

# **DRAFT**

## **COMMON COUNCIL PROCEEDINGS**

Regular Meeting  
City of Appleton, Wisconsin  
November 19, 2008  
7:00 P.M.

### **COUNCIL CHAMBERS, CITY HALL**

100 North Appleton Street  
Official Record

Mayor Hanna called the Common Council to order.

Aldersperson Martin offered the Invocation.

Mayor Hanna led the membership in reciting the Pledge of Allegiance to the Flag of the United States of America.

### **ROLL CALL OF ALDERPERSONS**

PRESENT: Baranowski, Baron, Brooker, Clemons, Croatt, Hill (arrived at 7:23 p.m.), Holzknicht, Jirschele, Konetzke, Lutz, Martin, Mueller, Smith, Spears, Stueck, Van Daalwyk – 16.

### **ROLL CALL OF OFFICERS AND DEPARTMENT HEADS**

PRESENT: Mayor Hanna, City Clerk Hesse, City Assessor Brosman, City Attorney Walsh, Fire Chief Cameron, Police Chief Walsh, Director of Public Works Vandehey, Director of Human Resources Neisen, Director of Finance Remiker, Valley Transit General Manager Wetter, Director of Technology Services Liske, Health Officer Eggebrecht, Director of Utilities Buettner, Deputy Director of Community Development Klaeser, Deputy City Attorney Totzke.

EXCUSED: Director of Parks and Recreation Lecker.

### **PUBLIC PARTICIPATION FOR A PERIOD OF FIFTEEN MINUTES**

THERE WERE NO APPEARANCES UNDER PUBLIC PARTICIPATION

Smith moved, second by Konetzke, to approve the minutes of the November 5, 2008 and November 12, 2008 meetings. Voice vote. Motion carried.

### **BUSINESS PRESENTED BY THE MAYOR**

Mayor Hanna presented the National Geographic Information System Day proclamation to Jay Yearwood, GIS Manager for the City of Appleton.

Mayor Hanna introduced Karen Harkness to the Common Council.

**PUBLIC HEARING – PROPOSED ZONE CHANGE  
(Published November 10 and 26, 2008)**

**#15-08**

**Rezoning #15-08 – TDR Properties and Impact Seven, Inc.**

Based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, Rezoning Application #15-08 for TDR Properties, LLC and Impact Seven, Inc. from R-1B Single-Family District, R-2 Two-Family District, and PD/R-3 Planned Development Multi-Family District to R-3 Multi-Family District, as shown on the attached map(s), **BE APPROVED.** (7-0)

**LEGAL DESCRIPTION:**

ALL OF LOT 2, CERTIFIED SURVEY MAP 1549; LOTS 1 AND 2, CERTIFIED SURVEY MAP 2679; ALL OF OUTLOT 1, CERTIFIED SURVEY MAP 808; LOT 1, CERTIFIED SURVEY MAP 513, AND PART OF EAST FIRST AVENUE AND PART OF FLORIDA AVENUE, ALL LOCATED IN THE SOUTHEAST 1/4 OF SECTION 14, TOWN 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 14; THENCE ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 14, SOUTH 89 DEGREES 54 MINUTES 13 SECONDS EAST, 659.50 FEET; THENCE NORTH 01 DEGREES 14 MINUTES 05 SECONDS EAST, 417.39 FEET TO THE POINT OF BEGINNING;

THENCE ALONG THE WEST LINE OF CERTIFIED SURVEYED MAP NO. 2679 AND ITS EXTENSION THEREOF, NORTH 01 DEGREES 14 MINUTES 05 SECONDS EAST, 900.52 FEET; THENCE ALONG THE CENTERLINE OF FLORIDA AVENUE, SOUTH 89 DEGREES 54 MINUTES 52 SECONDS EAST, 659.81 FEET; THENCE ALONG THE EAST LINE OF CERTIFIED SURVEY MAP NO. 513 AND ITS EXTENSION THEREOF AND OUTLOT 1, CERTIFIED SURVEY MAP 808, SOUTH 01 DEGREES 13 MINUTES 50 SECONDS WEST, 493.01 FEET; THENCE ALONG THE SOUTH LINE OF SAID OUTLOT 1, NORTH 89 DEGREES 54 MINUTES 52 SECONDS WEST, 228.00 FEET; THENCE ALONG THE EAST LINE OF LOT 2, CERTIFIED SURVEY MAP NO. 1549 AND ITS EXTENSION THEREOF, SOUTH 01 DEGREES 13 MINUTES 50 SECONDS WEST, 407.59 FEET; THENCE ALONG THE CENTERLINE OF EAST FIRST AVENUE, NORTH 89 DEGREES 54 MINUTES 13 SECONDS WEST, 431.87 FEET;  
TO THE POINT OF BEGINNING. CONTAINING 501,202 SQUARE FEET (11.506 ACRES).  
SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

**COMMON DESCRIPTION:**

301 and 325 East Florida Avenue, 2900, 2901, 2902, 2903, 2913, 2915, 2920, 2922 Autumn Ridge Court and Lot 2 of CSM #1549

APPEARANCES: John Rohm, Winneconne



MEMBERS ABSENT: None

**The City Plan Commission reports and recommends that:**

1. Based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, Rezoning Application #15-08 for TDR Properties, LLC and Impact Seven, Inc. from R-1B Single-Family District, R-2 Two-Family District, and PD/R-3 Planned Development Multi-Family District to R-3 Multi-Family District, as shown on the attached map(s), BE APPROVED. (7/0) (CPC 10-20-08)

November 19, 2008 Council Meeting

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Mayor Timothy Hanna  
Chairperson

Konetzke moved, seconded by Smith, the City Plan Commission Report be adopted.

