



City of Appleton

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

Meeting Agenda Municipal Services Committee

Tuesday, August 11, 2015

6:30 PM

Council Chambers, 6th Floor

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting

[15-1294](#) Minutes from July 12, 2015.

Attachments: [Minutes from July 21, 2015.pdf](#)

4. Public Hearings/Apearances

5. Action Items

[15-1153](#) R/B as Amended-Alderpersn Croatt-Bateman Street (Pacific St to Hancock St):
Bateman Street, from Pacific Street to Atlantic Street, be reconstructed with asphalt pavement and concrete curb and gutter to a width of 28' from back of curb to back of curb, which is 1' narrower than the existing street. Bateman Street, from Pacific Street to Atlantic Street, would be narrowed by 1' along the east side to save 3 existing street trees. Current on-street parking would be removed from the east side of the street.

Bateman Street, from Atlantic Street to Hancock Street, be reconstructed with concrete pavement and curb and gutter to a width of 29' from back of curb to back of curb, which is the same width as the existing street. On-street parking would be removed from this block of Bateman to improve maneuverability for fire trucks entering and exiting from Fire Station #1.

Legislative History

7/7/15	Municipal Services Committee	recommended for approval
7/15/15	Common Council	referred to the Municipal Services Committee

- 7/21/15 Municipal Services recommended for approval
Committee
Item 15-1153 be re-affirmed for approval.
- 8/5/15 Common Council referred to the Municipal Services
Committee
Amendment 1 (Meltzer): Bateman Street (Pacific St to Hancock St): Amend final sentence to read, "Current on-street parking shall be removed from the east side of the street.
- Alderson Meltzer moved, seconded by Alderson Siebers, that the Report Action Item be amended. Roll Call. Motion carried by the following vote: 8-4*
- This item, as amended, was then referred back to the Municipal Services Committee by Alderson Croatt.*

[15-1295](#) Request from Peter Bartman for an exception to the Street Terrace Policy to construct a planter box within the Rankin Street terrace area at 218 N. Rankin Street.

Attachments: [Peter Bartman-Rankin St.pdf](#)

[15-1296](#) Approve parking changes on the south side of Capitol Drive at Northbreeze Drive.

Attachments: [Parking changes on Capitol Dr at Northbreeze Dr.pdf](#)

[15-1297](#) Approve parking changes on the south side of McArthur Street at Morrison Street.

Attachments: [Parking changes on McArthur St at Morrison St.pdf](#)

[15-1298](#) Approve installation of bike lanes on Prospect Avenue from Oneida Street to Sixth Street.

Attachments: [Bike lanes on Prospect Ave from Oneida St to Sixth St.pdf](#)

[15-1299](#) Approve proposed ordinance that establishes standards for composting in the City of Appleton.

Attachments: [Proposed Ordinance-Composting.pdf](#)

6. Information Items

[15-1300](#) Inspection Division Permit Summary Comparison Report for July, 2015.

Attachments: [Inspection Division Permit Summary Comparison Report for July, 2015.pdf](#)

[15-1301](#)

Act 55 impact on code enforcement at point of sale.

Attachments: [Act 55-.pdf](#)

7. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible. Please contact Paula Vandehey at 832-6492 if you have any questions.



Meeting Minutes - Final
Municipal Services Committee

Tuesday, July 21, 2015

6:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

2. Roll call of membership

Present: 4 - Alderperson Dannecker, Alderperson Dalton, Alderperson Croatt and
Alderperson Mann

Excused: 1 - Alderperson Coenen

3. Approval of minutes from previous meeting

[15-1190](#)

Minutes from July 7, 2015

Attachments: [Minutes from July 7, 2015.pdf](#)

Alderperson Dannecker moved, seconded by Alderperson Dalton, that the
Minutes be approved. Roll Call. Motion carried by the following vote:

Aye: 4 - Alderperson Dannecker, Alderperson Dalton, Alderperson Croatt and
Alderperson Mann

Excused: 1 - Alderperson Coenen

4. Public Hearings/Appearances

5. Action Items

[15-1153](#)

Bateman Street (Pacific St to Hancock St):
Bateman Street, from Pacific Street to Atlantic Street, be reconstructed
with asphalt pavement and concrete curb and gutter to a width of 28'
from back of curb to back of curb, which is 1' narrower than the
existing street. Bateman Street, from Pacific Street to Atlantic Street,
would be narrowed by 1' along the east side to save 3 existing street
trees. Current on-street parking would remain unchanged.

Bateman Street, from Atlantic Street to Hancock Street, be
reconstructed with concrete pavement and curb and gutter to a width
of 29' from back of curb to back of curb, which is the same width as
the existing street. On-street parking would be removed from this
block of Bateman to improve maneuverability for fire trucks entering
and exiting from Fire Station #1.

