

Item 24-0766: Resolution #7-R-24 To Rescind the No Mow May Ordinance Language

Municipal Services Committee

Mon, Jun 24, 2024 4:30PM

Aldersperson Denise Fenton (District 6) 08:06

All right, moving to our last action item number 24-0766 Resolution Number 7-R-24 to rescind the No Mow May ordinance language.

Aldersperson Chad Doran (District 15) 08:19

Move to approve.

Aldersperson William Siebers (District 1) 08:23

Second.

Aldersperson Denise Fenton (District 6) 08:25

We have a motion and a second to approve. Let's go ahead and get on with the discussion. Do—I—the authors are here so I'm gonna call on them first. Alder Croatt. What mic? What mic?

Aldersperson Chris Croatt (District 14) 08:45

Thank you, Chair. I'm glad we can take this up tonight because we didn't two weeks ago. I was prepared to discuss it then; I'm prepared to discuss it tonight. First, just want to thank Alder Hayden for being part of this resolution and for our conversations regarding this matter in our community.

Aldersperson Chris Croatt (District 14) 09:05

I guess I have a bunch of notes and I do want to state a lot of this and I understand there's an amendment that's just been distributed to us. I have not read it in full. But I do want to say a couple things as it relates to the amendment or the resolution that I drafted. It's—the whereas parts are important, and I see them as a sum of individual bits of information. So, no one thing in particular is really, for me is really driving the therefore be it resolved part. It's kind of an aggregate.

Aldersperson Chris Croatt (District 14) 09:43

So, I know there's some that are not comfortable with all of the whereas language. I tend to focus on therefore be it resolved sections of resolutions, but I understand that some put a lot of weight on the whereas parts of the resolutions. This one was not intended to be to be personal or to kind of rehash exactly what we went through last year with questioning the science, but I felt the science part of it was an important component of the resolution.

Aldersperson Chris Croatt (District 14) 10:16

I'm not totally opposed to amending it. I—you know, I think there's some there's some things here that could be taken out or changed, but I wanted to include them because in, like I said, in aggregate, I feel like it's, it gets to the point of the be it resolved part.

Aldersperson Chris Croatt (District 14) 10:36

I want to address some of the comments that I've read and heard, as it relates to this resolution, one, in that it's the same resolution as we took up last year, it's not. There are components of it that are identical or close to the resolution from last year, but there are components of it that are brand new, including the parts about other what other communities around us have done in as it relates to No Mow May.

Alderman Chris Croatt (District 14) 11:02

I hope, I hope we don't get too bogged down in the conversation about the both the whereas clauses and in particular about the debate about the science. The science has come into question, but that was, that was what we took up last year. This is more about—for me, this is more about keeping it simple and looking at the facts and understanding are the benefits there? And do they outweigh the negatives too are the negative impacts to our neighborhoods? There are negative impacts in my opinion, and I've heard this from citizens in Appleton. I've heard some say, well, it's an optional program, you don't have to participate. That's completely true. But there is a direct impact to our neighborhoods, if people participate.

Alderman Chris Croatt (District 14) 11:52

This past year, as everybody knows, we saw really ideal conditions for growing, and it kind of really put the spotlight on it this year. The month of May was the right amount of rain, cool nights, warm days, and a lot of properties had excessively, excessively tall grass, which leads to leads to some things that are listed in the warehouse clause like you know, rodents and other things that come with tall grass and weeds.

Alderman Chris Croatt (District 14) 12:24

I really, I really would like to focus on what's happened since we took this up last year, and that is that the fact that a number of neighboring communities have either gotten rid of the No Mow May program or have modified their programs or changed it to something that is more, I won't acceptable but more, palatable for those involved. Those that have rescinded it—Fox Crossing. Allouez modified it. De Pere doesn't have it anymore. Kaukauna has a modified program. Menasha has a modified program. Little Chute never had the program; they have strict enforcement of their tall grass and weed ordinance. And Waunakee which is not a neighboring community of ours, but they got rid of their program since we last took this up.

Alderman Chris Croatt (District 14) 13:15

So I guess in closing, I would just say you know we have these ordinances for the rest of the year for a reason. You know, June, July, and August we go back to the tall grass and weeds ordinance. There's a reason for that. I've heard comments and read, you know, read things that said, you know, "Without this program, Appleton is not going to be progressive," I would totally disagree with that. Appleton can be progressive without No Mow May. We do a lot of other things to show actions to be progressive. And this was never, you know, this—I also heard that that this was petty and disrespectful. It—that was never the intention of the resolution. It was mainly to bring this back based on citizen input and the facts that are around the program. Thank you

Alderman Denise Fenton (District 6) 14:09

I'm gonna call on Alder Hayden if he has something to say, and then I assume, Mr. and Mrs. Jones that you're here to speak on this so then we'll have the public comment on this. Alder Hayden, what mic are you?

Alderman Patrick Hayden (District 7) 14:26

Thank you chair. When I look at No Mow May I personally see it as success. I trust the science, the people who came up with it, know more than I'll ever know about the subject. So, I would never question their work. Now how I see it as a success is it put a spotlight on pollinators, got it on people's radar, and it kind of created a discussion that we weren't having before. I believe in iterative development of sort of our ordinances and our government plans. And I think the time has come for us to look for ways to take No Mow May and change it to a year long promotions of pollinators. And I think also what we've seen are we've seen some success stories, and we've seen some people who have taken advantage of Novo May. And I think what we can find is, by kind of moving on to another phase is another way to kind of protect pollinators, and I think this is real opportunity here. So, I do have to echo what Alder Croatt says, if there's any feelings that there's an attack on science with

this, I personally would not—I personally don't share those views. I, like I said, I trust the science and I commend them for the work that they've done already up to this point. Thank you.

Alderson Denise Fenton (District 6) 15:52

All right. Who wants to go first? Thank you. All right. If you would just—

Alderson Vered Meltzer (District 2) 16:00

Should be on.

Alderson Denise Fenton (District 6) 16:01

It should be on. Is it not?

Alderson Vered Meltzer (District 2) 16:06

Maybe it's batteries?

Alderson Denise Fenton (District 6) 16:17

Yeah, Alder Croatt is—everybody's bringing you a mic.

Nancy J. (Resident) 16:23

Thank you, Alder Croatt. Hi. **[Nancy J. at XXXXX]**, and I was here two weeks ago, and had comments that you have. I just wanted to add just a couple of thoughts. During May, I can sympathize with some of the sentiments of people who were concerned about No Mow May. There was a household on my street that participated, but it was a sea of dandelion seed, and as I shared with you, we don't do that at our house. So, I think there are ways to do No Mow May more productively, and so it may need some modification.

Nancy J. (Resident) 17:05

So, I kept thinking about writing a letter to the editor and saying, "Hey, encourage people to support pollinators. But let's do it in a way that doesn't irritate others." So, my interests are to support the pollinators, to encourage biodiversity more generally. I mean, part of the biodiversity is not just the pollinators, it's what's growing in the grassier lawn areas, doesn't have to be a monoculture. I'm interested in us in discouraging the use of toxic chemicals in my neighborhood, which are very common. I mean, we take walks every day and almost every other lawn is posted with "Don't go on this lawn because it's full of toxic chemicals." And so that's why we don't let our dandelions go to seed. We'd rather, you know, our neighbors not be using so many chemicals on their lawns. And I'm also interested in reducing noise.

Nancy J. (Resident) 18:02

So, I really encourage you and the Council to retain No Mow May but with modifications to make it work better and to be better understood. And we've done a little research in the last two weeks, and we would suggest that perhaps you consider having a registration. This is done in some communities Ron researched—Sun Prairie Wisconsin and they have a registration for people who want to participate in No Mow May which gives them an opportunity to provide better guidance. And there are good ways to do a no mow may, and then those that are not as productive. There's also the idea of a Slow Mow May or you know even—I think it was Menasha; I'm not sure—but a Slow Mow Summer so that, you know there are other options.

Nancy J. (Resident) 18:53

Also, I would just really encourage you if you retain part of the No Mow May idea of pollinators to really feature that Appleton is a Bee City USA and a Bird City USA and you know that we have those designations because we do hopefully as a city understand that biodiversity is really critical for our health. It's not just healthy—you know

what is considered a healthier, good-looking lawn that's important in our city. It's the health of our residents, the health of our environment more generally. Thank you.

Alderson Denise Fenton (District 6) 19:32

Mr. Jones, do you want to speak? Okay. Okay, so, we'll go ahead. I'm gonna call on Alder Meltzer.

