



City of Appleton

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

Meeting Agenda - Final Common Council

Wednesday, April 16, 2014

7:00 pm

Council Chambers

- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS
- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- F. PUBLIC PARTICIPATION
- G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

14-664 Approve April 2, 2014 Council Meeting Minutes.

Attachments: [CC Minutes 04-02-2014.pdf](#)

- H. BUSINESS PRESENTED BY THE MAYOR

14-656 Presentation of Appleton Public Library Volunteers of the Year Awards.

14-657 Presentation of National Library Week Proclamation.

- I. PUBLIC HEARINGS

14-658 Public Hearing for Preliminary Resolution 5-P-14 for Sidewalk Construction AND ADOPT FINAL RESOLUTION authorizing street improvements and levying special assessments against benefited property.

Attachments: [Public Hearing - 5-P-14.pdf](#)

- 14-498** Public Hearing for Rezoning #2-14 2000 Block of Plank Road - Continued from March 19, 2014 Common Council Meeting.

Attachments: [CC 03-19-2014 - Public Hearing - RZ #2-14.pdf](#)

J. SPECIAL RESOLUTIONS

- 14-659** 5-P-14 Final Resolution Authorizing Street Improvements and Levying Special Assessments Against Benefited Property.

Attachments: [Final Resolution - 5-P-14.pdf](#)

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

- 14-556** Operator's License application of Dana M. Schultz, N9670 Shepherd Lane.

Legislative History

4/10/14	Safety and Licensing Committee	recommended for denial
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- 14-627** Operator's License application of Christopher S. Tomlinson, 1897 E. Newberry Street.

Legislative History

4/10/14	Safety and Licensing Committee	recommended for denial
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- 14-624** Operator's Licenses

Attachments: [Operator's License for 04-10-14.pdf](#)

Legislative History

4/10/14	Safety and Licensing Committee	recommended for approval
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- 14-582** The "Class B" Beer/Liquor License Application of What the Heck LLC, Steven P. Heckenlaible, Agent, 205 West College Avenue, contingent upon approvals from all departments.

Legislative History

4/10/14	Safety and Licensing Committee	recommended for approval
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- 14-599** The Class "B" Beer License application of Panther Baseball Club, Inc., Korey J Krueger, Agent, 1620 E. Witzke Blvd., contingent upon approvals from all departments.

Legislative History

4/10/14 Safety and Licensing recommended for approval
Committee

- 14-567** Request to Apply for Federal Emergency Management Agency's (FEMA) Fire Prevention and Safety Grant

Attachments: [Request to Apply for FEMA Fire Prevention and Safety Grant.pdf](#)

Legislative History

4/10/14 Safety and Licensing recommended for approval
Committee

2. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

- 14-524** R/B-Croatt-Approve the City of Appleton Parking Ramp Usage Policy.

Attachments: [Parking Ramp Usage Policy.pdf](#)

Legislative History

3/25/14 Municipal Services recommended for approval
Committee
4/2/14 Common Council referred to the Municipal Services
Committee
Referred back by Alderperson Croatt
4/8/14 Municipal Services recommended for approval
Committee

- 14-592** Approve proposed changes to Municipal Code Chapter 15, Solid Waste & Recycling.

Attachments: [Changes to Municipal Code Chapter 15 Solid Waste & Recycling.pdf](#)

Legislative History

4/8/14 Municipal Services recommended for approval
Committee

- 14-593** Request from Daniel Meissner, LLC for a temporary street occupancy permit to occupy the Johnston Street right-of-way to complete demolition work at 226 E. College Avenue through April 25, 2014.

Attachments: [Dan Meissner temp street occupancy.pdf](#)

Legislative History

4/8/14 Municipal Services recommended for approval
Committee

- 14-600** Request from Appleton Downtown, Inc. for a Street Occupancy Permit to install and display fiber art on benches, meter posts and planter railings at College Avenue from Superior Street to Durkee Street, from June 13, 2014 through June 30, 2014.

Attachments: [Appleton Downtown Inc display fiber art.pdf](#)

Legislative History

4/8/14	Municipal Services Committee	recommended for approval
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- 14-601** Request from Appleton Downtown, Inc. for a Street Occupancy permit to occupy the College Avenue beautification strip from Richmond Street to Drew Street for musicians to play from noon to 1:00 p.m. each day from June 9, 2014 through June 13, 2014.

Attachments: [Appleton Downtown Inc Street Music Week.pdf](#)

Legislative History

4/8/14	Municipal Services Committee	recommended for approval
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- 14-602** Proposed Ordinance change to Chapter 4-236 Definitions-Maintenance generally.

Attachments: [Proposed Ordinance Change to Chapter 4-236.pdf](#)

Legislative History

4/8/14	Municipal Services Committee	recommended for approval
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- 14-603** Proposed Ordinance change to Chapter 4-239 Definitions-Lighting, Ventilation and heating.

Attachments: [Proposed Ordinance Change to Chapter 4-239.pdf](#)

Legislative History

4/8/14	Municipal Services Committee	recommended for approval
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- 14-604** Proposed Ordinance change to Chapter 4-143 regarding maintenance for commercial buildings.

Attachments: [Proposed Ordinance Change to Chapter 4-143.pdf](#)

Legislative History

4/8/14	Municipal Services Committee	recommended for approval
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- 14-605** Proposed Ordinance change to Chapter 4-231 Definitions-Family.

Attachments: [Proposed Ordinance Change to Chapter 4-231.pdf](#)

Legislative History

4/8/14	Municipal Services Committee	recommended for approval
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14-625 Recommendation of Award-School Flasher Control Upgrades

Attachments: [Recommendation of Award-School Flasher Control Upgrades.pdf](#)

Legislative History

4/8/14 Municipal Services recommended for approval
 Committee

3. MINUTES OF THE CITY PLAN COMMISSION**14-586** Minor Amendment to Special Use Permit #32-05 - The Trout Museum of Art - For alcohol sales and consumption on the 3rd floor in lieu of the 1st and 2nd floors of the building on April 19, 2014.

Attachments: [Staff Report Amend SUP #32-05 April 7 2014.pdf](#)

Legislative History

4/7/14 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE**5. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE****14-587** CRITICAL TIMING - 2014 Community Development Block Grant funds allocation.

Attachments: [CDBG 2014 Funding Allocation - corrected memo.pdf](#)

Legislative History

4/7/14 Community & Economic recommended for approval
 Development Committee

*Amend motion: \$10,960 to each -- dies for lack of second; Coonen's motion:
split 3 ways Housing Part AHA and Habitat \$7,306.66; \$3280 to NAMI*

6. MINUTES OF THE UTILITIES COMMITTEE**7. MINUTES OF THE FOX CITIES TRANSIT COMMISSION****8. MINUTES OF THE BOARD OF HEALTH****9. MINUTES OF THE HUMAN RESOURCES COMMITTEE**

- 14-583** Request to approve Public Works Parking Utility to eliminate a .5 Parking Enforcement Person and a .4 Parking Ramp Cashier and to create a 1.0 fte Parking Enforcement/Attendant.

Attachments: [Public Works memo - Table of Organization Change for Parking Utility.pdf](#)
[Public Works TO's for position change for Parking Utility.pdf](#)

Legislative History

4/7/14 Human Resources recommended for approval
Committee

10. MINUTES OF THE FINANCE COMMITTEE

- 14-510** Request to approve recommendation of awarding the WasteWater Treatment Plant CIP roof replacement contract to Nieman Roofing for \$79,560 with an additional \$8,000 for contingencies, for a contract not to exceed \$87,560.

Attachments: [2014 Wastewater V-Building Roof Replacement \(2\).docx](#)

Legislative History

4/9/14 Finance Committee recommended for approval

- 14-518** Request to approve recommendation of awarding the Municipal Service Building CIP roof replacement contract to Weinert Roofing for \$125,170 with an additional \$12,500 for contingencies, for a contract not to exceed \$137,670.

Attachments: [2014 MSB Roof Replacement \(2\).docx](#)

Legislative History

4/9/14 Finance Committee recommended for approval

- 14-616** Request to Sell Obsolete SCBA Air Bottles to South Area Fire and Emergency Response District.

Attachments: [Memo Requesting to Sell Outdated SCBA Bottles - 4-01-14.doc](#)

Legislative History

4/9/14 Finance Committee recommended for approval

- 14-617** Request to approve the proposed modification to the Department of Public Works Table of Organization, along with the following 2014 Budget Adjustment:

Parking Division Fund	
Salary and Fringe Benefits	+\$13,698
Parking Enforcement Revenue	+\$13,698

to record the increased revenue to cover the additional salary and benefits (2/3 vote required).

Attachments: [TO Change memo 4-2-2014.pdf](#)

Legislative History

4/9/14	Finance Committee	recommended for approval
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M. CONSOLIDATED ACTION ITEMS

- 14-667** Consolidated Action - Approve the proposed modification to the Department of Public Works/Parking Utility Table of Organization and Budget Adjustment.
- File 14-583, Human Resources Committee
 - File 14-617, Finance Committee

O. ITEMS HELD

- 14-313** Rezoning #2-14 - Prospera Credit Union for Lot 1 of CSM 2618 located along Plank Road and HWY 441 from R-1A Single-family District to R-3 Multi-family Residential District .

Attachments: [CPC Rezoning 2-14 Staff Report 2-24-14.pdf](#)

Legislative History

2/24/14	City Plan Commission	recommended for approval
	<i>Item goes to Council as action item on March 19</i>	
3/19/14	Common Council	held
	<i>Held until the April 16, 2014 meeting.</i>	

P. ORDINANCES

- 14-660** Ordinances #15-14 through #16-14.

Attachments: [Ordinances going to 04-16-2014 Council.pdf](#)

- Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO
COMMITTEES OF JURISDICTION
- R. RESOLUTIONS SUBMITTED BY ALDPERSONS REFERRED TO
COMMITTEES OF JURISDICTION
- S. OTHER BUSINESS
- T. ADJOURN

CHARLENE M. PETERSON, CMC/WCMC
City Clerk

*Reasonable accommodations for persons with disabilities will be made upon request
and if feasible.*



City of Appleton

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Appleton, WI 54911-4799
www.appleton.org

Meeting Minutes Common Council

Wednesday, April 2, 2014

7:00 pm

Council Chambers

A. CALL TO ORDER

The meeting was called to order at 7:03 P.M.

B. INVOCATION

Aldersperson Spears offered the Invocation.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 16 - Aldersperson Patti Coenen, Aldersperson Chris Croatt, Aldersperson Greg Dannecker, Aldersperson Sarah Garb, Aldersperson Jeffrey Jirschele, Aldersperson John Robin Hill, Aldersperson Curt Konetzke, Aldersperson Kyle Lobner, Aldersperson Joe Martin, Aldersperson Kathleen Plank, Aldersperson Michael Smith, Aldersperson Cathy Spears, Aldersperson Peter Stueck, Mayor Timothy Hanna, Aldersperson Tim Trauger and Aldersperson Polly Dalton

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

PRESENT: City Clerk Peterson, Deputy City Attorney Totzke, Community and Economic Development Director Harkness, Interim Finance Director Saucerman, Fire Chief Vander Wyst, Health Officer Eggebrecht, Director of Human Resources Behnke, Director of Parks, Recreation and Facilities Gazza, Deputy Police Chief Olm, Director of Public Works Vandehey, Director of Information Technology Fox, Director of Utilities Shaw, Valley Transit General Manager Wetter, Library Director Rortved.

EXCUSED: City Attorney Walsh, Police Chief Helein

F. PUBLIC PARTICIPATION

Name - Address - Topic

Connie Roop - 2601 N. Union Street - Bike Lanes

Jan Heifner - 2911 W. Heritage Avenue - Bike Lanes

Bob Phillips - 1737 N. Mason Street - Bike Lanes

Jennifer Stephany - 116 N. Appleton Street - Farm Market License

Jen & Lydia - 612 W. College Avenue - Top Shelf Car Meet (Municipal Services - parking ramp usage)

Cheryl Za drzil - 2920 W. Heritage Avenue - Bike Lanes

Richard Gosse - 1334 W. Cloverdale Drive - Bike Lanes

Michael Kading - Fox Cities Greenway - Bike Lanes

Rick Krumwiede - 4225 E. Appleseed Drive - Bike Lanes

MOTION TO SUSPEND THE RULES TO ALLOW ADDITIONAL TIME FOR PUBLIC PARTICIPATION

Bob Parish - 2324 S. Carpenter Street - Bike Lanes

Helen Krammer - 324 E. Franklin Street - Non-Discrimination Ordinance

Rachel Crowl - 324 E. Franklin Street - Non-Discrimination Ordinance

Don Geenen - 2208 S. Horizon Drive - Bike Lanes

Becky Krumwiede - 4225 E. Appleseed Drive - Bike Lanes

Gypsy Vered Meltzer - 424 E. Atlantic Street - Non-discrimination Ordinance

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

14-557 Approve March 19, 2014 Council Meeting Minutes.

Attachments: [CC Minutes 03-19-2014.pdf](#)

Aldersperson Konetzke moved, seconded by Aldersperson Croatt, that the minutes be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Plank, Aldersperson Smith, Aldersperson Spears, Aldersperson Stueck, Aldersperson Trauger and Aldersperson Dalton

Excused: 1 - Mayor Hanna

H. BUSINESS PRESENTED BY THE MAYOR

14-558 Presentation of Fair Housing Month Proclamation.

I. PUBLIC HEARINGS

- 14-559** Public Hearing for Proposed Comprehensive Plan Future Land Use Amendment - Clearwater Creek Development, LLC.

Attachments: [Public Hearing Notice - Comp Plan Amendment - Clearwater Creek.pdf](#)

Name - Address

Jill Hendricks - Clearwater Creek Development

- 14-560** Public Hearing for Rezoning #3-14 ClearWater Creek LLC - Northwest Corner of N. Haymeadow Avenue and Morningsun Drive.

Attachments: [Public Hearing - Rezoning #3-14.pdf](#)

Name - Address

None

- 14-561** Public Hearing for Preliminary Resolution 3-P-14 for Asphalt Pavement and Driveway Aprons AND ADOPT FINAL RESOLUTION authorizing street improvements and levying special assessments against benefited property.

Attachments: [Public Hearing - 3-P-14.pdf](#)

Name - Address

None

- 14-562** Public Hearing on Preliminary Resolution 4-P-14 for Sanitary Sewer, Storm Sewer and Laterals AND ADOPT FINAL RESOLUTION authorizing street improvements and levying special assessments against benefited property.

Attachments: [Public Hearing - 4-P-14.pdf](#)

Name - Address

None

J. SPECIAL RESOLUTIONS

- 14-563** Resolution Adoption of the Recommended Amendment to the Comprehensive Plan as Prepared by the City of Appleton Plan Commission. (Clearwater Creek Development, LLC File 14-559)

Attachments: [Resolution - Comprehensive Plan Amendment.pdf](#)

Alderperson Stueck moved, seconded by Alderperson Konetzke, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Hill, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Smith, Alderperson Spears, Alderperson Stueck, Alderperson Trauger and Alderperson Dalton

Excused: 1 - Mayor Hanna

14-564 3-P-14 Final Resolution Authorizing Street Improvements and Levying Special Assessments Against Benefited Property.

Attachments: [Final Resolution - 3-P-14.pdf](#)

Alderperson Konetzke moved, seconded by Alderperson Martin, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Hill, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Stueck, Alderperson Trauger and Alderperson Dalton

Nay: 2 - Alderperson Smith and Alderperson Spears

Excused: 1 - Mayor Hanna

14-565 4-P-14 Final Resolution Authorizing Street Improvements and Levying Special Assessments Against Benefited Property.

Attachments: [Final Resolution - 4-P-14.pdf](#)

Alderperson Konetzke moved, seconded by Alderperson Dannecker, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Hill, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Stueck, Alderperson Trauger and Alderperson Dalton

Nay: 2 - Alderperson Smith and Alderperson Spears

Excused: 1 - Mayor Hanna

K. ESTABLISH ORDER OF THE DAY

14-524 R/B-Croatt-Approve the City of Appleton Parking Ramp Usage Policy.

Attachments: [Parking Ramp Usage Policy.pdf](#)

Referred back by Alderperson Croatt

This Report Action Item was referred to the Municipal Services Committee

14-317

Rezoning #3-14 - Clearwater Creek Development, LLC for Lot 120 of First Addition to Clearwater Creek from PD/R-3 Planned Development Multifamily District to R-1B Single-family District

Attachments: [CPC Clearwater Creek 1-14 and 3-14 for 2-24-14.pdf](#)

Alderson Spears moved, seconded by Alderson Dannecker, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderson Coenen, Alderson Croatt, Alderson Dannecker, Alderson Garb, Alderson Jirschele, Alderson Hill, Alderson Konetzke, Alderson Lobner, Alderson Martin, Alderson Plank, Alderson Smith, Alderson Spears, Alderson Stueck, Alderson Trauger and Alderson Dalton

Excused: 1 - Mayor Hanna

14-434

Installation of bike lanes on both sides of Fremont Street as follows:

Oneida St to Monroe St (total width =43')

A 6' bike lane be marked on the south side only. Other existing geometry would remain as-is.

No parking.

Monroe St to Madison St (total width=43')

- * 1-8' parking lane (north side of street)
- * 2-6' bike lanes
- * 2-11.5' travel lanes

Madison St to Kernan Av (total width=36')

- * 2-6' bike lanes
- * 2-12' travel lanes
- * No parking

Kernan Av to Walden Av (total post-reconstruction width=40')

- * 2-5' bike lanes
- * 2-11' travel lanes
- * 1-8' parking lane (south side of street)

Walden Av to Telulah Av (total post-reconstruction width=40')

- * 1-8' parking lane (north side of the street)
- * 2-5' bike lanes
- * 2-11' travel lanes

Attachments:[Fremont Street Bike Lanes.pdf](#)[5 year Bike Lane and Trail Plan.pdf](#)[Petition against Bike Lanes on Fremont St.pdf](#)[2nd Petition against Bike Lanes on Fremont St.pdf](#)

Aldersperson Dannecker moved, seconded by Aldersperson Martin, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:

Aye: 10 - Aldersperson Coenen, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Hill, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Plank, Aldersperson Trauger and Aldersperson Dalton

Nay: 5 - Aldersperson Croatt, Aldersperson Jirschele, Aldersperson Smith, Aldersperson Spears and Aldersperson Stueck

Excused: 1 - Mayor Hanna

- 14-398** Farm Market Application of Appleton Downtown, Inc., Djuanna Hugdahl, corner of Oneida and Washington - grassy area behind City Center Plaza, Wednesdays June 4, 2014 through September 22, 2014 contingent upon approvals from all departments.

