



# City of Appleton

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

## Meeting Minutes - Final Common Council

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Wednesday, February 16, 2022

7:00 PM

Council Chambers

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A. CALL TO ORDER

*The meeting was called to order by Mayor Woodford at 7:00 p.m.*

B. INVOCATION

*The Invocation was offered by Alderperson Hartzheim*

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 Matthew Reed, Alderperson Alex Schultz, Alderperson Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Chad Doran and Mayor Jake Woodford

**Excused:** 1 - Alderperson Joe Prohaska

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*All departments were represented.*

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[22-0131](#)

Common Council Meeting Minutes of February 2, 2022

**Attachments:** [CC Minutes 2-2-22.pdf](#)

**Alderperson Hartzheim moved, seconded by Alderperson Smith, 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 Matthew Reed, Alderperson Alex Schultz, Alderperson Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Chad Doran

**Excused:** 1 - Alderperson Joe Prohaska

**Abstained:** 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[22-0132](#) Certificate of Appreciation for interim Health Officer, Sonja Jensen

**The Certificate was presented**

[22-0133](#) Finance Director Recommendation

**Attachments:** [Finance Director Recommendation Memo.pdf](#)

**Aldersperson Smith moved, seconded by Aldersperson Hartzheim, that the Finance Director Recommendation be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Michael Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

**Excused:** 1 - Aldersperson Joe Prohaska

**Abstained:** 1 - Mayor Jake Woodford

[22-0134](#) Certificate of Appreciation for Finance Director, Tony Saucerman

**The Certificate was presented.**

[22-0135](#) Police & Fire Commission Appointment

**Attachments:** [2-16-22 Appt Memo PFC.pdf](#)

**Aldersperson Fenton moved, seconded by Aldersperson Smith, that the appointment be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Michael Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

**Excused:** 1 - Aldersperson Joe Prohaska

**Abstained:** 1 - Mayor Jake Woodford

[22-0136](#)

COVID-19 Report

**Attachments:** [COVID -19 Common Council Update 02162022.pdf](#)

H. PUBLIC PARTICIPATION

*There was no one signed up to speak during Public Participation.*

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[22-0089](#)

Request to amend the Development Agreement with Bela Development LLC located at 513 W. College Avenue in Tax Increment Financing District No. 12 to provide the Developer until January 1, 2023 to meet the minimum \$1,700,000 assessed value requirement

**Attachments:** [Bela DA Extension Memo to CEDC 2-9-22.pdf](#)  
[Bela Development 513 W College Recorded Dev Agrmt.pdf](#)

**Aldersperson Fenton moved, seconded by Aldersperson Hartzheim, that the Development Agreement be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Michael Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

**Excused:** 1 - Aldersperson Joe Prohaska

**Abstained:** 1 - Mayor Jake Woodford

[22-0039](#)

Request from Abby Ellenbecker for a credit adjustment for water use between May 29, 2021 and June 11, 2021 of \$65.98 for 2518 S. Kernan Avenue.

**Attachments:** [Timeline for Committee.pdf](#)  
[Water Leak Policy 2020.pdf](#)  
[Water Usage Monitoring Procedure.pdf](#)  
[UPDATED Water bill timeline A Ellenbecker.pdf](#)

**Aldersperson Smith moved, seconded by Aldersperson Fenton, that the water credit adjustment be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 9 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Michael Smith and Alderperson Nate Wolff

**Nay:** 5 - Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Kristin Alfheim, Alderperson Sheri Hartzheim and Alderperson Chad Doran

**Excused:** 1 - Alderperson Joe Prohaska

**Abstained:** 1 - Mayor Jake Woodford

L. COMMITTEE REPORTS

**Balance of the action items on the agenda.**

**Alderperson Hartzheim moved, Alderperson Fenton 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 Matthew Reed, Alderperson Alex Schultz, Alderperson Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Chad Doran

**Excused:** 1 - Alderperson Joe Prohaska

**Abstained:** 1 - Mayor Jake Woodford

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[22-0094](#)

Approve Memorandum of Understanding with Bird Rides, Inc. to initiate a Dockless, Stand-up Electric Scooter Pilot Program for 2022.

**Attachments:** [Bird Rides.pdf](#)

**This Report Action Item was approved.**

[22-0096](#)

Request from Hilton Hotel for a permanent street occupancy permit to install a 12' X 4'7" blade sign in the College Avenue street right-of-way at 333 W. College Avenue.

**Attachments:** [Hilton Hotel sign permit.pdf](#)

**This Report Action Item was approved.**

[22-0097](#) Request from Matt Miller to bag nine (9) meters on Thursday, March 17, 2022 to create a drive-through lane. Meter bagging fee is \$9/stall/day plus tax.

**Attachments:** [Matt Miller meter bags.pdf](#)

This Report Action Item was approved.