Alderson Vered Meltzer (District 2) 19:40

Thank you. First, I want to thank the authors of this resolution for their comments. I think that we have definitely been having some really good community conversation around this. I have an amendment here that has been offered by my colleague, Alder Schultz, that I'm going to make a motion for in a moment. But I just wanted to preface this by saying I feel that what I'm about to introduce is a really great compromise so that we can look at how we can move forward with continuing these important conversations in our community. So—

Alderson Denise Fenton (District 6) 20:23

Can I—are you moving to amend by substitution with what you're reading?

Alderson Vered Meltzer (District 2) 20:27

Yep, so I am now going to make a motion to amend by substitution. "Whereas the no mow may initiative was made a permanent part of the city's ordinances in 2022, based on the data provided in a study looking at the quantity of bees and other pollinators found in mowed versus no mowed lawns. And whereas the initially challenged data in the study presented in 2022 to the Common Council as evidence that non-mowed lawns showed higher levels of biodiversity and abundance, specifically, the accuracy of visual species identification was subsequently rectified and bolstered with follow up research that led to the program being permanently adopted by Appleton and hundreds of other municipalities in Wisconsin and around the United States who followed Appleton's lead. And whereas the No Mow May initiative has had significant and lasting impact upon the communities it has been adopted in leading to among other things lowered frequencies of mowing, reduced greenhouse gas emissions from two cycle mower engines, reduced use of non-organic and harmful chemical pesticides, reduced organic matter and chemical fertilizer uptake into watersheds from surface runoff, increases in insect populations supporting a more stable—and resilient urban wildlife food web, increases in songbird and raptor populations, proliferation of early flowering non-grass species, and significant engagement with citizens who are more cognizant of the impacts lawn management practices have on their own lawn microenvironments. And whereas many of the communities which adopted the simple No Mow model of allowing turfgrasses to grow unattended until the implied target date of June 1 for enforcement are increasingly challenged with an earlier growing season and many participating home owners committed to reaching that target date, resulting in grass lengths far exceeding the intended beneficial turf heights and duration of natural lawn awakening period, which leads to unnecessary stressing of managed lawns, increased use of pesticide controls, and potentially problematic increases in populations of unwanted pests and noxious weeds in our urban neighborhoods. And whereas many communities across the United States are now pivoting toward or fully adopting a Slow Mow model, extending the narrative to include the entire growing season. And whereas the authors of the original resolution recognize that continued refinement of the No Mow May ordinance is part of evolving the best practices in pollinator conservation and continued climatic environmental changes expected to impact growing season length. And whereas best practices in pollinator conservation require a balanced approach that satisfies environmental needs with community aesthetic needs. Therefore, be it resolved that the city of Appleton Common Council remove the adopted language from 2022 from the municipal code which allowed for the weed ordinance to be suspended and unenforceable during the month of May. And be it further resolved the Council direct staff to amend section 1258 of the city's long grass ordinance by increasing the acceptable lawn height to 12 inches for both residential and commercial lawns for the entire growing season, including the month of May." Do I have a second for my motion?

Aldersperson Denise Fenton (District 6) 23:46

I'll second it.

Aldersperson Vered Meltzer (District 2) 23:49

Thank you.

Aldersperson Denise Fenton (District 6) 23:51

Alder Hartzheim. You're on 13?

Aldersperson Sheri Hartzheim (District 13) 23:54

Correct. Thank you, chair. While I'd like to think of this as a compromise, I think it actually is just compounding the issue with the 12 inches listed in the last therefore be it resolved clause. I have no problem with growth of lawn throughout the year, slow mow, all of those new developments that have come subsequent to No Mow May, but the 12 inches doesn't solve the problem that we've been dealing with, especially this year with many folks just letting their lawns go completely unattended for that period, for all of May obviously, and then we have June hit us and we have to do some notifications to people about their excessively long lawns.

Aldersperson Sheri Hartzheim (District 13) 24:44

I think the last whereas clause on the first page where it says "whereas best practices for in pollinator conservation require a balanced approach that satisfies environmental needs and the community aesthetic needs," means that we need to go to an eight inch on that "be it further resolved" in the final "be it resolved." I in my opinion scrapping No Mow May at this time is not a step backwards if we replace it with something like the Slow Mow Summer that is being pushed in Kaukauna and the 1000 Islands Environmental Center. I think that that would be a good swap out. It still allows for this balance that's talked about in this last whereas clause on the first page but doesn't go so far as saying "12 inches long all year long doesn't matter to us," which it does if we're really looking at balancing community aesthetic needs and the environmental needs. Thank you.

Aldersperson Denise Fenton (District 6) 25:44

I saw Alder Hayden and then Alder Schultz and we're gonna—

Aldersperson Patrick Hayden (District 7) 25:53

Thank you, chair. I would like to thank Alder Meltzer for putting this together. I think—

Aldersperson Denise Fenton (District 6) 25:57

Alder Schultz.

Aldersperson Patrick Hayden (District 7) 25:58

I apologize. Alder Schultz. You know, I think this is kind of what I was getting at when I talked about iterative development of our ordinances, slowly making incremental changes, and we can see if this works. If it doesn't, then we can move further. I believe that this kind of meets the challenges that my community the communities in my district are talking about the HOAs when they hear about neighbors that have yards full of dandelions, it seems like that would still be enforceable, based on the language in here so this satisfies me greatly. Thank you.

Aldersperson Denise Fenton (District 6) 26:31

All right, and Alder Schultz. Thank you, Alder Hayden.

Alderman Alex Schultz (District 9) 26:39

Thank you, chair. I first want to thank my colleagues, Alder Hayden and Alder Croatt for bringing this forward and kind of forcing the issue that needed to be tackled, because over the years, we've come to understand that the program in and of itself is presenting challenges to the community if the people participating aren't being very active in their participation, more passive [indecipherable] grass to mow. I'm gonna go through some other comments, but I just want to respond to a couple of comments that were just made by another colleague.

Alderman Alex Schultz (District 9) 27:11

Number one, we do allow 12-inch grass to grow in our community all year long for commercial properties. This is essentially a request to bring that in line and allow residential properties to follow the same rules that we apply to commercial properties. I haven't heard any complaints about long grass at commercial properties, because we allow them to grow their grasses up to 12 inches.

Alderman Alex Schultz (District 9) 27:35

We are essentially scrapping No Mow by adopting this substitution, because we're going to get rid of the enforcement mechanism, and we are going to lift the ban on being able to enforce during May. So that is essentially doing what the initial resolution intended. It's scrapping the May period of non-enforcement, so we're back to essentially where we were before 2022 and actually, before we you know, where we were previously, the only exception being an increase in allowable lawn height.

Alderman Alex Schultz (District 9) 28:05

And why did I go to 12 inches? Well, that's a that's a good question. Number one, I think the narrative has to—the community has to be that we're trying to move forward and allow a lot of residents who are now sort of embracing this to give them some leeway as they move into maybe a shift in the in the practices. We did have a very early growing season. We did have some incredibly tall grasses, far taller than 12 inches. Most of the grasses and the lawns that we were witnessing that were out of hand were 24 inches and in some cases three feet high. But we also do have tools as a as a municipality to handle lawns that get out of control, and most of the lawns that we've seen, where people are not actively participating and that might be just somebody doesn't want to take care of their lawn or delinquent landlord—all of those lawns, at least the ones that I witnessed and when I went on did a survey, had really large noxious weeds—burdock, thistles, and other things like buckthorn that were already in violation of the noxious weed ordinance. And we can be addressing those properties anytime in the year, whether it's May or June or July or September. So those mechanisms exist and I don't think we should constrain other people who are trying to adjust to a Slow Mow Summer model by limiting them to eight inches.

Alderman Alex Schultz (District 9) 29:31

If you take the time to go out with a measuring and tape eight inches, it seems like it's a pretty long and tall height, but there's a mental, I guess, awareness or block for people to understand what that actually look looks like. So, I'm open to that number, but I do want to see some incremental increase so that moving forward this doesn't seem like we scrapped the entire program. It says we are still allowing our citizens to think a little bit different about what they're doing with their spaces.

Alderman Alex Schultz (District 9) 30:03

I agree we—with the intent of the original resolution, I mean, some of the language aside, and I'm glad we're, we're gonna try and avoid any conversation about the science. But you know, we've having talks over the last couple of years in the pollinator organization about how do we pivot to something that's more amenable to the community because, you know, we're seeing this sort of passive participation that's leading to not ideal circumstances. Your lawn gets over 12 inches, and it gets up to 18 and 24 inches, and all that is, is long grass.

