

**Item 23-0934: Request to approve Rezoning #5-23 to rezone the vacant land generally located along the extension of E. Sweetwater Way, south of E. Spartan Drive and east of N. Haymeadow Avenue, for the Fourth Addition to Clearwater Creek**

**Item 23-0935: Request to approve the Fourth Addition to Clearwater Creek**

**Preliminary Plat**

**Common Council**

Wed, Sep 06, 2023 7:00PM

**Mayor Jake Woodford 00:04**

If I may have your attention, please. Your attention please. Just an announcement before we get underway. Just an announcement before we get underway for members of the public who are here for public participation related to the, the item for Clearwater Creek, we have the rezoning and Clearwater Creek. We have a public hearing scheduled this evening as a part of the Council meeting for that. So public comment for that item will be made under the public hearing will have public participation that separate from that. So those of you who signed up on the purple sheet, we will make note of your name and address we'll invite you up in the order you signed in, if you didn't sign in, but you're here to speak on that item. Totally. Okay. You'll do that under the public hearing, we'll just need you to state your name and address for the record. But just wanted to make sure that folks are clear about that before we get underway with the meeting, that there's a separate public hearing from public participation related to that item.

[Cut]

**Mayor Jake Woodford 17:07**

All right, with that we'll move on [microphone cut out] participation. This is general public participation. We will then get into the public hearings. We have two public hearings this evening that'll come—one related to a street vacation on East circle Street and the other a public hearing for rezoning for the fourth addition to Clearwater Creek. Those will come in the public hearing portion. So, I don't believe we had anybody signed up to speak on items that appear on the agenda that aren't related to Clearwater Creek. So, I'll just ask one more time. Is there anybody who wishes to speak on an item that appears on the agenda? Okay, hearing none, we'll close public participation and move on now to public hearings.

**Mayor Jake Woodford 17:52**

Before we get into public hearings, I just want to talk a little bit about how the public hearing is structured and how we'll manage it just before we start, so that we're clear about how this process will work here. During the public hearing, we'll ask that folks approach the microphone, state your name and address for the record, and that you then address all of your comments to the chair. And if you have questions over the course of the public hearing, staff, our staff will be making note of those questions, and when the Council takes that up, when the Council takes up the associated action item, then we'll address questions that may come up during the public hearing. Staff will address the questions at that time.

**Mayor Jake Woodford 18:32**

The public hearing is not a dialogue. So, the public hearing will be the Council hearing input from members of the public on the items we're having the public hearings for, but there will not be a back-and-forth exchange between the chair and anyone addressing the Council or members of the Council and a member of the public. Same for staff. So, I just want to be clear about how that works. This is always how we run public hearings. It

isn't special or unique for the items that are on the agenda tonight. This is a standard practice for us. So, I just want to make sure that we're clear about that as we get into our process.

**Mayor Jake Woodford 19:08**

During public hearings, we ask that that we ma—everyone in the room maintain decorum, and that includes avoiding applause or speaking, yelling, anything related to sound that may disrupt the public hearing. We ask that if you do need to have a conversation, you please take advantage of the lobby area to have a conversation. But we want to maintain decorum here in the room while we work our way through the hearing. So, if we need to check in as we go through the process, we'll do that, but for now we can get underway with our public hearings.

**Mayor Jake Woodford 19:46**

The first of which is item 23-0833. This is a public hearing for the street vacation of East circle Street from North Durkee Street to North drew Street. This is a public hearing. Is there anyone who wishes to speak? This is a public hearing. Is there anyone who wishes to speak? This is a public hearing is there anyone who wishes to speak? Hearing none, I declare that public hearing closed.

**Mayor Jake Woodford 20:14**

Move on to our next public hearing. This is item 23-0985 public hearing for rezoning number 5-23 Fourth Addition to Clearwater Creek from AG agricultural district to R1B single family district. And this is a public hearing. We'll now open the floor. And what we'll do is first we'll just we'll just run through the folks who signed up ahead of time, and then we'll continue the public hearing with any other members of the public who wish to speak. The first to sign up was [Abby M.] I'm, sorry. [Off mic, Abby indicated she did not want to speak.] Okay, next was [Robert B.] Robert? [Off mic, Robert indicated he did not want to speak.] Okay. Next was [Patrick D.],—I'm sorry, I want to make sure I get your name. Would you please state your name for the record?

