



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
[www.appleton.org](http://www.appleton.org)

## Meeting Agenda Common Council

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Wednesday, August 19, 2015

7:00 PM

Council Chambers

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- 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  
[15-1344](#) Common Council Meeting Minutes from August 5, 2015

**Attachments:** [CC Minutes 08-05-2015.pdf](#)

- H. BUSINESS PRESENTED BY THE MAYOR
- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY
- L. COMMITTEE REPORTS
- 1. **MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**

15-1153

R/B as Amended-Aldersperson Croatt-Bateman Street (Pacific St to Hancock St):

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

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

**Legislative History**

7/7/15            Municipal Services            recommended for approval  
                         Committee

7/15/15           Common Council            referred to the Municipal Services  
                         Committee

7/21/15           Municipal Services            recommended for approval  
                         Committee  
*Item 15-1153 be re-affirmed for approval.*

8/5/15            Common Council            referred to the Municipal Services  
                         Committee

*Amendment 1 (Meltzer): Bateman Street (Pacific St to Hancock St): Amend final sentence to read, "Current on-street parking shall be removed from the east side of the street.*

*Aldersperson Meltzer moved, seconded by Aldersperson Siebers, that the Report Action Item be amended. Roll Call. Motion carried by the following vote: 8-4*

*This item, as amended, was then referred back to the Municipal Services Committee by Aldersperson Croatt.*

8/11/15           Municipal Services            recommended for approval  
                         Committee

15-1295

Request from Peter Bartman for an exception to the Street Terrace Policy to construct a planter box within the Rankin Street terrace area at 218 N. Rankin Street.

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

**Legislative History**

8/11/15           Municipal Services            recommended for approval  
                         Committee

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

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

**Legislative History**

8/11/15	Municipal Services Committee	recommended for approval
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- [15-1297](#) Approve parking changes on the south side of McArthur Street at Morrison Street.

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

**Legislative History**

8/11/15	Municipal Services Committee	recommended for approval
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- [15-1298](#) Approve installation of bike lanes on Prospect Avenue from Oneida Street to Sixth Street.

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

**Legislative History**

8/11/15	Municipal Services Committee	recommended for approval
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- [15-1299](#) Approve proposed ordinance that establishes standards for composting in the City of Appleton.

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

**Legislative History**

8/11/15	Municipal Services Committee	recommended for approval
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## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

- [15-1167](#) "Class B" Beer/Liquor License application of Thao Enterprises Inc, d/b/a Chung's Sandwich Bar, Maiyoua Thao, Agent, 1804 S. Lawe Street, Suite 203, contingent upon approval from all departments.

**Legislative History**

7/22/15	Safety and Licensing Committee	recommended for approval
8/5/15	Common Council	referred to the Safety and Licensing Committee
8/12/15	Safety and Licensing Committee	recommended for approval

[15-1250](#)

"Class B" Beer/Liquor License application of International and Caribbean Food Company LLC d/b/a Paninoteca, Freddy A. Orozco, Agent 2025 N. Richmond St., contingent upon approvals from all departments.

**Legislative History**

8/12/15      Safety and Licensing      recommended for approval  
Committee

[15-1255](#)

"Class A" Liquor (Cider only) License Application of Kwik Trip, Inc. d/b/a Kwik Trip #678, Toua Lee, Agent, 3232 South Oneida Street, contingent upon approval from all departments.

**Legislative History**

8/12/15      Safety and Licensing      recommended for approval  
Committee

[15-1256](#)

"Class A" Liquor (Cider only) License Application of Kwik Trip, Inc. d/b/a Kwik Trip #639, Isaac A. Peterson, Agent, 2175 South Memorial Drive, contingent upon approval from all departments.

**Legislative History**

8/12/15      Safety and Licensing      recommended for approval  
Committee

[15-1257](#)

"Class A" Liquor (Cider only) License Application of Kwik Trip, Inc. d/b/a Kwik Trip #685, Eric R. Forbes, Agent, 4085 East Calumet Street, contingent upon approval from all departments.

**Legislative History**

8/12/15      Safety and Licensing      recommended for approval  
Committee

[15-1258](#)

"Class A" Liquor (Cider only) License Application of Kwik Trip, Inc. d/b/a Tobacco Outlet Plus #556, Kathleen A. Bayer, Agent, 1342 West Prospect Avenue, contingent upon approval from all departments.