Item 15-1153 be re-affirmed for approval.

Aldersperson Croatt moved, seconded by Aldersperson Dannecker, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 4 - Aldersperson Dannecker, Aldersperson Dalton, Aldersperson Croatt and Aldersperson Mann

Excused: 1 - Aldersperson Coenen

[15-1191](#)

Approve Badger Avenue street vacation adjacent to 415 S. Memorial Drive.

Attachments: [Badger Ave street vacation.pdf](#)

Aldersperson Dannecker moved, seconded by Aldersperson Mann, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 4 - Aldersperson Dannecker, Aldersperson Dalton, Aldersperson Croatt and Aldersperson Mann

Excused: 1 - Aldersperson Coenen

[15-1220](#)

Approve proposed parking changes on 300 N. Morrison Street.

Attachments: [Parking changes on Morrison Street.pdf](#)

Aldersperson Dalton moved, seconded by Aldersperson Dannecker, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 4 - Aldersperson Dannecker, Aldersperson Dalton, Aldersperson Croatt and Aldersperson Mann

Excused: 1 - Aldersperson Coenen

[15-1222](#)

Approve proposed parking changes on 1300 W. Lawrence Street.

Attachments: [Parking changes on Lawrence Street.pdf](#)

Aldersperson Dannecker moved, seconded by Aldersperson Dalton, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 4 - Aldersperson Dannecker, Aldersperson Dalton, Aldersperson Croatt and Aldersperson Mann

Excused: 1 - Aldersperson Coenen

[15-1225](#)

Approve proposed parking changes on 2100 N. Roemer Road.

Attachments: [Parking changes on Roemer Rd.pdf](#)

Alderson Dannecker moved, seconded by Alderson Mann, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 4 - Alderson Dannecker, Alderson Dalton, Alderson Croatt and Alderson Mann

Excused: 1 - Alderson Coenen

[15-1223](#)

Approve proposed 6-Month Trial for parking changes near Huntley Elementary School.

Attachments: [Proposed parking changes Huntley Elementary School.pdf](#)

Item 15-1223 amended: To strike "Dec 1st to April 1st".

Alderson Dannecker moved, seconded by Alderson Dalton, that the Report Action Item be recommended for approval as amended. Roll Call. Motion carried by the following vote:

Aye: 4 - Alderson Dannecker, Alderson Dalton, Alderson Croatt and Alderson Mann

Excused: 1 - Alderson Coenen

6. Information Items

[15-1192](#)

Installation of bike lanes on Badger Avenue from Packard Street to College Avenue.

Attachments: [Bike Lanes on Badger Avenue.pdf](#)

[15-1193](#)

Inspection Division Permit Summary Comparison Report for June, 2015.

Attachments: [Inspection Division Permit Summary Comparison Report for June, 2015.pdf](#)

[15-1194](#)

2015 Mid-year Performance Indicators

Attachments: [Department of Public Works.pdf](#)
 [Parking Utility.pdf](#)
 [Sanitation.pdf](#)
 [CEA.pdf](#)

[15-1226](#)

Parking Utility Condensed Income Statement for June, 2015.

Attachments: [Parking Utility Condensed Income Statement June 2015..pdf](#)

[15-1227](#)

Update on proposed Crosswalk Policy.

7. Adjournment

Aldersperson Dalton moved, seconded by Aldersperson Mann, that the meeting be adjourned. Roll Call. Motion carried by the following vote:

Aye: 4 - Aldersperson Dannecker, Aldersperson Dalton, Aldersperson Croatt and Aldersperson Mann

Excused: 1 - Aldersperson Coenen

Peter A. Bartman

July 28, 2015

218 N. Rankin St.

Appleton, WI 54911

920-738-0473

Dear Ms. Vandehey:

I'm inclosing a letter received from you regarding the planter box on our street terrace. I would like to apply at this time for a street occupancy permit for said planter box. I have enclosed a certificate of insurance from our insurance agent and a check for \$40.00 made out to the city of Appleton. Thank you for your time.

Sincerely,

A handwritten signature in red ink that reads "Peter A. Bartman". The signature is written in a cursive, flowing style.

Peter A. Bartman



"...meeting community needs...enhancing quality of life."

DEPARTMENT OF PUBLIC WORKS

Engineering Division
100 North Appleton Street
Appleton, WI 54911
Phone (920) 832-6474
Fax (920) 832-6489

July 15, 2015

Mr. Peter Bartman
218 N. Rankin Street
Appleton, WI 54911

Dear Mr. Bartman:

It has come to the City's attention that you are constructing a planter box within the Rankin Street terrace area. The structure you are currently constructing requires a street occupancy permit request through the Municipal Services Committee and Common Council. I have attached a copy of the policy for your information. Please submit a letter of request to me so that I may include your request on the August 11, 2015 Municipal Services Committee agenda. A \$40 permit fee and certificate of insurance are also required as part of the Street Terrace Policy.