**Patrick D. (Resident) 21:06**

Absolutely. [Patrick D.] currently living at [XXXXXX]. Thank you. I stand here as a concerned citizen with concerns about the fourth addition of Clearwater Creek subdivision. And I'm joined here by another two speakers who will participate after I've concluded my session.

**Patrick D. (Resident) 21:06**

We will present the—we will be effectively presenting to the Council three potential issues that we see with the fourth addition. The first one is one of access—single entrance or emergency access, so both public and emergency access. The second is one of a lack of a subdivision park and/or safe access to an alternative park. And a third one is environmental and some water flooding concerns.

**Patrick D. (Resident) 22:02**

I will take the first issue the one of access. Before I do that, I'd like to set the stage for the Council in the sense that first and the second addition of the subdivision have about 130 dwellings, you know to its name, so we have about 130 dwellings. Then it was a subsequent phase three or third edition that has been approved that's effectively ongoing for about 30 additional dwellings. And so now today we're talking about the fourth addition for approximately an additional 20 dwellings.

**Patrick D. (Resident) 22:43**

So just to dimensionalize that's between the situation today and the additional dwellings for phase three, which is ongoing, plus the additional dwellings for phase four or the fourth addition which is at subject, we're talking about an increase in number of dwellings, or residences of over 30%. That's just background information. Right?

So compared to the houses that we have today, we're talking between phase three and phase four, an additional 30% of dwellings that are either in progress or proposed.

**Patrick D. (Resident) 23:16**

So, with the topic of access, the first point is that there's only one public access road to the subdivision. We handed a number of visuals to all the alderpersons in the Council. Refer to page one of that deck, and you'll see the one access road in blue that runs all the way through the subdivision. So, one access road and one only. Every other road is not a through roads or an access road to the subdivision. That effectively means that with the one access road, if that road ever gets blocked, for whatever reason, the entire subdivision is stuck going either in or out. It leads to congestion, especially, as people can understand, in the mornings. Some of our younger drivers, which there's quite a number of them in the community, trying to get the school, and everybody gaining access to the main road from the subdivision has proven to be quite challenging. And again, that's the situation today. Right? That's not including the additional 30% of residences that we talked about. So that's point one, the one access road.

**Patrick D. (Resident) 24:26**

Secondly, just to confirm, there are no through roads in the area. On page two of the package that was provided, there are some plans in existence—and this is a snapshot of the third phase our third addition—that have a through road on Spartan drive leading up to Mead. That road isn't currently planned for. We also learned at the Council meeting in August, there is no plan for that roads to be built anywhere over the next five years, and probably most importantly, the road as it is portrayed currently leads through a farmer's land, and there is no intent of selling that land to the city, so—or the town of Appleton. So effectively, that road doesn't exist. Just avoiding any confusion, if anybody would consult any of the plans.

**Patrick D. (Resident) 25:24**

That also means with no through roads, and with a single access road that any large vehicles, whether it's school buses or alike, at some point when they reach into the streets have to back up, turn around, and so on and so forth, which obviously is also not desirable. So that about public access. Now moving over to emergency access. And by the way, on page three of the same packets, you see actual pictures of that through road that isn't scheduled at this point in time.

**Patrick D. (Resident) 25:55**

On page four, there's two pictures on—related to emergency access. Now, we understand code actually requires a secondary emergency access road as soon as a community has 30 dwellings. If I go back to the numbers in the beginning, we're effectively talking about—when phase three and phase four have been completed—we're effectively talking about between 175 and 180 dwellings, so about six times that minimum requirements. And at this point in time, again, one access road, one emergency access road as well.