Deputy Director of Community Development Klaeser stated the building limitation for R-3 zoning is 35 feet.

ROLL CALL ON REPORT: Aye – 16. REPORT ADOPTED.

**REPORT OF THE MUNICIPAL SERVICES COMMITTEE  
Meeting of November 11, 2008**

MEMBERS PRESENT: Alderperson Croatt, Alderperson Konetzke, Alderperson Lutz, Alderperson Martin, Alderperson Spears

MEMBERS ABSENT: None

**The Municipal Services Committee reports and recommends that:**

1. Lake Park Road from Midway Road to Plank road be reconstructed with concrete pavement and curb and gutter to a width of 41' from back of curb to back of curb. The pavement section between intersections would include one lane in each direction with a two-way left turn lane. A right turn lane would also be included for the Parkside Apartment complex along the east side of Lake Park Road. A 10' sidewalk would be installed along the west side and a 5' walk along the east side. BE APPROVED (5/0)
2. **Soldier's Square** from Oneida Street to Morrison Street to reconstructed with concrete pavement and curb and gutter. The recommend geometry of Soldier's Square was presented at the October 21<sup>st</sup> meeting of the Municipal Services Committee and includes incorporating angled parking, an enclosure for refuse collection, lowering the statue and a "café area" along the eastern half of the north side of Soldier's Square. BE APPROVED (5/0)
3. Pfefferle Management – Manager of Greenwood Village Condominiums- regarding the Midway Road Reconstruction Project. **Install an 8-foot sidewalk on the southside of Midway Road from Telulah Avenue to the west edge of the driveway with the City maintaining the sidewalk.** BE APPROVED (4/1-Alderperson Croatt)

4. Proposed Ordinance Change to Municipal Code Chapter 4 Section 4-141 regarding garage doors. BE APPROVED (5/0)
5. Parking removal on one side of Lindbergh Street between Morrison Street and Jarchow Street. (90-Day Trial Complete) BE APPROVED (5/0)

**To accomplish this, the following ordinance action is required:**

- a. **Create:** "Stopping, standing or parking be prohibited from 7:30 a.m. to 4:30 p.m. on school days, on the south side of the Byrd Street from Morrison Street to Jarchow Street."

6. Parking removal on one side of Byrd Street between Morrison Street and Jarchow Street. (90-Day Trial Complete) BE APPROVED (5/0)

**To accomplish this, the following ordinance action is required:**

- a. **Create:** "Stopping, standing or parking be prohibited from 7:30 a.m. to 4:30 p.m. on school days, on the south side of the Lindbergh Street from Morrison Street to Jarchow Street."

7. The request from Charles Brown, 533 N. State Street, **to pave driveway equal to the length of the neighbors' driveway which is to be determined by Public Works staff. be exempt from the driveway pavement requirement in the Front Yard Parking Ordinance.** BE APPROVED AS AMENDED (4/1-Alderperson Lutz)

8. The request from William Barry, 71 Pintail Place, to be precluded from access to Providence Avenue and to have the property owner maintain the sidewalk on Providence Avenue to run with the property **contingent on property owner being assessed in the future if access is granted to Providence Avenue.** BE APPROVED AS AMENDED (5/0)

9. R/B (11/5/08)/Hill - Recommended parking changes on Owaissa Street east of Opechee Street (Requested by the Appleton Fire Department) BE APPROVED AS AMENDED (5/0)

**To accomplish this, the following ordinance action is required:**

**Repeal Ord. 98-014:** "The area on the east/south side of Owaissa Street from a point 480 feet south of Pacific Street to Opechee Street be designated a No Parking/Tow Away Zone from 7:00 a.m. to 5:00 p.m., except Saturdays, Sundays and holidays."

~~**Create:** "Parking be prohibited on the south side of Owaissa Street from Opechee Street to a point 50 feet east of Opechee Street (Tow Zone)."~~

~~**Create:** "Parking be prohibited from 7 a.m. to 5 p.m., except Saturdays, Sundays and Holidays, on the south side of Owaissa Street from a point 50 feet east of Opechee Street to a point 130 feet east of Opechee Street."~~

**Create:** "15-Minute Loading Zone (with emergency flashers operation required) be designated on the south side of Owaissa Street from Opechee Street to a point 50 feet east of Opechee Street (Tow Zone)."

**Create:** "Parking be prohibited from 7 a.m. to 5 p.m., except Saturdays, Sundays and Holidays, on the south side of Owaissa Street from a point 50 feet east of Opechee Street to a point 130 feet east of Opechee Street."

10. R/B (11/5/08)/Council Majority - The request from William Marcks for a permanent street occupancy permit to allow an existing basketball pole and hoop within the Weiland Avenue right-of-way **contingent upon if the basketball hoop is ever damaged or taken down it cannot be re-erected and if the home is sold the permanent street occupancy permit does**