Please feel free to attend the August 11th Municipal Services Committee meeting. The meeting will be held in Committee Room 6A, Sixth Floor, City Center, at 6:30 pm.

Thank you in advance for your timely attention to this matter.

Sincerely,

Paula Vandehey, P.E.
Director of Public Works

Paula

Just thought I'd include this letter so you
would know what this was about.

Peter

Attachment



"...meeting community needs...enhancing quality of life."

DEPARTMENT OF PUBLIC WORKS

**Engineering Division
100 North Appleton Street
Appleton, WI 54911
(920) 832-6474
FAX (920) 832-6489**

Adopted January 1, 2011

**CITY OF APPLETON
STREET TERRACE POLICY**

The following conditions are **not** acceptable uses of street terraces unless a street occupancy permit request is approved by the Municipal Services Committee and Common Council:

1. Plants in excess of 3 feet in height.
2. Hedges.
3. Traffic hazards such as rocks, railroad ties, etc.
4. Loose stone, mulch or sand surfaces.
5. Vegetable gardens.
6. Trees
7. Plants within 3 feet of a fire hydrant.

All other uses of street terraces are acceptable contingent upon the following:

1. Compliant with Weed Control Ordinance.
2. Elevation flush with sidewalk.
3. City's restoration cost to work in the terrace limited to cost of typical terrace.

All Council approved exceptions to this policy require a certificate of insurance and a \$40 annual street occupancy permit.



DEPARTMENT OF PUBLIC WORKS
Engineering Division – Traffic Section
2625 E. Glendale Avenue
Appleton, WI 54911
TEL (920) 832-5580
FAX (920) 832-5570

To: Municipal Services Committee
From: Michael S. Hardy, Assistant City Traffic Engineer
Date: August 3, 2015
Re: Parking Ordinance Adjustment - Capitol Drive, south side, at intersection of Northbreeze Drive, near Edna Ferber Elementary School

A new crosswalk was added across Capitol Drive on the east side of Northbreeze Drive this summer, near Edna Ferber Elementary School. Upon review of parking signage and corresponding ordinance language, a revision is required.

The Traffic Section recommends the ordinances be changed to accommodate the new crosswalk.

To accomplish this, the following ordinance action is required:

1. **Repeal Ord. 164-11:** "Stopping, standing and parking be prohibited from 7:30 a.m. to 4:30 p.m. on school days on the south side of Capitol Drive from Northbreeze Drive to a point 20 ft. west of Northbreeze Drive"
2. **Create:** "Stopping, standing and parking be prohibited, on school days from 7:30 a.m. to 4:30 p.m., on the south side of Capitol Drive from a point 20 feet west of Northbreeze Drive to a point 20 feet east of Northbreeze Drive."



DEPARTMENT OF PUBLIC WORKS
Engineering Division – Traffic Section
2625 E. Glendale Avenue
Appleton, WI 54911
TEL (920) 832-5580
FAX (920) 832-5570

To: Municipal Services Committee
From: Michael Hardy, Assistant Traffic Engineer
Date: April 10, 2015
Re: Parking Ordinance Adjustment – McArthur Street, east of Morrison Street near St. Francis Xavier Middle School

In May 2015, new school related parking restrictions were implemented upon completion of a 90-day trial that occurred during the recent 2014/2015 school year. A property owner recently contacted me about the placement of one of the signs. It seems, during the 90-day trial, there was misinformation provided about the medical parking needs of a property owner that our office made efforts to accommodate. In response to the new information, we are proposing to correct the parking ordinance and sign placement to be consistent with the origin plan. The effected property owners have spoken to me and are accepting of this adjustment.

Based on this, I recommend the following permanent ordinance correction.

To accomplish this, the following ordinance action is required:

Parking Ordinance:

1. **Repeal Ord. 50-15:** "Stopping, standing and parking be prohibited, on school days from 11:00 a.m. to 4:00 p.m., on the south side of McArthur Street from Morrison Street to a point 275 feet east of Morrison Street."
2. **Create:** "Stopping, standing and parking be prohibited, on school days from 11:00 a.m. to 4:00 p.m., on the south side of McArthur Street from Morrison Street to a point 326 feet east of Morrison Street."