**Patrick D. (Resident) 26:34**

What is said to be an additional emergency access road is depicted on the pictures here. Number of concerns associated with those pictures on page four. Obviously, first and foremost, the road isn't finished. And secondly, and much more importantly, the road is effectively blocked by a business that's running heavy excavating type of operations there. It doesn't matter which day of the week, you go out there during the day—heavy exca—excavating equipment, big trucks, excavators, and the road effectively blocked. What that means that in the event of emergency services, that either the emergency services are not going to be able to pass through that road—right?—or are going to have a hard time and at the very least—right?—we'll have to remove the barricades on that road (whether there are chains, whether they're more fixed in terms of their structure) to gain access to the subdivision.

**Patrick D. (Resident) 27:28**

So, whereas in theory, people may point to that road as a secondary emergency access road, de facto it's not. And best-case scenario is that the emergency services would get to their destination much later. There's actually been an incident not that long ago, where we had an emergency in the neighborhood, and unfortunately, due to the response time of the of the vehicles, the person passed away on their way to the hospital. So, this is a real, a real issue.

**Patrick D. (Resident) 28:04**

So, in conclusion, and to wrap up this first phase, without additional access through—or emergency roads to—the subdivision, with the 30% increases in dwellings as a result of phase three and phase four, we see an additional increase in congestion, additional issues respect to safety, and also generally risk to the neighborhood. So, from this particular perspective, what we're asking for—and as you can see, there's plenty of representation behind me, with people attending from the Clearwater Creek division, or subdivision—what we're asking for is that the point of access is to be resolved prior to approving yet another addition or the phase four addition. That's it for me. Thank you.

**Mayor Jake Woodford 28:59**

Thank you. Alright, next was **[Michelle M. He mispronounced her name slightly]**. Sorry. Welcome.

**Michelle M. (Resident) 29:14**

Good evening. My name is **[Michelle M.]** I live at **[XXXXXX]** in this Clearwater Creek subdivision. I stand here before you along with Patrick echoing what—the points he raised of our public safety on the 140 homes and residents that are currently living in Clearwater Creek, as well as—excuse me—myself.

**Michelle M. (Resident) 29:47**

I learned—I have just recently moved to the subdivision and in receiving—being one of the few people to receive notification of this proposed rezoning continuation of development, I had learned there are some other unfulfilled concerns or promises that were made for phases one and two. Before we've—before you go ahead with phase four, we suggest that you address these unfulfilled concerns before moving ahead with more development.

**Michelle M. (Resident) 30:35**

One of those promises was a park for the subdivision of over 20 years ago. Many of the residents have come and gone, but there are a substantial amount that have been here the entire time. And when the subdivision was first developed, their children were young—three, four—and now they're 20 years old. They heard stories of wonderful parkland that was to be included in this subdivision, walking paths, trails, all sorts of things that have not yet even appear on the plans for the further divisions.

**Michelle M. (Resident) 31:13**

It's noted that the city shall receive a fee from the developers in lieu of having land set aside for the park. So obviously, it's seen as a substantial penalty for not having that area available to young residents. So, if it's important enough to collect a fine for, it's obviously important enough to address to the residents living there.

**Michelle M. (Resident) 31:42**

In addition to that, it seems like this plot of land would be the perfect central location for a park to be developed. It would give the many children of the subdivision seen on our superhighway one entrance, a safe place to play and not have to worry about the traffic and construction vehicles. I spoke with many residents that,

anytime they hear sirens, their heart sinks a little hoping that it's not a child and a dump truck or something of that nature.

**Michelle M. (Resident)** 32:19

The closest parks to us are at least two miles away on both sides, which is a 20-to-40-minute walk from many areas of our subdivision. Those parks being Plamann Park which would require children crossing busy Mead street. The other park I refer to is Highland Park on the south side of JJ or Edgewood, which has also increasingly become steadier traffic. I ask you would you let your children, nieces, nephews cross those streets to access a place to play?

**Michelle M. (Resident)** 33:04

Excuse me. If we keep developing this land without picking a spot to develop this promised park—I should say unfulfilled promised park—the land will be gone. That's not something we can get back. Once we approve this, we can't get that back for a park.

