

Municipal Services Committee
Mon, Oct 09, 2023, 4:30PM

Alderson Chad Doran (District 15) 07:10

And then we're on to action item 13-1128 resolution 10-R-22 the alternate Lawe street truck route. This was back—referred back to us here at committee because it's my understanding is the authors have a amendment to make. I guess we'll start—I'm gonna make a motion to deny the resolution and see if someone wants to second.

Alderson Kristin Alfheim (District 11) 07:36
Second.

Alderson Chad Doran (District 15) 07:37

All right, and then—so we have a motion in a second. And then I'll turn it over to the authors. I guess we'll let them make their amendments here first, and then we can discuss. Alder Meltzer, if you want to go ahead.

Alderson Vered Meltzer (District 2) 07:50

Thank you. I would hope that you would consider retracting your second for the motion to deny. I would like to propose a motion to receive and file. Basically, we amended it. We were referred it back. We had questions for staff. At this point staff have answered all of our questions to the extent of their due diligence. Any deeper dive into more data would involve things like city-wide studies that have a price tag on them that were not in the original spirit of the resolution. The resolution asked staff to explore alternatives. Staff's recommendation does not involve—staff's recommendation, basically, is to take no action.

Alderson Vered Meltzer (District 2) 08:41

So one big concern, one big question we had for staff was how these discussions might be impacting the federal funding which was something that we—that staff has been advised about so just to make sure that we're not jeopardizing any other pieces of the bigger law street picture. This resolution was written, you know, long before that grant was applied for. So at this point, the most prudent thing, in our opinion as the authors of the resolution, would be a motion to receive and file. Thank you.

Alderson Chad Doran (District 15) 09:22

Alder Del Toro, do you have anything to add? What's your mic number?

Alderson Israel Del Toro (District 4) 09:28

Thank you, Mr. Doran. Yes, I would second Alder Meltzer's request to encourage you all to go with the request to receive and file. After doing the work with staff and continuing our exploration of what this could potentially look like, we feel like the questions that were raised in previous committee meetings and were in the spirit of the original resolution have been resolved; therefore no action is required at this time. I really want to thank staff for the heavy duty lifting they did on this resolution by getting us well informed and really addressing some of the major concerns. While I am not totally concern—convinced that the funding for this project would be impacted if a truck route was to be removed, we do take those concerns and recommendations seriously. And our goal here is not to impact the funding of infrastructure development, but rather continue to support it, bring forward a new road with new safety measures. And hopefully, those have a significant positive impact on the neighborhood who has loudly voiced their concern on this issue. So with that in mind, I hope that you all will consider alder Meltzer's recommendation. Thank you.

Alderman Chad Doran (District 15) 10:45

Anything else from committee?

Alderman Kristin Alfheim (District 11) 10:47

Question. Just for nuts-and-bolts purposes, what would be the difference whether it be voted down or whether we record and file?

Attorney Christopher Behrens 10:56

The current motion is to deny. So say for example, if that motion were to pass, this item would go on to Council with a recommendation for denial, and then Council can do what it wants with it. It can approve that denial, in which case the resolution stops, or it could—it could I guess deny that recommendation or not accept that recommendation, in which case, then the staff work would go on because the resolution would pass.

Alternatively, what Alderman Meltzer has requested, the receive and file, technically, under Robert's it's a—would be a motion to postpone indefinitely. If that were the course, I would just note in here "receive and file". That's kind of become a, an accepted term over the years among Council. But the effect of that would be essentially that item stays at committee indefinitely, and basically, over time be kind of becomes forgotten,

Alderman Kristin Alfheim (District 11) 12:05

If I may. I like the idea of it going away here in committee. I think that the fervor in conversation that's been brought up in the last couple of months has been painful to some, to many. I think all of us have gotten the emails, and the reality is the situation, based on what I'm hearing, is we cannot undo this plan. We never could undo this plan because of the funding methods. So if that's the case, and we cannot make any changes to that, then I would support removing my second and following the advice of the authors.

Attorney Christopher Behrens 12:43

Just to clarify then, are you—have you withdrawn your second?

Alderman Kristin Alfheim (District 11) 12:51

If I understand correctly, if I withdraw my second of the denial, that allows us to then record and file which would basically take it off of all of our desks, is that correct?

Attorney Christopher Behrens 13:02

If you withdraw your second at this point, then the original motion doesn't have a second unless somebody else does. It fails. The slate is clean. A new motion would be required at that point.