Amended to add "or confines of Houdini Square".

Aldersperson Spears moved, seconded by Aldersperson Konetzke, that the Report Action Item be amended. Roll Call. Motion carried by the following vote:

Aye: 13 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Plank, Aldersperson Smith, Aldersperson Spears, Aldersperson Stueck, Aldersperson Trauger and Aldersperson Dalton

Nay: 2 - Aldersperson Hill and Aldersperson Martin

Excused: 1 - Mayor Hanna

Aldersperson Martin moved, seconded by Aldersperson Konetzke, that the Report Action Item be approved as amended. Roll Call. Motion carried by the following vote:

Aye: 15 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Plank, Aldersperson Smith, Aldersperson Spears, Aldersperson Stueck, Aldersperson Trauger and Aldersperson Dalton

Excused: 1 - Mayor Hanna

- 14-440** Request to approve the 2013-2014 Budget appropriations:
1. Items not under contract -\$4,251,418 (2/3 vote required)
2. Special consideration -\$672,548 (2/3 vote required)

Attachments: [13-14 carryover - not under contract.pdf](#)

[13-14 carryover - special consideration.pdf](#)

Aldersperson Konetzke moved, seconded by Aldersperson Martin, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Plank, Aldersperson Smith, Aldersperson Spears, Aldersperson Stueck, Aldersperson Trauger and Aldersperson Dalton

Excused: 1 - Mayor Hanna

14-235

Resolution introduced by Alderperson Coenen at the 2-5-2014 Common Council meeting relating to have an ordinance be created and adopted.

#4-R-14/Coenen -

“Whereas the City of Appleton is dedicated to meeting the needs of our community and enhancing the quality of life; and

Whereas the City of Appleton embraces and celebrates diversity and inclusion and hopes that community members will see Appleton as a welcoming and inclusive place to live, work and play; and

Whereas the practice of providing equal opportunities in ~~housing,~~ employment, public accommodations and city facilities to persons without regard to ~~age, color, family status, gender identity and/or gender expression, marital status, national origin/ancestry, race, religion, color, persons with disability, sex, sexual orientation, source of lawful income or victims of domestic violence, sexual assault or stalking~~ is a desirable goal of the City of Appleton and a matter of legitimate concern to its government; and ***"actual or perceived"** race, color, creed, religion, national origin, ancestry, age, sex/gender, handicap or disability, arrest/conviction record, marital status, sexual orientation, gender identity and gender expression, political affiliation, results of genetic testing, honesty testing, pregnancy or childbirth, military service, disabled veteran or covered veteran status, service in the U.S. Armed Forces, the State Defense force, National Guard of any state, or any other reserve component of the United States or State military forces* is a desirable goal of the City of Appleton and a matter of legitimate concern to its government; and

Whereas, discrimination against any of Appleton's residents or visitors endangers the rights and privileges of all;

Therefore be it resolved by the Common Council of the City of Appleton, that an ordinance be created and adopted to render discrimination in employment and public accommodations unlawful. Language of the ordinance shall include:

- That the City provide, within constitutional limitations, for equal employment opportunity and equal access to public places throughout the city regardless of ~~age, color, family status, gender identity and/or gender expression, marital status, national origin/ancestry, race, religion, color, persons with disability, sex, sexual orientation, source of lawful income or victims of domestic violence, sexual assault or stalking.~~ ***"actual or perceived"** race, color, creed, religion, national origin, ancestry, age, sex/gender, handicap or disability, arrest/conviction record, marital status,*

sexual orientation, gender identity and gender expression, political affiliation, results of genetic testing, honesty testing, pregnancy or childbirth, military service, disabled veteran or covered veteran status, service in the U.S. Armed Forces, the State Defense force, National Guard of any state, or any other reserve component of the United States or State military forces.

- Enforcement of the ordinance shall be considered an exercise of the City for ensuring the protection of the welfare, health, peace, dignity and human rights of the people of this city.”

Attachments: [S&L 03-13-2014 for File 14-235 Flores Kathy - SL Nondiscrimination Memo 03-06-14.pdf](#)
[S&L 03-13-2014 for File 14-235 Resolution #4-R-14-Coenen \(Non-Discrimination\) 03-10-14 \(E-version\).pdf](#)

Aldersperson Konetzke moved, seconded by Aldersperson Martin, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Plank, Aldersperson Smith, Aldersperson Spears, Aldersperson Stueck, Aldersperson Trauger and Aldersperson Dalton

Excused: 1 - Mayor Hanna

14-552 Change of Agent - Reserve "Class B" Beer/Liquor License of R & R Mind Ventures LLC, change Agent from Roberto Hernandez-Rivas to Randall B. Retzlaff, 531 West College Avenue, contingent upon approvals from all departments.

This application was withdrawn at committee.

This Report Action Item was received and filed

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Aldersperson Konetzke moved, Aldersperson Smith seconded, to approve the balance of action items on the agenda. The motion carried by the following vote:

Aye: 15 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Hill, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Plank, Aldersperson Smith, Aldersperson Spears, Aldersperson Stueck, Aldersperson Trauger and Aldersperson Dalton

Excused: 1 - Mayor Hanna

1. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

14-535 The Taxicab Driver's License application of Bruce Blau, 913 S. West Avenue, #104.

Recommended for denial at committee.

This Report Action Item was approved.

14-550 Operator's Licenses

Attachments: [Operator's Licenses for 03-27-14 S&L.pdf](#)

This Report Action Item was approved.

14-501 Taxicab Company license application of Fox Valley Taxi and Transportation, Igor Leykin, 719 W. Frances Street, contingent upon approval from all departments.

This Report Action Item was approved.

14-514 Operator's license applications contingent upon completion of the Responsible Beverage Service Course - Kimberly J. Schmidt, 300 W. Foster Street.

This Report Action Item was approved.

14-531 Fire Department Request to Purchase Air Compressor Equipment.

Attachments: [Fire - Request to Purchase Air Compressor.pdf](#)

This Report Action Item was approved.

14-515 The Change of Premises Description - Reserve "Class B" Beer/Liquor License of El Patron Restaurant LLC, d/b/a El Patron Mexican Restaurant, Miguel A. Heranandez, Agent, 100 East College Avenue, to add tables and chairs to the beautification strip, contingent upon approvals from all departments.

This Report Action Item was approved.

- 14-534** The Change of Premises Description - "Class B" Beer/Liquor License of The Trout Museum of Art, Inc. d/b/a The Trout Museum of Art, Pamela Williams-Lime, Agent, 111 West College Avenue, to add Third, Fourth and Fifth Floors of the premises and the exterior space on the West side of the premises, contingent upon approvals from all departments.

This Report Action Item was approved.

- 14-536** The Special Class "B" License application of Rotary Club of Appleton, Michelle L. Devine Giese, Person in Charge, at OuterEdge Stage, 303 North Oneida Street, on April 11, 2014 from 12:00 p.m. to 10:00 p.m., contingent upon approvals from all departments.

This Report Action Item was approved.

- 14-549** The Flea Market Application for WI Self Storage, LLC, 1117 West Washington Street, Alex W. Sonnleitner, applicant for April 4 & 5, 2014.

Attachments: [Flea Market Memo 3-21-2014.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

- 14-334** Approve Amendment No. 1 to Bloom Companies for the design work on Jackman Street, Retaining Wall, Grade Separated Path and Parking Lot.

Attachments: [Amendment No. 1-Bloom Companies.pdf](#)

This Report Action Item was approved.

- 14-520** Approve Amendment No. 3 to the State/Municipal Agreement for the Prospect Avenue Bridge over Jackman Street in an amount of \$10,255.05 (City share of \$2,051.01).

Attachments: [Amendment No. 3-Bloom Companies.pdf](#)

This Report Action Item was approved.

- 14-521** Request from Appleton Downtown Inc. for a temporary street occupancy permit for a Sidewalk Sale in the 600 W. College Avenue to 300 E. College Avenue blocks on Saturday, May 10, 2014 from 7:00 am. to 3:00 pm.

Attachments: [ADI-street occupancy-sidewalk sale.pdf](#)

This Report Action Item was approved.

- 14-522** Request from Amanda Geller, 1023 W. Wisconsin Avenue, to have her sidewalk snow removal bill of \$75 waived.

Attachments: [Amanda Geller-snow removal.1.pdf](#)

This Report Action Item was approved.

- 14-523** Approve funding reallocation request of \$7,500 for replacement of three Sign Shop field laptops.

Attachments: [Funding reallocation-Sign Shop.pdf](#)

This Report Action Item was approved.

- 14-525** Approve proposed truck route designation changes by removing designated truck routes on Drew Street (Water Street to College Avenue), Water Street (Olde Oneida Street to Drew Street) and Olde Oneida Street (South Island Street to Water Street).

Attachments: [Truck route changes Drew Street.pdf](#)

This Report Action Item was approved.

- 14-526** Preliminary Resolution 5-P-14 for sidewalk installation on Linwood Avenue be adopted and refer the matter to the Finance Committee to determine the assessment rate.

Attachments: [Preliminary Resolution 5-P-14.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

- 14-315** Comprehensive Land Use Map Amendment #1-14 - Clearwater Creek Development, LLC for Lot 120 of First Addition to Clearwater Creek from Multifamily Residential to One -Two Family Residential Land Use.

Attachments: [CPC Clearwater Creek 1-14 and 3-14 for 2-24-14.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE**5. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE****6. MINUTES OF THE UTILITIES COMMITTEE**

14-506 Approval of 2013 Annual Report under MS4 General Permit No. WI-S050075-1 (NR216 Phase II Stormwater Report)

Attachments: [2013 Annual Report MS4 General Permit.docx](#)

This Report Action Item was approved.

14-519 Award Unit F-14, Sanitary and Storm Sewer Cleaning & Televising, to Green Bay Pipe & TV, LLC in an amount not to exceed \$236,500.

Attachments: [Unit F-14.pdf](#)

This Report Action Item was approved.

7. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

14-540 Acceptance of Two Federal Transit Administration Bus and Bus Facilities Capital Grants of \$709,697

Attachments: [Acceptance of Two Federal Transit Administration Bus and Bus Facilities Capital Grants.pdf](#)

This Report Action Item was approved.

14-541 Acceptance from Wisconsin DOT of Two Federal Transit Administration Capital Grants for \$165,992

Attachments: [Acceptance of Two Federal Transit Administration Capital Grants from Wisconsin DOT.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE BOARD OF HEALTH**9. MINUTES OF THE HUMAN RESOURCES COMMITTEE****10. MINUTES OF THE FINANCE COMMITTEE**

- 14-352** Amendment to Municipal Code to clarify and strengthen the City's ability to withhold issuance of licenses until delinquent debts are satisfied.

Attachments: [Delinquent Debt Collection from License & Permit Applicants.pdf](#)

This Report Action Item was approved.

- 14-532** Request to approve Finance Committee Report 5-P-14 for Sidewalk Construction on Linwood Avenue

Attachments: [Report 5-P-14.pdf](#)

This Report Action Item was approved.

- 14-533** Request to award Unit C-14 Sidewalk Sawcutting to Sidewalk Savers, LLC in an amount not to exceed \$30,000.00.

Attachments: [Award of Contract C-14.pdf](#)

This Report Action Item was approved.

- 14-547**

Request to approve acceptance of two grants from Wisconsin DOT for \$92,794 and approve the following budget adjustment:

Valley Transit	
Service vehicle replacement	+\$25,000
Bus replacement	+\$90,992
FTA capital grant from WisDOT	+\$92,794
Fund balance (depreciation rsv)	+\$23,198

to record award of two Federal Transit Administration capital grants from Wisconsin Department of Transportation.

Attachments: [VT Memo1.pdf](#)

This Report Action Item was approved.

14-548

Request to approve acceptance of two Federal Transit Administration Bus and Bus Facilities capital grants of \$567,758 and approve the following Budget adjustment:

Valley Transit	
Bus replacement	+\$709,697
FTA bus facilities capital grant	+\$567,758
Fund balance (depreciation rsv)	+\$141,939

to record award of Federal Transit Administration Bus Facilities capital grants.

Attachments: [VT Memo2.pdf](#)

This Report Action Item was approved.

M. CONSOLIDATED ACTION ITEMS**14-568**

Consolidated Action - Preliminary Resolution 5-P-14 for sidewalk installation on Linwood Avenue.

- a. File 14-526, Municipal Services Committee
- b. File 14-532, Finance Committee

Attachments: [Resolution 5-P-14.pdf](#)

This Report Action Item was approved.

14-569

Consolidate Action - Acceptance of Two Federal Transit Administration Bus and Bus Facilities Capital Grants of \$709,697.

- a. File 14-540, Fox Cities Transit Commission
- b. File 14-548, Finance Committee

This Report Action Item was approved.

14-578

Consolidated Action - Acceptance from Wisconsin DOT of Two Federal Transit Administration Capital Grants for \$165,992.

- a. File 14-541, Fox Cities Transit Commission
- b. File 14-547, Finance Committee

This Report Action Item was approved.

O. ITEMS HELD

P. ORDINANCES

14-566 Ordinances #10-14 through #14-14.

Attachments: [Ordinances going to 04-02-2014 Council.pdf](#)

This Report Action Item was approved.

Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO
COMMITTEES OF JURISDICTION

R. RESOLUTIONS SUBMITTED BY ALDPERSONS REFERRED TO
COMMITTEES OF JURISDICTION

MUNICIPAL SERVICES COMMITTEE

#9-R-14 – Spears

"WHEREAS, the Appleton Common Council has retrofit bike lanes on existing streets removing parking,

WHEREAS citizens value parking in front of their homes, schools and churches,

WHEREAS bike lane utilization declines in the winter months,

THEREFORE BE IT RESOLVED that parking in bike lanes be allowed starting from the weekend prior to and through the weekend after the holiday.

A weekend is defined as starting from Friday at 4:00 p.m. until Monday at 8:00 a.m.

Holidays are:

Thanksgiving

Christmas Eve

Christmas

New Year's Eve

New Year's Day

Easter

Super Bowl Sunday

All other parking policies will apply."

FINANCE COMMITTEE

#10-R-14 – Smith

"WHEREAS tax exempt property that is not government property equates to approximately 9%

WHEREAS an individual property assessment can be many thousands of dollars, adversely affecting home owners,

AND WHEREAS a recent article discussing Appleton's current assessment policy stated from public works that adding approximately \$43 a year to the tax bill would be the amount needed to move from current assessment policy to property tax bill,

BE IT RESOLVED that the current assessment policy be reviewed for the purpose of moving from current assessment policy to adding assessments on to the property tax bill.

MUNICIPAL SERVICES COMMITTEE

#11-R-14 – Plank

"WHEREAS, it is important to listen, recognize and rationally respond to the input of community members during the implementation process of the Bike Lane Plan;

AND WHEREAS, it is important to consider and attempt to find balance and solutions

to issues that arise during the implementation process, and attempt to satisfy community wants and needs;

THEREFORE, BE IT RESOLVED that the City of Appleton implement "Courtesy Holiday Parking" on one side of the streets with bike lanes, on all holidays currently included in the City's definitions of allowed holiday parking.

Streets that meet the criteria are those currently and in the future that have segments with bike lanes where parking is prohibited, and streets with bike lanes where the total width is at least 36' feet wide."

#12-R-14 – Plank

"BE IT RESOLVED that the City of Appleton analyze removing the parking meters downtown and replacing that parking enforcement with the utilization of License Plate Reader equipment and the necessary compatible technology. Analysis shall include investigating the option of implementing smartphone technology and a review of variety of hourly parking space options to have the most cost effective and customer friendly parking possible.

Funding for the equipment and ongoing maintenance shall be budgeted in the City's 2015 General fund and the Parking Utility. Alternatives to compensate for lost revenue shall be reported to Municipal Services Committee by June 15, 2014."

FINANCE COMMITTEE

#13-R-14 - Plank

"BE IT RESOLVED the Department of Public Works and Finance Departments work together to present an analysis of phasing out the Special Assessment policy and implanting a plan to include ongoing infrastructure and paving projects to be funded within the City's Utilities and General Fund budgets accordingly."

2014 ORGANIZATIONAL MEETING

#14-R-14 - Croatt

"WHEREAS,

The motion to refer back is an important tool for legislators and when used appropriately, it can be vital to the decision-making process by providing the opportunity for new information to be presented for consideration and can be used for other important reasons.

AND WHEREAS,

A motion to refer back results in additional meetings for committee/council members, staff members, legal professionals, members of the media, and citizens of Appleton. These additional meetings are valuable only if new information is being presented or another valid reason is provided.

AND WHEREAS,

Adequate opportunity for discussion and debate should be provided in an effective and efficient manner.

AND WHEREAS,

Providing clarity for extending the legislative process would assist with avoiding

confusion and would provide all interested parties the rationale behind the motion to refer back.

THEREFORE BE IT RESOLVED,

Any Alderperson requesting an action item refer back be required to state a specific reason why the request for refer back is being made. The reason to be provided immediately after the refer back request is made."

S. OTHER BUSINESS

T. ADJOURN

A motion was made by Alderperson Michael Smith, seconded by Alderperson John Robin Hill, that the meeting be adjourned. The motion carried unanimously.

CHARLENE M. PETERSON, CMC/WCMC
City Clerk

NOTICE OF PUBLIC HEARING ON SPECIAL ASSESSMENTS

(5-P-14 Preliminary Resolution)

PLEASE TAKE NOTICE, that the Common Council of the City of Appleton, Wisconsin has declared its intention to exercise its power under Section 66.0703(7)(a), Wisconsin Statutes 2011-2012, to levy special assessments upon property within the following described area for benefits conferred upon such property by improvements of the following streets:

SIDEWALK CONSTRUCTION

100 block of N. Linwood Avenue to the existing sidewalk of the 200 block of N. Linwood Avenue

The assessment area consists of all property fronting upon both sides of the named streets from intersection to intersection or point to point described herewith including the full width of said intersection of said limits.

The Report of the Finance Committee showing preliminary and/or Final Plans and Specifications, estimated cost of improvements, schedule of proposed assessments is on file in the Department of Public Works, Fifth Floor, 100 North Appleton Street, Appleton, WI 54911. Please call 832-5592 to discuss specific questions or amounts to be assessed to your property or to view said documents, **Monday through Friday**, between the hours of 7:30 A.M. to 3:00 P.M.

