



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, April 21, 2021

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order by Mayor Woodford at 7:42 p.m.

B. INVOCATION

The Invocation was offered by Alderperson Wolff

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

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

All departments were represented.

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[21-0485](#)

Common Council Meeting Minutes of April 7, 2021

Attachments: [CC Minutes 4-7-21.pdf](#)

Alderperson Prohaska moved, seconded by Alderperson Reed, 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 Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

Excused: 1 - Alderperson Joe Martin

Abstained: 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[21-0480](#) Commission and Board Reappointments

Attachments: [Reappointments Confirmation Memo to Council 4-21-21.pdf](#)

Aldersperson Prohaska moved, seconded by Aldersperson Doran, that the Reappointments 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 Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Joe Prohaska and Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

[21-0481](#) Arbor Day Proclamation

Attachments: [Arbor Day Proclamation.pdf](#)

[21-0482](#) Earth Day Proclamation

Attachments: [Earth Day Proclamation.pdf](#)

[21-0483](#) COVID-19 Update

Attachments: [COVID -19 Cases 4-21-21\(00F\).pdf](#)

H. PUBLIC PARTICIPATION

The following spoke regarding Item 21-0453 Resolution #6-R-21:

*Gary Crevier, 37 Ramlen Ct
Tami Mclaughlin, 1618 N Appleton St
Kou Vang, 1625 W Kaylee Ln
Ger Vang, 18 Bellevue Pl
Joe Vang, 201 E Meadow Grove Blvd
Za Blonc Vang, 419 E Wilson Ave
Thong Thor, 950 E Edgewood Dr
Christina Thor, 3024B Conesta Dr #8 Green Bay
Tina Thor, 2610 N William St
Jeanne Roberts, 1110 E Florida Ave
Renee Gralewicz, 1803 S Memorial Dr
Amanda Stuck, 1401 N Harriman St*

The following spoke regarding Item 21-0289 Resolution #3-R-21:

Hannah Herzog, 4313 N Windcross Dr

Aldersperson Smith moved, seconded by Aldersperson Prohaska, that the Council extend the time for Public Participation. 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 Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Joe Prohaska and Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

I. PUBLIC HEARINGS

[21-0474](#) Public Hearing on the proposed repeal and recreation of Article X of Chapter 23 of the Municipal Code, relating to Floodplain Zoning

Attachments: [Notice of Public Hearing Floodplain Ord X.pdf](#)

The public hearing was held, no one spoke during the hearing.

J. SPECIAL RESOLUTIONS

[21-0487](#) Initial Resolution for Prospect Ave. and Douglas St. Street Vacation

Attachments: [InitialResolution ProspectAvDouglasSt StreetVacation.pdf](#)

This Report Action Item was approved

K. ESTABLISH ORDER OF THE DAY

[21-0453](#)

Resolution #6-R-21- Resolution Condemning Xenophobia, Racism, and Violence Against The Asian Pacific Islander DesiAmerican (APIDA) Community.

Attachments: [#6-R-21 AAPI Resolution.pdf](#)

This Resolution was referred back to the Safety and Licensing Committee, by Alderperson Siebers, due back on 4/28/2021.

21-0545

Objection to Referral of 6-R-21

Alderperson Wolff objected, seconded by Alderperson Fenton, to the referral. A vote was taken (2/3 required) to approve the objection and keep the item on the Council agenda. Roll Call. Motion failed by the following vote:

Aye: 9 - Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Alex Schultz, Alderperson Kristin Alfheim and Alderperson Nate Wolff

Nay: 6 - Alderperson William Siebers, Alderperson Matthew Reed, Alderperson Mike Smith, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

[21-0289](#)

Resolution #3-R-21 Prohibition on Large Scale Commercial Dog and Cat Breeding

Attachments: [#3-R-21 Large Scale Dog & Cat Breeding Ord.pdf](#)

Alderperson Prohaska moved, seconded by Alderperson Smith, that the Resolution 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 Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderperson Hartzheim moved, Alderperson Alfheim 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 Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[21-0396](#)

Preliminary Resolution 1-P-21 for Concrete Pavement, Driveway Aprons and Sidewalk Construction be adopted and refer the matter to the Finance Committee to determine the assessment rate.

Attachments: [1-P-21 Concrete Pavement.pdf](#)

This Report Action Item was approved.

[21-0397](#)

Approve partial street vacation at the intersection of Douglas Street and Prospect Avenue as shown on Exhibit "A".

Attachments: [Partial Street Vacation-Douglas St and Prospect Ave.pdf](#)

This Report Action Item was approved.

[21-0398](#)

Request from Robert McInnis for a permanent street occupancy permit to install a sprinkler system within the street right-of-way at 618 S. Theodore Street.

Attachments: [618 S Theodore St.pdf](#)

This Report Action Item was approved.

[21-0399](#)

Request from Sarah Powell for a street occupancy permit to place tables and chairs in the College Avenue beautification strip at 823 W. College Avenue.

Attachments: [823 W College Ave-tables & chairs.pdf](#)

This Report Action Item was approved.