**Legislative History**

8/12/15      Safety and Licensing      recommended for approval  
Committee

[15-1259](#)

"Class A" Liquor (Cider only) License Application of Kwik Trip, Inc. d/b/a Kwik Trip 200, Thomas F. Emme, Agent, 2120 East Edgewood Drive, contingent upon approval from all departments

**Legislative History**

8/12/15      Safety and Licensing      recommended for approval  
Committee



- [15-1260](#) "Class A" Liquor (Cider only) License Application of Kwik Trip, Inc. d/b/a Kwik Trip 181, Bryan D. Hartjes, Agent, 730 East Wisconsin Avenue, contingent upon approval from all departments

**Legislative History**

8/12/15	Safety and Licensing Committee	recommended for approval
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- [15-1261](#) "Class A" Liquor (Cider only) License Application of Kwik Trip, Inc. d/b/a Kwik Trip 182, Jessica A. Hartjes, Agent, 306 North Richmond Street, contingent upon approval from all departments

**Legislative History**

8/12/15	Safety and Licensing Committee	recommended for approval
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- [15-1269](#) "Class A" Liquor (Cider only) License application of Ballard GCS LLC, d/b/a Ballard Grand Central, Daniel J. Pamperin, Agent, 1910 E. Capitol Dr., contingent upon approval from all departments.

**Legislative History**

8/12/15	Safety and Licensing Committee	recommended for approval
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- [15-1292](#) Change of Agent - "Class A" Beer/Liquor of Albertfest, Inc., d/b/a Festival Foods, 1200 W. Northland Ave., Jason S. Stingl, Agent, contingent upon approval from the Police Department.

**Legislative History**

8/12/15	Safety and Licensing Committee	recommended for approval
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- [15-1293](#) Change of Agent - "Class A" Beer/Liquor License of Ultimate Mart LLC, d/b/a Copps Food Center #8187, 511 W. Calumet St., Andrew D. Rosenberg, Agent, contingent upon approval from the Police Department.

**Legislative History**

8/12/15	Safety and Licensing Committee	recommended for approval
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- [15-1306](#) Operator's Licenses

**Attachments:** [Operator's Licenses for 08-12-2015 S&L.pdf](#)

**Legislative History**

8/12/15	Safety and Licensing Committee	recommended for approval
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[15-1308](#) Renewal Operator's Licenses

**Attachments:** [Renewal Operator's Licenses for 08-12-2015 S&L.pdf](#)

**Legislative History**

8/12/15      Safety and Licensing      recommended for approval  
Committee

[15-1329](#) Change of Agent - "Class A" Beer/Liquor License of Ultimate Mart LLC, d/b/a Copps Food Center #8123, 2700 N. Ballard Rd., Shane E. Fischer, Agent, contingent upon approval from the Police Department.

**Legislative History**

8/12/15      Safety and Licensing      recommended for approval  
Committee

[15-1331](#) Special Class "B" Beer License applications filed after the agenda was published.

**Legislative History**

8/12/15      Safety and Licensing      recommended for approval  
Committee

[15-1321](#) Request to Sole Source the Training Tower Window Modifications Project for a Cost Not to Exceed \$30,000.

**Attachments:** [Request to Sole Source the Training Tower Window Modifications Project for a](#)

**Legislative History**

8/12/15      Safety and Licensing      recommended for approval  
Committee

### 3. MINUTES OF THE CITY PLAN COMMISSION

[15-1289](#) Request to approve Special Use Permit #9-15 for a community hall and restaurant with outdoor seating with alcohol sales and service, at 1804 S. Lawe Street, as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report

**Attachments:** [SUP #9-15 Staff Review.pdf](#)

**Legislative History**

8/10/15      City Plan Commission      recommended for approval  
*Alderperson Konetzke amended the motion to preclude alcohol sales and service on the front side (outside) of the building should the applicant ask for this additional space in the future. Vandehey seconded the amendment. Amendment failed 1-Konetzke/4-Mayor Hanna, Priddis, Uslabar, Vandehey*

- [15-1291](#) Request to approve Special Use Permit #10-15 for a restaurant with alcohol sales and service, at 338 W. College Avenue, as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report

**Attachments:** [SUP #10-15 Staff Review.pdf](#)

**Legislative History**

8/10/15 City Plan Commission recommended for approval

**4. MINUTES OF THE PARKS AND RECREATION COMMITTEE**

**5. MINUTES OF THE FINANCE COMMITTEE**

- [15-1138](#) Request approval of ordinance permitting absent Alderpersons to appear by phone.