You are further notified that the Common Council will hear all persons interested or their agents or attorneys concerning matters contained in the preliminary resolution authorizing such improvements and assessments at a regular meeting of the Common Council to be held on **April 16, 2014, at 7:00 P.M.** or as soon thereafter as can be heard, in the Council Chambers at the City Hall, 100 North Appleton Street, Appleton, Wisconsin. All objections will be considered at said hearing and thereafter the amount of the assessments will be finally determined.

April 3, 2014

CHARLENE M. PETERSON, CMC/WCMC
City Clerk

RUN: April 7, 2014

REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES WILL BE MADE
UPON REQUEST AND IF FEASIBLE.

NOTICE OF PUBLIC HEARING

#2-14

RE: Proposed Zone Change

A public hearing will be held in the Council Chambers, City Hall, Appleton, Wisconsin, on March 19, 2014, at 7:00 P.M., or as soon thereafter as can be heard, to consider the following proposed zone change:

Rezoning #2-14 – The described real estate is presently zoned R-1A Single-Family District. The owner and applicant propose to rezone the property to R-3 Multi-Family District.

LEGAL DESCRIPTION

TAX PARCEL NUMBER 31-9-4159-00

CSM 2618 LOT 1 VOL 20 DOC 367736

BEING PRT OF E1/2 OF E1/2 OF SW1/4

AND W1/2 OF W1/2 OF SE1/4 SEC 5 T20N R18E

16.207 ACRES AND INCLUDING THE CENTERLINE OF THE ADJACENT RIGHT-OF-WAY.

COMMON DESCRIPTION

Land located along the north side of East Plank Road and the south side of S.T.H. 441, as noted on the map as Subject Area.

March 6, 2014

CHARLENE M. PETERSON, CMC/WCMC
City Clerk

RUN: March 8, 2014
March 11, 2014

**5-P-14 FINAL RESOLUTION AUTHORIZING STREET IMPROVEMENTS AND LEVYING
SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY**

WHEREAS, the Common Council of the City of Appleton, Wisconsin, held a Public Hearing at the Council Chambers in the City Hall at 7:00 P.M. on the 16th day of April, 2014, for the purpose of hearing all interested persons concerning the proposed improvements and construction in the following streets or portion of streets:

SIDEWALK CONSTRUCTION

100 block of N. Linwood Avenue to the existing sidewalk of the 200 block of N. Linwood Avenue

And has heard all persons desiring an audience at such hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Appleton as follows:

1. That the report of the Finance Committee pertaining to the construction of the above described public improvements including plans and specifications therefor, is hereby adopted and approved.
2. That the Finance Committee is directed to advertise for bids to carry out the work of such improvement in accordance with the report of the Finance Committee.
3. That payment for said improvements be made by assessing the cost to the property benefited as indicated in said report.
4. The schedule of proposed assessments made under the police power and the amount assessed against each parcel are true and correct and are hereby confirmed.
5. That the assessment for all projects included on said report are hereby combined as a single assessments but any interested property owner shall be entitled to object to each assessment separately or both assessments jointly for any purpose or purposes.
6. The assessment against any parcel may be paid to the Finance Department on receipt of Special Assessment Notice by one of the following:
 - a. In cash, or if entered on the Tax Roll.
 - b. One installment, if the assessment is \$1000 or less.
 - c. In five equal installments, if the assessment is greater than \$1000;

Deferred payment will bear an interest at the rate of 6.25% per annum on the unpaid balance.

7. The City Clerk is directed to publish this resolution in the Appleton Post Crescent, the Official Newspaper of the City.
8. The Clerk is further directed to mail a copy of this resolution to every property owner whose name appears on the assessment roll and whose post office address is known or can with diligence be ascertained.

April 17, 2014

S/CHARLENE M. PETERSON, CMC/WCMC
City Clerk

S/TIMOTHY M. HANNA
Mayor

RUN: April 21, 2014

REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES WILL BE MADE UPON REQUEST AND IF FEASIBLE.

Operator's Licenses for 4/10/14 S & L

Approved

Linda M. Alturkman	400 N. Division Street
Katrina M. Anderson-Winters	2313 W. Sececa Drive
Juan C. Aznar	1545 N. McCarthy Road, #4
Lynn M. Behnke	857 Harding Street, Menasha
Brittany L. Boyer	812 E. South Street, #4
XiuLian Deng	1648 W. Evergreen Drive, #3
Brett R. Devine	511 E. Marquette Street
Kaylee N. Eggert-Vanlyssel	N2158 Greenville Drive, Hortonville
Jordan E. Gerner	1808 Orchard Blossom Drive
Jason D. Gibbs	209 E. Circle Street
Kayleigh E. Goetzke	424 W. Crossing Meadows Lane
Samantha J. Jacobson	W5375 County Road KK
Stacie N. Jungen	1418 N. Linwood Avenue
Trevor J. Konetzke	237 ½ Kaukauna Street, Menasha
Krista L. Krueger	W3042 Just About Lane
Brittany M. Mattio	829 W. Bell Avenue
Josh R. Roemer	1623 N. Owaissa Street
Austin J. Spoehr	201 Welhouse Drive, Kimberly
Sarah J. Woelfel	410 Buchanan Street, Little Chute

GRANT TRACKING FORM



PART #1: Notification of Grant Funds

(email to lisa.remiker@appleton.org)

APPLICANT DEPARTMENT: Appleton Fire Department

DATE: 03/27/2014

APPLICANT DEPARTMENT GRANT CONTACT NAME/TITLE: Lee Kasten/Lieutenant

COMMITTEE OF JURISDICTION: Safety & Licensing Committee

NAME OF GRANT/FUNDING SOURCE: Federal Emergency Management Agency/Fire Prevention and Safety Grant

AMOUNT OF GRANT REQUEST: \$168,150

LOCAL MATCH REQUIREMENT: \$8,407

SOURCE OF MATCH: ☒ General Fund ☐ Non-General Fund ☐ Not Applicable

TIMEFRAME OF GRANT: 07/01/2014 through 12/31/2014

TYPE OF GRANT REQUEST: ☒ Monetary ☐ Other (explain under 'purpose of grant')

PURPOSE OF GRANT (summary): The purpose of this grant is to continue the smoke detector program which targets vulnerable populations and locations and provides an opportunity to conduct home safety inspections.

How does the grant meet City/Department/Program goals? By promoting fire safety within the City of Appleton, we are improving the quality of life.

What are the personnel requirements (include both existing and new staff) of the grant? Personnel overtime costs will be included as part of the grant.

DEPARTMENT HEAD SIGNATURE: _____

Len Vander Voort

PART #2: Request to Accept Grant Funds

(complete after notification of grant award; email to lisa.remiker@appleton.org)

AMOUNT OF GRANT AWARD: \$ _____

FEDERAL/STATE ID #: _____

LOCAL MATCH REQUIREMENT: \$ _____

Please describe the source of match, if applicable: _____

Please describe any major changes in proposed grant-funded activities: _____

PART	TO:	DATE:	TO:	DATE:	TO:	DATE:
#1: Request to Apply	Finance Dept		COJ – Info/Action		FAC – Info/Action	
#2: Request to Accept	Finance Dept		COJ – Action		FAC – Action	

COJ = Committee of Jurisdiction

FAC = Finance and Administration Committee



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

CITY OF APPLETON PARKING RAMP USAGE POLICY

This policy has been developed to clarify the acceptable uses of the City-owned parking ramps. Because of safety concerns of mixing large groups of pedestrians with vehicles, extremely limited access for emergency vehicles, and no available public bathrooms, the approved usage of the City owned ramps is reserved solely to provide for public parking. No public assembly uses will be permitted in the City-owned parking ramps unless express permission is granted by the Common Council.

Chapter 15

Solid Waste & Recycling

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*Cross reference(s)--Public works department, §2-366 et seq.; refuse disposal in parks and recreation areas, §13-80.
State law reference(s)--Solid waste, W.S.A. §289.01 et seq.; solid waste reduction, recovery and recycling, W.S.A. §287.01 et seq.

SOLID WASTE

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ARTICLE I. IN GENERAL

Secs. 15-1 – 15-25. Reserved.

Sec. 15-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved shall mean approved by the Director of Public Works unless specifically stated otherwise.

Bundle shall mean to securely tie with string or twine.

City shall mean the City of Appleton.

Collecting and transporting service means a municipal or privately operated agency, business or service for the collecting or transporting of solid waste for disposal or recycling purposes.

Composting means the process of decaying organic matter, such as leaves, garden debris, grass clippings, raw kitchen scraps and other vegetative materials capable of natural decomposition.

County shall mean Outagamie County unless specifically stated otherwise.

Department shall mean the Department of Public Works.

Disposable bag means a one-way disposable bag made of polyethylene, or other plastic material consisting of a minimum of one and one-half (1½) mils thickness. Bags shall not exceed a volume capacity of thirty (30) gallons. Whenever the term "disposable bag" or "bag" is used in this chapter, such words will mean disposal bag as herein described.

Dwelling unit shall mean any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking or eating of meals.

Eligible Electronic Devices shall include the following:

- (1) *Consumer computers.* High-speed data processing devices for performing logical, arithmetic, or storage functions that are marketed by the manufacturer for use by households or schools. Computers include traditional, desktop-style computers with a separate monitor and tower or box, laptop/notebook/netbook computers (any of these with a screen at least 7" in the longest

ARTICLE II. STORAGE AND COLLECTION*

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diagonal direction are also video display devices); and servers used by a household or covered school. Consumer computer does not include an automated typewriter or typesetter; or a portable hand-held calculator or device, such as a mobile phone or PDA.

- (2) *Consumer printers.* One of the following that is marketed by the manufacturer for use by households or schools: a desktop printer, including inkjet and laser printers that can be placed on a work surface; or a device that prints and has other functions, such as copying, scanning, or sending facsimiles, and that is designed to be placed on a work surface. Consumer printer does not include a calculator with printing capabilities or a label maker.
- (3) *Consumer video display devices.* Televisions or computer monitors with a tube or screen that is at least 7 inches in its longest diagonal measurement and that are marketed by the manufacturer for use by households or schools.

Computer monitor means an electronic device that is a cathode ray tube or flat panel display primarily intended to display information from a consumer computer or the Internet. Computer monitors include: CRT or flat-panel monitors used with a desktop computer; "all-in-one" desktop-style computers where the screen is integrated with the processor; laptop/notebook/netbook computers; and e-readers or other portable devices with screens of at least 7 inches in the longest diagonal direction that display information from the Internet or a processor.

Television means an electronic device, with a cathode ray tube or flat panel display, primarily intended to receive video programming via broadcast, cable, or satellite transmission or to receive video images from surveillance or similar cameras. All types of televisions with a screen of at least 7 inches in the longest diagonal direction including older box-style, CRT models; LCD displays; LED/OLED displays; plasma and rear projection.

The following are not considered consumer video display devices under the law: a television or computer monitor that is part of a motor vehicle and that is incorporated into the motor vehicle by, or for, a motor vehicle manufacturer or a franchised motor vehicle dealer (i.e., a computer monitor or television that was built into the vehicle before it was purchased); a television or computer monitor contained within

a clothes washer, clothes dryer, refrigerator, freezer, microwave oven, conventional oven or stove, dishwasher, room air conditioner, dehumidifier, or air purifier; any video display device that is not marketed for use by households or schools (such as displays in equipment only used in specific industrial/commercial settings); digital photo frames; or portable DVD players

- (4) *Computer peripherals.* Keyboards or any other devices, other than a consumer printer, that are sold exclusively for external use with a consumer computer and that provide input into or output from a consumer computer, including, for example: external CD/DVD drives; external hard drives/backup drives; external modems; flash drives/memory sticks for use with computers; game controllers (joysticks, etc.) used with a computer; keyboards; mice; projectors (LCD, LED, etc.) used with a consumer computer; scanners; speakers used with a computer; and webcams or similar cameras specifically for a computer.
- (5) *Fax Machines.*
- (6) *DVD players.*
- (7) *VCRs.*
- (8) *Digital video players/recorders.*
- (9) *Telephones with video displays.* Cellular/mobile phones, including multifunction phones such as iPhones or BlackBerries. The following are not considered telephones with video displays under WDNr regulations: corded or cordless phones (phones that plug in to a phone jack in the wall).

Litter shall include any waste or other things, substances or materials such as garbage, rubbish, used tires, manure, stones, gravel, sand, earth, grass, hay, leaves, twigs, shrubs, branches, ashes, cinders, sawdust, sweepings, dirt, glass, earthenware, wire, nails, construction waste, liquid waste, ice, snow, paper and all other debris and discarded materials of similar nature.

Overflow refuse means refuse placed for collection in a disposable bag not placed inside a polycart or mechanically dumped container.

Person shall have the definition set forth in Appleton Municipal Code §1-2.

Polycart means a plastic container issued by the City of Appleton for the storage and collection of solid waste

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or recyclables.

Premises shall mean platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure. Premises include the following categories:

- (1) *Single-family premises.* Any housing building containing a single-family dwelling unit. For the purposes of this chapter, any housing building with less than five (5) dwelling units shall fall in this category. Each unit shall be regarded as a single-family dwelling unit.
- (2) *Multi-family premises.* All housing buildings having five (5) or more dwelling units.
- (3) *Commercial or business premises.* Any public or private place, building and/or enterprise devoted in whole or in part to a business enterprise whether non-profit or profit making in nature.
- (4) *Institutional premises.* Any institutional enterprise, including, but not limited to, hospitals, churches, schools, nursing homes, motels and homes for the aging.

Recyclables means all materials designated by the Director of Public Works for inclusion in the City recycling program.

Salvageable materials shall mean discarded material no longer of value as intended, but which is stored or retained from salvage, sale or future reuse.

Solid wastes shall be as defined in §289.01(33), Wisconsin Statutes; it includes the following categories:

- (1) *Brush* means trimmings from shrubs and trees, tree limbs less than six (6) inches in diameter and stalks from garden plants. Brush does not include stumps, root balls or logs greater than six (6) inches in diameter.
- (2) *Bulky wastes* shall mean discarded articles of such dimension as are not normally collected with domestic waste including, but not limited to, items of appliance, furniture, plumbing fixtures, windows and doors, but would be considered domestic wastes. In general, bulky wastes are those wastes too large to be placed in a disposable bag or polycart.
- (3) *Commercial wastes* shall mean wastes resulting from the operation of business enterprises including, but not limited to offices, stores,

restaurants and similar businesses.

- (4) *Construction and/or demolition waste* shall mean waste resulting from building construction, demolition, alteration, repair or remodeling, including excavated material and waste such as concrete, stone, asphalt, sold, earth, dirt and brick.
- (5) *Domestic waste* shall mean garbage, refuse, ashes and other waste including, but not limited to metal, glass, paper, wood, rags, plastic, rubber, cloth, cans, bottles, litter, and small quantities of construction and/or demolition wastes, and limited nauseous and/or offensive wastes, with the understanding that these wastes resulting from human habitation and the usual routine of housekeeping of residential units or incidental to its operation. Domestic waste does not include grass clippings, leaves, tree waste, or yard waste.
- (6) *Garbage* shall be as defined in §289.01(9), Wisconsin Statutes.
- (7) *Grass clippings* means the product of ordinary mowing and maintenance of lawns during the growing season.
- (8) *Hazardous waste* shall be as defined in Wisconsin Administrative Code NR 605.04.
- (9) *Industrial waste* shall be as defined in Wisconsin Statutes §281.01(5).
- (10) *Liquid waste* shall include drain oil, dirty or waste grease, paints, lacquers, varnishes, thinners, cleaning agents or solvents and other similar waste materials.
- (11) *Nauseous or offensive materials* are those which are unwholesome in nature or have an unpleasant smell or are otherwise nauseous or offensive, such as manure, filth, carcasses, meat, fish, entrails, hides and hide scrapings, paint, kerosene, oily or greasy substances and also object that may cause injury to any person or animal, or damage to vehicle tires such as nails, tacks, pieces of metal, wire, briar thorns, broken glass and other similar materials or substances.
- (12) *Refuse* shall mean miscellaneous combustible and noncombustible waste material resulting from housekeeping activities including, not limited to: cans, bottles, plastic, paper, ashes, glass, metals, rubber, street wastes, wood, cloth, and litter and cardboard.

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(13) *Tree waste* shall mean waste resulting from the care of trees, shrubs and brushes by pruning and/or wind and storm damage and/or trimming including branches, limbs, trunks and stumps.

(14) *Vehicle waste* shall mean waste resulting from discarded items of a vehicle, including but not limited to, tires, mufflers, exhaust pipes, engine parts, and could include whole vehicles.

(15) *Yard waste less than one inch in diameter* means all materials originating in the yard and garden which are capable of natural decomposition, exclusive of grass clippings.

Special collection tag shall mean a tag issued by the Department of Public Works for the collection of tires, appliances, overflow refuse or other materials specified by the Director.

(Ord 54-94, §1, 4-20-94; Ord 149-09, §1, 10-13-09; Ord 150-10, §1, 10-12-10)

Sec. 15-27. Authority to establish additional rules and regulations.

The Director of Public Works is authorized to establish and enforce such rules and regulations deemed necessary for refuse collection and storage.

(Ord 54-94, §1, 4-20-94)

Sec. 15-28. Containers.

(a) Owners of a single-family premises shall be provided a ~~two~~ polycart by the City for each premise. One polycart shall be for solid waste storage and the second other shall be designated solely for the collection of recyclables. Only polycarts and bags marked with a special collection tag are permitted containers for solid waste collection for single-family residences. Recyclables shall only be disposed of in the designated polycart.

(b) Owners of multiple-family premises shall provide and maintain suitable containers having sufficient capacity to store a normal one- (1-) week accumulation or collection of garbage, ~~and refuse and~~ recycling of all units.

(c) All containers used for the collection of solid waste material or recyclables shall be structurally sound and specifically designed for the storage of solid waste or recycling material. They shall be durable, rust resistant, nonabsorbent, watertight and easily cleaned. Containers shall be made of metal, plastic or other suitable material, have adequate handles or bails to facilitate handling. Containers used for solid waste and recycling storage or collection must have properly fitting covers unless

specifically authorized by the Director of Public Works.

(d) One-way disposable bags made of polyethylene (minimum one and one-half (1½ mil)) properly secured, are acceptable containers for overflow refuse only when marked with a special collection tag.

~~(e) Containers used for recycling or overflow refuse shall weigh no more than forty-five (45) pounds when filled and shall be no less than ten (10) nor greater than thirty (30) gallon capacity.~~

~~(f) Recycling containers shall have the opening at the top of the container larger than or the same as the rest of the container to facilitate dumping and shall be marked with a recycling sticker.~~

(g) Garbage and refuse stored outside or on top of such containers will not be collected unless placed in a disposable bag and marked with a special collection tag. Bulky items such as furniture and carpets are exempted.

