



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, September 1, 2021

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order by Mayor Woodford at 7:01 p.m.

B. INVOCATION

The Invocation was offered by Alderperson Meltzer.

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 Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska, Alderperson Chad Doran and Mayor Jake Woodford

Excused: 1 - Alderperson Kristin Alfheim

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

All departments were represented.

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[21-1228](#)

Common Council Meeting Minutes of August 18, 2021

Attachments: [CC Minutes 8-18-21.pdf](#)

Alderperson Hartzheim moved, seconded by Alderperson Firkus, 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 Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

Excused: 1 - Alderperson Kristin Alfheim

Abstained: 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[21-1230](#) Redistricting Committee Appointments

Attachments: [Redistricting Committee Appointments.pdf](#)

Aldersperson Prohaska moved, seconded by Aldersperson Van Zeeland, that the Appointments 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 Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Joe Prohaska and Aldersperson Chad Doran

Excused: 1 - Aldersperson Kristin Alfheim

Abstained: 1 - Mayor Jake Woodford

[21-1235](#) Proclamations:

- Senior Center Month Proclamation
- Childhood Cancer Awareness Month Proclamation
- Hmong New Year Season Proclamation
- Arts in Education Week Proclamation
- A Day to Remember Proclamation

Attachments: [Senior Center Month Proclamation.pdf](#)
[Childhood Cancer Awareness Month Proclamation.pdf](#)
[Hmong New Year Season Proclamation.pdf](#)
[Arts in Education Week Proclamation.pdf](#)
[September 11 2001 Remembrance Day Proclamation.pdf](#)

The Proclamations were presented

[21-1229](#) COVID-19 Report

Attachments: [Common Council COVID-19 Update 090121.pdf](#)

H. PUBLIC PARTICIPATION

Jennifer Stephany, ADI Executive Director spoke regarding Item #21-1186

- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY

[21-1174](#)

Resolution #10-R-21 Scavenging of Solid Waste/Recyclables

Attachments: [#10-R-21 Solid Waste Scavenging .pdf](#)
[Resolution #10-R-21.pdf](#)

Alderson Hartzheim moved, seconded by Alderson Van Zeeland, that the Resolution be approved. Roll Call. Motion carried by the following vote:

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

Excused: 1 - Alderson Kristin Alfheim
Abstained: 1 - Mayor Jake Woodford

[21-1227](#)

Request from Sculpture Valley for an extended 10-year lease for the continued placement of the "Stairway to the Stars" sculpture in Pierce Park

Attachments: [StairwaytotheStarsExtensionMemo+ExtendedLeaseRequest.pdf](#)

Alderson Fenton moved, seconded by Alderson Prohaska, that the Extended Lease be approved. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Matthew Reed, Alderson Michael Smith, Alderson Sheri Hartzheim, Alderson Joe Prohaska and Alderson Chad Doran

Excused: 1 - Alderson Nate Wolff
Absent: 1 - Alderson Kristin Alfheim

Abstained: 2 - Alderson Alex Schultz and Mayor Jake Woodford

- L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Aldersperson Fenton moved, Aldersperson Smith seconded, to approve the balance of the agenda. The 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 Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Joe Prohaska and Aldersperson Chad Doran

Excused: 1 - Aldersperson Kristin Alfheim

Abstained: 1 - Mayor Jake Woodford

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[21-1194](#)

"Class B" Liquor License application for Urban Modern Kitchen LLC d/b/a Urban Modern Kitchen, Cintya Mendoza, Agent, located at 800 East Wisconsin Ave, contingent upon approval from all departments.

Attachments: [Urban Modern Kitchen.pdf](#)

This Report Action Item was approved.

[21-1177](#)

Class "B" Beer and "Class B" Liquor License application for Spats Food and Spirits LLC d/b/a Spats, Nicholas Kapheim, Agent, located at 733 W College Ave, contingent upon approval from all departments.

Attachments: [Spats.pdf](#)

This Report Action Item was approved

3. MINUTES OF THE CITY PLAN COMMISSION

[21-1185](#)

Request to approve the Trail View Estates South 2 Final Plat as shown on the attached maps and subject to the conditions in the attached staff report

Attachments: [StaffReport_TrailViewEstatesSouth2_FinalPlat_For08-25-21.pdf](#)

This Report Action Item was approved.