**Attachments:** [Sec 2-29 Alderperson Appearances \(amended\) .pdf](#)

**Legislative History**

7/7/15 Finance Committee held

8/11/15 Finance Committee recommended for approval  
*Motion to amend by Alderperson Lobner to use "electronically" in place of "by telephone" throughout the amendment; second by Alderperson Konetzke.*

- [15-1188](#) Request to approve contract to Northern Electric for Municipal Services Electrical Upgrades in the amount of \$181,900 with a contingency of \$8,100 for a contract not to exceed \$190,000 and to reallocate a not-to-exceed amount of \$90,000 of the positive variance from the Municipal Services Building Trench Drain Repair Capital Improvement Project to perform the Municipal Services Electrical Upgrade project.

**Attachments:** [2015 Muncipal Services Building Emergency Power Upgrades.pdf](#)

**Legislative History**

8/11/15 Finance Committee recommended for approval

- [15-1254](#) RIVERSIDE CEMETERY ASSOCIATION submitting a request for payment for maintenance of Veteran's graves.

**Attachments:** [Riverside.pdf](#)

**Legislative History**

8/11/15 Finance Committee recommended for approval

[15-1336](#)

Request for approval of the Northland-Weiland Relocation Order for Storm Sewer Construction.

**Attachments:** [Northland-Weiland Pond - Relocation Order.pdf](#)

**Legislative History**

8/11/15            Finance Committee            recommended for approval

[15-1338](#)

Request to transfer \$15,000 of unused CIP funds from the Application Development project to a Security Assessment Project for 2015.

**Attachments:** [Fund Transfer Request Finance Memo.pdf](#)

**Legislative History**

8/11/15            Finance Committee            recommended for approval

[15-1343](#)

Resolution introduced by Alderpersons Plank, Lobner and Martin at the August 5, 2015 Common Council meeting relating to Ordinance #9-23 regarding renewal of operating licenses and delinquent accounts:

#12-R-15 ALDERPERSONS: Plank/Lobner/Martin

Whereas ...The City made changes to ordinance #9-23 in order to strengthen the consequences for property owners who are delinquent on payments of taxes and fees to the city, by denying the ability to renew various operating licenses for their premises and,  
Whereas ...Tenants of these owners and landlords with delinquent bills have suffered, and could potentially suffer the unintended consequences of not being able to obtain the necessary licensing to continue to conduct business at that rented premises,  
Therefore be it resolved that ...The following language be added to the municipal code:

Tenants paying rent to Property Owners, who are indirectly affected by this ordinance, after notification of their Landlord's delinquent bills, and at the expiration of their current operating license, may be issued a 3 6-month provisional license for their business on that premises.  
And that ...In order to expedite the process and assist any business owners currently suffering from hardship due to these circumstances, the Finance Committee send a recommendation to the Common Council for consideration at their meeting on August 19.

**Legislative History**

8/11/15            Finance Committee            recommended for approval  
*Motion by Alderperson Coenen, second by Alderperson Martin to amend language to a "6 month" provisional license.*

[15-1345](#) Request to approve Rescission of Resolutions of Necessity

Attachments: [Finance - Library - Recission of Resolutions of Necessity - 08-11-15.pdf](#)

Legislative History

8/11/15 Finance Committee recommended for approval

**6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**

**7. MINUTES OF THE UTILITIES COMMITTEE**

[15-1302](#) Request approval of electronic Compliance Maintenance Annual Report (eCMAR) for 2014 and request the following Resolution be presented to the Common Council for approval:

RESOLVED, that the City of Appleton inform the Department of Natural Resources that the following actions were taken by the Common Council:

1. Review and approval of the Compliance Maintenance Annual Report (CMAR), which is attached to this Resolution.
2. Set forth the following actions to maintain requirements contained in the WPDES Permit:
  - a) Department of Utilities continue to evaluate the compost demonstration project and further reduce infiltration and inflow from our collection system.

Attachments: [2014 eCMAR memo.pdf](#)  
[2014 eCMAR Summary Page.pdf](#)

Legislative History

8/11/15 Utilities Committee recommended for approval

[15-1304](#) Award contract to Steinmetz Corporation for Electrical Transformer Testing at the Wastewater Treatment Plant in the amount of \$17,120 with a contingency of \$2,000 for a contract total not to exceed \$19,120.