[21-0400](#)

Amend 2021 Contract for Operation, Maintenance and Monitoring at the Closed City of Appleton Landfill to SCS Engineers in an amount not to exceed \$8,000.

Attachments: [Contract-Operation, Maintenance and Monitoring-Landfill.pdf](#)

This Report Action Item was approved.

[21-0401](#)

Request from Appvion for a permanent street occupancy permit for an in-street pedestrian crossing sign at the midblock crossing on the Meade Street side of their complex.

Attachments: [Appvion-Permanent Street Occupancy.pdf](#)

This Report Action Item was approved.

[21-0403](#)

Request from Creative Downtown Appleton Inc. for the Downtown Creates "Adopt-A-Planter to Create Garden Art" event from May 21-23, 2021 to be located within the planters along the College Avenue amenity strip, as described in the attached documents and subject to the conditions in the attached staff report.

Attachments: [ADI-Adopt-A-Planter.pdf](#)

This Report Action Item was approved.

[21-0405](#)

Request from Creative Downtown Appleton Inc. for the Downtown Creates "Artful Chairs" event from June 18-20, 2021 to be located within the College Avenue amenity strip (Badger Avenue to Drew Street), as described in the attached documents and subject to the conditions in the attached staff report.

Attachments: [ADI-Artful Chairs.pdf](#)

This Report Action Item was approved.

[21-0406](#)

Request from Creative Downtown Appleton Inc. for the Downtown Creates "Art Out - Plein Air Art" event on August 20, 2021 to be located within the College Avenue amenity strip (Badger Avenue to Drew Street), as described in the attached documents and subject to the conditions in the attached staff report.

Attachments: [ADI-Art Out-Plein Air Art.pdf](#)

This Report Action Item was approved.

[21-0420](#)

Request from Appleton Downtown Inc. for a street occupancy permit for Sidewalk Sales on the College Avenue Beautification Strip from Richmond Street to Drew Street for May 22, June 19, July 17 and August 21, 2021.

Attachments: [ADI-Sidewalk Sale.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[21-0454](#)

Class "A" Beer License Change of Agent application for FKG Oil Company d/b/a Badger Motomart, Allexander J Stichman, New Agent, located at 1850 W Wisconsin Ave, contingent upon approval from Appleton Police Department.

Attachments: [Allexander J Stichman S&L.pdf](#)

This Report Action Item was approved.

[21-0455](#)

Class "B" Beer and "Class B" Liquor License Change of Agent application for Mark's East Side Inc d/b/a Mark's East Side, Alexander J Shea, New Agent, located at 1405 E Wisconsin Ave, contingent upon approval from Appleton Police Department.

Attachments: [Alex J Shea S&L.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[21-0311](#)

Request to approve repealing and recreating Article X of Chapter 23 of the Municipal Code relating to Floodplain Zoning and the Official Map, as identified in the attached staff report, per the request of the Department of Public Works, Engineering Division

Attachments: [StaffReport_TextAmendments_FloodplainOrd_For3-23-21.pdf](#)

This Report Action Item was approved.

[21-0423](#)

Request to approve the street discontinuance to vacate portions of West Prospect Avenue and South Douglas Street public right-of-way, generally located near the intersection of these streets, and adopt the Initial Resolution and exhibit map

Attachments: [StaffReport_ProspectAvDouglasSt_StreetVacation_For04-13-21.pdf](#)

This Report Action Item was approved.

[21-0424](#)

Request to approve detachment of territory from the City of Appleton to the Village of Harrison, per the Intergovernmental Cooperation Agreement, for a portion of Coop Road, generally located north of Midway Road, described in the attached petition and shown on the attached maps

Attachments: [StaffReport_CoopRd_Detachment_For04-13-21.pdf](#)

This Report Action Item was approved.

[21-0425](#)

Request to approve the Apple Ridge 2 Final Plat as shown on the attached maps and subject to the conditions in the attached staff report

Attachments: [StaffReport_FinalPlat_AppleRidge2_For4-13-21.pdf](#)

This Report Action Item was approved.

[21-0426](#)

Request to approve the Apple Fields Preliminary Plat as shown on the attached maps and subject to the conditions in the attached staff report

Attachments: [StaffReport_PreliminaryPlat_AppleFields_For4-13-21.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[21-0419](#)

Action Item: Request to award contract to ISG for Master Planning design services for Lundgaard Park in the amount of \$27,700 with a design contingency of \$2,300 for a total contract not to exceed \$30,000

Attachments: [2021 Lundgaard Park Consultant.doc](#)

This Report Action Item was approved.

5. MINUTES OF THE FINANCE COMMITTEE

[21-0435](#)

Request to approve the following 2021 Budget adjustment:

Sanitation Fund

Consulting Services	+ \$8,000
Fund Balance	- \$8,000

for gas monitoring as requested by WDNR to work towards a passive gas system (2/3 vote of Council required)

Attachments: [Sanitation Memo.pdf](#)

This Report Action Item was approved.

[21-0436](#)

Request to award the City of Appleton's 2021 Parks Hardscapes Project - Pierce Park Path Improvements Project contract to Sommers Construction Co, Inc in the amount of \$28,935 with a contingency of \$7,000 for a project total not to exceed \$35,935

Attachments: [2021 Pierce Park Path Improvements.pdf](#)

This Report Action Item was approved.

