



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, September 2, 2020

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 Coenen.

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

All were represented with the exception of Human Resources who was excused.

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[20-1138](#)

Common Council Meeting Minutes of August 19, 2020

Attachments: [CC Minutes 8-19-2020.pdf](#)

Alderperson Lobner moved, seconded by Alderperson Coenen, 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

[20-1139](#)

Police Chief's Community Advisory Board Appointments

Attachments: [PC Comm Advisory Bd Appts.REV.pdf](#)

This Item was presented

[20-1140](#)

COVID-19 Update

Attachments: [COVID -19 Cases 9-2-20.pdf](#)

This Item was presented

H. PUBLIC PARTICIPATION

Jennifer Stephany, ADI Executive Director spoke regarding Item 20-1091

I. PUBLIC HEARINGS

[20-0990](#)

Public Hearing for proposed amendment to Comprehensive Plan Future Land Use Map

Attachments: [Class I Public Hearing Notice Newspaper Trail View Estates South Comp Plan Amend.pdf](#)*The public hearing was held, no one spoke during the hearing.*[20-0989](#)

Public Hearing for proposed Rezoning #6-20 of Trail View Estates South Annexation

Attachments: [Class II Public Hearing Notice Newspaper Trail View Estates South Rezoning.pdf](#)*The public hearing was held, no one spoke during the hearing.*

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[20-1125](#)

Request to approve staff to submit a competitive grant application to the Economic Development Administration (EDA)

Attachments: [MemoEDACompetitive Grant_8-25-20.pdf](#)
[EDA CARES Act Competitive Grant Summary.pdf](#)
[ProjectStatement_EastCentralWisconsinRegionalPlanCommissionUpdate 2.pdf](#)

Alderson Coenen moved, seconded by Alderson Lobner, that the Report Action Item be amended to include the following language:

"the match amount is (\$4,000), source of funds available in the CEDD 2020 Budget, and those funds are available, committed, and unencumbered; and, the authorized representative for purposes of submitting and administering the grant and related agreements will be the Director of Community & Economic Development."

Roll Call. Motion carried by the following vote:

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

Abstained: 1 - Mayor Jake Woodford

Alderson Lobner moved, seconded by Alderson Coenen, that the Report Action Item be approved as amended. Roll Call. Motion carried by the following vote:

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

Abstained: 1 - Mayor Jake Woodford

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderson Otis moved, Alderson Coenen seconded, to approve the balance of the agenda. The motion carried by the following vote:

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

Abstained: 1 - Mayor Jake Woodford

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE[20-1105](#)

Request from Andrew Mahnke, 157 W. Seymour Street, for a variance to Municipal Code 19-91 (f)(3) to extend driveway 18 feet.

Attachments: [157 S. Seymour St-variance.pdf](#)

This Report Action Item was approved.

[20-1113](#)

Request from Sue & Larry Bogenschutz for a street occupancy permit to create planting areas in three locations on S. Jackman Street at Water Street (see Plot A, B & C on attached map) contingent upon all installation, maintenance and watering being the responsibility of the Bogenschutzs or other volunteers, and not the responsibility of the city of Appleton.

Attachments: [Jackman Water Street Overview.pdf](#)

This Report Action Item was approved

[20-1114](#)

Request for a Street Occupancy Permit to place a tower crane, jersey barriers and fencing in the College Avenue right-of-way for the Block 800, LLC multi-tenant retail/residential construction project (800 block W. College Avenue) be approved through October 10, 2020.

Attachments: [800 Block Construction.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE[20-1120](#)

Change of Agent application for Skogen's Foodliner Inc. d/b/a Festival Foods, Paul J Klinkhammer, NEW agent, located at 1200 W Northland Ave, contingent upon approval from Police Department.

Attachments: [Paul J Klinkhammer S&L.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[20-0966](#)

Request to approve Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-20 for parcels generally located between N. French Road and N. Cherryvale Avenue, south of the creek/trail corridor (Tax Id #31-1-6410-00 and #31-1-6411-00, which is land recently annexed with the Trail View Estates South Annexation, formerly Town of Grand Chute Tax Id #101164606) from future Multi-Family Residential land use designation to One and Two-Family Residential land use designation, as shown on the attached map, and approve the attached Resolution

Attachments: [StaffReport_TrailViewEstatesSouth_CompPlan+Rezoning_For07-21-20.pdf](#)

This Report Action Item was approved.

[20-0968](#)

Request to approve Rezoning #6-20 to rezone the subject parcels generally located between N. French Road and N. Cherryvale Avenue, south of the creek/trail corridor (Tax Id #31-1-6410-00, #31-1-7513-00, and #31-1-6411-00, which is land recently annexed with the Trail View Estates South Annexation, formerly Town of Grand Chute Tax Id #101164606), including to the centerline of the adjacent N. French Road and N. Cherryvale Avenue right-of-way, as shown on the attached maps, from R-3 Multi-Family District, R-2 Two-Family District, Temporary AG Agricultural District, and P-I Public Institutional District to R-1B Single-Family District

Attachments: [StaffReport_TrailViewEstatesSouth_CompPlan+Rezoning_For07-21-20.pdf](#)

This Report Action Item was approved.