Attachments: [2015 Wastewater Plant Transformer Testing.pdf](#)

Legislative History

8/11/15 Utilities Committee recommended for approval

**8. MINUTES OF THE HUMAN RESOURCES COMMITTEE**

**9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION**

**10. MINUTES OF THE BOARD OF HEALTH**

[15-1262](#) Noise Variance Request - 2201 South Kensington Avenue

**Attachments:** [Noise Variance Request - 2201 South Kensington Ave.pdf](#)

**Legislative History**

8/12/15 Board of Health recommended for approval

[15-1267](#) Noise Variance Request - Prospect Ave, Jackman St Overhead

**Attachments:** [Noise Variance Request - Prospect Ave Jackman St Overhead.pdf](#)

**Legislative History**

8/12/15 Board of Health recommended for approval

[15-967](#) Referral from City Plan Commission; Resolution #8-R-15 - Dalton/Meltzer

**Attachments:** [Bee Resolution.pdf](#)

[Bees in Residential Zone.pdf](#)

[Beekeeping Permit Requirements .pdf](#)

[Apiary Permit Application 2015.pdf](#)

**Legislative History**

6/8/15 City Plan Commission held

6/22/15 City Plan Commission referred to the Board of Health

7/8/15 Board of Health presented

8/12/15 Board of Health recommended for approval

M. CONSOLIDATED ACTION ITEMS

O. ITEMS HELD

[15-1126](#) Request from Nancy Lee Carter, 1036 E. Green Tree Ct #A to appeal the change in Appleton's Stormwater Utility billing for the multifamily classifications.

**Attachments:** [Action Item-Nancy Carter Appeal \(7-7-15\).pdf](#)

**Legislative History**

7/7/15 Utilities Committee recommended for denial

7/15/15 Common Council held

*This item will be held until the August 19, 2015 Common Council meeting.*

- [15-1156](#) Request from Diane Mandler, 1016 E. Green Tree Ct #B to appeal the change in Appleton's Stormwater Utility billing for the multifamily classifications.

**Attachments:** [Action Item-Diane Mandler Appeal \(7-7-15\).pdf](#)

**Legislative History**

7/7/15	Utilities Committee	recommended for denial
7/15/15	Common Council	held

*This item will be held until the August 19, 2015 Common Council meeting.*

P. ORDINANCES

- [15-1346](#) Ordinances 56-15 thru 65-15.

**Attachments:** [Ordinances going to 08-19-2015 Council.pdf](#)

Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

R. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

S. OTHER COUNCIL BUSINESS

T. ADJOURN

Jamie L. Sova, Deputy City Clerk

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



# City of Appleton

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

## Meeting Minutes - Final Common Council

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Wednesday, August 5, 2015

7:00 PM

Council Chambers

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A. CALL TO ORDER

*Meeting called to order at 7:01 p.m.*

B. INVOCATION

*Offered by Alderperson Jirschele*

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

**Present:** 11 - Alderperson Chris Croatt, Alderperson Greg Dannecker, Alderperson Joe Martin, Alderperson Cathy Spears, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

**Excused:** 4 - Alderperson Polly Dalton, Alderperson Christine Williams, Alderperson Margret Mann and Alderperson Patti Coenen

**Presiding:** 1 - Mayor Timothy Hanna

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*PRESENT: Deputy City Clerk Sova, City Attorney Walsh, Director of Community and Economic Development Harkness, Director of Finance Saucerman, Fire Chief Vander Wyst, Health Officer Eggebrecht, Director of Human Resources Behnke, Police Chief Thomas, Director of Public Works Vandehey, Director of Information Technology Fox, Valley Transit General Manager Wetter, Director of Utilities Shaw.*

*EXCUSED: Director of Parks, Recreation and Facilities Gazza, Library Director Rortvedt.*

F. PUBLIC PARTICIPATION

*Name - Address - Topic*

*Stephanie Malaney - East McArthur - Mayor-Council (League of Women Voters)*

*Rev. April Kain-Breese - Unity of Appleton, South Lawe - Class B Liquor License*

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES



[15-1224](#)

Common Council Meeting Minutes from July 15, 2015.

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

**Aye:** 11 - Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Martin, Aldersperson Spears, Aldersperson Meltzer, Aldersperson Plank, Aldersperson Siebers, Aldersperson Konetzke, Aldersperson Baranowski, Aldersperson Lobner and Aldersperson Jirschele

**Excused:** 4 - Aldersperson Dalton, Aldersperson Williams, Aldersperson Mann and Aldersperson Coenen

**Abstained:** 1 - Mayor Hanna

H. BUSINESS PRESENTED BY THE MAYOR

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[15-1282](#)

Possible Reconsideration of Item 15-1160 (Aldersperson Dannecker) - #9-R-15/Aldersperson Baranowski regarding Appleton form of government.

