



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, March 3, 2021

7:00 PM

Council Chambers

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 Siebers

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 16 - 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 Mike Smith, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska, Alderperson Corey Otis and Mayor Jake Woodford

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[21-0216](#)

Common Council Meeting Minutes of February 17, 2021.

Attachments: [CC Minutes 2-17-21.pdf](#)

Alderperson Fenton moved, seconded by Alderperson Otis, that the Minutes be approved. 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 Matthew Reed, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska and Alderperson Corey Otis

Abstained: 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[21-0234](#) Board & Task Force Appointments

Attachments: [Board & Task Force Appts. 3-3-21.pdf](#)

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

Aye: 15 - 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 Mike Smith, Aldersperson Patti Coenen, Aldersperson Nate Wolff, Aldersperson Kyle Lobner, Aldersperson Joe Prohaska and Aldersperson Corey Otis

Abstained: 1 - Mayor Jake Woodford

[21-0235](#) Be Active Wisconsin Month Proclamation

Attachments: [Be Active WI Proclamation.pdf](#)

This Proclamation was presented

[21-0241](#) Presentation: IACT Grants

These grants were presented to the Police Department & Fire Department

[21-0231](#) COVID-19 Update

Attachments: [COVID -19 Cases 3-3-21.pdf](#)

H. PUBLIC PARTICIPATION

The following spoke during Public Participation regarding Item 21-0209 from Municipal Services Committee:

*Kari Fischer, 64 Pheasant Ct (via Zoom)
Mike Fischer, 64 Pheasant Ct*

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[21-0209](#)

Request from Tyler Mueller for a second curb cut at 70 Pheasant Court be ~~denied~~ approved based on neighboring property objection per the City of Appleton's Driveway Opening Policy.

Attachments: [70 Pheasant Ct-driveway.pdf](#)

Alderson Prohaska moved, seconded by Alderson Firkus, that the curb cut/driveway addition be approved. Roll Call. Motion carried by the following vote:

Aye: 9 - Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Matthew Reed, Alderson Patti Coenen, Alderson Kyle Lobner and Alderson Joe Prohaska

Nay: 6 - Alderson William Siebers, Alderson Joe Martin, Alderson Alex Schultz, Alderson Mike Smith, Alderson Nate Wolff and Alderson Corey Otis

Abstained: 1 - Mayor Jake Woodford

[21-0192](#)

Request from Pollenablers-Fox Cities to designate the month of May, 2021 as No Mow May ~~and to provide a 7 day grace period to not enforce the Weed Ordinance.~~

Attachments: [Pollenablers-No Mow May.pdf](#)

Alderson Fenton moved, seconded by Alderson Schultz, that the Request be approved as amended in Committee. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Alex Schultz, Alderson Patti Coenen, Alderson Nate Wolff, Alderson Kyle Lobner, Alderson Joe Prohaska and Alderson Corey Otis

Nay: 2 - Alderson Matthew Reed and Alderson Mike Smith

Abstained: 1 - Mayor Jake Woodford

[21-0190](#)

Pet Store License application for Fancy Fish, Sia Y. Lor, applicant, located at 1804 S Lawe St, contingent upon approval from all departments.

Attachments: [Fancy Fish S&L.pdf](#)

Alderson Reed moved, seconded by Alderson Fenton, that the License 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 Matthew Reed, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska and Alderperson Corey Otis

Abstained: 2 - Alderperson Maiyoua Thao and Mayor Jake Woodford

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderperson Reed moved, Alderperson Siebers seconded, to approve the balance of the agenda. The 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 Matthew Reed, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska and Alderperson Corey Otis

Abstained: 1 - Mayor Jake Woodford

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[21-0189](#)

Approve Contract for 2021-2025 Movable Bridge Inspections to AECOM Technical Services, Inc. in an amount not to exceed \$95,061.

Attachments: [Contract-Movable Bridge Inspections.pdf](#)

This Report Action Item was approved.

[21-0193](#)

Request to extend free parking in the Red Ramp for an additional 90 days, during vaccination clinic days only, as part of the community vaccination program at the Fox Cities Exhibition Center.

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[21-0191](#)

Class "A" Beer application for Oneida Street Mini Mart LLC d/b/a Oneida BP, Prabhu Dhungana, Agent, located at 1306 S Oneida St, contingent upon approval from all departments.

Attachments: [Oneida BP.pdf](#)

This Report Action Item was approved.

[21-0195](#) Amusement Device License application for Oneida Street Mini Mart LLC d/b/a Oneida St BP, Prabhu Dhungana, applicant, located at 1306 S Oneida St, contingent upon approval from all departments.

Attachments: [Oneida St BP 2021 S&L.pdf](#)

This Report Action Item was approved.

[21-0208](#) Cigarette License application for Oneida Street Mini Mart LLC d/b/a Oneida BP, located at 1306 S Oneida St.

Attachments: [Oneida St BP 2021 S&L.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[21-0175](#) Request to approve the First Addition to Broadway Hills Estates Annexation consisting of approximately 16.6454 acres generally located approximately 1,400 feet north of the intersection of N. French Road and E. Broadway Drive, on the west side of French Road, currently in the Town of Freedom, as shown on the attached maps subject to the stipulation in the attached staff report

Attachments: [StaffReport_1stAddBroadwayHillsEstates_Annexation_For02-23-21.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[21-0211](#) Request to award Unit B-21 Asphalt Pavement Reconstruction to Vinton Construction Company in the amount of \$1,712,148 with a 2.7% contingency of \$45,625 for a project total not to exceed \$1,757,773

Attachments: [Award of Contract Unit B-21.pdf](#)

This Report Action Item was approved.