DEPARTMENT OF PUBLIC WORKS
Engineering Division – Traffic Section
2625 E. Glendale Avenue
Appleton, WI 54911
TEL (920) 832-5580
FAX (920) 832-5570

July 22, 2015

«Owner_First_Name» «Owner_Middle_Init» «Owner_Last_Name»
«Owner_Address»
«Owner_CityState» «Owner_Zipcode»

Dear Prospect Avenue property owner,

This letter is to inform you that the City of Appleton is proposing to install bike lanes on the section of Prospect Avenue between Oneida Street to Sixth Street. This work is planned to coincide with the ongoing Oneida Street bridge work and rebuilding of the intersection at Oneida Street and Prospect Avenue.

Studies have shown bike lanes are becoming increasingly important as more residents trend toward choosing alternative means of transportation, like bicycles and mass transit. In light of those trends, bike lanes on this section of Prospect Avenue are part of the City's five-year bike lane plan.

While *on-street parking would remain on the majority of the south side of this portion of Prospect Avenue*, parking on the north side of the block would need to be removed to accommodate the added bike lanes. A drawing is included with this letter to show you the proposed configuration.

This project will be on the Municipal Services Committee meeting agenda on August 11th at 6:30 p.m. If you choose to attend, you will have the opportunity to share with the committee your opinion on the plan before any vote is taken.

If you are unable to attend the meeting, feel free to contact your alderperson (Patti Coenen, district11@appleton.org, 378-8429) or Paula Vandehey, Director of Public Works (paula.vandehey@appleton.org, 832-6474), with any questions or feedback.

Sincerely,

Eric S. Lom, P.E.
City Traffic Engineer

C: Alderperson Patti Coenen (District 11)

Attachment





"...meeting community needs...enhancing quality of life."

DEPARTMENT OF PUBLIC WORKS

100 North Appleton Street

Appleton, WI 54911

Phone (920) 832-6474

Fax (920) 832-6489

TO: Municipal Services Committee

FROM: Kurt W. Craanen, Inspections Supervisor
Paula Vandehey, Director of Public Works

SUBJECT: Proposed Ordinance – Composting

DATE: August 11, 2015

Attached is a proposed ordinance that establishes standards for residential composting.

Staff has received numerous complaints over the last few years relating to smell and rodent infestation that has been related to homeowners composting. These cases have put staff in a difficult situation because staff would like to encourage responsible composting, but also maintain a safe and clean environment in our residential neighborhoods.

Currently, there are no composting standards that can be enforced in the city of Appleton. The Wisconsin Department of Natural Resources provides recommendations for maintaining compost bins, but these recommendations cannot be enforced, only encouraged. Staff has also routinely encouraged residents interested in composting to contact the Outagamie County Department of Recycling and Solid Waste. The County offers compost bins (Geobins®) for sale.

Staff has looked at ordinances from other local communities such as Neenah, Kimberly and Madison. The draft ordinance attached most closely resembles Madison's ordinance.

Therefore, the Department of Public Works recommends approval of the proposed ordinance creating Sec. 12-37. Composting.

cc: Tim Mirkes
Karen Harkness

Sec. 12-37. Composting.

(a) *Purpose and intent.* The purpose of this section is to promote the recycling of yard waste and food scraps through composting, and to establish minimum standards for proper compost maintenance.

(b) *Exemptions. Composting done by the following parcels is exempt from this section:*

- (1) Parcels that are zone Agriculture or have obtained a Special Use as an Urban Farm, in accordance with Section 23(h) (m) of the Zoning Ordinance.
- (2) Parcels owned by the City of Appleton or are being used by the City of Appleton for municipal composting purposes.

(c) *Definitions.*

- (1) *Composting* shall mean a controlled biological reduction of organic wastes to humus.
- (2) *Compost barrel or barrel* shall mean a barrel made of metal or plastic, fifty-five (55) gallons or larger, with a minimum of six (6) rows of one-half (½) inch holes drilled into the barrel for ventilation, with a block or stone pedestal base for water release.
- (3) *Compost bin or bin* shall mean a bin that is enclosed and free standing, constructed of rot-resistant wood such as cedar, arsenic free treated wood, plastic lumber, metal post and woven wire or hardware cloth. Bins shall be fastened to the ground to form stability. A bin shall be a minimum three (3) feet tall and at maximum five (5) feet tall, with a minimum width of three (3) feet and a maximum width of five (5) feet. Yard waste shall mean leaves, grass clippings, garden debris and brush.
- (4) *Compost pit or pit* shall mean a pit in the ground that is a minimum of two (2) feet deep and a maximum of four (4) feet deep and covered at all times with a minimum of one (1) inch to a maximum of three (3) inches of soil.
- (5) *Compost trench or trench* shall mean a trench in the ground that is at minimum eighteen (18) inches deep and covered at all times with a minimum of one (1) inch to a maximum of three (3) inches of soil.
- (6) *Food scraps* shall mean raw fruits and vegetables and other food remains, such as, but not limited to, apples (peels and cores), cabbage, carrots, celery, coffee (grounds and filters), clean egg shells, grapefruit, lettuce, onion peels, orange peels, pears, pineapple, melon rinds, potatoes, pumpkin shells, squash, tea leaves, tomatoes, turnip leaves, etc.
- (7) *Yard waste* shall mean leaves, grass clippings, garden vegetation and brush.