**Aldersperson Dannecker moved, seconded by Aldersperson Baranowski, that the Report Action Item be reconsidered. Roll Call. Motion failed by the following vote:**

**Aye:** 5 - Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Spears, Aldersperson Plank and Aldersperson Baranowski

**Nay:** 6 - Aldersperson Martin, Aldersperson Meltzer, Aldersperson Siebers, Aldersperson Konetzke, Aldersperson Lobner and Aldersperson Jirschele

**Excused:** 4 - Aldersperson Dalton, Aldersperson Williams, Aldersperson Mann and Aldersperson Coenen

**Abstained:** 1 - Mayor Hanna

[15-1167](#)

"Class B" Beer/Liquor License application of Thao Enterprises Inc, d/b/a Chung's Sandwich Bar, Maiyoua Thao, Agent, 1804 S. Lawe Street, Suite 203, contingent upon approval from all departments.

**This Report Action Item was referred to the Safety and Licensing Committee**

[15-1153](#)

R/B as Amended-Aldersperson Croatt-Bateman Street (Pacific St to Hancock St):

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

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

*Amendment 1 (Meltzer): Bateman Street (Pacific St to Hancock St): Amend final sentence to read, "Current on-street parking shall be removed from the east side of the street."*

*Aldersperson Meltzer moved, seconded by Aldersperson Siebers, that the Report Action Item be amended. Roll Call. Motion carried by the following vote: 8-4*

*This item, as amended, was then referred back to the Municipal Services Committee by Aldersperson Croatt.*

**This Report Action Item was referred to the Municipal Services Committee**

**Aye:** 8 - Aldersperson Dannecker, Aldersperson Martin, Aldersperson Spears, Aldersperson Meltzer, Aldersperson Plank, Aldersperson Siebers, Aldersperson Konetzke and Aldersperson Jirschele

**Nay:** 3 - Aldersperson Croatt, Aldersperson Baranowski and Aldersperson Lobner

**Excused:** 4 - Aldersperson Dalton, Aldersperson Williams, Aldersperson Mann and Aldersperson Coenen

**Abstained:** 1 - Mayor Hanna

## L. COMMITTEE REPORTS

### Balance of the action items on the agenda.

**Aldersperson Dannecker moved, Aldersperson Croatt seconded, to approve the report. The motion carried by the following vote:**

**Aye:** 11 - Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Martin, Aldersperson Spears, Aldersperson Meltzer, Aldersperson Plank, Aldersperson Siebers, Aldersperson Konetzke, Aldersperson Baranowski, Aldersperson Lobner and Aldersperson Jirschele

**Excused:** 4 - Aldersperson Dalton, Aldersperson Williams, Aldersperson Mann and Aldersperson Coenen

**Abstained:** 1 - Mayor Hanna

## **1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**

[15-1191](#) Approve Badger Avenue street vacation adjacent to 415 S. Memorial Drive.

**This Report Action Item was approved.**

[15-1220](#) Approve proposed parking changes on 300 N. Morrison Street.

**This Report Action Item was approved.**

[15-1222](#) Approve proposed parking changes on 1300 W. Lawrence Street.

**This Report Action Item was approved.**

[15-1223](#) Approve proposed 6-Month Trial for parking changes near Huntley Elementary School.

**This Report Action Item was approved.**

[15-1225](#) Approve proposed parking changes on 2100 N. Roemer Road.

**This Report Action Item was approved.**

## **2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE**

[15-1218](#) Operator's Licenses

**This Report Action Item was approved.**

[15-1219](#) Renewal Operator Licenses

**This Report Action Item was approved.**

## **3. MINUTES OF THE CITY PLAN COMMISSION**

[15-1170](#) Request to approve Special Use Permit #8-15 for a personal storage facility, at 806 W. Capitol Drive, as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report

**This Report Action Item was approved.**

[15-1249](#) Initial Resolution for street vacation of a portion of South Badger Avenue

**This Report Action Item was approved.**

**4. MINUTES OF THE PARKS AND RECREATION COMMITTEE****5. MINUTES OF THE FINANCE COMMITTEE****6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE****7. MINUTES OF THE UTILITIES COMMITTEE**[15-1233](#)

Approve the Purchase of Gas Sensing Equipment to LAI, Inc. in the amount of \$97,836 for the Methane Detection System Replacement Project.

**This Report Action Item was approved.**

**8. MINUTES OF THE HUMAN RESOURCES COMMITTEE****9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION****10. MINUTES OF THE BOARD OF HEALTH****M. CONSOLIDATED ACTION ITEMS**[15-1248](#)

Consolidated Action Item:  
15-1191 - Municipal Services Committee  
15-1172 - City Plan Commission

**This Report Action Item was approved.**

[15-1172](#)

Request to approve the street discontinuance to vacate a portion of South Badger Avenue public right-of-way, generally located west of South Memorial Drive, as shown on the attached map and legal description, pending approval by the Municipal Services Committee, and adopt the Initial Resolution

**This Report Action Item was approved.**

**O. ITEMS HELD**[15-1126](#)

Request from Nancy Lee Carter, 1036 E. Green Tree Ct #A to appeal the change in Appleton's Stormwater Utility billing for the multifamily classifications.