[20-0970](#)

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

Attachments: [StaffReport_TrailViewEstatesSouth_PrePlat_For07-21-20.pdf](#)

This Report Action Item was approved.

[20-1091](#)

****CRITICAL TIMING**** Annual review and request to approve the Downtown Appleton Business Improvement District (BID) 2021 Operating Plan

Attachments: [StaffReport_2021BIDOperatingPlan_For08-25-20.pdf](#)
[2021 BID Operational Plan.pdf](#)
[2019 BID Annual Report.pdf](#)
[2019 BID Audit - Financial Statements.pdf](#)

This Report Action Item was approved.

[20-1092](#)

Request to approve detachment of territory from the City of Appleton to the Village of Harrison, per the Intergovernmental Cooperation Agreement, consisting of portions of Plank Road and Lake Park Road, generally located north of Midway Road (adjacent to parcels 43290, 43292, and 43812 in the Village of Harrison)

Attachments: [StaffReport_PlankRdLakeParkRd_Detachment_For08-25-20.pdf](#)

This Report Action Item was approved.

[20-1093](#)

Request to approve the Broadway Hills Estates Final Plat as shown on the attached maps and subject to the conditions in the attached staff report

Attachments: [StaffReport_FinalPlat_BroadwayHillsEstates_For08-25-20.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[20-1141](#)

Request to award the "2020 MSB Exterior Masonry Improvements Project" contract to Cardinal Construction Co, Inc, in the amount of \$163,462 with a contingency of 10% for a project total not to exceed \$179,808 and approve the following related 2020 Budget amendment:

Facilities Management Capital Projects Fund

MSB Exterior Masonry Improvements Project	+\$60,000
MSB Insulate Cold Storage Bays Project	- \$60,000

to provide additional funding for the MSB masonry project (2/3 vote of Common Council required)

Attachments: [2020 MSB Exterior Masonry Improvements with Budget Transfer.pdf](#)

This Report Action Item was approved.

[20-1107](#)

Request to approve Trail View South Development Agreement

Attachments: [Trail View South Development Agreement.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[20-1096](#)

Request to approve Deed Restrictions and Covenants matching those recorded on Southpoint Commerce Park Plats 1, 2 and 3 be recorded on four (4) parcels, Tax Id #31-9-5712-00, 31-9-5712-39, 31-9-5712-40, and 31-9-5714-00, which were not created as part of Plats 1, 2 or 3 in Southpoint Commerce Park

Attachments: [DR and C Southpoint Parcels Memo_8-26-20.pdf](#)
[SPCP Deed Restrictions.pdf](#)
[SPCP Unplatted Lands.pdf](#)

This Report Action Item was approved.

7. MINUTES OF THE UTILITIES COMMITTEE

[20-1111](#)

Approval of a 5% Rate Increase for Receiving Station Waste Haulers effective October 1, 2020.

Attachments: [utilities memo Receiving Station Rates Changes 08-03-20 \(cfs\)_ \(002\).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

[20-1131](#)

Ordinances 99-20 to 103-20

Attachments: [Ordinances 99-20 to 103-20.pdf](#)

Alderpersion Lobner moved, seconded by Alderpersion Otis, that the Ordinances 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

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

Resolution #15-R-20

Date: September 2, 2020

Submitted By: Alderperson Wolff, District 12 & Alderperson Prohaska, District 14

Referred To: Safety & Licensing Committee

Whereas, Marijuana has been legalized by states on each of our borders. And out of state individuals may visit the area.

Whereas, from time to time we have to adjust our citation costs due to changes in our state or country.

Whereas, for both possession of marijuana violations (Sec. 10-32) and possession of drug paraphernalia violations (Sec. 10-34), the current Schedule of Deposits has forfeiture amounts of two hundred dollars (\$200) for a first offense, two hundred and fifty dollars (\$250) for a second offense, and three hundred dollars (\$300) for third and subsequent offenses.

Therefore be it resolved, that the Schedule of Deposits be amended to the following for possession of marijuana violations and possession of drug paraphernalia violations: For possession of marijuana violations, a first offense shall be a five-dollar (\$5.00) forfeiture and second and subsequent offenses shall be a fifteen-dollar (\$15.00) forfeiture.

For possession of drug paraphernalia violations, a first offense shall be a five-dollar (\$5.00) forfeiture and second and subsequent offenses shall be a ten-dollar (\$10.00) forfeiture.

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Alderperson Prohaska moved, seconded by Alderperson Otis, that the meeting be adjourned at 7:34 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 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

Kami Lynch, City Clerk