You're not really benefiting the pollinators anymore. And so, the question is, at what point is it diminishing returns to the thing we're trying to accomplish? I don't know that there's a science that we can lean into and get to that answer. And so, it's a little arbitrary to even suggest increasing the number, but again, that's the rationale.

Alderson Alex Schultz (District 9) 30:59

I think this program has done a lot of good. And as I went around, I noticed more than anything that the speciation on lawns is changing slowly, and I noticed a lot of white clover when I went when I went around this last weekend. Still lots of violets and other species that are sort of giving themselves time to be established because we're, we're giving them a break in the very early part of the season and trying to reduce our chemical load on them for that perfect lawn.

Alderson Alex Schultz (District 9) 31:33

You know, and then there's a conversation about what's beneficial native/non-native/invasive. And honestly, if you take the iNaturalist app out, the Picture This app and go and try and identify and find native species in our urban landscape, you're going to be pretty hard pressed. I did a little walk through Pierce Park this morning, because I wanted to see what I could find that was actually considered native and not invasive to Wisconsin, and the vast majority of our lawn cover in our parks is invasive. It includes dandelions and Kentucky Bluegrass, and a whole host of other species that are kind of are here. And while we want to pivot towards native plants, they're—

Alderson Denise Fenton (District 6) 32:18

Alderson Schultz, I'm gonna kind of direct you to stay on—

Alderson Alex Schultz (District 9) 32:21

I appreciate

Alderson Denise Fenton (District 6) 32:22

—on the amendment.

Alderson Alex Schultz (District 9) 32:22

I'm wondering a little bit.

Alderson Denise Fenton (District 6) 32:24

Thank you.

Alderson Alex Schultz (District 9) 32:24

Sorry about that. I would just encourage us to have a conversation. I, again, I took this on because I recognize that we're having issues and those were most of the issues were brought up with the original resolution. So, this is an attempt to address those, and I think really, what it's down to now is trying to move in a direction that still allows us to say we're participating in a Slow Mow Summer initiative, but we are going to try and constrain some of the things that are getting out of our hand in our community, to control some of the things that aren't necessarily doing any good for our pollinator species.

Alderson Denise Fenton (District 6) 33:03

Thank you. I'm gonna take this time moment to ask a couple of questions because I had been digging in in the municipal code over the last couple of weeks. So, I'm gonna go to Director Homan or Inspector Craanen to clarify

the 12 inch. My understanding was that it was on undeveloped lots as opposed to commercial. What mic do you have inspector Craanen?

[Something said off microphone about which mic he had.]

Supervisor Kurt Craanen (Inspections) 33:39

Yes, 12-52 of the city code gives the weed commissioner, you know, the ability to cut weeds and defines what is a violation. And the 12 inch—12-inch rule versus eight-inch rule right now is undeveloped lots, not commercial lots. So, and a "developed lot shall be defined as one with a finished building, or building under construction." So that would apply to like vacant lots like fields. That would—can go to 12 inches.

Aldersperson Denise Fenton (District 6) 33:49

And I had understood that from my reading too. So, I just wanted to get that out there. And I'm going to ask a couple of other questions that, based on some conversations that I have had with Dr. Homan and her team and Attorney Behrens, and the first and whoever wants to take it. So, a question that came up in conversation was the visibil—the vision corners on at intersections and I had asked Attorney Behrens for whether that was still enforceable regardless of what we did with the regulating the grass height, and you want to go ahead and answer that? What mic are you on?

Attorney Christopher Behrens 34:57

It's already on.

Aldersperson Denise Fenton (District 6) 34:58

Okay.

Attorney Christopher Behrens 34:59

And I think my answer was "Absolutely, it's enforceable." When it's a matter of public safety through the city's police powers, we're going to address any issues where a vision corner is obstructed. That'll likely come through notice to the property owner first, so that they can address it, but if, depending on how emergent the issue is, we may just address it ourselves, but respective of whatever's in place, vision corners have to remain clear.

Aldersperson Denise Fenton (District 6) 35:30

Thank you. And if I can ask one more question, and thanks for indulging me on it. The other question I had was just can we clarify the process about—so on, either during June or with a complaint, or say we went to something like this where we change the length, can you just kind of describe how the process is? Is it always based on a complaint from someone? Is—and what's the lead time between giving the warning and then taking action? Just to clarify that for us.

Supervisor Kurt Craanen (Inspections) 36:11

Okay, your question was how do we handle complaints when they come in?

Aldersperson Denise Fenton (District 6) 36:13

Yes. And just how much grace does somebody get when they've had a complaint?

Supervisor Kurt Craanen (Inspections) 36:20

Okay, this is what we've done last few years, particularly since No Mow May started, and we had to adjust to it. The first—we don't take complaints until June 1. If someone calls on in the middle of May, we would usually not take a complaint, unless it's a vacant property that's clearly no one's living there, and it's in foreclosure or

something like that. We did have a couple of those this year. But yes, it's completely complaint driven. The first week of June, we give warning notices. I—we learned that through the past couple years where like on June 1, we got a complaint, we went out there and gave someone a \$50 fee. Well, that didn't go over too well. We stopped doing that. So, the first week of June, we were just giving a lot of just warnings, which we call a yellow tag versus a pink tag. That's how we look at it. So, we've just been giving a lot of warnings, and actually this year, there's been really pretty good compliance for people that were participating in the program, and we haven't done a lot of pink notices. We did a lot of the warnings and people complied for the most part. So, I think we've only done a couple of work orders where we had to have our contractor go out and cut. Just—I've only seen maybe three or four so far.

Alderson Denise Fenton (District 6) 37:31

So basically, the compliance has been very good, when—

Supervisor Kurt Craanen (Inspections) 37:34

It's yes.

Alderson Denise Fenton (District 6) 37:35

Okay. And then I'm gonna go ask—go back in history. Prior to our first implementation of No Mow May, was the process essentially the same when we had the, when the limit was eight inches all year round? It was complaint driven, and then...?

Supervisor Kurt Craanen (Inspections) 37:50

It's always been complaint driven.

Alderson Denise Fenton (District 6) 37:51

Okay. And then, but there was a certain amount—there was a warning and then—

Supervisor Kurt Craanen (Inspections) 37:56

Yes.

Alderson Denise Fenton (District 6) 37:56

Okay.

Supervisor Kurt Craanen (Inspections) 37:56

Well, previous to No Mow May, we were always—when we ever got a complaint, we went right to the \$50 fee. There was never a grace period.

Alderson Denise Fenton (District 6) 38:04

Okay.

Supervisor Kurt Craanen (Inspections) 38:05

And I can tell you, if you see houses around town that are really high, they may have—I've seen a lot of them where we haven't gotten a complaint. So, if we, if we drive by and we see one that's a problem and we haven't gotten a complaint, we don't address it.

Alderson Denise Fenton (District 6) 38:18

Thank you. I appreciate all the information from all of you. Anybody up here have something? All right. I'm gonna call on Alder Meltzer now.

Alderson Vered Meltzer (District 2) 38:28

Okay, I feel that the 12-inch height is a really helpful way to pivot into a Slow Mow process rather—going from the No Mow process. I think that one of the concerns that that we've been having over the years is the tall grass ending up in the gutters, and if your grass can't get taller than 12 inches, then you avoid the situation where you have these mounds and mounds of grass that's like two, two feet long or longer. So, I think that you know that the difference between eight inches and 12 inches is really the difference of allowing you to go another week or two to figure out your mowing schedule so that you can keep things—I think if you if you have to keep things under eight inches all the time, you don't have as many opportunities as No Mow May has presented to us. Whereas if we don't have the No Mow May ordinance anymore, but we allow grass to get up to 12 inches tall, that does give people year-round the opportunity to do less mowing while still having to keep up with it.

Alderson Denise Fenton (District 6) 39:45

I think I saw Alder Croatt, then I saw Alder Schultz and Alder Hartzheim. So, 14. Gotcha.

Alderson Chris Croatt (District 14) 39:53

Thank you, chair. And I'll be quick. Just two things. One is a process question for the attorney's office. Don't want to get bogged down in this, but it's my understanding that only members of the committee can make amendments. And this was brought forward but some presented by a committee member?