(d) ***Maintenance.*** All compost bins, pits, trenches, and barrels shall be maintained using approved composting structures and procedures to comply with the following requirements:

- (1) Yard waste composting: Yard waste shall be composted in bins. Yard waste must be turned every one (1) to two (2) weeks. Yard waste bins may also contain food scrap. Any yard waste bin that is also used to compost food scraps must have a lid with a latching assembly system.
- (2) Food scrap composting: Food scraps may be composted in bins, pits, trenches or barrels. Food scraps must be turned or tilled with soil every two (2) to three (3) weeks. Barrels and bins must have a lid with a latching assembly system.
- (3) Should there be signs or evidence of rodents in or near a compost barrel, bin, pit, or trench, the Health Department must be notified and shall be authorized proceed under Sections 7-67 and 7-68.
- (4) Should there be any unpleasant odor from the compost bin, barrel, pit or trench, steps must be taken immediately to abate the odor.

(e) ***Location.***

- (1) Compost bins, pits, trenches, and barrels shall be located in the rear yard only.
- (2) Compost bins, pits, trenches and barrels shall be at least three (3) feet from the side and rear property line.
- (3) Subsections (e)(1) and (e)(2) shall not apply to a compost bin, pits, trenches, and barrels located in a side yard substantially screened from view from the street and from the ground level of the adjacent residences by shrubs and other plantings or by fencing, provided that such plantings or fencing shall at all times exceed the height of the compost bin or pile by no less than one (1) foot.

(f) ***Ingredients.***

- (1) No compost bins, pits, trenches, and barrels shall contain any of the following:
 - a. Lakeweeds;
 - b. Cooked food scraps, except coffee grounds and tea leaves;
 - c. Fish, meat or other animal products;
 - d. Dairy products;
 - e. Large items that will impede the composting process.

(2) Permitted ingredients in a compost bins, pits, trenches, and barrels shall include:

- a. Yard waste;
- b. Food Scraps;
- c. Commercial compost additives.

(g) ***Owner Responsibility.*** Every owner or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this section. Compost material generated shall be for private use only; to be used on the same parcel it was generated. Compost may not be sold.

(h) ***Penalty.*** Any person violating this section shall be subject to a forfeiture of not less than ten dollars (\$10.00) or more than two hundred dollars (\$200.00). Each day such violation continues shall be considered a separate offense.

Department of Public Works Inspections Division

Permit Summary Count YTD Comparison

01/01/15 Thru 07/31/15

Report Date: 7/31/2015



Permit Type	Year Issued	Permit Count	Total Estimated Cost	Total Receipt Amount
BUILDING	2014	552	33,299,103	182,904.03
	2015	612	101,973,202	217,384.10
		10.87 %	206.23 %	18.85 %
DISPLAY SIGN	2014	97	507,626	2,970.00
	2015	82	577,804	2,520.00
		-15.46 %	13.82 %	-15.15 %
ELECTRICAL	2014	533	4,673,791	69,080.52
	2015	552	7,135,947	79,794.20
		3.56 %	52.68 %	15.51 %
EROSION CNTL	2014	10		1,550.00
	2015	29		4,050.01
		190.00 %	%	161.29 %
HEATING	2014	502	7,056,127	36,634.75
	2015	425	10,760,001	38,498.92
		-15.34 %	52.49 %	5.09 %
PLAN REVIEW	2014	96		32,332.50
	2015	77		31,480.00
		-19.79 %	%	-2.64 %
PLUMBING	2014	277	2,959,240	21,846.80
	2015	311	4,270,125	29,058.22
		12.27 %	44.30 %	33.01 %
SEWER	2014	96	686,322	8,367.00
	2015	109	1,398,869	9,019.00
		13.54 %	103.82 %	7.79 %
WELL	2014	9		270.00
	2015	2		60.00
		-77.78 %	%	-77.78 %