(h) Any container used for collection of solid waste or recyclable material shall be maintained in a clean, sanitary and structurally sound manner so as to prevent the creation of a nuisance or menace to public health and safety.

(i) The use of dumpsters for the storage or disposal of solid waste or recyclables for one-(1-) or two-(2-) family residences is prohibited; except for the temporary use of a dumpster in conjunction with an active building or razing permit, or the use of a dumpster for a period not to exceed fourteen (14) days and the household waste only.

(j) Any container deemed defective by the Director of Public Works may be removed as refuse by the City following notification to the occupant.

(k) Other types of containers conforming to the intent of this section and approved by the Director of Public Works may be used.

(Ord 54-94, §1, 4-20-94, Ord 165-02, §1, 8-27-02; Ord 3-09, §1, 1-13-09)

Sec. 15-29. Storage generally.

(a) The owner or occupant of any premises shall be responsible for the sanitary storage of all solid waste generated on those premises.

(b) Solid waste shall be stored in containers manufactured for the storage and handling as described in §15-28. Any other container shall be used only after approval by the Department of Public Works.

(c) Toxic or hazardous wastes shall be stored in

SOLID WASTE

safe locations and in separate, closed containers in accordance with applicable state and federal regulations. Said containers shall be identified in accordance with state and federal labeling requirements.

(d) Nuisance abatement. Where a nuisance is found to exist due to insufficient containers, the nuisance shall be abated pursuant to Chapter 12 of the Appleton Municipal Code.

(e) Enclosures. Premises other than single-family may be required by the Director of Public Works to construct an enclosure to visually and physically screen their solid waste storage area where said area can be seen from a single-family premise.

(f) Improperly stored solid waste shall be considered to be litter.
(Ord 54-94, §1, 4-20-94)

Sec. 15-30. Preparation of solid waste and recyclables.

(a) Domestic solid waste may be mixed and placed in a common container.

(b) Domestic waste shall be drained of all free liquid, then wrapped, packaged and/or bundled.

(c) Commercial waste must be drained and stored in approved containers.

(d) Brush must be cut into four- (4-) foot lengths and tied in bundles. Bundles shall be no larger than two (2) feet in diameter and weigh no more than forty-five (45) pounds.

(e) Wooden boxes and lumber. Material such as wooden boxes and lumber shall be broken up so it can be reasonably handled and located by one (1) person into the collection truck. Lumber shall be cut into four- (4-) foot lengths. Exposed nails shall be removed.

(f) Cardboard boxes shall be broken down and stacked in piles placed inside the recycling polycart for collection. All loose material shall be placed in similar boxes or containers, with cumulative weight not to exceed forty-five (45) pounds.

(g) Ashes shall be thoroughly cooled before being placed for collection.

(h) All refuse shall be free of jagged or sharp edges, protruding nails, broken glass, protruding screws and any other hazardous condition.

(i) Overflow refuse (tires, appliances and other solid waste designated by the City) must be marked with

a special collection tag.

(j) Recyclables, ~~except paper~~, must be cleaned and placed in a recycling container. Paper does not need to be separated from other recyclables.

(k) Grass clippings, brush, leaves, tree waste and yard waste may not be mixed with domestic or commercial wastes.

(l) Eligible Electronic Devices may not be placed for collection with either solid wastes or recyclables. They must be disposed of in a manner and at a location approved by the Wisconsin Department of Natural Resources.

(Ord 54-94, §1, 4-20-94; Ord 4-09, §1, 1-13-09; Ord 150-09, §1, 10-13-09; Ord 151-10, §1, 10-12-10)

Sec. 15-31. Placement for collection.

(a) All solid waste, recyclables, yard waste or brush must be placed for pickup by 3:00 a.m. on the day of collection, but not before 5:00 p.m. of the day preceding the regularly scheduled pickup. Containers shall be returned to the point of storage no later than midnight the day of collection.

(b) All solid waste and recyclables shall be placed at the ground level next to the curb, except as stated in paragraph (e) of this section. During the winter months, containers must still be placed at ground level next to the curb. This may be accomplished by placing the containers in the driveway, or a suitable area can be shoveled out on the street side of the boulevard.

(c) The City will not be liable for damage to any property where sanitation crews collect solid waste from other than at the curb.

(d) Business establishments shall provide access to collection sites. Those sites blocked by vehicles or other obstructions will not be collected.

(e) Solid waste frozen in the container will not be collected.

(f) Bundled brush shall be placed in stacks aligned parallel to the curb and shall not obstruct either the street (and gutters) or sidewalk. In areas where there are no sidewalks, brush shall be within three (3) feet of the curb line and placed in stacks aligned parallel to the curb line.

(g) No person, except during times permitted by the Department of Public Works, shall remove or cause to be removed, any yard waste, brush, grass clippings or other yard debris, from his premises, residence, parking lot, parking area, business property or other area onto any public street.

SOLID WASTE

(h) Recycling sites:

- (1) The Director of Public Works or his designee may establish sites within the City of Appleton as recycling sites for the deposit of certain items including, but not limited to, yard waste, glass, aluminum, plastic and motor oil.
- (2) No person shall deposit in areas designated pursuant to subsection (1), items and/or objects not specifically permitted by the Director of Public Works.
- (3) Areas established pursuant to subsection (1) shall be used by residents of the City of Appleton only, unless authorized by the Director of Public Works.

(Ord 54-94, §1, 4-20-94)

Sec. 15-32. Scavenging of solid waste or recyclables placed for collection.

Authorized personnel. It shall be unlawful for any person other than authorized City employees or persons having written authorization by the Municipal Services Committee and administered by the Director of Public Works county recycling contractors to go through, sort or take anything from any solid waste or recyclables that have been set out for the purpose of being picked up by City refuse collection personnel. Yard waste, grass clippings and brush are not included in the prohibitions set forth in this paragraph.
(Ord 166-08, §1, 11-11-08)

Sec. 15-33. Collection service.

(a) *Residences.* Residential solid waste shall be collected one (1) time per week from dwelling units according to schedule established by the Director of Public Works.

(b) *Commercial establishments.* Commercial establishments shall privately contract for collection of solid waste. For existing commercial customers of the city using 90-gallon containers, solid waste shall be collected one (1) time per week.

(c) *Industrial waste.* The City does not collect industrial waste.

(d) *Yard waste.* Yard waste will be collected separately from all other waste. Times of collection shall be pursuant to a schedule on file in the Department of Public Works.

(e) *Brush.* Brush will be collected separately from

all other waste. Times of collection shall be pursuant to a schedule on file in the Department of Public Works.

(f) *Bulky Overflow.* Bulky overflow shall be collected on the schedule on file with the Department of Public Works.

(g) *Grass clippings.* The City will not collect grass clippings.

(h) *Toxic and hazardous waste.* The City will not collect toxic and hazardous waste.

(i) *Small dead animals* shall be collected by the Department. Animals must be placed in a disposable bag.

(j) *Nauseous or offensive waste.* Liquid, manure, and other offensive or harmful waste. All liquid, hazardous or toxic waste, and certain nauseous or offensive waste shall be stored separately from all other waste in approved containers. Such containers shall be clearly labeled, rodent resistant, nuisance free, sealed and secured to prevent access by the public, or as otherwise provided in the rules of the Director and not contrary to any order from the City of Appleton Health Officer or Director of Inspections. Such waste shall be considered commercial waste, and need not be collected by the Department.

(k) *Construction debris.* Construction debris shall not be collected by the City. It shall be the responsibility of the owner and/or contractor to dispose of construction debris as provided by law.

(l) *Disposal of infectious material.* The removal of apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the City Health Officer. Waste shall be disposed of pursuant to Wisconsin Administrative Code NR 506.11.

(m) *Hazardous and/or toxic waste.* Placing or depositing any hazardous or toxic waste including, but not limited to, explosive materials such as dynamite, dynamite caps, shotgun shells, rifle cartridges, gunpowder, gasoline or other similar material in disposal bag, polycart or reusable container for collection is prohibited.

(n) *Leaves.* Leaves will be collected curbside during a fall collection period as designated by the Department of Public Works. Any person may alternatively transport leaves to a designated City recycling site for disposal. Persons so transporting leaves shall be responsible to cover or otherwise contain the leaves in a manner so as to prevent scattering or dumping

SOLID WASTE

of the leaves in transport. The Director of Public Works shall publish times the site shall be open for the disposal of leaves.

(o) *Lead acid batteries.* In this subsection, "lead acid battery" means any battery which is primarily composed of both lead and sulfuric acid, with a capacity of six (6) volts or more.

- (1) No person may place a used lead acid battery in mixed municipal solid waste.
- (2) No automotive battery retailers may dispose of a used lead acid battery except by delivery to the agent of a battery wholesaler, to a battery manufacturer for delivery to a secondary lead smelter, to a collection or recycling facility or to a secondary lead smelter.
- (3) Each battery improperly disposed under subsection (1) or (2) above shall constitute a separate violation.
- (4) Retailers and wholesalers of lead acid batteries shall provide for collection of used lead acid batteries for recycling as follows:
 - a. Any person selling lead batteries at retail shall accept at the point of transfer, in a quantity at least equal to the number of new batteries purchased, used lead acid batteries offered by customers.
 - b. Any person selling lead acid batteries at wholesale shall accept at the point of transfer, in a quantity at least equal to the number of new batteries purchased, used lead acid batteries offered by customers. Any automotive battery wholesaler accepting batteries from any automotive battery retailer shall remove batteries from the retail point of collection not less than every ninety (90) days.

(p) *Eligible Electronic Devices.* The City will not collect eligible electronic devices. Eligible Electronic Devices left on the terrace shall be removed by the property owner.

(Ord 54-94, §1, 4-20-94; Ord 128-96, §1, 12-18-96; Ord 5-09, §1, 1-13-09; Ord 151-09, §1, 10-13-09; Ord 152-10, §1, 10-12-10)

Sec. 15-34. Fees.

- (a) All charges related to the disposal of solid waste

shall be on file in the Department of Public Works. These shall include, but are not limited to, the amount to be charged for overflow bag tags, appliance tags, overflow charges, can charges or any other permit or charge pursuant to this article.

(b) Unscheduled overflow collections or brush/yard waste collections shall result in the assessment of additional fees.

(c) Additional collection and disposal fees shall be assessed to property owners who fail to properly dispose of Eligible Electronic Devices.

(Ord. 54-94, §1, 4-20-94; Ord 152-09, §1, 10-13-09; Ord 153-10, §1, 10-12-10)

Sec. 15-35. Penalty.

Any person violating any provision of this article shall forfeit not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00)
(Ord 54-94, §1, 4-20-94)

SOLID WASTE

known as solid waste collection charges and such charges are hereby imposed by the provisions of this article and W.S.A. §66.0627. The solid waste collection charge imposed by this division shall apply equally to all users that each user shall pay in direct proportion to the service received.
(Ord 73-94, §1, 6-18-94)

Sec. 15-38. Basis.

The solid waste collection charges imposed by this article shall be based on the size and number of the containers at the location, according to Department of Public Works records, during the week a charge is incurred.
(Ord. 73-94, §1, 6-18-94)

ARTICLE III. RATES AND CHARGES

Sec. 15-36. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial user means any property used primarily for the conduct of business or for the purpose of buying or selling goods or services.

Municipal user means any facility owned and operated by the City municipal corporation or any other municipal agencies.

Operation and maintenance costs means all direct and indirect costs, exclusive of debt service costs, necessary to ensure adequate solid waste collection on a containing basis in conformance with state, federal and local requirements and to ensure optional long-term facility management.

Person means any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

Residential user means any property used primarily as a domicile or functions customarily ancillary to such purposes.
(Ord 73-94, §1, 6-18-94)

Sec. 15-37. Imposed.

It is hereby determined and declared to be necessary for the protection of the health, safety and welfare of the public to allocate all of the cost of collection to solid waste of the City to the property served. The cost of such service shall be imposed on the property served as a special charge for current services rendered and shall be

Sec. 15-39. Rates.

The solid waste collection charges imposed by this division shall be based upon the rates adopted by the Common Council. The rates shall be reviewed periodically and shall be such that they produce sufficient revenue to meet budget plans for their effective time period. Said rates shall be on file in the Office of the City Clerk.
(Ord 73-94, §1, 6-18-94; Ord 87-94, §1, 7-20-94)

Sec. 15-40. Collection.

(a) The City Department of Finance is hereby appointed as the collection agency for the City and solid waste collection charges shall be collected quarterly at the same time as water payments become due. Bills shall be prepared by the Department of Finance and sent to the owner or occupant of each premises served. The Department of Finance shall allocate the actual cost of billing and collecting.

(b) The bills for solid waste collection charges shall be mailed to the designated utility bill recipient, but this mailing shall not relieve the owner of the property from liability for rental property in the event payment is not made as required in this article. The owner of any property served which is occupied by tenants shall have the right to examine collection records of the City for the purpose of determining whether such rates and charges have been paid for such tenants, provided that such examination shall be made at the office at which the records are kept and during the hours that such office is open for business.

Sec. 15-41. Lien for delinquent charges.

(a) Solid waste collection charges shall not be payable in installments. If solid waste collection charges remain unpaid after a period of twenty (20) days from

SOLID WASTE

the date of utility bill, such bill shall become a delinquent special charge and shall become a lien as provided in W.S.A. §66.0627. Said charges shall automatically be extended upon the current or next tax roll as a delinquent tax against the property, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special charges. Unpaid charges shall be assessed a one (1) percent per month late payment charge to bills not paid within twenty (20) days of issuance.
(Ord 27-00, §1, 4-22-00)

(b) All delinquent special charges shall be subject to a ten (10) percent penalty in addition to all other charges and prior penalties or interest when the delinquent special charge is extended upon the tax roll.
(Ord. 73-94, §1, 6-18-94)

(The next page is 1045.)

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We respectfully request an extension
of the permit to occupy the MOIN at the
back of the former Conkey's Bldg. Johnston
Street to complete all of the demolition work.
This work will be complete by 4-25-14.

Daniel J. Messina



City of Appleton Public Works Department
Occupancy Permit request for Fiber Rain art installation

March 31, 2014

Please accept this letter of request for an occupancy permit for permission to install a handcrafted yarn display in the public right-of-way along College Ave between Superior St. and Durkee Street. The public art installation is called Fiber Rain and will be the second year for the exhibit.

The yarn displays have been created by community members. Some have learned how to knit by attending free workshops hosted at the Winter Farm Market or the Trout Museum of Art. All labor has been voluntary. All materials have been donated as well.

Installation will take place on June 13th by volunteers. Yarn displays will be installed on benches, meter posts, tree fences and on private property. The colorful creations will remain through June 27th, weather permitting. The installation will be fully removed by June 30th.

This type of public art installation has occurred in many cities typically as an "underground" pop up effort. The Fiber Rain coordinators partnered with ADI to insure proper communication to the downtown businesses and the City. We greatly appreciate your support in approving our occupancy permit for Fiber Rain.

ADI insurance certificate is on file with the City and Occupancy Permit fee is attached.

Thank you,

A handwritten signature in blue ink that reads "Jennifer Stephany".

Jennifer Stephany
Executive Director
Appleton Downtown Inc.



To: City of Appleton Public Works Department
From: Appleton Downtown Inc.

March 31, 2014

Please accept this letter of request for an occupancy permit for the public right of way for the colored concrete along College Ave. from Drew Street to Richmond Street – both sides of the street. Appleton Downtown Inc. is partnering with Heid Music and Feeding America to once again invite street musicians to play during the lunch hour. This special feature is a sister event to Street Music Week in Spokane that has spurred many communities to also support the cause.

Appleton Street Music Week will feature a variety of musicians (primarily solo and duo acts) on the colored concrete areas of the sidewalk along College Ave. between the time of noon and 1pm each day June 9th through the 13th. Performers will play for tips to raise money for Feeding America.

This special musical feature requires no street closures, no paid musicians and no vendors.

Attached is payment and once approved we will also send the necessary certificate of insurance.

Thank you,


Jennifer Stephany
Executive Director

STREETMUSICWEEK.COM

[NEWS](#)[ABOUT](#)[DONATE](#)[PHOTO GALLERY](#)[ARCHIVES](#)

STREET MUSIC WEEK

The 11th annual Street Music Week will take place during the noon hours of June 10-14, 2013 in downtown Spokane, WA and Appleton, WI.

Buskers of all ages are invited to use music to fight hunger. All donations go to 2nd Harvest food bank in Spokane and Feeding America Eastern Wisconsin.

[DONATE NOW!](#)

What Is Spokane Street Music Week?



Hello and welcome to the official site of Spokane Street Music Week. This is an annual event with two purposes:

1. Fill downtown Spokane with a variety of music and performance art every year during the noon hours of one business week.
2. Raise money for our 2nd Harvest Inland Northwest Food Bank.

Spokane Street Music Week is always held during the second full week of June and we just finished our 10th annual event, raising over \$11,000 for the food bank.

Food bank officials say they can purchase six pounds of food for every dollar donated. So this means that this year's Street Music donations will go on to buy 33 TONS of food!

Spokane Street Music Week has grown greatly since Doug Clark began it began as a solo act, wandering the downtown sidewalks with an acoustic guitar.

Clark, a columnist for The Spokesman-Review, raised \$503 that first year. He wrote about his experience as a busker and donated what he made to the food bank.

Noting Clark's success, an editor suggested that he do it again the following year and open it up to other performers.

He did and the event has taken off ever since. Now somewhere between 100 and 150 performers give their time and talents during Spokane Street Music Week. Over the years the event has raised more than \$20,000 to help feed the area's hungry.

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 Change to Chapter 4-236 Definitions

DATE: April 8, 2014

Below are proposed changes to Section 4-236 of the Municipal Code. The reason for the proposed change is to clarify the types of properties to which this section of the code applies. Also, "gutter system" is being proposed to be added to the language relating to maintenance of roof systems.

Sec. 4-236. Maintenance generally.

~~No person shall occupy as owner-occupant or let or offer to let for occupancy any commercial space or dwelling unit, or portion thereof, for the purpose of living therein which does not comply with the following requirements:~~

All residential structures and buildings, or portions thereof, shall be maintained to comply with the following requirements:

(1) Every foundation, exterior wall and roof and gutter system shall be reasonably weather tight, waterproof and rodent-proof and shall be kept in a good state of maintenance and repair.