Attorney Christopher Behrens 40:13

Well, it was allowed by the chair. It was a committee member who presented it through a motion and was seconded. Even though it was drafted by another alderperson, it was sponsored by a member of the committee. So, I mean, it's a call of the chair, but I—it didn't strike me as necessarily being out of order in doing it that way.

Alderson Chris Croatt (District 14) 40:32

I wasn't, I wasn't trying to trying to say it was out of order. I was just trying to clarify that, you know, could someone that's not a member of the committee propose a amendment by substitution or an amendment period. And it's my understanding, that typically that's not allowed.

Attorney Christopher Behrens 40:47

Well, a non-committee member can't bring a motion. But a committee member can bring a motion, and Alderson Meltzer brought the motion to amend by substitution, and then read into the record, what was being presented. The fact that it was authored by a different alderperson doesn't usurp his ability to bring a motion for substitution with that.

Alderson Chris Croatt (District 14) 41:12

Okay. One of the reasons why I ask that question is, as the author of the original resolution that was on the agenda for tonight, I had prepared an alternate—or a resolution by substitution, but wasn't clear on whether or not I could present that. So, I just wanted to ask that. Thank you.

Attorney Christopher Behrens 41:34

Do you want me to address that?

Alderson Chris Croatt (District 14) 41:36

If you would like. You're the attorney?

Attorney Christopher Behrens 41:38

Well, right now we have a motion to amend by substitution on the floor. It's at the chair's discretion as part of the discussion if there are other ideas that are out there that this committee might want to entertain. Again, it's at the discretion of the chair, whether the chair allows those as it may go into the decision-making process on how folks act on this one.

Alderman Chris Croatt (District 14) 42:05

Okay, thank you. And I'll hold on that for right now. It was more to see how the discussion went about the whereas clauses and I had a version that removed some of that. The other part of my reason for asking to speak was I think I said in my opening statement that I'm open to, you know, looking at a different version of this, but I'm struggling with what does going from eight inches to 12 inches gain? What is the benefit? Is there a measurable benefit in pollinator activity from eight inches to 12 inches? I'm struggling to understand what the real benefit there is other than just one or two more non-mowing cycles. I don't know if the author of the substitution can comment.

Alderman Denise Fenton (District 6) 43:04

And he was in my mental queue next anyway, so—and I'm going to, I'm going to caution you upfront Alder Schultz to kind of stay with the what we're talking about on the amendment here.

Alderman Alex Schultz (District 9) 43:24

So, to answer the question about the benefit of 12, versus going back to the 8 inches, I think Alder Meltzer attempted to answer that question. And it's really boils down to, if we go back strictly to where we were before, the narrative with what takes place in Appleton and the, I think the assumption by the community writ large, is going to be that we're right back to where we were before No Mow, No Mow was introduced, that we're back to square; we've gotten rid of it entirely; and you go to gotta go back to the way you were doing things before. By slightly modifying the lawn height length, one, we continue to allow the early spring emergence period to be extended a little bit just like No Mow extended it probably far too long, but it does allow for that longer initial period. So, if we go back to eight inches, we've just basically truncated that awakening period, and that's kind of important. I mean, if you think about the time, fireflies emerge from the ground, it's the middle of June, and if we if we try and reverse the trend to where we were before we're sort of defeating what we've been accomplishing for the last four years. So, this—the slight modification in height is an attempt to one both propel the community forward with the idea of doing Slow Mow, two, to say, "Okay, you still gotta mow your lawn if it's getting really tall and past 12 inches."

Alderman Alex Schultz (District 9) 44:52

12 inches is relatively tall for a lawn to go and I as I said previously, I don't know that there's any scientific evidence for against it. We don't know what that breakpoint is. But this is really not about the science of benefits to pollinators at 12 inches versus eight inches. It's about—at least from the line height. It is about the benefit of being undisturbed for that awakening period in the spring. Because we get—June 1 was always a moving target. The idea is to get rid of that and go back to essentially where we were, but give us a little bit more space.

Alderman Alex Schultz (District 9) 45:26

And I think, just to answer that question, one more time, it's really about the community's ability to process what we're asking them to do now, because a lot of the community's engaged. I see a ton of lawns where people are allowing it to grow a little bit longer now, and I'm seeing things change. And so we've got to give them something to embrace to keep the program moving forward, and I fear if we just go back to the eight inches—and again, it just is not terrible. That's a pretty good height. And you know, whether there's science to

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back its benefit or not, I can't say, but there are other reasons why we would chase something like a 12 inch—change to 12 inches. And I do appreciate the clarification. I thought it was not commercial property. So that's good to know.

Alderson Alex Schultz (District 9) 46:11

Oh, sorry. While I have the mic, could I direct one question to inspector Craanen and just—

Alderson Denise Fenton (District 6) 46:16

Yes.

Alderson Alex Schultz (District 9) 46:17

It's just about—so you heard we heard about the process. If we go back to no enforcement—going back to full enforcement throughout the year, do you feel like the notification process that you've adopted now for the last couple years is going to continue? Or do we go back to essentially if it gets long you're going to get a fine? How do you—how do you feel that department adjust if we move to what is being presented here?

Supervisor Kurt Craanen (Inspections) 46:41

The changes made basically with the former director just directing me to do that based on some complaints we've received. I can do either way based on direction I get. I'm okay with giving notices immediately in June 1 or whenever we get a complaint if we decide to go with this motion.

Alderson Alex Schultz (District 9) 47:01

And do you—do you feel like a grace period is still a wise idea? A yellow ticket and then some—how many days do you give right now for that to be remedied?

Supervisor Kurt Craanen (Inspections) 47:12

Oh, it's usually a week.

Alderson Alex Schultz (District 9) 47:13

Okay.

Supervisor Kurt Craanen (Inspections) 47:13

Once we give it—provide a notice, we do stop back in a week. It does depend because if someone lives there, we will give them less time than if it's rental situation where an owner needs to be notified and we need to send in the mail. I think we'll give him more than a week then just because we've had some situations where the mail didn't get there and people got notices and only one day to comply or or—so I think we will go two weeks to a week and a half—

Alderson Alex Schultz (District 9) 47:38

Okay.

Supervisor Kurt Craanen (Inspections) 47:39

—for unoccupied property.

Alderson Alex Schultz (District 9) 47:40

I think that answers my question.

Alderson Denise Fenton (District 6) 47:42

I saw Alder Hartzheim, but Alder Meltzer introduced the substitution, and he requested to say something about that. I think. So, I did not forget that you're—

Alderson Vered Meltzer (District 2) 47:56

Yeah. So, I wanted to respond to the question about what is the benefit of 12 inches. I think that there are quite a number of benefits. So, for example, it was only after my lawn got past eight inches, that I had my violets emerge. So, eight inches, no violets. More than eight inches violets. So, it does it have to be 12? Like I said, like Alex has been saying, we're not married to that number, but it does have to be higher than eight. Maintaining it constantly at eight did not allow that awakening time that allowed those seed banks to activate themselves. So, for biodiversity, being able to let your lawn go past eight inches, does seem to me to be very important.

Alderson Vered Meltzer (District 2) 48:49

Another thing about the benefit of being able to go over eight inches is the noise pollution and the disturbance. So, when the bumblebees are, you know, setting up their new nest for the year and stuff like that, when you bring in your mower, even if you know where their nest is and you avoid it, you're still turning their entire environment upside down and you know, maybe killing some of them in the process and things like that. So being able to let your lawn get taller than eight inches kind of helps to provide this anchor for these other things that you're—you know, you're giving them an opportunity to start to get themselves established, and it takes more than just that that simple getting up to eight inches. It takes longer than that for these biological processes to get themselves set. So, since No Mow May has started, I have had robust recurrence of my bumblebees nesting, and there's definitely a difference as far as what can happen in your yard if you let it go longer than eight inches versus always keeping it below eight inches.

Alderson Denise Fenton (District 6) 50:14

Thank you. Alder Hartzheim and then I think I had Alder Firkus and Alder Doran. On the TV. There you go.

Alderson Sheri Hartzheim (District 13) 50:24

Thank you, Chair. I still question whether we have any kind of idea about this difference between eight inches and 12 inches as sort of these are all being thrown out there fairly arbitrarily. But I encourage us again to look at the Slow Mow Summer information that is provided by Kaukauna and the 1000 Islands Environmental Center. Their specific Slow Mow one pager shows mow only as needed, ideally maintaining a lawn at four inches tall. So, eight inches is double that and obviously can help, but also, if we go more than eight inches, now we're looking at the potential for this disharmony amongst the neighborhoods whereas then we're not going to this whereas clause that says that there's a balanced approach between environmental needs and community aesthetics.