[22-0098](#) Award Unit I-22 Bridge Deck Sealing to Radtke Contractors Inc. in an amount not to exceed \$100,000.

**Attachments:** [Unit I-22.pdf](#)

This Report Action Item was approved.

2. **MINUTES OF THE SAFETY AND LICENSING COMMITTEE**

3. **MINUTES OF THE CITY PLAN COMMISSION**

4. **MINUTES OF THE PARKS AND RECREATION COMMITTEE**

5. **MINUTES OF THE FINANCE COMMITTEE**

[22-0103](#) Request to award Unit W-22 Sewer & Water Reconstruction No. 1 to Kruczek Construction Inc in the amount of \$1,366,667 with a 7.5% contingency of \$102,500 for a project total not to exceed \$1,469,167

**Attachments:** [Award of Contract Unit W-22.pdf](#)

This Report Action Item was approved.

[22-0104](#) Request to approve the following 2022 Budget amendment:

**Sanitation Fund**

Sanitation Fund Balance	- \$ 15,000
Grounds Maintenance	+\$ 15,000

to provide funding for contracted maintenance at the Mackville Landfill (2/3 vote of Council required)

**Attachments:** [Mackville Landfill Memo.pdf](#)

This Report Action Item was approved.

[22-0106](#)

Request to approve an increase in contract contingency as part of the 2021 Secondary Clarifier Drive Removal, Rebuild, and Reinstallation Project totaling \$75,000 resulting in an increase to contingency from \$26,145 to \$101,145

**Attachments:** [SecondaryClariferDrive\\_Sabel\\_IncreaseContingency.pdf](#)

**This Report Action Item was approved.**

[22-0112](#)

Request to approve the sole source purchase of a primary sludge pump from WasteCorp Pump and approve the following related 2022 Budget amendment:

**Wastewater Utility**

Machinery & Equipment	+ \$ 38,000
2021 Carryover Funds (Secondary Clarifier Drive Project)	- \$ 38,000

to fund the cost of a primary sludge pump and related removal and reinstallation costs (2/3 vote of Council required)

**Attachments:** [SolesSourcePump\\_BudgetTransfer.pdf](#)

**This Report Action Item was approved.**

[22-0114](#)

Request to approve the following 2021 Budget amendments:

**General Fund - Police Department**

Donations	+\$ 27,736
Travel and Training	+\$ 12,691
Purchased Services	+\$ 14,400
Supplies and Equipment	+\$ 645

to record donations from the Community Foundation to fund costs associated with new Police dog (2/3 vote of Council required)

**Police Grants Special Revenue Fund**

Federal Grants	+\$ 16,323
State Grants	+\$115,225
Overtime	+\$124,241
Travel and Training	+\$ 3,960
Supplies and Equipment	+\$ 3,387

to record additional grant funds received for traffic and drug enforcement initiatives (2/3 vote of Council required)

**Attachments:** [Finance Committee Memo for PD Amendments.pdf](#)

**This Report Action Item was approved.**

**6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**[22-0077](#)

Request to approve the reallocation of Community Development Block Grant (CDBG) funding from Appleton Housing Authority's 2020PY unspent \$42,824.66 to Rebuilding Together Fox Valley's 2021PY subaward agreement for homeowner rehabilitation

**Attachments:** [Reallocation of 2020 AHA Funds to RTFV Memo to CEDC 2-9-22.pdf](#)  
[AHA Reallocation Request 1-4-22.pdf](#)  
[Amendment to RTFV SubAgreement 1-25-22.pdf](#)

**This Report Action Item was approved.**

[22-0078](#)

Request to approve the Community Development Block Grant (CDBG) -CV (Coronavirus) Policy as specified in the attached documents

**Attachments:** [CDBG-CV Policy Approval Memo to CEDC 2-9-22.pdf](#)  
[DRAFT CDBG-CV Policy 1-28-22.pdf](#)

**This Report Action Item was approved.**

[22-0079](#)

Resolution #2022-01 - Support for Amending the Articles of Organization and the By-Laws of East Central Wisconsin Regional Planning Commission to modify the Board composition for the Commission

**Attachments:** [#2022-01\\_CityofAppletonSupport\\_ECWRPCResolution.pdf](#)  
[ECWRPC ResolutionAmendingArticlesofOrg+Bylaws Packet.pdf](#)

**This Report Action Item was approved.**

[22-0084](#)

Request to proceed with the sale of Lot 3 of Northeast Industrial Park Plat No. 4 to Tetz, LLC per the terms of the Option to Purchase Agreement with Valley Tool, Inc. or its assigns dated August 22, 2019 at a purchase price of \$53,850 (\$37,395.83 per acre)