**Michelle M. (Resident)** 33:32

Again, I just want to echo from the city's code that they stand by promoting public health safety, comfort, convenience, prosperity, general welfare, to conserve, protect and enhance property and property value and to secure the most appropriate use of the land. I'll echo that: "most appropriate use of the land". Much of this land is covered with water, wetlands in the wetland delineation. I'm not sure that it's a great idea to disrupt wetlands and the drainage—natural drainage that they provide. Having said that, maybe this would be a great green space for our subdivision and a safe place for our future children or future residents to have a safe place to be. Thank you.

**Mayor Jake Woodford** 34:34

Next is [Kate A.].

**Kate A. (Resident)** 34:41

Good evening. My name is [Kate A.]. I live at [XXXXX], which is part of the third addition to the Clearwater Creek subdivision. And one of the issues that concerns the current residents of the subdivision is the impact the rezoning and development of additional houses will have on the existing wetland environment. Since the subject area is located at the very northern edge of the City of Appleton, many of you may not be familiar with what this area looks like. Thank you.

**Kate A. (Resident)** 35:12

The wetland area includes a large pond, stormwater retention area constructed by the city of Appleton, and the beginning of Apple Creek, which eventually flows into the Fox River. Pages six and seven of the packet provided by the previous speakers include photographs of the pond from different times of the year. The water levels in the pond do substantially rise during heavy rainstorms and spring snow melts. We've experienced quite a few heavy rainstorms lately.

**Kate A. (Resident)** 35:37

While many people may look at the area and think of it as just a mess of weeds, it is actually an active and biologically diverse ecosystem, which acts as a natural sponge to absorb and gradually release the stormwater runoff. One acre of wetland itself can store between one and one and a half million gallons of water and can reduce flood peaks by 60%. Wetlands contain a variety of insects such as mosquitoes, grasshoppers, dragonflies and, most importantly, bees who helped pollinate so many of our crops. The insects are joined by fish and frogs who of course eat insects and at least half of North American bird species nest or feed within wetlands

themselves. As residents we've observed many different types of birds including geese, ducks, herons, sandhill cranes, hawks, eagles and even an Osprey.

**Kate A. (Resident) 36:28**

People are generally advised not to even build in a wetland area, and the Wisconsin DNR does not recommend it. According to them, the high-water table in the area can lead to an increase in flood potential, resulting in wet basements. Soils that shrink or swell can cause cracked or failing foundations. Increased water and dampness to basements can lead to increased mold or mildew in the home. And soil contamination from the construction process itself as well as all the lawn fertilization that we do, can damage the ecosystem of the wetland through the runoff and lead to a loss of wildlife.

**Kate A. (Resident) 36:59**

Currently, homes in the subdivision built on the south side of the pond have already experienced increased water levels in their property including some basement flooding, increased usage of sump pumps, which fail more often and have need to be replaced frequently.

**Kate A. (Resident) 37:14**

Right now, the wetlands are absorbing a large amount of water runoff from the existing 130 homes to the south of the subject area. This is because the wetlands sit at the lowest point. The subdivision begins up at the top of Edgewood Drive and sits quite high up and it's quite a bit of a slope down to where the wetlands are. Spartan drive sits about 13 feet above where the wetlands are as well. So as both come in, it creates a bowl where all the water runoff is collected.

**Kate A. (Resident) 37:40**

In addition, there's a manmade berm directly behind third addition of Clearwater Creek which is preventing some additional excessive runoff at this time. But if the city approves and they choose to develop that land, that berm will be removed, increasing the amount of runoff that's already in existence. And as I noted before, the city itself has created a stormwater retention area adjacent to the pond and wetlands. And with more construction off—construction and more runoff in this lowest point, how long is it going to be before we need to actually add another stormwater retention area to help us deal with this excess of water?

