wastewater Rate Study to Trilogy

Consulting LLC in the amount of \$19,965.

<u>Attachments:</u> Rate Study Consultant Contract Award Oct 2019.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

<u>19-1610</u> Ordinance #92-19, Rezoning NW corner W. Washington Street & N.

Richmond Street, C-2 to CBD Ordinances #93-19 to #96-19

Attachments: Ordinances going to Council 11-6-19.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
- R. OTHER COUNCIL BUSINESS

19-1676 Discussion and Potential Action/Suspension of the Council Rules regarding the January 2020 Council Meeting Schedule.

Alderperson Lobner moved, seconded by Alderperson Martin, that the meeting schedule for January 2020 will be as follows:

January 1st- Offices Closed (no meetings)

January 8th - Common Council

Week of January 13th - Committee Meetings

January 22nd - Common Council

Week of January 27th - Committee Meeetings

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 Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Patti Coenen, Alderperson

Kyle Lobner and Alderperson Corey Otis

Nay: 2 - Alderperson Christine Williams and Alderperson Cathy Spears

Excused: 1 - Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

S. CLOSED SESSION

<u>19-1672</u>

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 Lobner moved, seconded by Alderperson Martin, that the Common Council convene into closed session at 8:48 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 Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle

Lobner and Alderperson Corey Otis

Excused: 1 - Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

T. ADJOURN

Lobner moved, seconded by Coenen to reconvene into open session at 10:37 p.m. Roll Call. Motion carried 14/0.

No action was taken in closed session.

Alderperson Lobner moved, seconded by Alderperson Coenen, that the meeting be adjourned at 10:38 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 Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Alex Schultz, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Corey Otis and Mayor Timothy Hanna

Excused: 1 - Alderperson Chris Croatt

Kami Lynch, City Clerk