[21-1186](#)

****CRITICAL TIMING**** Annual review and request to approve the Downtown Appleton Business Improvement District (BID) 2022 Operating Plan

Attachments: [StaffReport_2022BIDOperatingPlan_For08-25-21.pdf](#)
[2022 BID Operational Plan.pdf](#)
[2020 BID Annual Report.pdf](#)
[2020 BID Audit - Financial Statements.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[21-1170](#)

Request to approve amendment to Sec. 2-216 of the Appleton Municipal Code to comply with state statutes

Attachments: [Finance Committee re Revisions to Sec 2-216.pdf](#)

This Report Action Item was approved.

[21-1171](#)

Request to award the Water Facility 2021 Entrance Gate Upgrade project contract to IEI General Contractors in the amount of \$186,764 with a contingency of 15% for a project total not to exceed \$214,778

Attachments: [2021 Water Plant Gate Upgrades.pdf](#)

This Report Action Item was approved.

[21-1196](#)

Request to approve Amendment to North Edgewood Estate Development Agreement

Attachments: [North Edgewood Estate DA amendment.pdf](#)

This Report Action Item was approved.

[21-1197](#)

Request to approve the following 2021 Budget amendment:

TIF District 6 Capital Projects Fund

Other Contracts/Obligations	+\$1,000,000
Fund Balance	-\$1,000,000

to provide additional development contribution payment in TIF District 6 (2/3 vote of Council required)

Attachments: [Encapsys TIF Payment 2021.pdf](#)

This Report Action Item was approved.

[21-1205](#)

Request to award contract to The Boldt Company for Construction Manager at Risk services for the library for a contract of \$1,186,730 and \$25,000 for reimbursable expenses for a contract totaling \$1,211,730

Attachments: [2021 Library Construction Manager.pdf](#)

This Report Action Item was approved.

[21-1206](#)

Request to award Unit EE-21 Structural Repairs of the Green Ramp West Stair Tower to Merit Construction Services, Inc in the amount of \$136,650 with a 5% contingency of \$6,833 for a project total not to exceed \$143,483

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

This Report Action Item was approved.

[21-1207](#)

Request approval to reject all bids for Unit H-21

Attachments: [Rejection of Bids Unit H-21 Redundant Raw Water Line Construction.pdf](#)

This Report Action Item was approved.

[21-1208](#)

Request to award the City of Appleton's 2021 Parks Hardscapes Project - AMP Roads Reconstruction Project contract to Northeast Asphalt, Inc in the amount of \$183,903 with a contingency of 8% for a project total not to exceed \$198,615

Attachments: [2021 AMP Parks Roads Renovation.pdf](#)

This Report Action Item was approved.

[21-1210](#)

Request to award the Sole Source Purchase of Grit Classifier System Rebuild Parts through Saveco North America Inc in the amount of \$61,774

Attachments: [Finance Memo_Grit Classifier Rebuild Work.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

[21-1203](#)

Award of 2021I Stormwater Consulting Services Contract for Apple Creek Road / Haymeadow Avenue Study and 30% Design with McMahon Associates in an amount not to exceed \$40,217.

Attachments: [2021I ACR Haymeadow Study Award memo 08-17-2021.pdf](#)

This Report Action Item was approved.

[21-1224](#)

Award Beneficial Reuse Management (BRM) an extension for the 2022-2024 Biosolids Transportation, Application, and Incorporation Contract.

Attachments: [2022-2024City of Appleton Extension Proposal MemoF_BRM.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

[21-1219](#)

Authorization to Award Northern Winnebago Dial A Ride Contract to Running Inc.

Attachments: [Contract Award Recommendation for NWDAR Aug 2021.pdf](#)

This Report Action Item was approved.