Alderman Kristin Alfheim (District 11) 13:14

All right. So I will hold that action until Mr. Siebers has a chance to comment, and then we'll come back to me.

Alderman Chad Doran (District 15) 13:21

Go ahead.

Alderman William Siebers (District 1) 13:23

I'm going to state if you remove your second, I'm going to second it, and the reason why is in all fairness to the representatives from Appvion. We need to deal with this matter here. We need to kill it rather than leave it out in limbo. Because if we postpone it indefinitely, it can be brought up at any time, and these gentlemen don't know, you know when and if we're going to be doing anything with it.

Alderson Vered Meltzer (District 2) 13:52

If I can speak, please?

Alderson Chad Doran (District 15) 13:54

Just hold on. Are you finished? [This question was directed to Alderson Siebers who indicated he was finished.]

Alderson Vered Meltzer (District 2) 13:56

So

Alderson Chad Doran (District 15) 13:57

It's all right. I was just going to ask the attorney, just as standard practice my impression just over the years has been we sort of frown on at sort of quote unquote, "receive and file" motion.

Attorney Christopher Behrens 14:10

Postponing indefinitely is used very rarely.

Alderson Chad Doran (District 15) 14:15

Okay.

Attorney Christopher Behrens 14:15

But it's, it's there.

Alderson Chad Doran (District 15) 14:17

—as an option. Okay.

Alderson Vered Meltzer (District 2) 14:19

If I could speak. I personally feel that to receive and file, to hold it indefinitely at this committee is a way to permanently make it go away. If we take a vote on this and send it out of committee, then we are asking Council on Wednesday night to take a vote on this yet again which may or may result in action taken that could potentially jeopardize the funding of the project. Why would we want to say we need Council to vote on this if we—we're recognizing these issues?

Alderson Vered Meltzer (District 2) 14:54

Obviously, Council has a rule that once a resolution has already been acted on in any way, it's not possible to withdraw the resolution. Since this reser—resolution cannot be withdrawn at this time, and since Council voting on it I feel is an irresponsible thing an irresponsible scenario for us to move forward with, I think for it to stop here is the most prudent choice to make.

Alderson Chad Doran (District 15) 15:24

Alder Del Toro.

Alderson Israel Del Toro (District 4) 15:27

Thank you, Chair. This is where my co-author and I differ a little bit. I would rather see it received and filed as our plan A here and kill it essentially in committee, forget about it. Not that we haven't learned a lot, but only in the sense that what the resolution is asking to do has been done. In the first report completed by staff, we identified several areas and several questions that were of concern. Since then, the amended report is much more thorough, filled in those questions. Subsequent meetings really addressed the issues that we had.

Aldersperson Israel Del Toro (District 4) 16:00

And I would also disagree with Alder Alfheim, that this is something we can do. This is a possibility to remove this truck route and exploring that possibility is essentially what has happened. We're not asking folks to remove it. The language on the resolution is just to explore, and I think that has been completed. If receive and file is not an option at this point, then I would recommend that the committee approves the resolution, having noted that the work is already complete on any action associated with this resolution. So, thank you.

Aldersperson Chad Doran (District 15) 16:36

Alder Siebers.

Aldersperson William Siebers (District 1) 16:38

My colleague Aldersperson Meltzer's made the statement that—if I heard her, heard him correctly, he stated that this has already been voted on or discussed in Council. We haven't discussed it. I referred it back before it was discussed.

Aldersperson Vered Meltzer (District 2) 17:00

Point of order. This committee made a recommendation that sent this item to Council. As far as our rule about withdrawing resolutions, that means that this resolution now belongs to the body and no longer belongs to the authors and can no longer be withdrawn. If I'm incorrect, then please correct me Attorney Behrens.

Attorney Christopher Behrens 17:24

No, that's correct. There was an amendment that was made to it. So based on the Council rule, that availability of the authors to withdraw ended once those actions were taken and it was referred up to Council. So it's got to be acted on either by this committee in one fashion or another, whether that's sending it back to Council with a recommendation or doing something else to keep it here at the committee.

Aldersperson William Siebers (District 1) 17:56

Well, I still say, you know, postponing it indefinitely or receiving and file leaves it out there in limbo, to be grabbed at any time by anybody to be brought up again. And these gentlemen are going to go through the same routine as they've gone through how many weeks? So in all fairness to them, I hope we vote this down.

Aldersperson Chad Doran (District 15) 18:21

Alder Croatt, did you have anything you wanted to add at all?

Aldersperson Chris Croatt (District 14) 18:25

No.