Alderson Sheri Hartzheim (District 13) 51:24

Rather than what Alder Schultz said is, "Let's just increase it to 12. Because that way we're showing people we're not stopping dealing with this. We're not stopping encouraging people to continue to support pollinators," I'd rather see us go back to the eight inches and encourage or institute Slow Mow Summer for the city. That is a far better way to meet in the middle than to just arbitrarily say, "Well, if we say go back to eight inches, that means we're giving up." That's not what we're doing or that's not what we would intend to do. If we can go back to the eight inches and then institute this Slow Mow Summer and educate folks on it, I think that's a better way to, again, be true to this one whereas clause that I find very important—the balance between the environmental needs and the community aesthetic needs. Thank you.

Alderson Brad Firkus (District 3) 52:23

Thank you, Chair. How do you maintain a 12-inch lawn without killing it? I mean, I don't think there's a whole lot of lawn mowers that are residentially available that have a cutting deck height that's that high and for pretty good reason; I think we can figure that out. I just I don't see how you realistically maintain this limit without people either killing their lawns or modifying their lawn more so they can cut that high.

Alderson Denise Fenton (District 6) 52:53

Alder Doran.

Alderson Chad Doran (District 15) 52:55

Thank you. In my mind, I think this this amendment, like the original sort of No Mow May program continues to kind of miss the boat here on what this is really all about which is education and sort of helping the community and others understand the importance of pollinators, and we've seen plenty of evidence that this isn't necessarily making the impact that we thought it was. It's what's led us to this point. There are plenty of experts who have been saying for a long time that the real best thing that we can do for pollinators is to plant pollinator friendly plants and gardens and things like that. So, the issue here is, is what we want to accomplish is education, and this isn't that.

Alderson Chad Doran (District 15) 53:46

And I would agree with my other colleagues that have said that 12 inches is just sort of an arbitrary number. I realized we were the first community to adopt this, and maybe we have a somewhat of a hard time letting go of that and saying, "You know what? This maybe isn't the best thing. Let's pivot to something else." But we can we can separate these two things and deal with the resolution, which is requesting that we get rid of the No Mow May program and still come back with something else that focuses on the education piece that I think we all agree has some real benefit to the community.

Alderson Chad Doran (District 15) 54:22

There—I mean, the comment was made that that we, you know, unless our grass is longer than eight inches we don't have violets. Well, we can plant violets I believe. I don't think they just grow in grass. So, there's lots of ways we can we can have the beneficial things that we need for pollinators without having to let grass grow longer than eight inches. I think if staff's willing to offer the opportunity for notices to people when their grass gets longer than eight inches, so giving them another couple of days, I think it's a fair compromise to move this to move this back to where we were. But I don't think that that amending this resolution to allow a lawn height of 12 inches throughout the entire summer really accomplishes anything that that improves the situation.

Alderson Chad Doran (District 15) 55:12

As Alder Hartzheim had mentioned, the 1000 Islands Visitor Center Program talks about maintaining your lawn at four inches in height. Another reference site that's referenced often is the UW Minnesota Extension which says that you should maintain your lawn at a height of three inches and cut it when it gets to four and a half. So, there's nothing that that says that that the that allowing this grass height to continue to be longer is any more beneficial when the real thing that we should be doing is encouraging people to plant these pollen—pollinator friendly plants. So, I think I won't be voting to—I'll be voting against this amendment and would be ready to move on with the original resolution as was presented.

Alderson Denise Fenton (District 6) 56:03

I'm gonna call on myself for a second. So, I had spoken or had had email correspondence, like I said before, with both Director Homan and her team and Attorney Behrens looking for some kind of—because I will be honest, when I saw the original resolution, I thought, "Oh, here we go again," because—and Attorney Behrens as, as I

thanked him for his wise counsel and advice today said, "We focus on their on the therefore be it resolved when we issue resolutions." And I thanked him for his counsel and said however, I believe that in the original resolution that was submitted some of the language was divisive and of questionable accuracy, in terms of, you know, studies—well which studies?

Aldersperson Denise Fenton (District 6) 57:16

And I don't want to go back to where we were last year when it became personal. And we talk about disharmony among neighbors. When we went through all of this arguing the science where really only one of our number was an actual scientist, we—it got personal and there was a lot of disharmony in this body. So, I had drafted a version of the resolution myself which basically just deleted a lot of the whereas causes. I had submitted it to staff; they knew what my thinking was. But Alder Schultz and Alder Meltzer reached out to me today with this language, and I read the first part of this, and I said, "This is great." We're addressing the problems that we that we've seen with No Mow May with the early spring, the—you know, address the fact that different—even different scientific communities have different thoughts about what we should be doing, and came up with a compromise that we—you know, as No Mow May continues (and you know, Appleton was the first city in the country), through the practice, we've realized that some refinements need to be made.

Aldersperson Denise Fenton (District 6) 58:51

So, I agree also with my colleague Alder Firkus, that I don't know how to maintain a yard at 12 inches and that that's an arbitrary number. Eight inches is a pretty arbitrary number too, and it's pretty high. It's about—I'm not very tall, but it's pretty—it's shin high on me. But still. So, I, you know, eight inches—I'm sure there was some way we got to the eight-inch number, but it also seems fairly arbitrary.

Aldersperson Denise Fenton (District 6) 59:27

But I would like to offer an amendment to the amendment where—I'm going to try to make this easy, Attorney Behrens—that the last—just to just to get factual, the last "therefore be it resolved," where it says "increasing the acceptable lawn high to 12 inches," I want to change "commercial" to a "undeveloped" and "rear yards of a developed lot" and "eight inches" to "front yards of a developed lot". And I don't know who take—I will give—I've heard this in a couple of places and this is the mullet lawn. So, I explained it to my husband "HOA in the front, and pollinator party in the back." But, so, did you get what I had offered there?

Attorney Christopher Behrens 1:00:41

So, an amendment to the amendment changing "commercial" to "undeveloped", rear yards of developed lots so that would be the 12 inch?

Aldersperson Denise Fenton (District 6) 1:00:54

Yeah, so "the acceptable height to 12 inches for undeveloped lots and the rear yards of developed lots" and "eight inches for the front yards of developed lots."

Attorney Christopher Behrens 1:01:11

AKA the mullet lawn.

Aldersperson Denise Fenton (District 6) 1:01:14

You don't have to put that in there. I was that was an explanation.

Attorney Christopher Behrens 1:01:17

Well, if it's helpful for this—

Alderson Denise Fenton (District 6) 1:01:18

No, I don't think that needs to be—

Attorney Christopher Behrens 1:01:20

Understood. Is that a motion?

Alderson Denise Fenton (District 6) 1:01:25

Yes. I'm making that motion to amend the amendment.

Alderson Vered Meltzer (District 2) 1:01:29

I'll second.

Alderson Denise Fenton (District 6) 1:01:33

All right. Um, Alder Doran, did you want to speak on the amendment to the amendment?

Alderson Chad Doran (District 15) 1:01:39

Yes. Just I guess I would ask staff because when we're kind of diving this far into things the words matter, so I guess I would just ask staff about what they would interpret that def—the definitions to be—changing "commercial" to "undeveloped lots" and maybe more so the part about developed lots—saying develop lots in the rear could exceed eight inches. Would I guess to the former, does that change anything? And then to the latter, does that mean say businesses or any developed a lot then could exceed the eight-inch number?

Alderson Denise Fenton (District 6) 1:02:27

One? Director one or...?

Director Kara Homan (Community And Economic Development) 1:02:34

Attorney Behrens, could I see that in writing? I'm having a hard time following the verbal amendment. Kurt, did you understand what the verbal amendment was?

Supervisor Kurt Craanen (Inspections) 1:02:47

12 inches in the back; eight in the front. At all—like there's no and the time period differentiation.

Director Kara Homan (Community And Economic Development) 1:02:54

Only for residential?

Alderson Denise Fenton (District 6) 1:02:55

Yeah. And the correction was because it originally was written as commercial, and I think we established that the code now says undeveloped lots as opposed to commercial.

Supervisor Kurt Craanen (Inspections) 1:03:06

I don't think that changes anything. I think it's just going to keep following what the—

Alderson Denise Fenton (District 6) 1:03:09

Okay.

Supervisor Kurt Craanen (Inspections) 1:03:09

—ordinance language states right now.