Department of Public Works Inspections Division

Permit Summary Count YTD Comparison

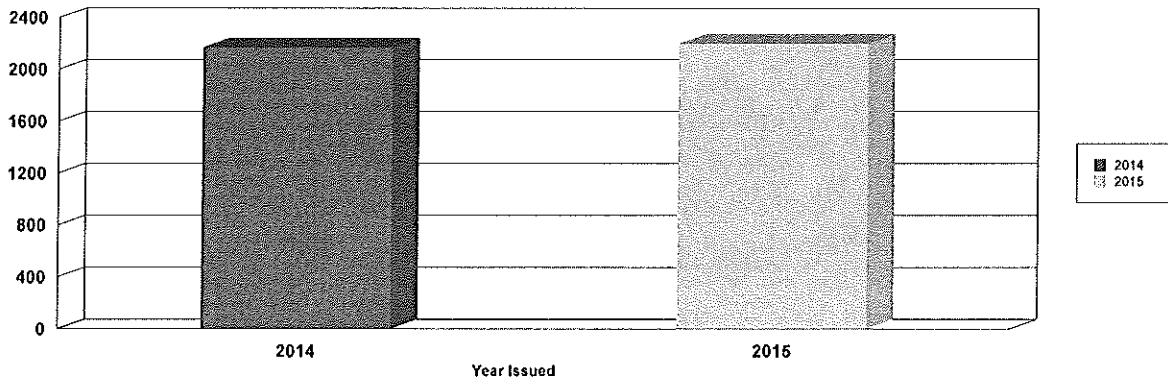
01/01/15 Thru 07/31/15

Report Date: 7/31/2015

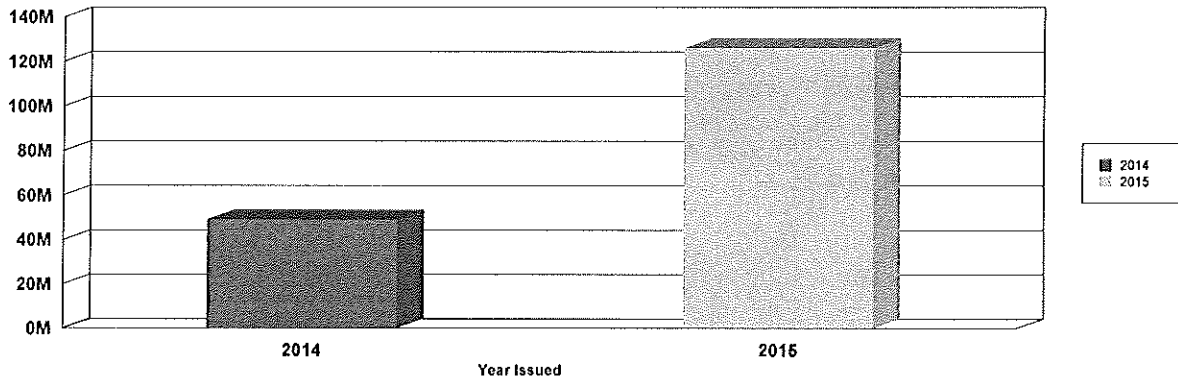


	2014	2015
Permits	2172	2199
Estimated Cost	49,182,209.00	126,115,948.00
Receipt Amount	355,955.60	411,864.45

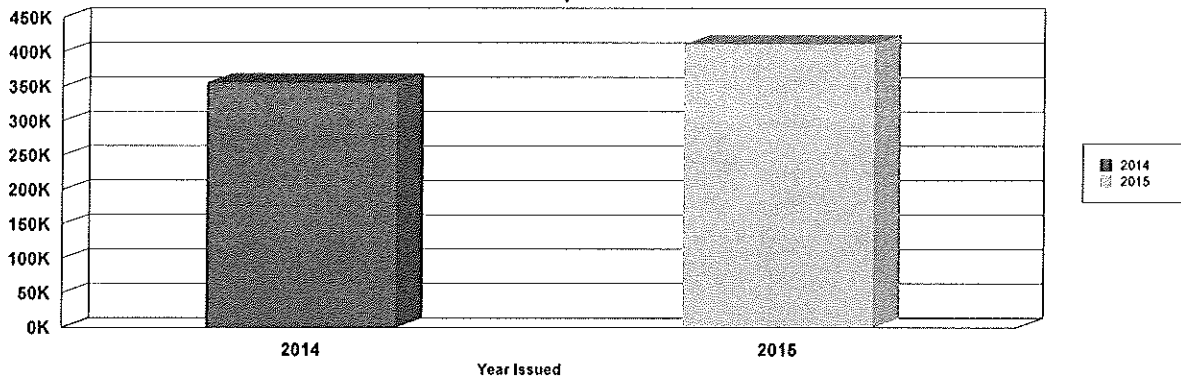
Number of Permits



Estimated Cost



Receipt Amount



Sent: Monday, July 20, 2015 10:22 AM
To: Deann L. Brosman
Subject: Legislative Bulletin - State Budget Wrap-Up

Having trouble viewing or printing this email? [Click here](#)