Aldersperson Chad Doran (District 15) 18:25

Okay. Just—I just want to check since you're here.

Aldersperson Chris Croatt (District 14) 18:29

Thanks for asking. I wasn't going to comment, but I will. I personally would recommend voting on it at committee and sending it on to Council. I think the recommendation from committee has a strong position and the authors could talk to it at Council and I'm sure that the action at Council would be supportive of the committee action.

Alderman Chris Croatt (District 14) 18:51

And then I also did want to thank the representatives from Appvion for coming last time and explaining the situation and explaining their role in the usage of the street but also answering a really tough question about whether or not this was going to impact whether or not they stayed in Appleton. So I thought that was really, really great that they came and spoke to that. Thank you.

Alderman Chad Doran (District 15) 19:16

Alder Del Toro, go ahead.

Alderman Israel Del Toro (District 4) 19:19

Thank you, Mr. Doran. One of the things that this resolution and the re-revision of this resolution has—one of the points that has been brought up in discussion with staff is the flow of truck traffic through our city, especially with the viewpoint of the Smart Cities initiative that has been promoted here in downtown Appleton, especially with regards to College Avenue. In future discussions with staff prior to any resolution being brought forward, I really want us to explore how the flow of truck traffic is going to be affected by removal of small connecting streets like these. And so I don't think this conversation is quite dead. I think this requires further discussion and new resolutions being brought forward that impact how and where truck traffic goes in our cities. What was made clear to us in these meetings was that it is a point larger than just Lawe Street, and I completely agree with that. And so for that reason, I'll be coming to Council in a few weeks with a recommendation to open up further exploration on truck traffic and Smarter Cities initiatives throughout the city of Appleton. So with that in mind, I still encourage you all to vote in support of this. If we're going to vote to keep this in discussion and Council, then vote to support it. Thank you.

Alderman Chad Doran (District 15) 20:46

Okay, I just—at this point I just want to double check, because I think the authors had planned to bring this back here to committee to introduce an amendment. Is—do you have an amendment to introduce you, either of you?

Alderman Vered Meltzer (District 2) 20:58

At the time that we were planning on referring it back on Wednesday night, we were going to amend it to ask questions of staff. Remember how it came out of this committee and was sent to Council for Wednesday, was an amended version that asked some very big asks of staff, some big studies to be completed by March. So we were going to amend it to ask some smaller things instead. In the meantime, we asked those things, and had those conversations on Friday. So there is no further amendment to offer on this resolution. I did check with the attorney's office, and, you know, if we're going to receive and file then there is no reason to get back into the language. There is no intention to revisit this resolution in the future. If we're going to continue a discussion about truck routes, clearly, this resolution has served its purpose. It's had its lifecycle. And if, as the discussion continues, a differently formed resolution would need to be brought forward to take its place. I don't believe that any amendments or any amount of discussion can get any more mileage out of this particular resolution.

Alderman Chad Doran (District 15) 22:28

All right. And I guess I just want to add my thanks and appreciation for the folks from Appvion who've attended a number of meetings here. Much appreciated and thank you for your information and input. And also, we understand that you—that Appvion is not the only user of this road and recognize that as well. And also to say thanks to staff for the amount of work that they've put into this resolution since it was introduced. You spent a lot of time on this and given us a lot of information to consider here. So we appreciate that.

Aldersperson Chad Doran (District 15) 23:04

My feeling is that we stick with the recommendation here, move this on to Council, and finish this off. We have the information from staff that the recommendation is the truck route stays. We don't see any other future changes to that coming. And this way, if the authors are satisfied that they've gotten the mileage as was stated out of this resolution, then we can be done with it at that point. So I'll stick with that recommendation. Is there anyone else that have anything else to add? All right, then we'll go ahead and vote on the recommendation to deny. Go ahead.

Aldersperson Vered Meltzer (District 2) 23:48

Sorry, before we're all done talking about it, it would just be remiss if I didn't also share, express my gratitude to Appvion for taking the time to attend all of these discussions from the beginning, and really so much gratitude to staff for being able to meet with us kind of at the drop of a hat as we went along with the process. So definitely really appreciate how much valuable discussion and learning we were able to experience. Thank you.

Aldersperson Chad Doran (District 15) 24:22

All right. And we'll go ahead and vote. All those in favor of the recommendation to deny? Aye. Opposed?

Aldersperson Vered Meltzer (District 2) 24:30

Nay.

Aldersperson Chad Doran (District 15) 24:31

All right, that motion passes three one.