Alderson Denise Fenton (District 6) 1:03:11

So, what I'm saying is rather than there being No Mow May per se, that all year we keep to our 12 inches undeveloped, eight inches for residential—or for developed—front lawns and 12 in the back developed—or residential.

Supervisor Kurt Craanen (Inspections) 1:03:37

Okay.

Director Kara Homan (Community And Economic Development) 1:03:40

There's still side yards.

Supervisor Kurt Craanen (Inspections) 1:03:42

Well, let's talk about just words and definitions. Okay? So, does the side yard include the rear yard? Or is the side yard part of the front yard? I guess that's one thing needs to be clarified, and then with front yard you always have to differentiate front yard setback or front yard. Front yard is from the building to the front property line. Setback is the whatever zoning district it is. I assume you just mean front yard. So, if you have a house that's really far back, the whole that's all front yard, not just first 20 feet or.

Alderson Denise Fenton (District 6) 1:04:11

And I'll use my house as an example. I'm on the corner. I have two front yards.

Supervisor Kurt Craanen (Inspections) 1:04:15

Yep.

Alderson Denise Fenton (District 6) 1:04:18

So, my understanding was that mine would need to be kept at eight inches on—all around my house because I have two front yards.

Supervisor Kurt Craanen (Inspections) 1:04:27

I will say just thinking the way I think with logistics of following up on these, one thing you have to remember, the side and rear yard is off limits to us. We can't just go walk in people's backyard and say "Oh, this is 12 inches." We would be violating their rights. So, it's easy just to have one standard and you just go in the front yard which be—the curtilage is you know, rights between going to up to their front door, knock on the door; that's all okay for us to be there, to document. Let's say someone challenges a notice we give to them in a rear yard, well we would ever have any way of going in that rear yard to even determine if it's a violation. Just something to think about.

Alderson Denise Fenton (District 6) 1:05:10

I did notice on some of the complaints that we were provided that they would say "You have permission to go into my yard and look at my neighbor's yard."

Supervisor Kurt Craanen (Inspections) 1:05:18

All right, Alder Hartzheim.

Supervisor Kurt Craanen (Inspections) 1:05:18

We have to play that game where we knock on the neighbor's yard to see it, but then to stick a ruler over there to document it like this committee I think will want if someone challenges this—"Oh, it wasn't 12 inches; it was

11 inches." Well, how do we know? In the front yard you can make that determination; backyard you—probably won't be able to unless they give us permission

Alderson Sheri Hartzheim (District 13) 1:05:19

Thank you, chair. As an alderman of a portion of the city that includes a lot of undeveloped—and I guess I don't—I would—I would really be looking for what is the definition of "undeveloped." Is this a non-finished, there's no house on this lot, that sort of thing? That would be a big concern for me because that becomes—so in a new development for, so to speak, or in a new subdivision, if there's a lot in the middle that has 15-inch grass, it's potentially harboring pests and whatever else, and there are nice new neighbors on either side going "Every rodent in the neighborhood is coming to our yard because they're living in this tall undeveloped lot." So, I'd be looking for much more clear verbiage in that regard before I could say that I would look to accept this. Thank you.

Alderson Denise Fenton (District 6) 1:06:34

I'm gonna go to—because I'm reading the—I'm reading from this—when it says "undeveloped lots 12 inches," I mean, that's directly reading from the current city code.

Attorney Christopher Behrens 1:06:46

I'll defer to the inspector who has been enforcing under that language.

Alderson Denise Fenton (District 6) 1:06:50

Because if I look at section in Section 12-50(a)(c) sub one and two. Now sub two says "on or after June one on undeveloped lots when weeds, grass, brush or other rank or offensive vegetation has grown to a height greater than 12 inches." So, we are saying—you know the original resolution is removing the June one and making this all year round, which is as it is now, correct?

Supervisor Kurt Craanen (Inspections) 1:07:25

Correct. The language for what is a develop lot and not a developed lot has never changed, I don't believe. So, we would stick with the definition as in sub D, "Develop lot shall be defined as one with a finished building or building under construction."

Alderson Denise Fenton (District 6) 1:07:47

Okay. Did that answer your question, Alder Hartzheim?

Alderson Sheri Hartzheim (District 13) 1:07:50

It does, but that also just adds concern to me because now we're looking at that excess height during in that non no building present issue, and I think that that will become an issue in district 13 and with my constituents. Thank you.

Alderson Denise Fenton (District 6) 1:08:04

But I think that's the way it is already.

Supervisor Kurt Craanen (Inspections) 1:08:05

It's always been that way.

Alderson Denise Fenton (District 6) 1:08:09

It's—okay, sorry.

Alderson Sheri Hartzheim (District 13) 1:08:09

Then I misunderstand. I—that clarifies.

Alderson Vered Meltzer (District 2) 1:08:14

I thought Director Craanen had something else to say.

Alderson Denise Fenton (District 6) 1:08:15

Okay, I'm sorry. Okay, whose hand was up next? Was it you Alder Meltzer?

Alderson Vered Meltzer (District 2) 1:08:24

I'll yield. I think Alex Schultz was waiting in the queue. I don't I don't know who else was in the queue ahead of who?

Alderson Denise Fenton (District 6) 1:08:34

I don't either, because I don't have that at committee.

Alderson Alex Schultz (District 9) 1:08:37

I would just say I guess I'm supportive. You know, it sounds like it could be challenging as from an enforcement standpoint. As I stated, I was open to adjusting the 12 to some other number that would make us happy. This feels like a compromise. It doesn't get us back exactly where we were, but again, I would just remind us that where we were—prior to No Mow May, we were at eight inches, and going back to that gives the public perception that we're we've never had No Mow May before and we're kind of going back to our—go back to your old way of doing things. So, something I think—and this is an example of maybe a way to move that forward—to provide some change to the policy that allows us to take care of super long yards, and allows residents to let their yards go a little bit longer.

Alderson Alex Schultz (District 9) 1:09:28

I agree with everyone that says there's no lawn more out there that's meant to maintain a 12-inch-tall lawn. What we're losing by getting rid of the enforcement period of May is that crucial period in the spring where we really want that lawn detritus to stay in place. We want the undisturbed nature of that lawn that's coming alive to just remain undisturbed past 4—3, 4 inches, sometimes eight, nine inches, sometimes beyond that depending on the early spring, and there's a benefit to that alone.

Alderson Alex Schultz (District 9) 1:10:04

Now, does that benefit extend a year out? Is it super beneficial to have lawns that are growing up to 12 inches throughout the summer? That's an unanswered question, and certainly, if you're trying to maintain a single monoculture Kentucky bluegrass lawn, you're not going to want to let it go that high. You're probably gonna want to go after three or four inches because that's what you're trying to maintain. The way to do that is to keep it clipped short.

Alderson Alex Schultz (District 9) 1:10:27

There are benefits to letting grass grow long they grow—taller grass is going to grow a much deeper root system which helps take on water and helps percolation and helps take up nutrients. It's a more stable environment. So yeah, it might get a lot longer than you anticipate. But it's probably going to be a little bit more resilient through the summers that are also getting drier, and we're seeing droughts in some places. We haven't seen the last few weeks, obviously. But allowing for longer lawns throughout the season can probably help the resiliency of our turf grasses.

Alderson Alex Schultz (District 9) 1:11:02

And again, this is not just speaking to the Kentucky Bluegrass or the single monoculture lawns, because if you're going to manage your lawn for that you probably shouldn't be participating in No Mow to begin with. We're talking about lawns that are being left to sort of recover their natural landscapes and bring in things that typically you're not managing for. I mean, everything that a homeowner wants to bring into their No Mow Lawn is a weed species for most people who are trying to manage a turf grass lawn. So, it's important to make the distinction I think in respect—when we're talking about the benefits of height, because I think a lot of us automatically go to grass lawns. And obviously, it's not necessarily beneficial. And if you're going to maintain a lawn for that height, or for that appearance, you you're gonna want to cut it with much greater frequency.

Alderson Alex Schultz (District 9) 1:11:52

So, there's a there's a wider conversation. Everybody's lawn is different; everybody's goals for the lawn are different. Everybody's motivations for what they might try to do with their green space is different. And we just simply want to allow that to happen. So, if you're want to manage your grass for to look like a golf course, by all means do that. But we don't want that conflict with the neighbor who is allowed to go to 24 inches because he's lackadaisical and says, "Well, I'm going to make it's June 1 even though the grass is 24 inches tall."