**Kate A. (Resident) 38:19**

The developer themselves has multiple subdivisions within the city of—within the Fox Cities, many of which are in the city of Appleton, and upon cross referencing their plat maps with Outagamie County's Planning and Zoning GIS map and the Wisconsin DNR surface water data viewer which tracks wetlands within the area, I found that they've created subdivisions near wetlands in the past but have never created lots extending directly into designated wetlands before this particular requested addition.

**Kate A. (Resident) 38:50**

The preliminary plat maps submitted to the city clearly show that delineated wetlands encroach on eight of the lots. Three of those lots, numbers 160, 161, and 162, clearly show almost 1/3 of the entire lot is wetland. According to the staff report file 23-0934 submitted to the Council at the informal public hearing on August 9 of 2023, the city itself questioned the developer as to whether it was even feasible to build on these lots.

**Kate A. (Resident) 39:18**

The developer has since submitted a final plat map to the city for approval file number 23-1053, which now includes an additional 30-foot setback from the wetlands. This now covers at least half of the lot, and it makes

you question whether or not it's even feasible to build a house on the remaining space and why the developer is willing to encroach on the wetland so much when they never have in the past.

**Kate A. (Resident)** 39:43

In conclusion wetlands are a vital part of our ecosystem, and any removal or destruction of them impacts all of us. While I applaud the city of Appleton for creating and maintaining natural prairie habitats surrounding their stormwater retention areas, those areas are only about 100 feet of land. The developer wants to remove seven acres of land to build additional homes and seven acres is far greater than 100 feet. Once you remove that land and habitat you cannot get it back and once it is gone, it is gone. Thank you.

**Mayor Jake Woodford** 40:16

This a public hearing is anyone else who wishes to speak? Please step forward and state your name and address for the record.

**Sonu P. (Resident)** 40:33

Hello, my name is [Sonu P.] and I've been a resident of Clearwater Creek since 2012. My address is [XXXXXX]. I'm here to let you guys know that— [The microphone fell.] Well, the mic fell because....It's a sad thing that we lost our friend who was at our house for a Christmas party, and the delay—or the emergency vehicles coming in the subdivision, we genuinely—I have no words. Like I'm full of grief at this point, that we lost a friend over Christmas because of a single-entry situation in the neighborhood.

**Sonu P. (Resident)** 41:20

The second thing I would want to point out, since 2012, we—when we moved, the developer had told us that there's going to be a park at this where Spartan Drive is currently, like they had planned a park over there. And my son is now 23, and he's moved to New York—never saw any park in the subdivision. And my biggest concern is, like, we all are here. We hear about the environmental impacts. We all are aware of how the weather has been changing and what's happening in our country currently. If we take away the green space, if we do not let the wild animals and insects live around the wetlands, we all know what's happening around the world globally. I request all of you to please consider these two points when you're making that judgment. Thank you.

**Mayor Jake Woodford** 42:14

Next. Please come on up. Your name and address for the record please.

**Ara R. (Resident)** 42:28

Um, my name is [Ara R.] and I live at [XXXXXX]. All I'd like to say is me and my friends, we have nowhere to play because there's no park and my parents won't let me cross the road during the summer because there's busy traffic and someone might get hurt. And a lot of my friends who live in the neighborhood across from ours, they have Highview park over there. So, they can play and they can like hang out with their friends. But here we really have not much green space to play and, like, you know, we can't really do much. Because then we're all cooped up inside, or, like, a lot of backyards are small or like really like dense filled with trees or like thorny bushes. So, I can't really play with my friends outside. And it's—we're kind of forced to stay inside. But I mean, I think it's good to be outside because then you can get your fresh air.

**Ara R. (Resident)** 43:17

And all I'd like to say is that I'd really like a park in our neighborhood, just so then me and my friends we can have somewhere and go play, and because I can only go to the other park when my parents are home, and they have to work all day. So, it's only maybe like two or three hours because then you know, we have to eat dinner and go to sleep. So, all I'd really like is—even if it just a small one—a park in a neighborhood. Thank you.

**Mayor Jake Woodford** 43:45

Please.