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 Change to Chapter 4-239 Definitions

DATE: April 8, 2014

Below are proposed changes to Section 4-239(6) of the Municipal Code. The reasons for the proposed changes are to clarify the types of properties this section of the code applies to, and to amend the code section referencing the minimum allowed temperature in a dwelling unit as the Uniform Dwelling Code (UDC) has been changed and the ordinance needs to be updated.

Sec. 4-239. Lighting, ventilation and heating.

~~No person shall occupy as owner-occupant or let or offer to let for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:~~

All residential dwellings, or portion thereof, shall be maintained to comply with the following requirements:

(6) Every owner or operator of any dwelling who rents, leases or lets for human habitation any dwelling unit contained within such dwelling on terms, either expressed or implied, to supply or furnish heat to the occupants thereof, shall maintain therein a minimum temperature of seventy (70) degrees Fahrenheit or in accordance with the design standards established in the Wisconsin Uniform Dwelling Code, SPS 322.07 322.40. Whenever a dwelling is heated by means of a furnace, boiler or other heating apparatus under the control of the owner or operator of the dwelling, such owner or operator, in the absence of a written contract or agreement to the contrary, shall be deemed to have contracted, undertaken or bound himself to furnish heat in accordance with provisions of this subsection to every dwelling unit which contains radiators, furnace heat duct outlets, or other heating apparatus outlets.

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 Change to Chapter 4-143

DATE: April 8, 2014

Below is proposed language to be added to Chapter 4 of the Municipal Code. The reason for the proposed language is to provide clear code language that gives the City the ability to address property maintenance issues for commercial buildings.

Section 4-143 Maintenance Generally

- (a) All commercial structures and buildings, or portions thereof, shall be maintained to comply with the following requirements:
- (1) Every foundation, exterior wall and roof and gutter system shall be reasonably weather tight, waterproof and rodent-proof and shall be kept in a good state of maintenance and repair.
 - (2) Every interior partition wall, floor and ceiling shall be capable of affording privacy, kept in a reasonably good state of repair and maintained so as to permit it to be kept in a clean and sanitary condition.
 - (3) All rainwater shall be so drained and conveyed from every roof so as not to cause dampness in the walls, ceilings or floors of any habitable room, or any bathroom, or of any toilet room.
 - (4) Every inside and outside stairway, every porch and every appurtenance thereto shall be constructed in accordance with applicable building codes; and shall be kept in sound condition and a reasonably good state of maintenance and repair.
 - (5) Every supplied plumbing fixture and water or waste pipe shall be properly installed in accordance with the Wisconsin Plumbing Code and shall be maintained in good, sanitary

working condition.

- (6) Every chimney and every supplied smoke pipe shall be adequately supported, reasonably clean and maintained in a reasonably good state of repair.
- (7) Every toilet room floor surface and bathroom floor surface shall be maintained so as to be impervious to water and so as to permit such floors to be kept in a clean and sanitary condition.
- (8) Every supply facility, piece of equipment, or utility which is required under this article shall be so constructed or installed that it will function properly and shall be maintained in reasonably good working condition.
- (9) Every parking lot, driveway and sidewalk shall be kept in good state of repair and shall be maintained in conformance with the approved site plan when applicable. Handicap accessible parking stalls shall be provided in accordance with State building code at the time maintenance and repair work is done.

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 Change to Chapter 4-231 Definitions

DATE: April 8, 2014

Below are proposed changes to Section 4-231 of the Appleton Municipal Code relating to the definition of the word family. The reason for the proposed change is to make the definition to be consistent with the current Zoning Ordinance definition. Having separate definitions could cause confusion and difficulty in enforcing code standards.

Sec. 4-231. Definitions.

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~**Family** means one (1) or more related individuals living, sleeping, cooking and eating together in a dwelling unit. The family may include not more than two (2) unrelated individuals, exclusive of servants.~~

Family means one (1) or more individuals not necessarily related by blood, marriage, adoption, or guardianship, living together under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.



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 City Traffic Engineer
Date: April 4, 2014
Re: Recommendation of Award – School Flasher Control Upgrades
CC: Jeffrey Fait, City Purchasing Manager

Project Background:

Contained in the 2014 City budget is the upgrade of the control units for 20 school zone warning flashers throughout the City. The current flasher control units, which have been deployed in the field for decades, have very limited functionality and are beginning to fail.

Because the existing units have limited functionality, they are programmed annually to flash on all weekdays during the school year, with no accommodations for special days off or early release. This results in the flashers being active when school no school children are present, which is discouraged by the Manual on Uniform Traffic Control (MUTCD) and results in reduced driver compliance. Any time programming changes would need to be made, an electrician would need to visit each and every controller in the field, which is an extremely inefficient use of their limited time.

This project would replace the existing flashers with new units that offer improved capabilities. These new units would be remotely programmed in a matter of a few minutes, allowing us to efficiently address planned or last minute changes to the school calendar. Additionally, the remote access functionality would allow for troubleshooting and automatic notification if a flasher fails, greatly improving our responsiveness and efficiency. This project will also make improvements to the flasher locations where needed for consistency, and to provide compliance with Federal Highway Administration (FHWA) standards for school zone signing.

The approved budget for this project is \$44,430, of which \$38,000 was allocated to the control unit upgrades. The Traffic Section would install and integrate the procured equipment.

Sole Source Purchase Request:

The City contacted three vendors in the region regarding the various components to receive product information. Minimum criteria were developed as part of a request for quote that was submitted to the three vendors. Only TAPCO formally responded with product literature, price and warrantee information in compliance with minimum criteria. Several meetings were held with the vendor to learn of the product capabilities, limitations and integration of components. A review of the final submission of pricing presents the following;

- 1) TAPCO system: \$31,716

With only one formal quote received, an alternative design implementing City-owned infrastructure for remote access and automatic notification was discussed with vendors. That alternative would have an estimated cost of \$56,000. The quoted TAPCO system includes a 5-year subscription to their network for remote access and automatic notification. The annual subscription rate would be approximately \$3,000 thereafter (beginning in 2019). Considering the costs associated with maintaining City-owned infrastructure for this application, the Traffic Section feels the TAPCO System is advantageous.

With our understanding of the product capabilities and the discussion above, the Traffic Section is recommending procurement of the School Flasher Control Upgrades from TAPCO of Brown Deer, Wisconsin. Per City Policy, we are requesting approval for this purchase.



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: April 7, 2014

Common Council Meeting Date: No action required

Item: The Trout Museum of Art, Minor Amendment to Special Use Permit #32-05 – To allow alcohol sales and consumption on the 3rd floor in lieu of the 1st and 2nd floors of the building located at 111 West College Avenue on April 19, 2014.

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Property owner: Appleton Art Center, Inc.

Applicant: Pamela Williams-Lime, President - The Trout Museum of Art

Address/Parcel #: 111 West College Avenue/31-2-0066-00

Owner/Applicant Request: The owner/applicant is requesting a minor amendment to Special Use Permit #32-05. The Trout Museum of Art is requesting approval to allow alcohol sales and consumption on the 3rd floor in lieu of the 1st and 2nd floors of the building in conjunction with a reception for a new art exhibit opening on April 19, 2014. (See the attached request)

BACKGROUND

Special Use Permit #32-05 was approved for alcohol sales **on the 1st and 2nd Floors** of 111 West College Avenue by the Plan Commission on December 12, 2005 and approved by the Common Council on December 21, 2005. The approval was granted with two (2) conditions listed as follows:

1. The applicant shall apply for and receive a Liquor License from the City Clerk prior to serving alcohol on the subject site and shall conform to the standards established in Chapter, Article III, Alcoholic beverages, of the Appleton Municipal Code.
 - *On-going condition. Currently, the owner/applicant possesses a valid Liquor License for the sale and consumption of alcohol on the subject site.*
2. Any future expansions into any area of building/property not part of this approval for the purpose of serving and/or consumption of alcohol will require a new Special Use Permit application or minor amendment request to be applied for and approved.
 - *No expansions are proposed with this request, therefore, the applicant is not required to apply for and receive approval of a new Special Use Permit with this request. However, the applicant is requesting a minor amendment to Special Use Permit #32-05, to allow alcohol sales and consumption on the 3rd floor in lieu of the 1st and 2nd floors of the building located at 111 West College Avenue in conjunction with a reception for a new art exhibit opening on April 19, 2014. If the minor amendment to Special Use Permit #32-05 is approved by the Plan Commission, this*

Minor Amendment Special Use Permit #32-05

April 7, 2014

Page 2

approval will expire on April 20, 2014, per staff recommendation.

STAFF ANALYSIS

Outdoor Seating with Alcohol Service Area: None proposed

2010-2030 Comprehensive Plan: The 2010-2030 Future Land Use Map currently represents this area to be used for central business district. The proposed zoning classification is consistent with the City's Comprehensive Plan and is consistent with the purpose and intent of the CBD Central Business District.

Overall Community Goals

- **Goal 1 – Community Growth** (Chapter 11 – Land Use)
Appleton will continue to provide opportunities for residential, commercial and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods and greenfield development sites at the City's edge.

Ordinance Requirements:

This item has been referred to the Plan Commission per Section 23-66(g) of the Zoning Ordinance, which states:

(1) *Minor change.* Minor changes shall be submitted to and reviewed by the Plan Commission. Minor changes include:

- a. Expansions of special uses of less than ten percent (10%).

The combined floor area of the 1st and 2nd floor of the building is approximately 8,198 square feet in area and the 3rd floor of the building is approximately 4,300 square feet in area. The applicant's request to utilize Special Use Permit #32-05 for alcohol sales and consumption on the 3rd floor in lieu of the 1st and 2nd floors of the building in conjunction with a reception for a new art exhibit opening on April 19, 2014 is not deemed to constitute an expansion of 10% or greater. Therefore, no expansions are proposed with this request.

- b. Other changes which keep with the general intent and character of the Special Use Permit previously issued.

Alcohol sales and consumption will occur in conjunction with a reception for a new art exhibit opening on the 3rd floor of the building. This minor amendment request is consistent with the general intent and character of Special Use Permit #32-05.

Note: Minor amendments to existing Special Use Permit do not require Common Council action.

Minor Amendment Special Use Permit #32-05

April 7, 2014

Page 3

RECOMMENDATION

Staff recommends, based on the above, that Minor Amendment to Special Use Permit #32-05 to allow alcohol sales and consumption on the 3rd floor of the building in lieu of the 1st and 2nd floors of the building located at 111 West College Avenue for April 19, 2014, as shown on the attached map, **BE APPROVED** subject to the following condition:

1. Minor amendment to Special Use Permit 32-05 shall expire on April 20, 2014 for alcohol sales and consumption on the 3rd floor of the building.

RECEIVED

MAR 25 2014

CITY OF APPLETON
COMMUNITY DEVELOPMENT

March 25, 2014



City of Appleton
Community and Economic Development
Don Harp
100 N. Appleton St.
Appleton, WI 54911

Dear Mr. Harp,

We are requesting a minor amendment to Special Use Permit #3205. Our request is to utilize our liquor license, No. 22-14R, on the 3rd floor of our building from 12 A.M. to 11:59 P.M. on Saturday, April 19, 2014. During this time we will not utilize our liquor license on the 1st and 2nd floors of our building.

For your reference, a drawing of the 3rd floor is attached. The total square footage of the 3rd floor is approximately 4,300 sq. feet, which is about half of the total square footage for the 1st and 2nd floors.

In order to accommodate our needs in the future, we will request a permanent change to the Special Use Permit at a later date.

Thank you for your assistance with this matter. We appreciate your help and guidance.

Sincerely,

Pamela Williams-Lime
President
The Trout Museum of Art
(920) 733-4089 ext. 1001

The Reigel Building

111 W. College Ave.

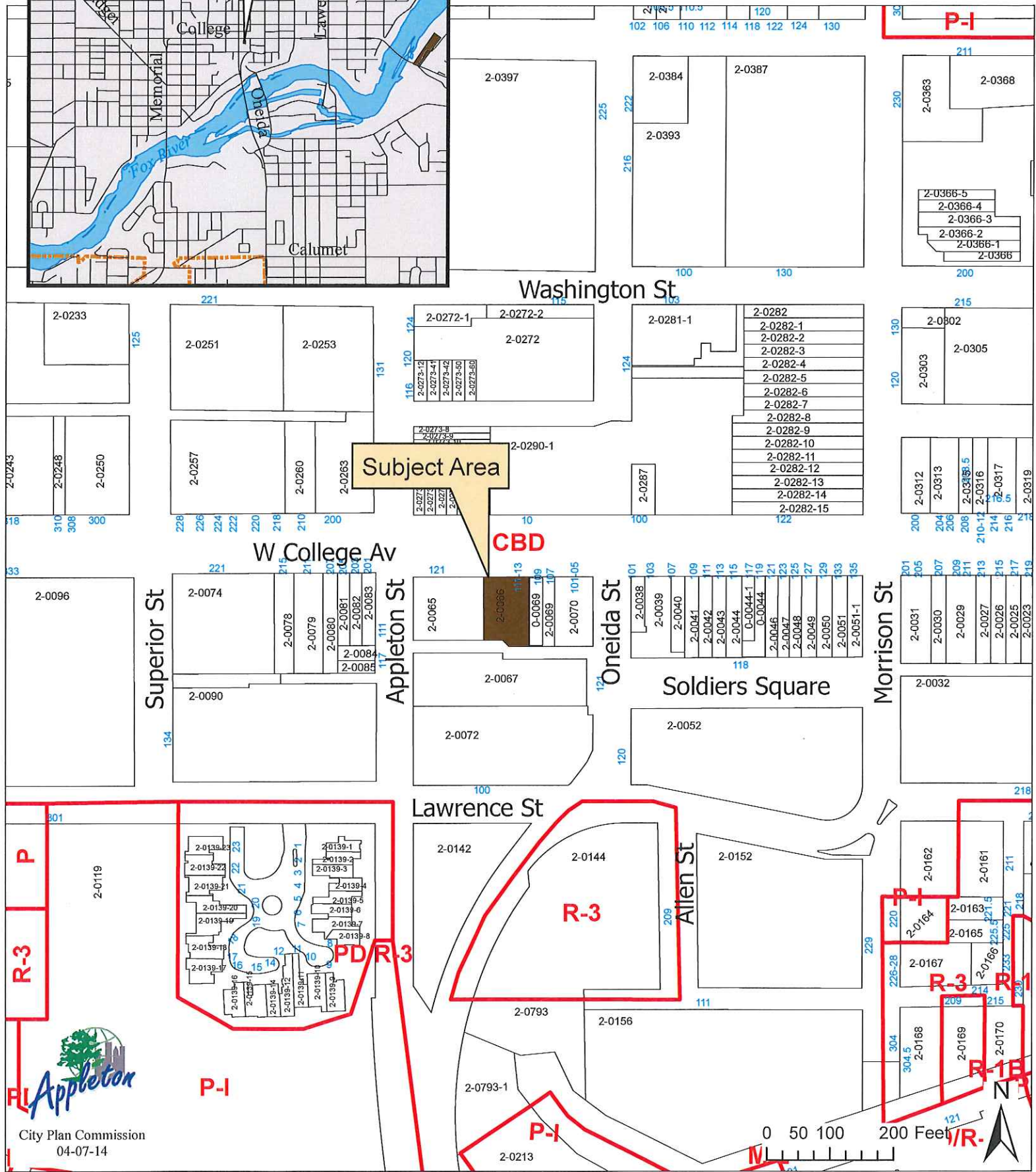
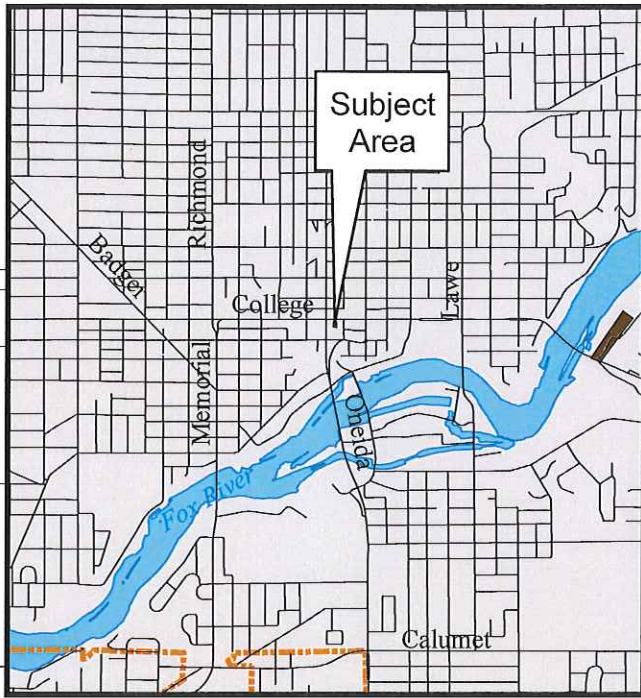
Appleton, WI 54911

Phone: 920.733.4089

Fax: 920.733.4149

www.troutmuseum.org

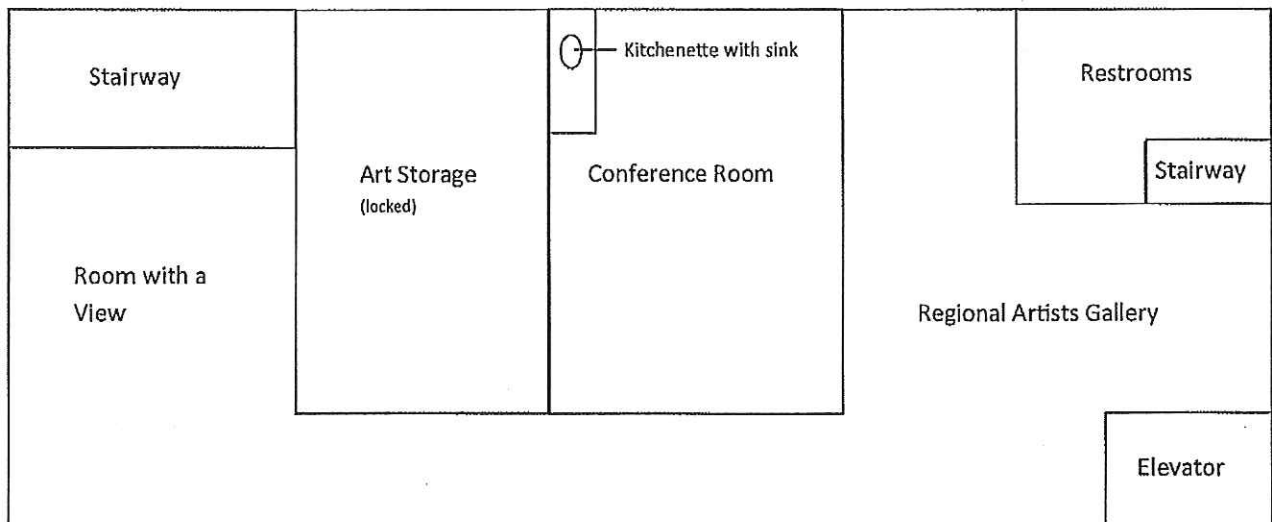
111 West College Avenue Minor Amendment to Special Use Permit #32-05 The Trout Museum of Art Zoning Map



The Trout Museum of Art
Fox Cities Building for the Arts
111 West College Avenue
Appleton, WI 54911

FLOOR AREA: 4,300 SQ.FT.