League of Wisconsin Municipalities

Legislative Bulletin

2015-16, No. 29
July 20

In this Issue:

**State Budget Vetoes
Affecting Municipalities**

**Prevailing Wage Law
Repeal Delayed Until
2017**

**Prohibition Against Time
of Sale Requirements
Takes Effect
Immediately**

**Legislature Remains in
Extraordinary Session**

**Recently Introduced
Legislation**

**Hearings on Municipal
Bills**

**League of Wisconsin
Municipalities**

**Ph: (608) 267-2380
(800) 991-5502**

witynski@lwm-info.org

www.lwm-info.org

Full List of State Budget Vetoes Affecting Municipalities

On July 12 Governor Walker signed the state budget bill into law as Act 55. The Governor made 104 vetoes before signing the budget. Each veto is described in the Governor's [veto message](#).

The League asked the Governor to make 7 vetoes. The Governor vetoed the following two items on our list:

- ? A provision allowing pedestrians to cross a railroad track without violating trespass law.
- ? A mandate that the City of Milwaukee offer protective service employees a high-deductible health plan alternative identical in design to the high-deductible option the state offers to its employees.

The Governor declined to veto the following five items on our list:

- ? Room tax law changes.
- ? Prohibiting local governments from enforcing code compliance at the time of real estate transactions.
- ? Requiring municipalities in Kenosha County to extend sewer and water service outside their borders upon request.
- ? Creating a streamlined incorporation process for the Town of Windsor in Dane County and the Town of Maine in Marathon County.
- ? The January 1, 2017 delayed effective date for the repeal of the prevailing wage law for local governments.

that have reached their liquor license quota to issue a "Class B" liquor license to a restaurant that seats at least 300 people.

7. Bicycle and Pedestrian Paths. The Governor partially vetoed a part of the budget requiring municipal approval to expend state funds on bicycle and pedestrian facilities so that it does not apply to projects that are already underway.

8. GTA Appeals Process. Establishing a new appeals process for municipalities to challenge general transportation aid payments if the municipality believes that a reporting error resulted in an incorrect aid payment.

9. Room Tax Law Changes -- Partial Veto. The Governor made two partial vetoes to the room tax law changes. The Wisconsin Association of Visitors and Convention Bureaus requested the vetoes. The vetoes remove any flexibility municipalities may have had under the provision regarding the use of the 70% of tax revenue that must be spent on tourism promotion and development. The Governor partially vetoed the definition of "tourism entity." Under the partial veto, a "tourism entity" must either have come into existence before January 1, 1992, consistent with current law, or if no such organization exists in the municipality on January 1, 2016, be an entity that a municipality chooses to contract with that is created in the municipality and which provides destination marketing staff and services. The Governor also vetoed provisions allowing municipalities to use room tax revenue for the satisfaction of a contract entered into before January 1, 2016. He objected to the additional time that the provision allowed wherein a municipality may enter into new contracts that utilize room tax revenues for purposes other than tourism promotion and tourism development.

Repeal of Prevailing Wage Law Delayed Until 2017

As many municipal officials have learned, the state budget provision repealing the prevailing wage law for local governments doesn't take effect until January 1, 2017.



Prohibition Against Enforcing Code Compliance at Time Properties are Sold Takes Effect Immediately

All of the provisions in the state budget, which do not have a

different effective date specified, took effect on July 14, the day after Act 55 was published. Consequently, the provision inserted into the state budget at the request of the Wisconsin Realtors Association prohibiting municipalities from enforcing building, property maintenance, and other codes at the time a property is sold, took effect July 14.

Newly created Wis. Stat. sec. 706.22 prohibits municipalities from restricting by ordinance or other means the ability of an owner of real property to sell, transfer, or refinance the property by requiring the owner to take certain actions with respect to the property. "Actions with respect to the property" include: (a) having an inspection made by an employee or contractor of the municipality; (b) making improvements or repairs; (c) removing junk or debris; (d) mowing or pruning; (e) performing maintenance or upkeep activities; (f) weatherproofing; (g) upgrading electrical systems; (h) paving; (i) painting; (j) repairing or replacing appliances, fixtures or other items; (k) actions related to compliance with building codes or other property condition standards. Any municipal ordinances inconsistent with the above provisions became null and void and unenforceable once the state budget took effect on July 2014.

It is important to remember, however, that the budget amendment further states that the above provisions do not prohibit a municipality from requiring real property owners to take all of the above actions with regard to their property, but not in connection with the sale or refinancing of the property. In other words, municipalities will need to enforce code compliance through the use of citations and forfeitures outside of the time a property is sold.