**Alaine M. (Resident)** 43:49

Hello, my name is [Alaine M.] and I live at [XXXXX], and I'm here today with a petition to present with names of people in our community, Clearwater Creek community, that have signed that addressing the concerns that we have stated tonight with regards to the single entrance, the permanent emergency acc—vehicle access, the unified promises of a park, and preserving the wildlife. Again, you know, we can ask, and we're relying on you to be our voices and to hear us. So, if—I'm going to submit these, again, along with mine and the other members of our community. Don't know who I give that too.

**Mayor Jake Woodford** 44:32

We can take it here.

**Alaine M. (Resident)** 44:33

Okay

**Mayor Jake Woodford** 44:38

Thank you. Anyone else who wishes to speak? This is a public hearing. Is there anyone who wishes to speak? This is a public hearing. Is there anyone who wishes to speak? This is a public hearing. Is there anyone who wishes to speak? Hearing—Okay. Just under the wire. I have to say it three times, then we close it. So come on up. All right, your name and address for the record, please.

**Charlotte M. (Resident)** 45:19

My name is [Charlotte M.] and my address is [XXXXX]. After everyone else has spoken, we would like to motion to the table to vote to the next—to motion the table to vote to the next meeting to give us more time to reas—to give you guys more time to research the concerns that we, that we raised this evening and to look over all of the data that has been prevented—presented this evening, and to look over the petition with the 90 signatures as well.

**Mayor Jake Woodford** 46:00

Okay, so just thank you. And just to be clear, in terms of parliamentary procedure and how this works in this setting, the Rules of Order pertain to the members of the body, so that being the elected officials who serve on the Common Council. So, motions may only be made by members of the of the body. So—but I'm sure that the Council has heard your request and will take it into consideration as they take up the item. But just to be clear, members of the public can't make motions on a on a meeting of the public—of the Council as other members of the body.

**Mayor Jake Woodford** 46:36

So, is there anyone else who wishes to speak? One last time, this is a public hearing. Is there anyone who wishes to speak? Alright, hearing no further, I declare this public hearing closed.

**Mayor Jake Woodford** 46:53

Alright, we'll move on now to—and just to be clear, from a process perspective, what happens next in the meeting, we will continue through our agenda so we have a special resolution to take up and then we'll get into establishing the order of the day and at that point, members of the Council will request separate votes on items. And the item we just had a public hearing on appears under the minutes of the Planning Commission. And if the

Council chooses to separate that item out, we'll be able to take that discussion up separately. So just so you know that's where we are in the process. Just want to make sure folks are following along as we go. So, a little bit of business to take care of before we get to the item.

**Mayor Jake Woodford 47:29**

Next, Special Resolutions. We have one special resolution. This is item 23-1026 Final Resolution for the Circle Street Vacation. We have a motion and a second to approve. Is there any discussion? All right, hearing none, please cast your votes. Motion passes 13 to zero, and the item has been approved.

**Mayor Jake Woodford 48:22**

Alright, we're on to establishing the order of the day. Alder Fenton.

**Aldersperson Denise Fenton (District 6) 48:28**

Thank you, Your Honor. I'd like to separate out from finance item 23-1022, the contract for the purchase of the organic Rankins cycle generators.

**Mayor Jake Woodford 48:50**

Alright, Alder Hayden.

**Aldersperson Patrick Hayden (District 7) 48:52**

Thank you, Chair. I'd like to separate out 23-0934 And 23-0935 from the city plan commission.

**Mayor Jake Woodford 49:16**

Okay, 0934 is the request to approve rezoning 5-23 along Sweetwater way and then the 0925 is the request for approved fourth addition Clearwater Creek preliminary plat, is that right?

**Aldersperson Patrick Hayden (District 7) 49:33**

That's correct, Chair.

**Mayor Jake Woodford 49:51**

Okay, Alder Wolff.

**Aldersperson Nate Wolff (District 12) 49:53**

Thank you, Chair. I would like to separate out from Municipal Services 23-1015 a new street light.

**Mayor Jake Woodford 50:06**

Streetlight installation. Any other items? Alder Hayden?