Alderson Alex Schultz (District 9) 1:12:24

So again, I'm trying to chase the compromise. I'm trying to get to a place where we can be—move the conversation forward, and Slow Mow Summer is exactly what we're talking about. You're suggesting that—I'm sorry, the suggestion is made that that's what we want to do is go towards a slow—that is Slow Mow Summer. It's allowing things to go a little bit longer, reducing your mowing frequency, and you can do that by not having to get out there every week because your grass is getting close to that eight-inch mark.

Alderson Denise Fenton (District 6) 1:12:52

We are past our time obviously. Is there anybody who has something that they absolutely feel that they must say about the amendment to the amendment? Alder Doran.

Alderson Chad Doran (District 15) 1:13:08

On the amendment, the amendment, I think staff has made it pretty clear that's a this is a very tall task for them to effectively manage and puts a lot of extra burden on them. So, I—this is not something that I think is an avenue we should be pursuing, and I would not support the amendment.

Alderson Denise Fenton (District 6) 1:13:25

Alder Firkus.

Alderson Brad Firkus (District 3) 1:13:26

Just real quick. I in concept I like the idea but Inspector Craanen's remarks about the enforceability give me second thoughts about supporting this.

Alderson Denise Fenton (District 6) 1:13:37

All right. Anything else? Alder Meltzer.

Alderson Vered Meltzer (District 2) 1:13:43

I'll yield to Alder Croatt.

Alderson Chris Croatt (District 14) 1:13:47

Thank you. Just a clarification. Did we get the question answered about side yard in the amendment to the amendment? So, I believe you said front yard, back yard, correct? So where would that leave side yard? If the amendment would pass?

Supervisor Kurt Craanen (Inspections) 1:14:05

I'd just like some clarification. If the side yard is considered backyard, that's what your intent is.

Alderson Denise Fenton (District 6) 1:14:13

I would be fine with that, but as long as we're going to have the—Director Homan, you look like you want to say something. What mic?

Director Kara Homan (Community And Economic Development) 1:14:22

So, is this amendment all summer or just to May? Yeah, I do agree with Kurt. If it was all year, it would be difficult to manage enforcing two heights.

Alderson Denise Fenton (District 6) 1:14:37

So, can I ask from staff's point of view if we if we did this for May, would it be more manageable or with the variation in the yard?

Director Kara Homan (Community And Economic Development) 1:14:48

For the backyard we'd still have a height test versus just allowing it to go. I think it would if we can't get to the back we couldn't enforce height versus just is having no height for May then if it just is what it is and then reverts back to uniform height.

Alderson Denise Fenton (District 6) 1:15:08

So, the staff—so if I'm understanding correctly, from a staff point of view it would be easier to keep the month of May, and then just have no height requirement in the back if we had some height requirement in the front for the month of May.

Supervisor Kurt Craanen (Inspections) 1:15:27

Because there could be situations for neighbors like, "Hey, it's three feet tall back there."

Alderson Denise Fenton (District 6) 1:15:30

Okay, you would say "It's May."

Supervisor Kurt Craanen (Inspections) 1:15:32

And then "Well, yea," and then we wouldn't do anything which—

Alderson Denise Fenton (District 6) 1:15:35

Okay.

Director Kara Homan (Community And Economic Development) 1:15:35

And then come June, we could go back to enforcing eight inches uniformly and just measure where we can—

Alderson Denise Fenton (District 6) 1:15:41

Okay.

Director Kara Homan (Community And Economic Development) 1:15:41

—get there.

Aldersperson Denise Fenton (District 6) 1:15:42

Thank you. All right. Alder Hartzheim.

Aldersperson Sheri Hartzheim (District 13) 1:15:48

Thank you, chair. Just because of all of this confusion, I really feel as though if we could just go back to the way that the code was written before No Mow May and add a therefore be it resolved clause to the end of even this substituted, which has not been resolved, this substituted amendment, something to the effect of "Slow Mow Summer will take effect in in Appleton." That does what we want it to do. It balances this having to work with enforcement and having to kind of keep everyone happy versus also supporting pollinators. It does all of those things without all this excess stuff in the middle. Thank you.

Aldersperson Denise Fenton (District 6) 1:16:36

I personally feel that Slow Mow May has nothing to do with the city ordinance. It's an education plan. So, putting something in a resolution about Slow Mow May really doesn't do anything, but that's just my opinion. I'm trying to get—I will be very, very honest, what I'm trying to do is I hate the original resolution, because for the reasons that I stated. And I don't disagree that we've had some issues with people taking advantage. I think that the orig—the substituted resolution goes a lot further to explaining what the situation is in the whereas clauses, and I am just trying to get to some kind of a compromise that keeps us with some kind of a program and not just going back to the way we were in 2019. But I'm finding it difficult here. Alder Van Zeeland. What mic are you on?

Aldersperson Katie Van Zeeland (District 5) 1:17:54

I apologize. I wasn't here for the beginning of this conversation so I don't know if something like this has been brought up before, but I had reached out to the Xerces Society, which is the no mow may pollinator group that supports invertebrates, and the person who the scientists who works there have provided me with a lot of information. And in reading through the things that he states on how to move forward from no mow may, I'd wondered if perhaps—there was a real clear delineation in the beginning of the people who are really doing this for the right reasons, and we don't see that now. So, what about entertaining, something like "a four-by-four-foot area in your backyard does not have to fit within the ordinance." That's going to take a lot off of the plate, I think, of inspectors. I think that you're going to have people who are very careful about managing that space, and as opposed to people just letting their entire yards go. So, I just want to throw that out there. Thank you.

Aldersperson Denise Fenton (District 6) 1:19:02

Thank you. I see Director Homan.

Director Kara Homan (Community And Economic Development) 1:19:04

Our original code already allows for that. Section 12-59 landscape maintenance, there's a section on natural areas. We allow 200 square feet.

Aldersperson Katie Van Zeeland (District 5) 1:19:14

Okay, well, then in that case, I think I don't really see the need to, to go back and forth about side yards, front yards. If we have something like that, that we can promote that will allow folks to do what it is they want to do in a way that we can justify to the neighborhood around us. I think that's a win/win. Thank you.

Aldersperson Denise Fenton (District 6) 1:19:38

All right. We need to vote on the amendment to the amendment if we know what it is, because I think that I see how the vote is going to go. So, let's go ahead and get that out of the way. All in favor to the amendment to the amendment.

Alderspersons Meltzer and Fenton 1:19:54

Aye.

Aldersperson Denise Fenton (District 6) 1:19:57

All opposed?

Alderspersons Siebers, Firkus, and Doran 1:19:58

Nay.

Aldersperson Denise Fenton (District 6) 1:19:59

Okay. So that fails two to three. So, we are back to the original substituted amendment. Any further comments before we vote on that? All right.

Aldersperson William Siebers (District 1) 1:20:19

Aldersperson Schultz.

Aldersperson Denise Fenton (District 6) 1:20:21

Alder Schultz.

Aldersperson Alex Schultz (District 9) 1:20:25

Thank you, Chair. I would just suggest that the committee think about that height and offer up maybe 10 inches as a reasonable compromise for other committee members and other members in the chamber that feel that the 12 inches is excessive. If that helps move this forward, then I think it's something to offer. If not, let's go forward with what we have. Thank you.

Aldersperson Denise Fenton (District 6) 1:20:48

All right. Alder Meltzer.

Aldersperson Vered Meltzer (District 2) 1:20:51

Thank you. And I'm going to go ahead and offer—and since we cleared away the amendment to the amendment, I move another amendment to the amendment to change the 12—the instance of number 12 to change that to the number 10.

Aldersperson Denise Fenton (District 6) 1:21:12

I'll second that. All right. I see Alder Hayden. I saw that too.

Aldersperson Patrick Hayden (District 7) 1:21:24

I just want to make a comment. There was a concern that there's no lawn mower that can cut 12 inches. There's no one that can cut 10 or eight. The highest I saw there was four. So, I think 10 is a nice compromise in the spirit of finding middle ground.

Aldersperson Denise Fenton (District 6) 1:21:41

Alright. Alder Doran.

Alderson Chad Doran (District 15) 1:21:43

I was gonna echo the same. I don't think we need to discuss this. It's—we just need to move on to the original amendment at this point. Or the original resolution, I'm sorry.

Alderson Denise Fenton (District 6) 1:21:55

Alder Hartzheim.