Legislature Remains in Extraordinary Session for Bucks Arena Bill

The Legislature's most recent regular floorperiod, scheduled to last until passage of the state budget, has been adjourned. However, the Legislature called itself into extraordinary session on July 7 to take up the budget bill, the Bucks Arena proposal, as well as several other proposals. The Senate passed the Bucks Arena bill, SB 209, last week. When the Assembly plans to take up the bill is unclear at this time.

Recently Introduced Legislation

AB 285, **Exempting Certain Columbaria from Laws**

APPLETON CODE

(Code 1965, §10.17(2); Ord 4-93, §1, 1-6-93; Ord 142-93, §1, 9-15-93; Ord 143-93, §1, 9-15-93; Ord 144-93, §1, 9-15-93; Ord 154-93, §1, 9-15-93; Ord 155-93, §1, 9-15-93; Ord 137-95, §1, 12-20-95; Ord 154-01, §1, 9-10-01, Ord 68-05, §1, 5-7-05; Ord 107-05, §1, 1-1-06; Ord 122-05, §1, 1-1-06; Ord 96-10, §1, 6-22-10; Ord 103-10, §1, 1-1-11; Ord 112-12, §1, 10-23-12)

Cross reference(s) - Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 19-91. Parking in front and side yard in residential district; parking on terraces.

(a) **Purpose.** The purpose of this section is to clearly define acceptable areas for parking vehicles within the front yard or side yard, as defined in Chapter 23, of private properties in order to address off-street parking issues and maintain the acceptable appearance of City neighborhoods.

(b) **Residential driveway.** Residential driveway means that area leading directly from the street to a garage, carport, or rear yard parking area.

(c) **Front yard.** No person shall park or store any motor vehicle, or recreational vehicle of 26 feet or less, i.e., a "camping trailer", "fifth-wheel trailer", "motor home" or "recreational vehicle" as those terms are defined by §340.01, Stats., as well as boat trailers and boats, utilities trailers, trailered snowmobiles, trailered jet-ski(s) or fishing shanties in the front yard of any residential district except upon a residential driveway and shall be subject to temporary recreational vehicle parking restrictions set forth in §19-92. No recreational vehicle or boat greater than 26 feet in length may be parked or stored in the front yard of any residential district. Any vehicle parked in the front yard, shall be parked within the driveway area in such a manner as to maintain all wheels on the driveway surface, and shall neither obstruct the sidewalk nor extend onto the driveway apron. All driveways on one- (1-) and two- (2-) family residential properties, as well as those properties with three (3) dwelling units, shall be paved with concrete, asphalt, brick or a similar hard surface within one (1) year of construction. Those existing driveways on one- (1-) and two- (2-) family properties, as well as those properties with three (3) dwelling units, that are not currently paved with such materials shall be so paved prior to the sale of the property or, within six (6) months after the property is sold.

(d) **Side yard.** No person shall park or store any motor vehicle, "camping trailer", "fifth-wheel trailer", "motor home" or "recreational vehicle" as those terms are defined by §340.01, Stats., as well as boat trailers and trailered boats, pick-up camper tops, utilities trailers,

trailered snowmobiles, trailered jet-ski(s) or fishing shanties in the side yard of any residential district unless the side yard parking area is no greater than twelve (12) feet wide and extends no farther than the rear plane of the principal structure on the property. Side yard parking areas are required to be hard surfaced and subject to the requirements of this section, including the requirement for a permit for the installation of said hard surface.

(e) **Permits.** The Inspections Supervisor shall issue a driveway extension permit or a side yard parking pad permit upon the filing of a proper application, which shall be on a form furnished by the Director and shall describe the nature of the work, material to be used, measurements, plans and/or specifications of the proposed extension as well as such other information as may be required for inspection. Permits shall be issued prior to the start of the work. Fees for this permit shall be kept on file with the City Clerk.

(f) Extensions to the driveway surface, beyond the area previously described in section (d), are permissible provided all of the following apply:

- (1) The property owner has obtained appropriate driveway extension permit; and,
- (2) Both the extension and driveway are paved as provided in sec. (d) above; and,
- (3) The extension is no greater than twelve (12) feet wide; and,
- (4) The paved area is no longer than the length of the driveway, extending from the edge of the City's right-of-way to a carport, rear yard parking area or garage. For the purpose of creating a parking pad, the paved area may extend along the side of the principal structure on the property and may extend to the rear plane of said structure; and,
- (5) Whenever practicable, the extension shall be located on the side of the driveway such that it extends toward the nearest side lot line. When such a configuration is not possible, the property owner may install an extension no greater than four (4) feet into the greater front yard. Any extension into the greater front yard of the property that is more than four (4) feet wide shall require approval from the Municipal Services Committee.
- (6) This section shall not apply toward paved circular driveways.