[21-0212](#)

Request approval to write off delinquent accounts receivable invoices and personal property taxes (outstanding for more than one year) in the following amounts: 2017 accounts receivable invoices of \$4,868.80 and personal property taxes of \$25,246.73; and 2018 accounts receivable invoices of \$18,747.96 and personal property taxes of \$15,096.65

Attachments: [Write-off List 2021 for Committee.pdf](#)

This Report Action Item was approved.

[21-0213](#)

Request to approve the following 2021 Budget amendment:

Valley Transit

Federal Grant	+\$110,964
Miscellaneous Local Aids	+\$ 27,741
Capital Outlay - Software	+\$138,705

to record funding for, and purchase of, the Trans Data Management software program (2/3 vote of Council required)

Attachments: [VT Trans Data Management Memo 2021-02-18.pdf](#)

This Report Action Item was approved.

[21-0215](#)

Request to approve the following 2021 Budget amendment:

Reid Golf Course

Capital Outlay - Parking Lot	+\$ 43,000
Fund Balance	- \$ 43,000

to record funding for and additional spending authority for parking lot construction (2/3 vote of Council required)

Attachments: [2021 Reid Golf Course Parking Lot Budget Amendment.pdf](#)

This Report Action Item was approved.

- 6. **MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**
- 7. **MINUTES OF THE UTILITIES COMMITTEE**
- 8. **MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE**

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

[21-0201](#) Approve Award of Contract for TransTrack Data Management System

Attachments: [TransTrack Request.pdf](#)

This Report Action Item was approved.

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[21-0230](#) Ordinance #6-21 - First addition to Broadway Hills Estates Annexation

Attachments: [Ordinances going to Council 3-3-21.pdf](#)

Aldersperson Siebers moved, seconded by Aldersperson Smith, that the Ordinance be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - 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 Mike Smith, Aldersperson Patti Coenen, Aldersperson Nate Wolff, Aldersperson Kyle Lobner, Aldersperson Joe Prohaska and Aldersperson Corey Otis

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-21

PROHIBITION ON LARGE SCALE COMMERCIAL DOG AND CAT BREEDING

March 3, 2020

Submitted By: Maiyoua Thao District 7, Denise Fenton District 6, Vered Meltzer District 2

Referred To: Safety & Licensing Committee

WHEREAS, most puppies and kittens sold in pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals is disregarded in order to maximize profits ("puppy mills" and "kitten mills", respectively). According to The Humane Society of the United States an estimated 10,000 puppy mills produce more than 2 million puppies per year in the United States.

WHEREAS, according to the U.S. Centers for Disease Control and Prevention pet store puppies pose a health risk to consumers, as over one hundred Americans have contracted an antibiotic-resistant Campylobacter infection from contact with pet store puppies.

WHEREAS, current federal and state regulations do not adequately address the animal welfare and consumer protection problems that the sale of puppy and kitten mill dogs and cats in pet stores pose. Federal oversight of the commercial breeding industry is severely lacking.

WHEREAS, it is in the best interest of the City of Appleton, Wisconsin to adopt reasonable regulations to reduce costs to Appleton, Wisconsin and its residents, protect citizens who may purchase cats or dogs from a pet store, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in Appleton.

THEREFORE be it resolved that the City of Appleton create Section 3-25 of the Municipal Code to include the following:

Sec. 3-25. Prohibition on large scale commercial dog or cat breeding.

(a) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this paragraph:

"Animal care facility" means an animal control facility or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

"Animal rescue organization" means any not-for-profit organization that has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes. This term does not include an entity that is a breeder or broker or one that obtains animals from a breeder or broker for profit or compensation.

"Breeder" means a person that maintains a dog or cat for the purpose of breeding and selling their offspring.

"Broker" means a person that transfers a dog or cat from a breeder for resale by another person.

"Cat" means a member of the species of domestic cat, Felis catus.

"Dog" means a member of the species of domestic dog, Canis familiaris.

"Pet store" means a retail establishment where companion animals are sold, exchanged, bartered, or offered for sale to the general public. Such definition shall not include an animal care facility or animal rescue organization.

(b) Restrictions on the sale of animals. No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs. Nothing in this section shall prohibit pet stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs or cats provided the pet store shall not have any ownership interest in the animals offered for adoption and shall not receive a fee for providing space for the adoption of any of these animals. Dogs may not be kept overnight.

(c) Penalty. A violation of this section shall be subject to a penalty as provided in §1-16, and each dog or cat in violation of this section shall constitute a separate violation.

(d) Effective date. This section shall become effective July 1, 2021.

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Aldersperson Otis moved, seconded by Aldersperson Siebers, that the meeting be adjourned at 8:11 p.m. Roll Call. Motion carried by the following vote:

Aye: 15 - 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 Mike Smith, Aldersperson Patti Coenen, Aldersperson Nate Wolff, Aldersperson Kyle Lobner, Aldersperson Joe Prohaska and Aldersperson Corey Otis

Abstained: 1 - Mayor Jake Woodford

Kami Lynch, City Clerk