Third Floor Footprint



City Plan Commission
04-07-14

Minor Amendment to Special Use Permit #32-05
The Trout Museum of Art
111 West College Avenue

Appleton Art Center with Alcohol Sales
Special Use Permit
First Floor Development Plan

City Plan Commission
Appleton, Wisconsin
12-12-05

1/8" = 1'-0"

1/8" = 1'-0"

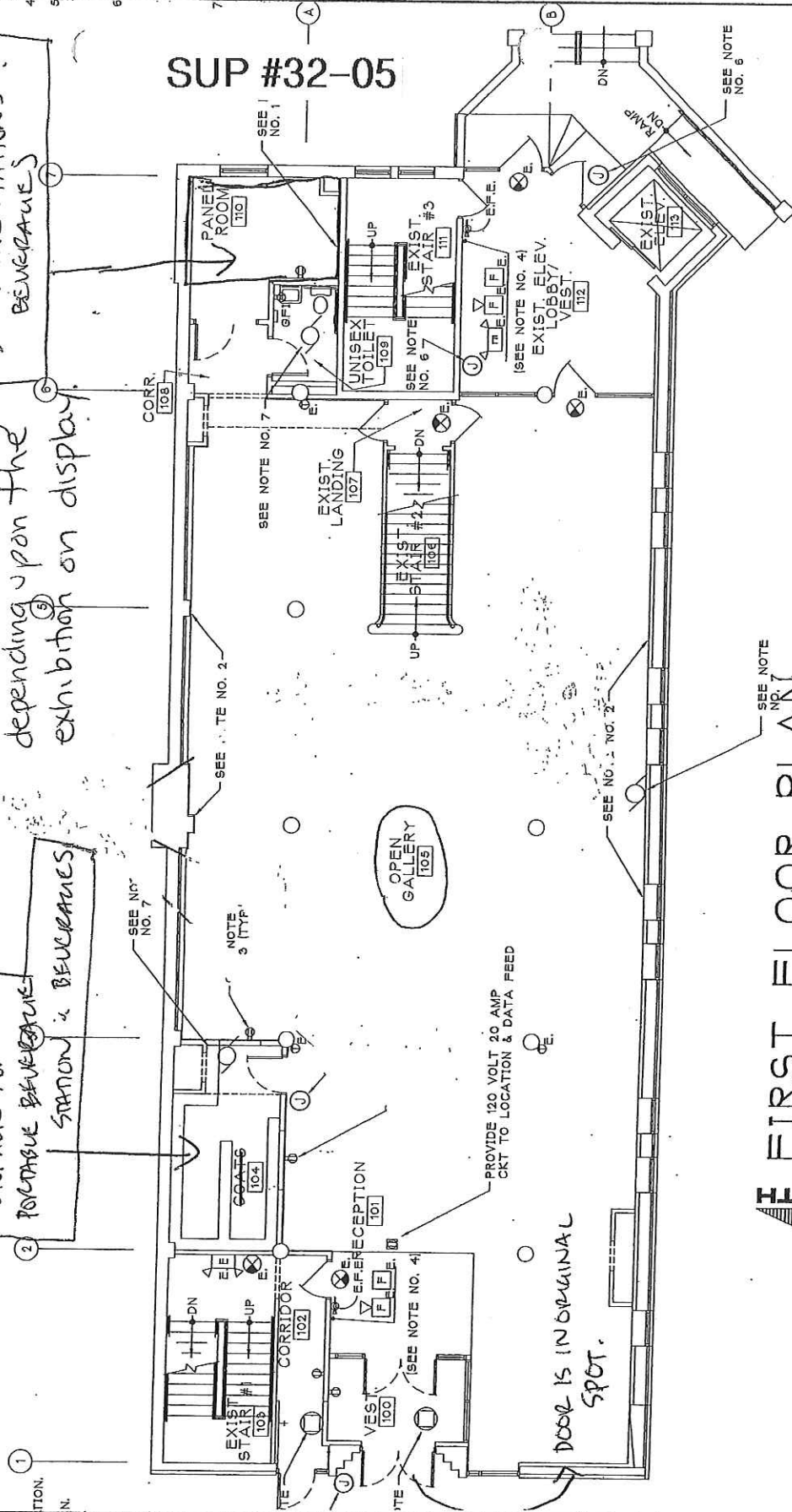
The moveable beverage station would be pulled out for receptions and placed in an area that does not interfere with traffic flow or sculptural artwork on 1st or 2nd floor.

STORAGE FOR PORTABLE BEVERAGE STATIONS

STORAGE FOR PORTABLE BEVERAGE STATIONS

location may change depending upon the exhibition on display.

SUP #32-05



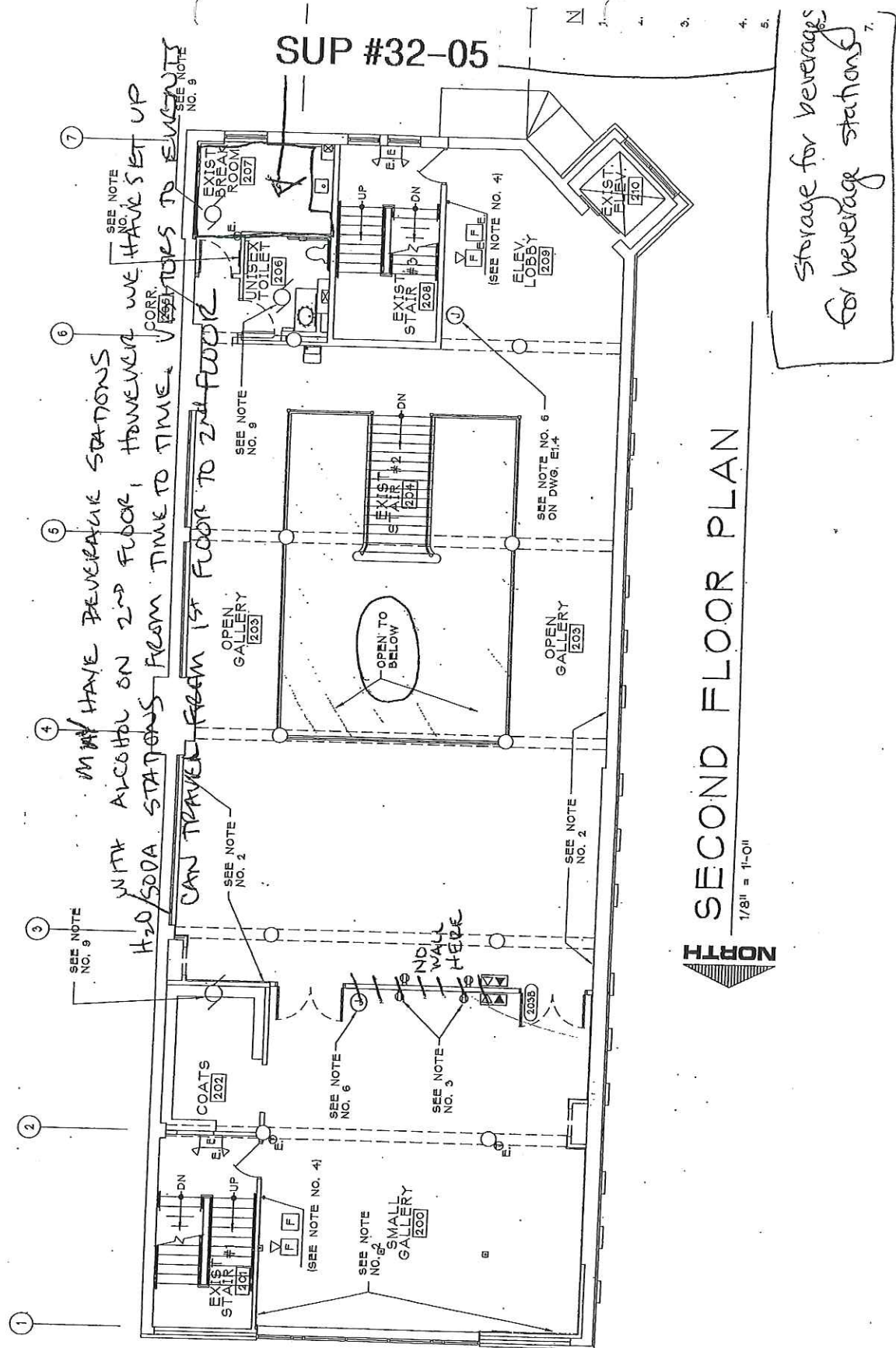
FIRST FLOOR PLAN

prepared by:

NTS

Appleton Art Center with Alcohol Sales Special Use Permit Second Floor Development Plan

City Plan Commission
Appleton, Wisconsin
12-12-05





MEMORANDUM

TO: Community and Economic Development Committee (CEDC)
FROM: Roxy Schmidt, Community Development Specialist
DATE: April 7, 2014
RE: CDBG 2014 Funding Allocation **Critical Timing**

On March 18, 2014, the City of Appleton received notice via email from HUD's Milwaukee office that Appleton's CDBG allocation for Program Year 2014 is \$525,200. For budgeting purposes, the City had estimated the award to be \$500,000. This number was based on past award amounts and the trend of award amounts in the past three years. According to the City's CDBG Policy, if there is a differential between the estimated and actual award, CEDC will decide how to deal with the differential. The table on the last page shows the amounts allocated to City programs, the original requests of community partner applicants and the allocation that was ultimately approved by CEDC and Common Council.

Two important considerations are the amounts allocated for public services and administration activities that are subject to caps put in place by HUD. Those caps and amounts (using \$525,200 as the award amount) are as follows:

	Maximum allowed	Currently allocated	Difference
15% Public Service Cap	\$78,780	\$75,000 (14.3%)	\$3,780
20% Administration/Planning Cap	\$105,040	\$47,000 (8.9%)	\$58,040

CRITICAL TIMING

The recommendation is considered a critical timing issue because of the timeline for the approval and submittal of the 2014 Annual Action Plan (AAP).

HUD issued a notice in December 2013, advising grantees that an Annual Action Plan for 2014 was not to be submitted until after the award amount was announced. Previously, AAPs were due 45 days prior to the beginning of the program year; in Appleton's case, February 15th. Because of delays in Congress approving HUD's appropriations, in the past AAPs would be submitted with an estimated award amount and have to be amended after the actual award amounts were announced. This created a significant amount of additional work for both HUD and grantees. As a result, grantees were given a new deadline of 60 days after HUD announced the 2014 allocations. As stated above, allocations were announced on March 18th, and following the new procedure, the AAP is due May 19th.

A 30 day public comment period is part of the approval process for the AAP, so with this somewhat condensed timeline, the process of making and approving recommendations for the additional funds

becomes critical. The calendar and process for recommendations and approvals is as follows:

March 18th – Final awards announced by HUD

April 4th – Notice regarding Public Comment Period and Public Hearing for the draft 2014 Annual Action Plan published in Post Crescent

April 7th – Recommendations by CEDC for allocation of additional \$25,200

April 15th – Draft Annual Action Plan available and start of 30 day Public Comment Period on the draft Annual Action Plan

April 16th – CEDC recommendations for additional funds presented to Council for approval

April 21st – Public hearing held at CEDC regarding the draft 2014 Annual Action Plan and draft plan presented to CEDC for approval

May 7th – 2014 Annual Action Plan presented to Council for approval

May 14th – 30 day Public Comment Period for 2014 Annual Action Plan ends

May 19th – 2014 Annual Action Plan hard copy due to HUD-Milwaukee

As you can see, allocation of the additional funds needs to be finalized quickly so that the activities resulting from those funds can be included in the draft AAP while the public comment period is open and before the due date of May 19th.

Staff requests CEDC make a recommendation for the allocation of **\$25,200**, the difference between the estimated amount and actual amount of the City's 2014 CDBG award.

Organization	Program Type	Original Request	Award
City of Appleton <i>CDBG Administration</i>	administration	\$ 25,000	\$ 25,000
City of Appleton <i>Fair Housing Services</i>	administration	\$ 22,000	\$ 22,000
City of Appleton <i>Homeowner Rehabilitation Loan Program</i>	housing	\$ 175,000	\$ 175,000
City of Appleton <i>Neighborhood Services Program</i>	public facilities/ community development	\$ 40,000	\$ 40,000
Appleton Housing Authority	housing	\$ 60,000	\$ 60,000
City of Appleton <i>Parks, Recreation and Facilities Management Department</i>	public facilities	\$ 53,100	\$ 53,100
Compassionate Home Health Care	public service	\$ 50,000	\$ 0
Emergency Shelter of the Fox Valley	public service	\$ 15,000	\$ 15,000
Fox Valley Warming Shelter	public service	\$ 10,000	\$ 10,000
Harbor House	public service	\$ 25,000	\$ 19,800
NAMI	public service	\$ 28,000	\$ 16,600
STEP Industries	public service	\$ 37,000	\$ 13,600
Greater Fox Cities Habitat for Humanity	housing	\$ 60,000	\$ 33,600
Housing Partnership of the Fox Cities	housing	\$ 45,800	\$ 16,300
		TOTAL	\$ 500,000



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

MEMO

TO: Human Resources Committee
Finance Committee
Municipal Services Committee

FROM: Paula Vandehey, Director of Public Works *PAV*

DATE: April 2, 2014

SUBJECT: **Approve proposed modification to the Department of Public Works Table of Organization - Parking Division**

The Department of Public Works recently filled our vacant full-time Parking Attendant Position with one of our part-time Parking Ramp Cashiers. Now that the Attendant Position is filled we have turned our attention to the part-time position. An idea that developed during the staff review of filling the position was to combine two existing part-time positions (Ramp Cashier 0.4 FTE non-benefited and Parking Enforcement 0.5 FTE benefited) into one full-time combined position.

This idea is consistent with the City's Strategic Plan in the following ways:

Key Strategy # 1 – Determine and communicate City priorities and allocate resources accordingly. By combining these two positions we will create a position that has added flexibility to meet the needs of the Department and our customers. Some examples of added flexibility and improved customer service include:

- This combined position could easily and quickly transition between enforcement duties and ramp attendant duties based on the actual parking system demands. Currently, shifts are assigned for a minimum of hours, but the demand may be less depending on customer needs.
- Due to the flexible scheduling inherent to this proposed position, we could better serve the unique seasonal demands created by events at the Performing Arts Center and the Saturday morning Farmer's Market.
- This position would allow for more consistent and scheduled cleaning of the Blue Ramp (and its future replacement). Cleaning of this ramp is currently performed by Parking Operator I's as their schedules permit.

Key Strategy #4 – Attract and retain an inspired, engaged workforce. The current part-time employee that would be assigned to the proposed new combined full-time position is exactly the type of employee the Department wishes to retain. He has an excellent rapport with our customers, a strong work ethic and is very flexible with scheduling across our 6-day work week (both days and evenings).

We believe that although this concept will require additional money in salaries and benefits, the position will pay for itself with anticipated additional ticket revenue as well as improved customer service. The estimated cost comparison is as follows:

Existing:

0.5 FTE Parking Enforcement @ \$18.06	= \$18,782
0.4 FTE Parking Cashier @ \$9.37	= \$ 7,796
Insurance/Benefits	= \$ 3,338
TOTAL	= \$29,916

Proposed:

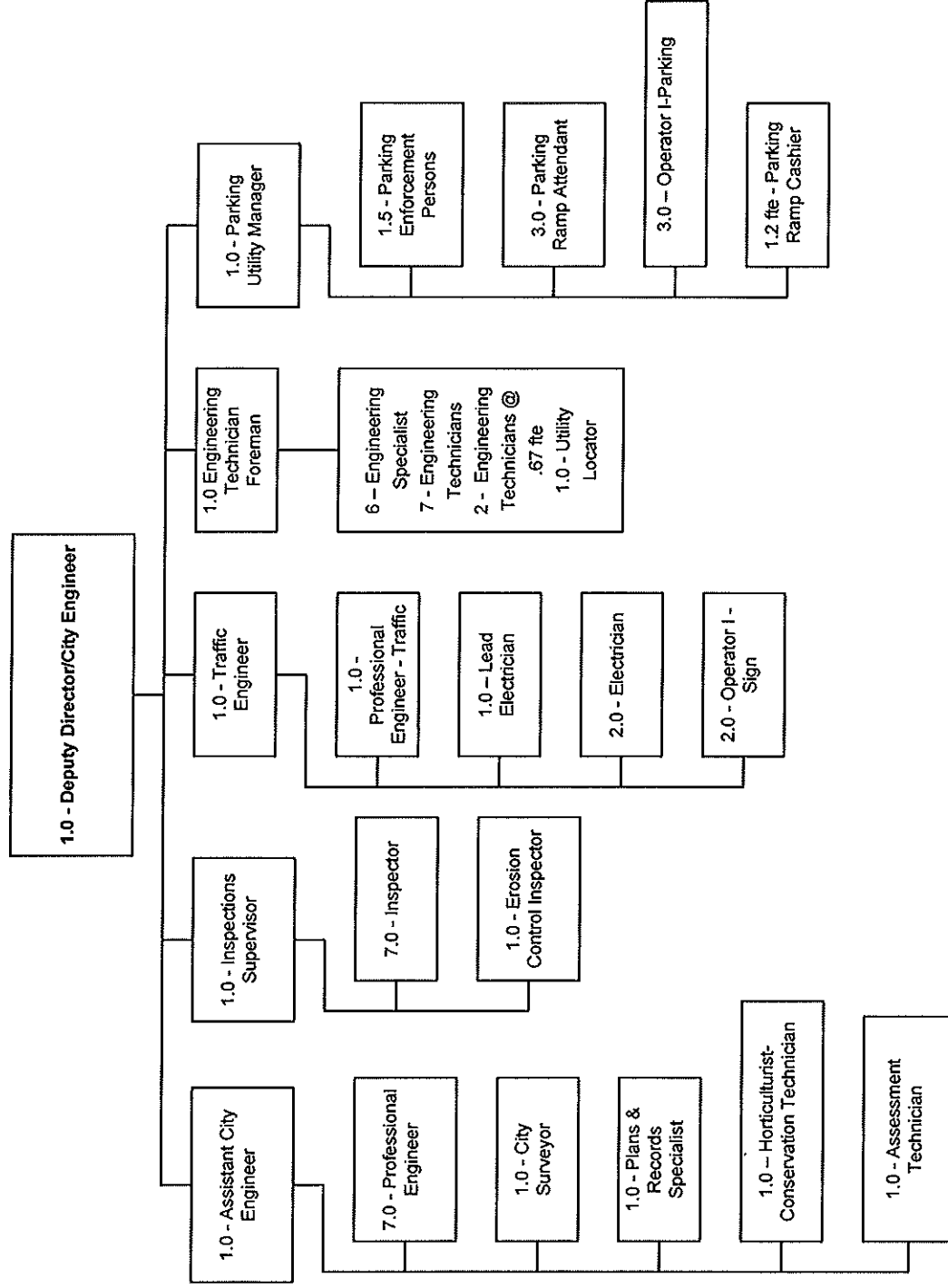
1.0 FTE Combined Position @ \$16.12	= \$33,530
Insurance/Benefits	= <u>\$18,443</u>
TOTAL	= \$51,973