**Attachments:** [Valley Tool Exercise Option to Purchase Memo to CEDC 2-9-22.pdf](#)  
[Request from Valley Tool Exercise Option to Purchase Lot 3 NEIP.pdf](#)  
[Recorded Option to Purchase COA and Valley Tool Lot 3 NEIP.pdf](#)

**This Report Action Item was approved.**

[22-0091](#)

Request to approve the Offer to Purchase from Farrell Investments, LLC to purchase Lot 11 of Southpoint Commerce Park Plat No. 1, consisting of approximately 3.25 acres, at a purchase price of \$130,000 (\$40,000 per acre)

**Attachments:**     [Farrell Expansion Offer to Purchase Memo to CEDC 2-9-22.pdf](#)  
[Farrell Offer to Purchase 2-3-22.pdf](#)  
[SPCP Deed Restrictions.pdf](#)  
[Southpoint Commerce Park Map Feb 2022.pdf](#)

This Report Action Item was approved.

**7. MINUTES OF THE UTILITIES COMMITTEE**

[22-0086](#)

Approve Sole Source Engineering Services Contract to McMahon as part of 2022 AWWTP Preliminary Heat Exchanger and Blended Sludge Piping Replacement Project in the amount of \$26,300 with a 10% contingency of \$2,630 for a project total not to exceed \$28,930.

**Attachments:**     [UC Sole Source Memo 2022 AWWTP Prelim HEX and Blended Sludge Piping Replace McMahon.pdf](#)

This Report Action Item was approved.

[22-0110](#)

Approve contract amendment with Arcadis to provide public outreach and communication materials to meet the Lead and Copper Rule Revisions in an amount not to exceed \$22,400.

**Attachments:**     [2022-02-03 Appleton LCRR Public Outreach Materials Scope.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

[22-0130](#)

Ordinances #14-22 and #15-22

**Attachments:** [Ordinances to Council 2-16-22.pdf](#)

**Aldersperson Hartzheim moved, seconded by Aldersperson Fenton, that the ordinances be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Michael Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Chad Doran

**Excused:** 1 - Aldersperson Joe Prohaska

**Abstained:** 1 - Mayor Jake Woodford

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

*RESOLUTION #3-R-22*

*Modify Appleton Weed Ordinance to accommodate No Mow May best practices.*

*Date: February 16, 2022*

*Submitted By: Alderperson Meltzer-District 2, Alderperson Fenton-District 6, Alderperson Schultz-District 9, Alderperson Alfheim-District 11, Alderperson Wolff-District 12*

*Referred To: Municipal Services Committee*

*WHEREAS; No Mow May Resolution #2-R-20, which established the pilot community-wide initiative to support emerging pollinator insects, including the delayed enforcement of the City's Weed Ordinance until June 1st, was approved by Common Council in May of 2020 and subsequently renewed for 2021, resulting in no substantial additional burden on city staff and resources; and,*

*WHEREAS; a study published by Professor Del Toro, et.al., of Lawrence University which analyzed the effects of No Mow May participation in Appleton in 2020, demonstrated that both delayed and reduced frequency mowing and use of pollinator-friendly alternatives to harmful chemical lawn applications dramatically improved bee population numbers and species diversity; and,*

*WHEREAS; No Mow May has been adopted by a majority of neighboring municipalities, many of which establish allowable lawn heights as 12" for both commercial and residential lots, and by adjusting Appleton's allowed residential height from 8" to 12" will clarify community participation and simplify enforcement, allowing residents to mow less frequently while still maintaining their yards which has many environmental benefits; and,*

*WHEREAS; the City of Appleton's Weed Commissioner maintains authority to address noxious weeds throughout the year, as authorized by Municipal Code sections 12-58 and 12-59; as well as control rank and unmanaged growth; now therefore,*

*THEREFORE BE IT RESOLVED; that the City of Appleton amend Municipal Code section 12-58c(3), striking (1) and (2), which define separate height categories for lot types, and amend c(3) to read "The Weed Commissioner shall destroy or cause to be destroyed noxious weeds, and is further empowered to enter upon public and private lands, on or after June 1, to cut or remove the accumulation or growth of weeds, grass, brush or other rank or offensive vegetation which has grown to a height greater than 12" and amend Municipal Code section 12-59c(3), to read "Yards, including any area between the installed sidewalk and the curb, with a common stand of turf grass is higher than eight (8) twelve (12) inches is declared to be in a state of neglect and a public nuisance.*

R. OTHER COUNCIL BUSINESS

S. ADJOURN

**Alderperson Smith moved, seconded by Alderperson Fenton, that the meeting be adjourned at 7:47 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 Matthew Reed, Alderperson Alex Schultz, Alderperson Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Chad Doran

**Excused:** 1 - Alderperson Joe Prohaska

**Abstained:** 1 - Mayor Jake Woodford

Kami Lynch, City Clerk