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[21-1225](#)

Ordinances #36-21 and #66-21

Attachments: [Ordinances going to Council 9-1-21.pdf](#)

Alderson Fenton moved, seconded by Alderson Hartzheim, that the Ordinances be approved. Roll Call. Motion carried by the following vote:

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

Excused: 1 - Alderson Kristin Alfheim

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 #13-R-21

Support for Resettlement of Afghanistan Parolees in Appleton

Date: September 1, 2021

Submitted By :Vered Meltzer – District 2, Katie VanZeeland – District 5, Denise Fenton – District 6, Maiyoua Thao – District 7, Alex Schultz – District 9, Nate Wolff – District 12

Referred To: Community & Economic Development Committee

WHEREAS, upon the collapse of the Afghanistan government and the Taliban takeover of Kabul which precipitated the emergency US led mass airlift, roughly 125,000 Afghan citizens have fled their home country and may be seeking asylum abroad with as many as 50,000 arriving in the US on “humanitarian parole” without visas; and

WHEREAS, thousands of these Afghan citizens supported American and allied forces, standing side-by-side with our service members, diplomats, and aid workers while serving as interpreters, engineers, logistical service providers, and more; and WHEREAS, the city of Appleton, which became a Compassion City in 2010 under the Earth Charter’s Charter for Compassion Campaign, has historically been a haven for refugees escaping war and political violence; and

WHEREAS, World Relief Fox Valley, the local refugee resettlement agency and its well-established refugee resettlement program, which has welcomed 1000 refugees since its inception in 2012, is preparing for the anticipated arrival of 100 Afghan parolees to the Appleton and Oshkosh communities it serves and will need additional resources for this lesser classification of arriving parolees;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of Appleton wishes to offer a home in Appleton for those who were evacuated due to the war in Afghanistan and hereby affirms to the United States federal government that the City of Appleton stands ready to welcome Afghan humanitarian parolees, and;

BE IT FURTHER RESOLVED, that the Common Council of Appleton directs the department of Community and Economic Development to coordinate any necessary response with county, state, and federal government departments and agencies, in accordance with previously established and proven best practices for emergency resettlement, as well as offer any additional assistance it can to facilitate rapid response housing options within the City of Appleton.

Resolution #14-R-21

Amend Municipal Code to include Definitions for “Intentional Motor Vehicle Operation” and “Intentional Motor Vehicle Modification” for Noise Generation

Date: September 1, 2021

Submitted By: Brad Firkus – District 3, Joe Martin – District 4, Alex Schultz – District 9, Kristin Alfheim – District 11, Nate Wolff – District 12

Referred To: Safety & Licensing Committee

WHEREAS, the City of Appleton’s Municipal Code identifies noise as a serious hazard to the public health, welfare, safety and quality of life and,

WHEREAS, the people have a right to an environment free from excessive sound that may jeopardize their health, welfare, or safety, or degrade the quality of life and,

WHEREAS, Appleton Municipal Code, Sec. 12-80, states that no person shall make

or cause to be made any loud, disturbing, fluctuating or unnecessary sounds or noises such as may tend to annoy or disturb a reasonable person, and Sec 12-81 (f), states that No person shall operate any motor vehicle unless such motor vehicle is equipped with an adequate muffler in constant operation and property maintained to prevent excessive or unusual noise, however, does not specify the intentional modification of vehicular exhaust systems specifically to emit excessive noise, in common vernacular "pop", "bang" or "crackle", nor does is specify certain methodologies of operator manipulation of gas flow to combustion engines to intentionally emit excessive noise, and,

WHEREAS, Section 12-76 of the Municipal Code does not have a definition of Intentional Vehicle Modifications to Emit Excessive Noise nor does not have a definition of Intentional Vehicle Operation to Emit Excessive Noise, and WHEREAS, Health in All Policies dictates that public health and well-being drive all policy,

NOW THEREFORE, BE IT RESOLVED, that Appleton Code Article IV, Noise, Sec. 12-76 be amended to include the following definitions;

Intentional Vehicle Modifications to Emit Excessive Noise means any intentional after-market mechanical modifications to light motor vehicles which amplify the sound of escaping gases specifically designed to create excessive noise emissions under normal operation.

Intentional Vehicle Operation to Emit Excessive Noise means the operation of any intentional light motor vehicle operation in such a manner that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation with the express purpose of excessive combustion noise emissions.

and,

BE IT FURTHER RESOLVED that infractions of the Noise ordinance under these newly defined classifications of intent, specifically to disrupt the peace, be enforced consistent with the policies and penalties defined under Sec 12-76.

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Aldersperson Smith moved, seconded by Aldersperson Fenton, that the meeting be adjourned at 7:38 p.m. 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 Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Joe Prohaska and Aldersperson Chad Doran

Excused: 1 - Aldersperson Kristin Alfheim

Abstained: 1 - Mayor Jake Woodford

Kami Lynch, City Clerk