*This item is held until the August 19, 2015 meeting.*

[15-1128](#)

Request from Donald Fischer, 3229 N. Barkwood Lane to appeal the change in Appleton's Stormwater Utility billing for the multifamily classifications

*This item is held until the August 19, 2015 meeting.*

[15-1156](#)

Request from Diane Mandler, 1016 E. Green Tree Ct #B to appeal the change in Appleton's Stormwater Utility billing for the multifamily classifications.

*This item is held until the August 19, 2015 meeting.*

P. ORDINANCES

Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO  
COMMITTEES OF JURISDICTION

R. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO  
COMMITTEES OF JURISDICTION

*SAFETY AND LICENSING COMMITTEE/PARKS AND RECREATION COMMITTEE*

#11-R-15 ALDERPERSONS: Jirschele/Martin

*Whereas, City of Appleton Parks are developed and managed for the greatest possible benefit of, and use by, the people of the city, and;*

*Whereas, alcohol abuse and the dysfunctional behavior associated with such use has become an obstacle to the full enjoyment of our parks by the broader citizenry;*

*Be it resolved that alcoholic beverages and their consumption be permitted in City of Appleton Parks only by permit as provided through a revised, simple reservation/registration process administered by the Parks, Recreation and Facilities Department and the Appleton Police Department.*

*FINANCE COMMITTEE*

#12-R-15 ALDERPERSONS: Plank/Lobner/Martin

*Whereas ...*

*The City made changes to ordinance #9-23 in order to strengthen the consequences for property owners who are delinquent on payments of taxes and fees to the city, by denying the ability to renew various operating licenses for their premises and,*

*Whereas ...*

*Tenants of these owners and landlords with delinquent bills have suffered, and could potentially suffer the unintended consequences of not being able to obtain the necessary licensing to continue to conduct business at that rented premises,*

*Therefor be it resolved that ...*

*The following language be added to the municipal code:*

*Tenants paying rent to Property Owners, who are indirectly affected by this ordinance, after notification of their Landlord's delinquent bills, and at the expiration of their current operating license, may be issued a 3 month provisional license for their business on that premises.*

*And that ...*

*In order to expedite the process and assist any business owners currently suffering from hardship due to these circumstances, the Finance Committee send a recommendation to the Common Council for consideration at their meeting on August 19.*

S. OTHER COUNCIL BUSINESS

[15-1160](#)

#9-R-15 ALDERPERSON: Baranowski

Whereas, Article 11 of the Charter Ordinances of the City of Appleton, defines the structure of elected officials, and whereas, the Mayor and the term of said office is four years effective with the new terms of the office in the year 1968, and whereas, the current term of the Mayor is set to expire in 2016, and whereas, the Common Council of the City of Appleton is required to set the salary for the position of Mayor prior to the statutory date to which candidates for the Mayor are allowed to circulate nomination papers for said office,

Therefore, be it resolved, that the appropriate committee of jurisdiction make a recommendation to the Common Council as to maintaining the current ordinance reflecting the Mayor as an elected official or to move to another structure of government incorporating a City Administrator position in lieu of, or in addition to, a Mayor position. Such recommendation to the Common Council will be made no later than October 07, 2015.

*Item 15-282, the request to reconsider Item 15-1160 failed with a vote of 5-6.  
Therefore, this item was not reconsidered.*

## T. ADJOURN

*Meeting adjourned at 7:34 p.m.*

**Aldersperson Baranowski moved, seconded by Aldersperson Dannecker, that the be adjourned. Roll Call. Motion carried by the following vote:**

**Aye:** 12 - Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Martin, Aldersperson Spears, Mayor Hanna, Aldersperson Meltzer, Aldersperson Plank, Aldersperson Siebers, Aldersperson Konetzke, Aldersperson Baranowski, Aldersperson Lobner and Aldersperson Jirschele

**Excused:** 4 - Aldersperson Dalton, Aldersperson Williams, Aldersperson Mann and Aldersperson Coenen

Jamie L. Sova, Deputy City Clerk

Peter A. Bartman

July 28, 2015

218 N. Rankin St.

Appleton, WI 54911

920-738-0473

Dear Ms. Vandehey:

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

Sincerely,

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

Peter A. Bartman





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

**DEPARTMENT OF PUBLIC WORKS**

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

July 15, 2015

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

Dear Mr. Bartman:

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

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

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

Sincerely,

Paula Vandehey, P.E.  
Director of Public Works

Paula

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

Peter

Attachment



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

---

**DEPARTMENT OF PUBLIC WORKS**

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

Adopted January 1, 2011

**CITY OF APPLETON**  
**STREET TERRACE POLICY**

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

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

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

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

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



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

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

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

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

To accomplish this, the following ordinance action is required:

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



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

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

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

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

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

**Parking Ordinance:**

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

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

July 22, 2015

«Owner\_First\_Name» «Owner\_Middle\_Init» «Owner\_Last\_Name»  
«Owner\_Address»  
«Owner\_CityState» «Owner\_Zipcode»

Dear Prospect Avenue property owner,

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

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

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

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

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

Sincerely,

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

C: Alderperson Patti Coenen (District 11)

Attachment









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

**DEPARTMENT OF PUBLIC WORKS**

100 North Appleton Street

Appleton, WI 54911

Phone (920) 832-6474

Fax (920) 832-6489

TO: Municipal Services Committee

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

SUBJECT: Proposed Ordinance – Composting

DATE: August 11, 2015

---

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

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

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

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

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

cc: Tim Mirkes  
Karen Harkness

## Sec. 12-37. Composting.

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

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

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

(c) *Definitions.*

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



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

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

(e) ***Location.***

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

(f) ***Ingredients.***

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

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

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

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

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

Operator's Licenses for 8/12/15 S & L

Approved

Andrew T. Eiler	2200 Southwood Drive, #3
Anastasia Burkham	1309 S. Oneida Street
Andrew J. Diedrich	3176 N. Spruce Street
Anita M. Ryan	607 Adam Street, #10, Neenah
Averil L. Brown	511 W. Calumet Street
Bobbi S. Schmitt	1124 N. Plateau Street
Brittany Cook-Root	2400 S. Carpenter Street
Christian L. Hoff	544 N. Union Street
Christopher G. Angeli	2385-C Cedar Ridge, Green Bay
Claudia B. Pierce	415 S. Olde Oneida Street
Curtis D. Driebel	N5380 Old Hwy 45, New London
Danielle C. Caskey	1421 Silvercrest Drive
Daryl E. Bump	1029 W. Hawes Avenue
Denise L. Bunn	2345 Spring Meadow Drive, Neenah
Donald M. Stachowiak	N6933 Hodges Road, Elkhorn
Drew J. Busse	901 S. Christine Street
Jessica A. Gasper	1329 N. Kenilworth Avenue
Jiselle J. Thomas	400 Fox Shores Drive, #3, Kaukauna
Joseph C. Korevec	1819 N. Oneida Street
Kara A. Keshemborg	620 E. Harrison Street
Kyle C. Blomberg	510 E. Lincoln Street
Mark K. Melius	3118 N. Blueridge Drive
Melanie Lewin	1919 S. Telulah Avenue
Melissa A. Kaufert	1519 W. Lawrence Street
Michael L. Szafrank	916 E. Northwood Drive
Michael R. Weinberger	903 Adams Street, Little Chute
Mylee Xiong	W2374 Holly Lane
Neil C. Rassel	880 7 <sup>th</sup> Street, Menasha
Nickola M. Strachota	1726 E. Moon Beam Trail
Patrick R. Sweeney	1624 W. Lawrence Street
Paul E. Shrode	726 E. Washington Street
Penny J. Strauss	2409 Gmeiner Road
Peter M. Brennan	211 W. Calumet Street, #6
Rachel F. Porter	1817 E. Bradley Lane
Sandra L. Kositzke	152 W. Greenfield Drive, Little Chute
Sarah Szabo	4321 Windcross Drive
Shane Potts	4516 N. Providence Avenue, #9
Trisha L. Bales	3064 Green Meadow Drive
Tyler J. Sjostrom	1603 N. Ullman Street
Whitlee R. Neuens	619 S. Lynndale Drive, #1

Anthony J. Ball	221 E. 16 <sup>th</sup> Street, Kaukauna
Ashley M. Schuette	118 N. Durkee Street
Beth A. Stahl	3251 W. 4 <sup>th</sup> Street, #19
Brittany J. Kallin	N2380 Holy Hill Drive, Greenville
Candi J. Buss	W4734 Palmer Court, Sherwood
Collin J. Weinaug	3405 N. Fiesta Drive
Jodi Ulman	916 W. Ridgeview Drive
Joshua M. Stumpf	2419 N. Erb Street
Kay E. Amberg	3015 S. Gladys Avenue
Kevin T. McElrath	2901 S. Dellwood Street
Kristi M. Jenkins	353 First Street, #10, Neenah
Lisa M. Bakken	606 Taylor Street, Little Chute
Mandy S. Petersen	213 Franklin Street, Little Chute
Robert G. Tullus	18 Eastwood Court, #4
Sara M. Besaw	721 E. Hancock Street
Tracy R. Natz	2500 Wilson Court, #2
William A. Roznowski	W3822 Highview Drive
Yolanda M. Polanco	2303 Woodrow Court, #3