[21-0444](#)

Request to approve Finance Committee Report 1-P-21 for Concrete Pavement, Sidewalk Construction and Driveway Aprons

Attachments: [Report 1-P-21.pdf](#)

This Report Action Item was approved.

[21-0445](#)

Request to approve Finance Committee Report 2-P-21 for Sanitary Laterals, Storm Laterals and Storm Main

Attachments: [Report 2-P-21.pdf](#)

This Report Action Item was approved.

[21-0446](#) Request to award Unit C-21 Sidewalk Sawcutting to ASTI Sawing, Inc in an amount not to exceed \$40,000

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

This Report Action Item was approved.

[21-0447](#) Request to award Unit J-21 Mini Storm Sewer construction to Alfson Excavating, LLC, Inc in an amount not to exceed \$200,000

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

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

[21-0430](#) Preliminary Resolution 2-P-21 for Sanitary Laterals, Storm Laterals and Storm Main be adopted and refer the matter to the Finance Committee to determine the assessment rate.

Attachments: [Resolution 2-P-21.pdf](#)

This Report Action Item was approved.

[21-0431](#) Award of 2021F Stormwater Consulting Services Contract for Morrison Street and Glendale Avenue reconstruction with Brown and Caldwell in an amount not to exceed \$32,775.

Attachments: [2021 Morrison Glendale Award memo_\(002\).pdf](#)

This Report Action Item was approved.

[21-0438](#) Request to sole source contract to Patrick Engineering for professional services needed to complete the Wastewater Electrical Distribution Upgrades Phase 5 (Final Phase), for a contract fee of \$259,600 and a contingency of 5% not to exceed a total contract of \$272,580.

Attachments: [2021 Electrical Distribution System Upgrades Design for 480v cabling and Power System Study.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[21-0439](#) Request to approve overhire for Help Desk Analyst position in I.T.

Attachments: [Help Desk Over Hire Memo.pdf](#)

This Report Action Item was approved.

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

[21-0484](#) Consolidated Action Items Re: Prospect Ave & Douglas Street Vacation
21-0487 Special Resolutions
21-0397 Municipal Services Committee
21-0423 City Plan Commission

Aldersperson Prohaska moved, seconded by Aldersperson Reed, that the Consolidated Action Items 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 Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Joe Prohaska and Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

N. ITEMS HELD

O. ORDINANCES

[21-0473](#) Ordinances #11-21, #12-21, #13-21, and #14-21 (Coop Road Detachment)

Attachments: [Ordinances going to Council 4-21-21.pdf](#)

Aldersperson Smith moved, seconded by Aldersperson Prohaska, 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 Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

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

*#7-R-21 Outdoor Alcohol Service
Submitted By: Alderperson Smith, District 10
4-21-2021
Referred To: Safety & Licensing Committee*

WHEREAS, the City of Appleton currently has a process administered by the City Clerk wherein an establishment licensed under Ch. 125 Wis. Stats. may seek a temporary amendment of its premises description to allow for sales in certain outdoor areas including private parking lots and within the amenity strip as defined in Sec. 9-256 of the Municipal Code.

Then in the NOW THEREFORE,

1) City staff shall process applications to temporarily amend the premises description of an establishment licensed under Ch. 125 Wis. Stats. as expeditiously as possible such that the application is reviewed by the Common Council within fourteen (14) days of receipt. Temporary amendments to the premise's description may be granted from the time of issuance to October 2, 2021. The applicant shall be advised in writing and acknowledge that the permission granted is temporary in nature and expires on October 2, 2021.

2) That the use of sidewalk cafes is temporarily amended to allow for expanded use of the amenity strip and hours of service as follows:

Sec. 9-262(a)(1) The parameters of the sidewalk café shall be limited to the area of the amenity strip located immediately in front of the establishment and shall not extend beyond the width of the property line unless written permission is granted by the immediately adjacent property owner to also use the amenity strip immediately in front of that owner's property.

Sec. 9-262(b)(4) The permit holder may begin serving alcoholic beverages in the sidewalk café at 11:00 a.m. All alcoholic beverages must be removed from the sidewalk café by 9:30 p.m.

These changes would remain in effect until October 2, 2021 and, due to their temporary nature, would not be codified in the Appleton Municipal Code.

R. OTHER COUNCIL BUSINESS

[21-0546](#)

Suspend Council Rules

Meltzer moved, seconded by Firkus to suspend the Council Rules (to later convene into the Committee of the Whole, to take up Item 21-0453). 2/3 Vote Required. Roll Call. Motion failed by the following vote:

Aye: 10 - Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Kristin Alfheim, Alderperson Nate Wolff and Mayor Jake Woodford

Nay: 6 - Alderperson William Siebers, Alderperson Joe Martin, Alderperson Mike Smith, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

S. ADJOURN

Alderperson Prohaska moved, seconded by Alderperson Doran, that the meeting be adjourned at 9:10 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 Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

Kami Lynch, City Clerk