**Aldersperson Patrick Hayden (District 7) 50:24**

Yes, I was just made aware by some of my fellow alders that I could actually make a motion to refer 23-0934 and 23-0935 back to committee.

**Mayor Jake Woodford 50:37**

Okay. If there are no objections. Okay, we have an objection. And so, the—Attorney Behrens again, the procedure for the objection?

**Attorney Christopher Behrens** 50:48

Since there's been an objection, it is subject to debate, and it's going to require a two thirds vote to sustain the objection. And with 14 members present, that's 10 that would need to sustain the objection and keep it here.

**Mayor Jake Woodford** 51:04

And at this point, we're 13.

**Attorney Christopher Behrens** 51:05

Then that's going to be nine.

**Mayor Jake Woodford** 51:09

Right, so we have an objection which we'll take up now. So, this is an objection to the refer back and we'll get into discussion immediately on that objection. Right. And, Alder Van Zeeland, do you wish to speak?

**Aldersperson Katie Van Zeeland (District 5)** 51:24

I'll wait because I see. Okay.

**Mayor Jake Woodford** 51:28

Okay. All right. There we go. Alder Fenton.

**Aldersperson Denise Fenton (District 6)** 51:33

Thank you, Your Honor. May I direct a question to the Director of Community and Economic Development?

**Mayor Jake Woodford** 51:39

Go ahead.

**Aldersperson Denise Fenton (District 6)** 51:40

Alright. And my question to Director Homan is, is there any time sensitivity in the approval of the preliminary plat and the rezoning since I—as I understand it, the final plat has already been submitted. Just—the question is are there any time sensitivities here?

**Mayor Jake Woodford** 51:59

Director Homan?

**Director Kara Homan (Community And Economic Development)** 52:04

It is my understanding that the developer wishes to break ground on utilities and earthwork this year yet. With that said we haven't advanced a development agreement at present.

**Mayor Jake Woodford** 52:21

Alder Hayden.

**Aldersperson Patrick Hayden (District 7)** 52:22

Thank you, Chair. I think based on everything that we heard, the community's talk about around public safety and especially around protecting our wetlands, when we've seen adjustments to the plot—plats that have been submitted to the city, I think that is something that the committee did not get review when we went over it with the City Planning Commission. And I think it is only appropriate for us to send it back to committee to review those changes. So that everything goes the—is reviewed completely.

**Mayor Jake Woodford** 52:55

Alder van Zeeland.

**Aldersperson Katie Van Zeeland (District 5)** 52:57

Thank you, Chair. The discussion that was brought up about access, public safety, and the like, are all things that Community and Economic Development staff can answer for us today, and I don't see any reason why we would need to have another committee meeting just to bring this back when they can be answered this evening.

**Mayor Jake Woodford** 53:20

Further discussion. This is on the objection to the refer back. Alder Hayden.

**Aldersperson Patrick Hayden (District 7)** 53:28

Yes, a question for Director Homan. How—is it normal for plats to be readjusted to wetlands after they've been submitted to Council like we saw in this case?

**Mayor Jake Woodford** 53:39

I'm going to rule that that's not germane to the discussion of the refer back, so that we're not going to take that question right now. The discussion before the body is the objection to the refer back. So, we'll keep the discussion there.

**Mayor Jake Woodford** 53:54

Further discussion of the objection of the refer back? All right, hearing none, an aye vote sustains the objection and the item stays here to be taken up tonight. A nay vote denies the objection and the item will be referred back to plan commission. Any questions on that? All right, hearing none, please cast your votes. The clerk is reminding me we typically handle these on a voice vote. All those in favor, please signify by saying aye. Any opposed? All right, I'm gonna call for division here. Just a show of hands. Again, the aye votes. Just just—it's not clear to me based on the voice vote, aye votes.

**Mayor Jake Woodford** 54:47

One, two, three, four, five, six, seven, eight. Eight fails. All right. The motion fails. So, the item will be referred back to the Plan Commission. That'll be taken up at their next meeting.