Alderson Sheri Hartzheim (District 13) 1:21:59

Thank you, Chair. I would encourage this committee to defeat this amendment to the amendment. But the substituted amendment is not bad as far as all the whereas clauses, etc. Where we get caught up is that final, therefore be it resolved. And if that can be an action piece that talks about instituting Slow Mow Summer—I understand what you talked about before, Alderson Fenton, that that there's no action there, but it can include action. And that I think goes back to what Alderson Doran said earlier. We're talking about trying to educate people. We're not trying to get into the weeds, so to speak, in all of this other municipal code piece. If we can go back to our original 8 but encourage slow mow processes and give all the information that is also provided by other neighboring communities, we can solve this problem without having to go through all of these loops and hoops. Thank you.

Alderson Denise Fenton (District 6) 1:23:02

All right. Anyone else? All right, let's go ahead and vote on the amendment to the amendment. All in favor?

Aldersons Siebers and Meltzer 1:23:09

Aye.

Alderson Denise Fenton (District 6) 1:23:09

Aye.

Alderson Denise Fenton (District 6) 1:23:12

All opposed?

Aldersons Firkus and Doran (District 15) 1:23:13

Nay.

Alderson Denise Fenton (District 6) 1:23:14

Okay, so that passes three to two. So, the substituted amendment has been amended to say the original be it resolved that the Council direct staff to amend section 12-58 of the city's long grass ordinance by increasing the acceptable lawn height two to 10 inches for both residential and commercial lawns for the entire growing season, including the month of May. All right. Can we take a vote on the amendment—on the substituted amendment as amended? Alder Firkus.

Alderson Brad Firkus (District 3) 1:23:55

Thank you, chair. I think what the first amended amendment if it would have been something where it was just May and instead of having kind of an ambiguous backyard / front yard, it would have been something like 15 feet from the curb or some footage amount, maybe that would have been a more workable idea than what we first voted on. But I'm not willing to make that amendment at this time since based on where we are.

Alderson Brad Firkus (District 3) 1:24:20

We're spending a lot of time talking about grass, and I think at the end of the day, most people just get really mad that there's a lot of dandelions in their neighbor's yard. And we can make the height of the lawns be six inches, six feet, whatever, if there still dandelions and they're not illegal there's—you're still gonna have people complain about this. So, I feel like we could go any which way with us and we're probably still going to see the same problem. Thank you.

Alderson Denise Fenton (District 6) 1:24:50

All right. Alder Doran.

Alderson Chad Doran (District 15) 1:24:52

Thank you. I—we are trying to make this really complicated for both staff and our community to follow and understand what we are doing here. I think this change just makes things worse. I don't know how we're gonna expect people to be able to maintain a lawn even at a 10-inch pipe when we can expect them to maintain a six-inch height, when lawn mowers don't even cut that high. This is just getting absurd. And I am not going to support this.

Alderson Denise Fenton (District 6) 1:25:21

Alder Schultz. Let's make it brief.

Alderson Alex Schultz (District 9) 1:25:23

I'm trying. I want to try and make this brief. The people that maintain their lawns at three and four inches let their lawns grow taller than three or four inches and when they mow it, they mow it to three and four inches. They might let their lawn grow to six to eight inches between mowing. So, this notion that we have to have a lawn mower maintain lawns at eight inches or 10 inches is a false framing. We are allowing people to let their lawns go. Those same people will probably mow their lawns at their deck height, which is going to be four to five inches depending on what they want to do. So please get rid of—please think about this in the appropriate way. We're giving some additional time to let the lawns grow a little bit longer.

Alderson Alex Schultz (District 9) 1:26:04

I've mowed my lawn. In spaces it's really thick grass, 24 inches tall. My lawn mower's an old lawn mower. It's not great, and it handles it just fine. This notion that if we allowed to go to 10 or 12 inches and you're going to break lawn more is also a false statement.

Alderson Alex Schultz (District 9) 1:26:19

We're asking for some space, a couple extra inches is not going to change anything. We've already allowed for eight inches since I don't know when, and that's a long grass height. Those people mow their lawns to three to four inches; they just let it grow to eight, and at that point, they know they've got to cut it because the city might enforce something or a neighbor might complain. So, let's please think about this in the appropriate way.

Alderson Alex Schultz (District 9) 1:26:44

We want to give people the ability to let things go a little bit longer, which allows the natural environment a little bit more time to adjust and do the things we want it to do in the spring which is what has led to the benefits of no mow and more bee abundance and all the other things we outlined in the resolution. There is benefit. So, thank you.

Alderson Denise Fenton (District 6) 1:27:05

Thank you.

Alderson Vered Meltzer (District 2) 1:27:07

Thank you. Yeah, I just want to reiterate, because I think this is really, really important. The maximum height that your lawn is allowed to attain in our city ordinance is not the recommended height for anyone to maintain their yard at. And when I am maintaining my yard, and it gets to eight inches or 12 inches and I have to knock it down, I don't go out there with a scissors to get it from you know, 15 back down to eight. No, I knock it right down to three. So being—I think that, you know, I that's a really important thing we need to clarify coming out of this conversation. There has never once ever been a proposal that anyone should start maintaining their yard at 10 inches or 12 inches. That's just the tipping point at which you need to immediately mow to avoid a fee.

Alderson Denise Fenton (District 6) 1:27:55

Thank you. I think we're done. Let's go ahead and vote.

Alderson Chad Doran (District 15) 1:27:59

Chair, I do.

Alderson Denise Fenton (District 6) 1:28:00

What?

Alderson Chad Doran (District 15) 1:28:02

I think we—we're continuing to miss the point here of the education piece of this.

Alderson Denise Fenton (District 6) 1:28:07

Alderson Doran, I'm gonna stop you now. I think you've made your point. Everybody has had a chance—

Alderson Chad Doran (District 15) 1:28:09

I have a different point to make, chair.

Alderson Denise Fenton (District 6) 1:28:10

—to make multiple points. Were at 558. Finance committee should have started 30 minutes ago.

Alderson Chad Doran (District 15) 1:28:17

Well you allowed the discussion to continue.

Alderson Denise Fenton (District 6) 1:28:22

Briefly.

Alderson Chad Doran (District 15) 1:28:25

I'll hold at this point. I'll save it for Council then. That's fine.

Alderson Denise Fenton (District 6) 1:28:30

Thank you. All right. Can we take a vote now? On the substituted amendment as amended. All in favor?

Aldersons Siebers, Meltzer, and Fenton 1:28:39

Aye. Aye.

Alderson Denise Fenton (District 6) 1:28:40

All opposed?

Alderspersons Firkus and Doran 1:28:41
Nay.

Aldersperson Denise Fenton (District 6) 1:28:42
All right. That passes three two.

Aldersperson William Siebers (District 1) 1:28:50
Now the original. Now we gotta do it on the amended resolution.

Aldersperson Denise Fenton (District 6) 1:29:02
Yes. No, we just did.

Attorney Christopher Behrens 1:29:05
You voted on the amendment.

Aldersperson Denise Fenton (District 6) 1:29:07
On the amendment. Okay. Okay. So now we need to vote on the amended resolution.

Attorney Christopher Behrens 1:29:11
Right. So, the original was moved by Doran and Siebers, but I'm assuming we're going to be starting fresh now and moving the—

Aldersperson Denise Fenton (District 6) 1:29:20
The substituted...

Attorney Christopher Behrens 1:29:22
—substitute amendment.

Aldersperson Denise Fenton (District 6) 1:29:23
Yes.

Attorney Christopher Behrens 1:29:25
We're gonna—I don't want to get bogged down anymore in Robert's Rules here and timing. We can either take a vote now or somebody wants to move for approval of the substitution.

Aldersperson Vered Meltzer (District 2) 1:29:40
I'll move for approval of the substitution. That sounds easy for you to keep up with.

Aldersperson Denise Fenton (District 6) 1:29:45
Second.

Attorney Christopher Behrens 1:29:47
Let me just clear this. Okay, so the motion and second recommend approval on the substitute amendment, as amended.

Aldersperson Denise Fenton (District 6) 1:30:07
Can we go ahead and take a vote? All in favor?

Alderspersons Siebers, Meltzer, and Fenton 1:30:09
Aye.

Alderperson Denise Fenton (District 6) 1:30:11
All opposed?

Alderspersons Firkus and Doran 1:30:12
Nay.

Alderperson Denise Fenton (District 6) 1:30:13
All right, so that passes three two with Alders Doran and Firkus voting nay. Did I get that correct?