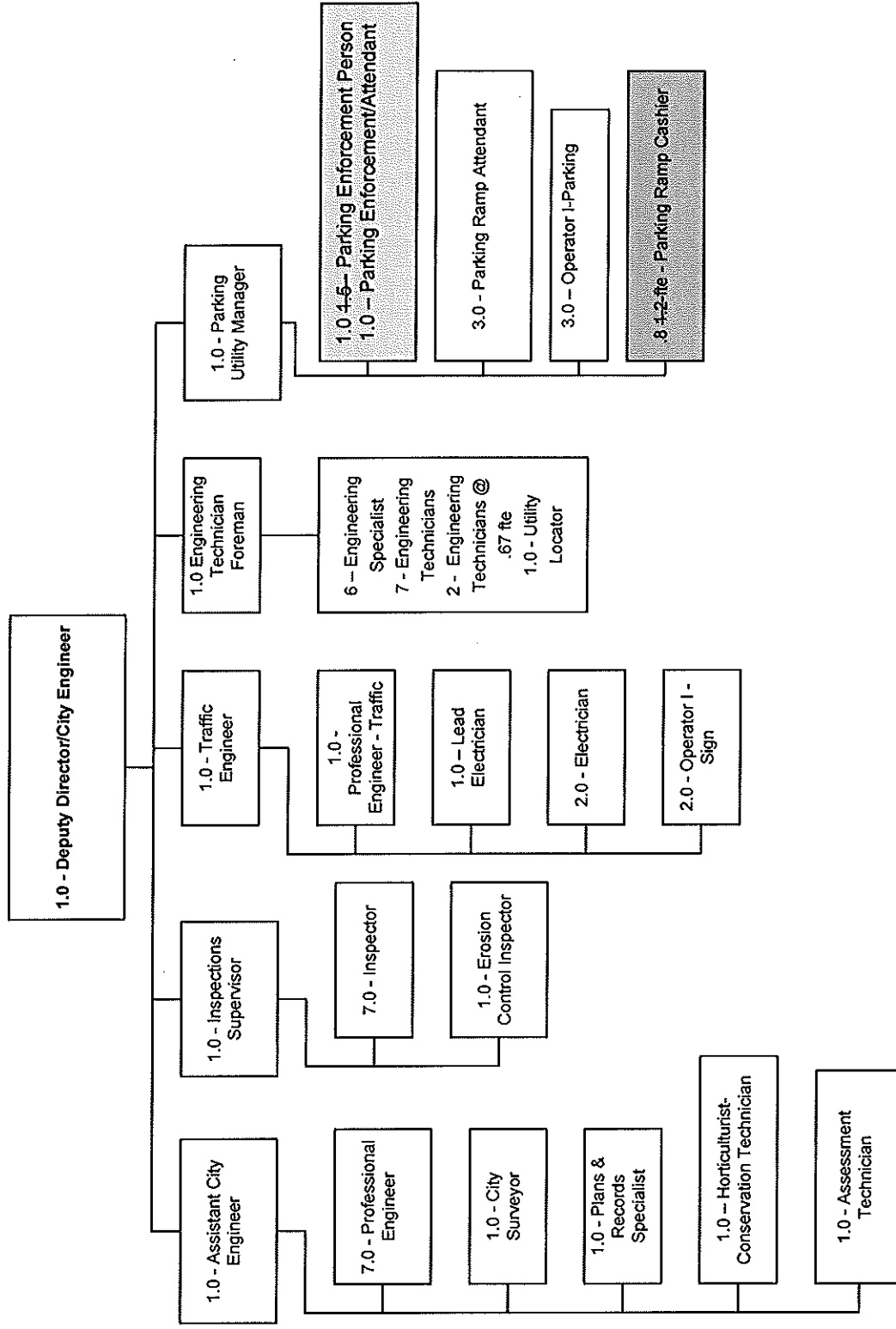
The anticipated additional annual cost for the proposed combined position is \$22,057. However, based on our annual ticket revenue we anticipate we will also increase our revenue by approximately \$32,000. Our projected assignment of the combined position is 0.6 FTE enforcement, 0.3 FTE cashier and 0.1 FTE ramp attendant. The additional 0.1 (208 hours) of enforcement x \$152 enforcement revenue per hour = \$31,616.

Therefore, based on our expected break-even cost analysis, the improved customer service, and goal of employee retention, we recommend that the Department of Public Works Table of Organization be modified to combine two existing part-time positions into one full-time position. If approved, we would make the change effective June 2, 2014 in order to allow for scheduling changes for the new full-time position. In order to fund the position change for 2014, the following budget amendment is also required:

Salary & Fringe Benefits	\$13,698
Parking Enforcement Revenue	\$13,698

C: Sandy Behnke, Human Resources Director
Tony Saucerman, Interim Finance Director







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**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

1819 East Witzke Boulevard
Appleton, Wisconsin 54911-8401
(920) 832-5572 FAX (920) 993-3103
Email - dean.gazza@appleton.org

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 3/20/2014

RE: Action: Recommend award of the WWTP CIP roof replacement contract to Nieman Roofing for \$79,560 with an additional \$8,000 for contingencies, for a contract not to exceed \$87,560.

The 2014 Capital Improvement Plan includes \$135,000 for the replacement roof work at the Wastewater Treatment Plant. Our annual roof inspection program identified several small sections of the roof on V-Building as being in need of replacement in 2014.

We received following bids:

Nieman Roofing (low bid)	\$79,560
Northern M&R	\$85,875
Walsdorf Roofing	\$96,100
Northeastern Roofing	\$97,700
Weinert Roofing	\$102,000

I recommend awarding the roofing contract to Nieman Roofing in the amount of \$79,560.

Please contact me at 832-5572 or at dean.gazza@appleton.org with any questions.



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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

1819 East Witzke Boulevard
Appleton, Wisconsin 54911-8401
(920) 832-5572 FAX (920) 993-3103
Email - dean.gazza@appleton.org

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 3/20/2014

RE: Action: Recommend award of the MSB CIP roof replacement contract to Weinert Roofing for \$125,170 with an additional \$12,500 for contingencies, for a contract not to exceed \$137,670.

The 2014 Capital Improvement Plan includes \$200,000 for a partial replacement of a section of the municipal garage roof. Our annual roof inspection program identified the roof over the sanitation bay as being in need of replacement in 2014. The Built-up Bitumenous roof will be replaced in kind.

The bids were received as follows:

Weinert Roofing (low bid)	\$125,170
Woodruff Roofing	\$137,600
Walsdorf Roofing	\$138,800
Northeastern Roofing	\$143,000
Northern M&R	\$157,860
Craft, Inc.	\$168,378
Nieman Roofing	\$175,650

I recommend awarding the roofing contract to Weinert Roofing in the amount of \$125,170.

Please contact me at 832-5572 or at dean.gazza@appleton.org with any questions.



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

**APPLETON FIRE DEPARTMENT
700 N. DREW STREET
APPLETON, WI 54911**

MEMORANDUM

To: Alderperson Kathy Plank, Chair, Finance Committee
Members of the Common Council

From: Eugene R Reece, Jr., Deputy Fire Chief

Date: April 1, 2014

Re: Request to Sell Obsolete Self-Contained Breathing Apparatus (SCBA) Air Bottles to the South Area Fire and Emergency Response District

In 2013, the department purchased new fire fighting SCBAs for the purpose of replacing outdated SCBAs and to enhance firefighter safety by providing current technology advancements available that were not part of our existing SCBA units. A large portion of this purchase was covered by the federal government in the Assistance to Firefighter Grant (AFG) and the remaining portion through city budget approved capital improvement projects.

We are seeking permission to sell twenty SCBA air bottles to the South Area Fire and Emergency Response District from Rib Mountain, Wisconsin. We have worked with our current vendor to identify that the bottles have a resale value of \$100 per bottle. The South Area Fire and Emergency Response District is in need of these bottles for emergency response use within their jurisdiction. Selling to an outside publicly funded agency is an approved method of surplus disposal under the City's procurement policy with approval from the Finance Committee. Therefore, the department respectfully requests to sell the obsolete self-contained breathing apparatus air bottles to the South Area Fire and Emergency Response District.

If you have any questions or need additional clarification, please feel free to contact me at 832-5810.

"Appleton Fire Department....serving with P.R.I.D.E."



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

MEMO

TO: Human Resources Committee
Finance Committee
Municipal Services Committee

FROM: Paula Vandehey, Director of Public Works *PAV*

DATE: April 2, 2014

SUBJECT: **Approve proposed modification to the Department of Public Works Table of Organization - Parking Division**

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This idea is consistent with the City's Strategic Plan in the following ways:

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We believe that although this concept will require additional money in salaries and benefits, the position will pay for itself with anticipated additional ticket revenue as well as improved customer service. The estimated cost comparison is as follows:

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Insurance/Benefits	= \$ 3,338
TOTAL	= \$29,916

Proposed:

1.0 FTE Combined Position @ \$16.12	= \$33,530
Insurance/Benefits	= \$18,443
TOTAL	= \$51,973

The anticipated additional annual cost for the proposed combined position is \$22,057. However, based on our annual ticket revenue we anticipate we will also increase our revenue by approximately \$32,000. Our projected assignment of the combined position is 0.6 FTE enforcement, 0.3 FTE cashier and 0.1 FTE ramp attendant. The additional 0.1 (208 hours) of enforcement x \$152 enforcement revenue per hour = \$31,616.

Therefore, based on our expected break-even cost analysis, the improved customer service, and goal of employee retention, we recommend that the Department of Public Works Table of Organization be modified to combine two existing part-time positions into one full-time position. If approved, we would make the change effective June 2, 2014 in order to allow for scheduling changes for the new full-time position. In order to fund the position change for 2014, the following budget amendment is also required:

Salary & Fringe Benefits	\$13,698
Parking Enforcement Revenue	\$13,698

C: Sandy Behnke, Human Resources Director
Tony Saucerman, Interim Finance Director



REPORT TO CITY PLAN COMMISSION

Informal Public Hearing Date: February 24, 2014

Common Council Public Hearing Date: March 19, 2014

Item: Rezoning #2-14

Case Manager: Jeff Towne

GENERAL INFORMATION

Owner/Applicant: Prospera Credit Union, owner / Nicolet Lumber, Inc., applicant

Address/Parcel #: North of Plank Road/ Parcel #31-9-4159-00

Petitioner's Request: The owner/applicant is requesting a rezoning from R-1A Single-Family District to R-3 Multi-Family District. "Applicant would like to develop apartments similar to those directly east of and adjacent to subject parcel of land. Rezoning request is in line with the City of Appleton Comprehensive Plan."

BACKGROUND

The subject property is currently vacant and was annexed to the City in 1984 as part of the Jonen Annexation.

Special Use Permit #16-04 for a place of worship in an R-1A Single-Family District was approved in 2004. Site Plan #05-36 for a church was submitted, but the applicant did not complete the process. The church was never constructed and the SUP approval expired.

A rezoning request by Commonwealth Development from R-1A Single-Family District to R-3 Multifamily Residential District was withdrawn at the November 22, 2010 Plan Commission meeting.

A rezoning request from R-1A Single-Family District to PD/R-3 Planned Development/ Multifamily District by Bechard Group was approved at the April 9, 2012 Plan Commission meeting. The rezoning request was denied by the Common Council at the April 18, 2012 meeting.

STAFF ANALYSIS

The subject site is a 16.207 acre vacant lot. It was annexed to the City of Appleton in 1984 with an R-1A Single-Family District designation per Ordinance #153-84. It has remained vacant for the past 30 years. The property retained this R-1A classification per the adoption of the Official Zoning Map as part of the 1994 Zoning Ordinance (#61-94).

Adjacent land uses include multi-family apartments to the east, single-family housing to the west and land currently used agriculturally to the south. State Trunk Highway 441 abuts the property to the north, Plank Road to the south and Bayberry Street to the west. Plank Road is designated as an arterial street and Bayberry Street is designated as a local street per the City's Arterial/Collector Plan.

The applicant has requested the rezoning to allow for the construction of multi-family housing on the site. The owner/applicant held a neighborhood meeting on February 12, 2014 to present their proposal for rezoning to residents of the neighborhood. A concept plan of the proposed development was shared at that meeting and the developer and City staff answered questions from the attendees.

The issue of the possible existence of wetlands was raised during the previous rezoning requests for this site. Any issues related to natural features that may exist on the property will need to be addressed prior to building permits being issued for any use of the property. If delineation is required, and determines that wetlands are present, any development will be subject to all local and State regulations related to wetlands. Wetlands or other natural features on a property have no bearing on the underlying base zoning district of a property.

The issue of impact on the Appleton Area School District was also previously discussed during the previous rezoning requests. The School District is notified of all pending Plan Commission public hearings and actions through the City's Technical Review Group (TRG). The Technical Review Group provides a forum for communication between several local entities and numerous City departments regarding pending Plan Commission items. This rezoning request was on a Technical Review Group agenda sent to the School District. The City has not received any comments from the School District regarding this proposal.

Prior to any building permits being issued, any proposed development will be reviewed by all agencies having authority and regulation responsibilities. This includes any local or State regulations. Any development other than one or two family residential dwellings may be subject to City of Appleton Site Plan Review and approval. This is an internal staff process that includes numerous City Departments. The development standards of the R-1A Single-Family District and the R-3 Multifamily District are attached.

Surrounding zoning and land uses:

North: R-2 Two-Family District characterized by two-family homes.
South: R-1A Single-Family District characterized by agricultural uses.
East: R-3 Multi-Family District characterized by apartments.
West: R-1B Single-Family District characterized by single-family homes.

2010-2030 Comprehensive Plan: The City of Appleton 2010-2030 Comprehensive Plan identifies this lot for future multi-family land uses. The proposed designation of the subject site as R-3 Multifamily Residential is consistent with the Future Land Use Map and the following goals and objectives of the 2010-2030 Comprehensive Plan:

Overall Community Goals

- **Goal 1 – Community Growth** (Chapter 10 – Land Use)
Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

- **Goal 2 – Neighborhood Development** (Chapter 10 – Land Use)

Appleton will preserve and enhance existing City neighborhoods, and require quality design in newly developed areas, to continue to provide an attractive setting for living and raising a family.

- **Goal 3 – Housing Quality and Affordability** (Chapter 5)

Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.

Review Criteria: Based upon the above analysis it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

(3) ***Standards for map amendments.*** All recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals and policies of the City and with the intent of this zoning ordinance.

a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one (1) of the four (4) standards.

1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton.

The request is in conformance with the City of Appleton Comprehensive Plan. The Common Council adopted the 2010-2030 Comprehensive Plan, (Ordinance #54-10 (attached)), on December 16, 2009, which designated the subject property for future Multifamily Residential development.

b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:

1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site.

Staff has discussed traffic issues with the City Traffic Engineer. Driveway access from Plank Road will be toward the eastern portion of the property and to the east of the roundabout at the intersection of Plank and Midway Roads. Plank Road will be reconstructed from the roundabout to the intersection with South Lake Park Road in 2014. The new road will have one traffic lane and a bike lane in each direction.

Existing sidewalks on both sides of Plank Road will also be extended as part of this project along with lighting improvements. The Traffic Engineer confirmed that the property has been modeled for multi-family development in the Fox Cities Regional Transportation Demand Model developed by the East Central Wisconsin Regional Planning Commission. This means that the surrounding roadways have been designed to accommodate multi-family development of the size and density currently being proposed (eighty 2--bedroom and forty 1-bedroom apartments). A secondary access could be located at the end of Bayberry Street, which is an existing dedicated public street. Staff does not believe that a potential multi-family development will negatively impact traffic on Plank Road as it is designed as an arterial street.

2. The effect of the proposed rezoning on surrounding uses.

The proposed rezoning will not have a detrimental effect on existing land uses in the immediate area. It is compatible with existing multifamily development located to the east and the southwest. Adequate infrastructure is in place to accommodate multifamily development at this location.

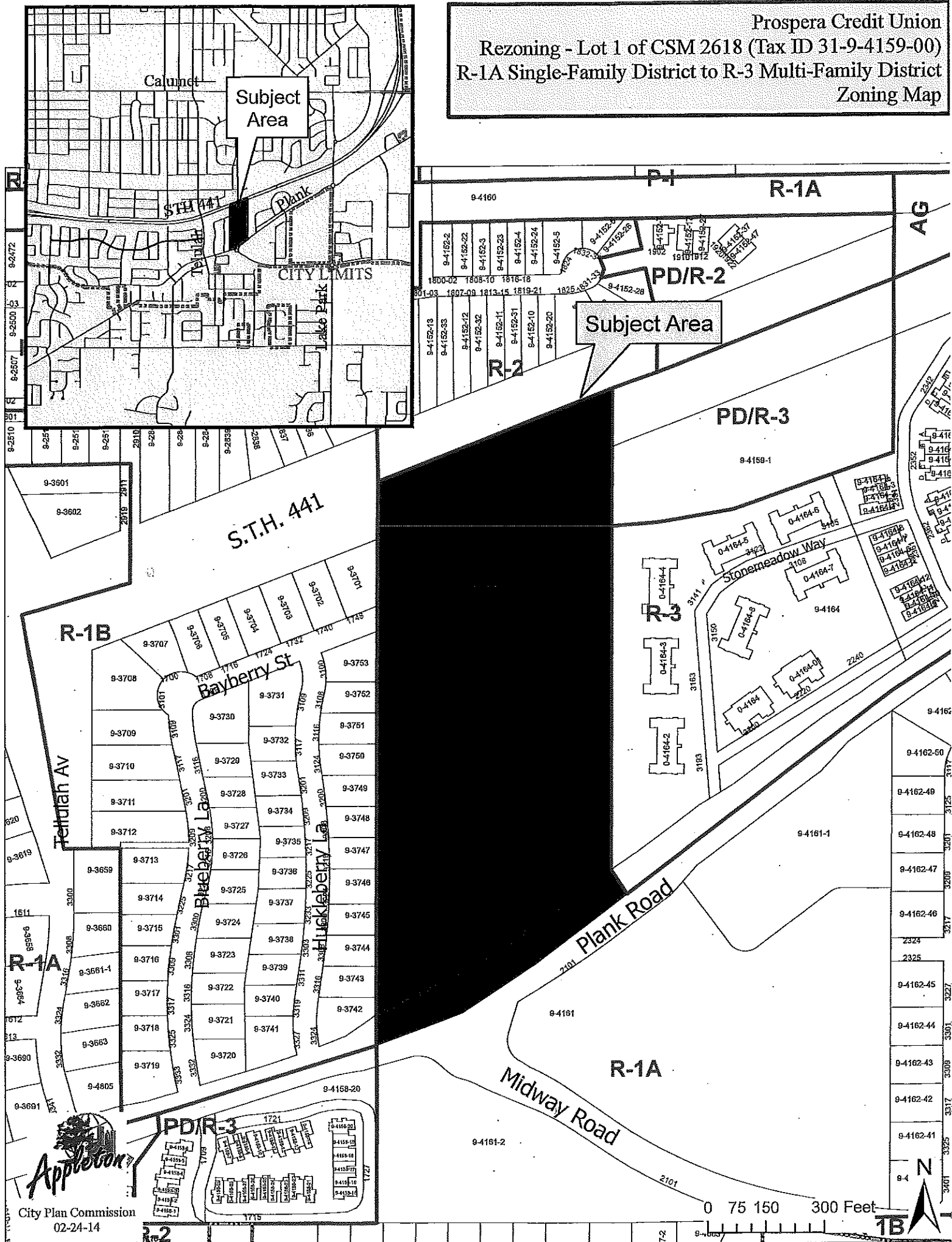
Public Comments: Staff has received one (1) letter from the property owner (see attached) and multiple questions were asked by those in attendance at the neighborhood meeting held by the developer.

Technical Review Group Report (TRG): This item was discussed at the February 11, 2014 Technical Review Group Report meeting. No negative comments were received from the members of the group which includes the Appleton Area School District, Department of Public Works, Police Department, WE Energies, Building Inspections, Fire Department and others.

RECOMMENDATION

Staff recommends, based upon the standards for map amendments as required by Section 23-65(d) (3) of the Zoning Ordinance, that Rezoning Application #2-14 to rezone the property generally located north of Plank Road (Parcel Number of 31-9-4159-00), from R-1A Single-Family District to R-3 Multi-Family District, including to the centerline of adjacent street right-of-way(s) and as shown on the attached maps, ***BE APPROVED.***

Prospera Credit Union
 Rezoning - Lot 1 of CSM 2618 (Tax ID 31-9-4159-00)
 R-1A Single-Family District to R-3 Multi-Family District
 Zoning Map



ADOPTED: March 3, 2010
PUBLISHED: March 8, 2010
Office of the City Clerk

54 - 10

**AN ORDINANCE REPEALING AND
RECREATING A COMPREHENSIVE
PLAN FOR THE CITY OF APPLETON.**

The Common Council of the City of Appleton does ordain as follows:

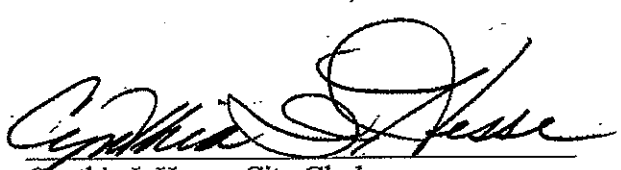
Section 1: All ordinances of a general and permanent nature, relating to a Comprehensive Plan, adopted prior to March 3, 2010, are hereby repealed.

Section 2: The Comprehensive Plan entitled "City of Appleton Comprehensive Plan 2010 - 2030" as prepared by R.A. Smith Co. and approved by Council December 16, 2009, is hereby adopted as the Comprehensive Plan the City of Appleton.

Section 3: This ordinance shall be in full force and effect from and after its passage and publication.

Dated: March 4, 2010


Timothy M. Hanna, Mayor


Cynthia I. Hesse, City Clerk

Multifamily Housing Status Report

Minimum development density standard for the R-3 Zoning District: 14.5 dwelling units per acre

Future Multifamily Land Use designated on 2010-2030 Future Land Use Map: 254.73 acres

20 year (2010-2030) Projected Multifamily Land Use

***Potential Multifamily dwelling units: (254.73 acres X 14.5 units per acre) = 3,694 dwelling units**

Actual Multifamily dwelling units constructed from 2010-2013

New Multifamily dwelling units constructed: 563 dwelling units

Total land area utilized: 56.21 acres

Average density: 10.01 dwelling units per acre

Notes:

***Building out conditions – Assumes full development of multifamily dwelling units within and outside of the City limits under the recommended City 2010-2030 Future Land Use Map (page 141 of the Comprehensive Plan) applying current minimum R-3 Zoning District development standards.**

Development Standards

R-1A Single-Family District

(g) ***Development standards.*** The space limits applicable in the R-1A district are as follows:

- (1) ***Minimum lot area.*** Eight thousand (8,000) square feet.
- (2) ***Maximum lot coverage.*** Forty percent (40%).
- (3) ***Minimum lot width.*** Seventy (70) feet.
- (4) ***Minimum front yard.*** Twenty (20) feet (twenty-five (25) feet minimum on arterial street).
- (5) ***Minimum rear yard.*** Twenty-five (25) feet.
- (6) ***Minimum side yard.*** Eight (8) feet.
- (7) ***Maximum building height.*** Thirty-five (35) feet.

R-3 Multifamily District

(g) ***Development standards.*** The space limits applicable in the R-3 district are as follows:

- (1) ***Minimum lot area.***
 - a. Six thousand (6,000) square feet for single-family dwelling.
 - b. Seven thousand (7,000) square feet for two (2) story two- (2-) family dwellings.
 - c. Nine thousand (9,000) square feet for single story two- (2-) family dwelling.
 - d. Three thousand (3,000) square feet per dwelling unit for multi-family dwellings.
 - e. Seven thousand (7,000) square feet for all other uses.
- (2) ***Maximum lot coverage.*** Seventy percent (70%).
- (3) ***Minimum lot width.***
 - a. Fifty (50) feet for single-family dwellings.
 - b. Seventy (70) feet for two- (2-) family dwellings.
 - c. Eighty (80) feet for all other uses.

(4) ***Minimum front yard.***

- a. Twenty (20) feet.
- b. Twenty-five (25) feet if located on an arterial street.

(5) ***Minimum rear yard.*** Thirty-five (35) feet.

(6) ***Minimum side yard.***

- a. Six (6) feet for single and two-family dwellings.
- b. Twenty (20) feet all other uses.

(7) ***Minimum setback from single or two-family lot line.*** Thirty (30) feet.

(8) ***Maximum building height:***

- a. Thirty-five (35) feet for single- and two- (2-) family dwellings.
- b. Forty-five (45) feet or all other uses.

(9) ***Minimum distance between multi-family buildings.*** Twelve (12) feet.



City Plan Commission
100 North Appleton Street
Appleton, WI 54911

Dear City Plan Commission Members:

My name is Sheila Schinke and I'm the CEO of Prospera Credit Union, the current owner of the 16.2 acre property on Plank Road south of 441. The proposed rezone of this property from R1-A, Single Family District, to R-3, Multifamily District, is scheduled to appear on the agenda of your February 24, 2014 Plan Commission Meeting.

We acquired this property with the notion that the land would be zoned multifamily in the future. This business decision was based on the city of Appleton's long-term Comprehensive Plan approved in December 2010. We have a developer with an accepted offer to purchase contingent on a rezone and we continue to believe that following the comprehensive plan, designating it for multifamily development, is what is best for this land and in the community's best interest.

The developer, Nicolet Lumber, is known for exceptional construction projects and subsequent management of the complexes through Premier Real Estate Management, LLC, once complete. Nicolet Lumber completed the adjacent apartments to the East – Stone Meadows Apartments, which have over 90% occupancy. They place a high priority on including green space within their developments and ensuring they are well under density requirements. In addition, we recently held a neighborhood meeting where the developer presented a concept plan that covered many of the neighbor's previous concerns and spent two hours answering questions. The developer displayed a clear willingness to listen and work with the neighbors throughout the development process.

Prospera Credit Union is a not-for-profit organization. We are member-owned and very committed to giving back to the communities that we live and work in. We are not in the business of buying and selling real estate or developing land. We are in the business of helping our 16,000 plus members meet their financial goals. Nearly 11,000 of those members are Appleton residents, a very large portion being city of Appleton taxpayers. One of the points of differentiation for a credit union is that the mission is to help people, not make a profit.

Our goal is to serve all our members and every member counts. The decisions that we make as a business are on behalf of our members and they trust us to make decisions that are best for our entire membership which is made up of homeowners, apartment dwellers and more.

In March of 2011 we entered into a real estate transaction with Christ Church of the Fox Valley, the previous owner of the Plank Road property. This transaction was to facilitate a larger transaction that we believed was in the best interest of the credit union at the time. As stated above, prior to the acquisition of this parcel, we performed proper due diligence and determined that the City of Appleton's approved Comprehensive Plan had designated this parcel as R-3, Multifamily District, for future development. Again, it is not the mission of the credit union to hold property, so we immediately listed the property for sale with Bechard Group, Inc. The property had been listed by two different Realtors for the previous owner for five years prior to this transaction. We have now had it listed for three years and have had three offers to purchase the property, all from multifamily developers.

The Comprehensive Plan passed by the City recognizes that multifamily is the most appropriate use for this property given its highway location and other neighborhood characteristics including existing multifamily on one side.

To our knowledge there have been no offers to buy and develop this property from any single family developers in the entire eight year history that we have been aware of the property and know it has been listed for sale with professional real estate brokers. We believe this clearly demonstrates that the "market" agrees with the City's Comprehensive Plan of multifamily rather than the current default zoning classification of single family.

As a business in the City of Appleton, we respectfully request that you as a committee fulfill your fiduciary responsibility to all residents of the City, and give us the opportunity to sell this property by voting in favor of a zoning change that is consistent with the City of Appleton's Comprehensive Plan which was unanimously approved in 2010.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sheila Schinke".

Sheila Schinke
CEO
Prospera Credit Union

AN ORDINANCE AMENDING SECTION 9-23 OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ISSUANCE GENERALLY; DISPLAY.

(Finance Committee – 4-2-14)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 9-23 of Chapter 9 of the Municipal Code of the City of Appleton, relating to issuance generally; display, is hereby amended to read as follows:

Sec. 9-23. Issuance generally; display.

(a) Licenses and permits, when granted, shall be issued by the City Clerk and shall state the date thereof, the day from which the license or permit shall be in force, the name, place of residence and place of business of the person to whom the license or permit is issued, the particular purpose and the time for which issued and the amount of fee paid. The City Clerk shall keep all such applications on file and keep a record of all licenses and permits issued. Each license or permit issued shall be separately displayed on the premises or vehicle for which issued.

(b) The City Clerk shall be charged with the enforcement of all ordinances relating to licenses unless other provision is made by the Common Council for the enforcement.

(c) **DELINQUENT DEBTS OWED TO THE CITY.** The following are conditions precedent to the issuance of any licenses or permits provided under this code.

- (1) The payment of all delinquent and unpaid personal property taxes and room taxes imposed pursuant to Wisconsin Statutes or this code and all other delinquent and unpaid claims of the City including assessments, special charges, municipal utility charges, invoices or judgments due and owing from the applicant to the City at the time the license or permit is issued. The “applicant” includes a natural person, corporation, limited liability company, partnership, limited partnership, association, cooperative or any other entity making application for a license or permit in the name of that entity.
- (2) The payment of all delinquent and unpaid taxes, claims or other obligations as described in paragraph (1) relating to the property or to the previously licensed business if the new license or permit is granted conditionally upon, or subsequent to, the sale or transfer of the business or stock in trade or furnishings or equipment of the premises or the sale or

transfer of ownership or control of a corporation.

(d) Alleged errors in amounts claimed to be due the City may be appealed to the Finance Committee. The Committee shall have no authority to review any matter for which a review or appeal procedure has been provided by state statute or other ordinance. Within five (5) days of being informed of an amount claimed due, the person seeking review shall file a written notice of appeal with the Director of Finance stating the basis for the appeal and specifying the alleged error. Upon providing due notice, the Committee shall hold a hearing at which the applicant may be represented by counsel and both the City and the applicant shall have the opportunity to present witnesses, cross-examine witnesses and present other evidence pertaining to the claimed error. After holding the hearing, the Committee shall by majority vote make findings of fact and issue its conclusion regarding the alleged error. Any established error shall be promptly corrected.

(e) No license or permit shall be issued until the Director of Finance or designee thereof has notified the City Clerk in writing that all required payments have been made.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

16-14

AN ORDINANCE AMENDING SECTION 19-137 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ROUTES ENUMERATED.

(Municipal Services Committee – 4-2-14)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 19-137 of Chapter 19 of the Municipal Code of the City of Appleton, relating to routes enumerated, is hereby amended to read as follows:

Sec. 19-137. Routes enumerated.

The truck routes established pursuant to this article are as follows:

Alliance Drive from Milis Drive to Vantage Drive.

Appleton Street from Washington Street to Lawrence Street.

Badger Avenue from Wisconsin Avenue to Memorial Drive.

Ballard Road from Wisconsin Avenue to the north City limits.

Bluemound Drive from College Avenue to the north City limits.

Calumet Street from Oneida Street to the east City limits.

Capitol Drive from Ballard Road to Zuehlke Drive.

College Avenue from Morrison Street to the east City limits.

College Avenue from Richmond Street to the west City limits.

Commercial Street from Meade Street to Rankin Street.

Conkey Street from Pershing Street to Venture Drive.

Division Street from Washington Street to Franklin Street.

Douglas Street from Spencer Street to Melvin Street.

~~Drew Street from College Avenue to Water Street.~~

Eisenhower Drive from Midway Road to Calumet Street (CTH KK).

Endeavor Drive from Lakeland Drive to Eisenhower Drive.

Enterprise Avenue from Gateway Drive to Providence Avenue.

Evergreen Drive from Ballard Road to French Road.

Everett Street from Perkins Street to the west end.

Fourth Street from Lynndale Drive to the east end.

Gateway Drive from Enterprise Avenue to Evergreen Drive.

Glendale Avenue from Ballard Road to Sandra Street.

Goodland Drive from Conkey Street to Zuehlke Drive.

Hancock Street from Lawe Street to Meade Street.

Haskell Street from Outagamie Street to Herbert Street.

Herbert Street from Haskell Street to Rogers Avenue.

Intertech Drive from Enterprise Avenue to cul-de-sac.

John Street from College Avenue to Calumet Street.

Kensington Drive from College Avenue to Newberry Street.

Lakeland Drive from Plank Road to Vantage Drive.

Lawe Street from South Island Street to Summer Street.

Lawrence Street from Memorial Drive to Morrison Street.

Leonard Street from Lynndale Drive to Perkins Street.

Lightning Drive from Evergreen Drive to Enterprise Avenue.

Lilas Drive from College Avenue to the north City limits.

Lilas Drive from Everett Drive to Second Street.

Linwood Avenue from College Avenue to Spencer Street.

Lynndale Drive from College Avenue to the north City limits.

Lynndale Drive from Spencer Street to the south end.

Marshall Road from Winslow Avenue to Capitol Drive.

Meade Street from Hancock Street to Wisconsin Avenue.

Midway Road from the west City limits to the east City limits.

Milis Drive from Quest Drive to Alliance Drive.

Morrison Street from Lawrence Street to Washington Street.

Newberry Street from Walter Avenue to the east City limits.

Northland Avenue from the west City limits to the east City limits.

Olde Oneida Street from ~~Water~~ South Island Street to Oneida Street.

Oneida Street from College Avenue to the south City limits.

Outagamie Street from Spencer Street to Haskell Street.

Pensar Drive from Roemer Road to the west end.

Perkins Street from College Avenue to the north City limits.

Perkins Street from Second Street south to the railroad tracks.

Pershing Street from Conkey Street to Sandra Street.

Plank Road from Quest Drive to Eisenhower Drive.

Pointer Road from Pensar Drive to Capitol Drive.

Progress Drive from Winslow Avenue to Capitol Drive.

Providence Avenue from Evergreen Drive to Enterprise Avenue.

Quest Drive from Plank Road to Midway Road.

Radio Road from College Avenue (CTH CE) to Warehouse Road.

Rankin Street from Commercial Street to Wisconsin Avenue.

Richmond/Memorial (State Trunk Highway 47) from the north City limits to the south City limits.

Roemer Road from Glendale Avenue to Capitol Drive.

Rogers Avenue from Herbert Street to the west end.

Sandra Street from Glendale Avenue to Pershing Street.

Second Street from Outagamie Street to the west end.

Second Street from Whitman Avenue to Perkins Street.

South Island Street between Olde Oneida Street and Lawe Street.

Spencer Street from Badger Avenue to the west City limits.

Summer Street from Lawe Street to Meade Street.

Vantage Drive from Quest Drive to Lakeland Drive.

Walter Avenue from College Avenue to Newberry Street.

Warehouse Road from Radio Road to Kensington Drive.

Washington Street from Morrison Street to Division Street.

~~Water Street from Drew Street to Olde Oneida Street.~~

Whitman Avenue from Spencer Street to Second Street.

Winslow Avenue from Roemer Road to Zuehlke Drive.

Wisconsin Avenue from the west City limits to the east City limits.

Woods Edge Drive from College Avenue to the north end.

Zuehlke Drive from Winslow Avenue to Goodland Drive.

**Deletions are stricken and changes are underlined and bold.*

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.