RENEWAL  
Operator's Licenses for 8/12/15 S & L

Approved

Carrie L. Michaelis	1014 E. Airport Road, Menasha
Cindy P. Baker	N4120 Oak Lane, Freedom
Clay McCarthy	612 E. Florida Avenue
Dawn G. Wiese	N906 Fox Springs Drive, Greenville
Dennis A. Stiller	2689 Man Cal Road, Brillion
Heidi L. Hartenberger	1319 S. Buchanan Street
John C. Liebscher	4199 N. Orion Lane
Kevin C. Hamm	E2723 Cty Road B, Scandinavia
Mark Miller	2119 W. Capitol Drive
Melissa R. Coenen	1419 Silvercrest Drive
Michael F. Rogers	2104 Olde Country Circle, Kaukauna
Rachel A. Janssen	1408 Vandenbroek Road, Little Chute
Rachel L. Kramer	2011 Regency Court, #7



## FIRE DEPARTMENT

700 North Drew Street • Appleton, WI 54911-5000  
(920) 832-5810 • Fax (920) 832-5830

### Memorandum

To: Alderperson Lobner, Chairperson  
Safety and Licensing Committee

From: Len Vander Wyst, Fire Chief

Date: August 6, 2015

Re: Request to Sole Source the Training Tower Window Reconstruction

---

As you might recall, the Appleton Fire Department budgeted capital project funds for the training tower repairs/upgrade in 2015. The project extends over three years with the first year being the window upgrade for \$30,000. Unfortunately, this project is not a simple window replacement. Due to the specialty use of the training tower for various types of training, the window replacement will include a 'window shutter' design that allows for the flexibility needed for the multitude of training scenarios.

There are a limited number of vendors of this type of construction. The department has located only one in the entire state, Calls Metal Building Erectors of Somers, Wisconsin, who uses manufactured parts from Fire Facilities, Inc. from Sun Prairie, Wisconsin. Therefore, the department is respectfully requesting to sole source this project for an amount not to exceed \$30,000 to provide the necessary modifications to make the training tower more efficient and safe for our firefighters.

I respectfully request that the Safety and Licensing Committees approve this request. Please do not hesitate to contact me should you have any additional questions or concerns. Thanks!



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Meeting Date:** August 10, 2015

**Common Council Meeting Date:** August 19, 2015

**Item:** Special Use Permit #9-15 Community Hall and Restaurant with outdoor seating with Alcohol Sales and Service

**Case Manager:** Don Harp

### GENERAL INFORMATION

**Owner/Applicant:** Thao Properties, LLC (owner) / Maiyoua Thao (applicant), Long Cheng Market Place

**Address/Parcel #:** 1804 South Lawe Street / 31-4-0762-01 and 31-4-0243-06

**Petitioner's Request:** The applicant is requesting a Special Use to permit the sale and service of alcohol for on-site consumption in conjunction with an existing community hall and restaurant with outdoor seating.

### BACKGROUND

Building permit B14-0438 was issued on June 26, 2014, to renovate the existing commercial building to a community hall, four restaurants, and retail vendor space.

On July 9, 2015, the applicant filed a Class B Beer/Liquor license with the City Clerk's Office.

### STAFF ANALYSIS

**Existing Site Conditions:** The property is developed with an existing community hall, restaurant, retail vendor space and off-street surface parking. This request will not increase building footprint or tenant capacity and, therefore, does not require additional off-street parking spaces because the intensity of the use remains the same.

**Operational Information:** See attached Plan of Operation and Locational Information.

**Proposed Outdoor Seating Area:** The proposed outdoor seating area with alcohol sales and service is located on the east side of the building. Access to the outdoor seating area will be from inside the building only. The outdoor seating area is enclosed with an existing chain link fence approximately eight (8) feet high.

**Off-Street Parking Requirements:** The off-street parking requirements are satisfied on-site by a mutual parking agreement between TSS Property Management, LLC and Thao Properties, LLC per Outagamie County Register of Deeds Document Number 1719601.

**Ordinance Requirements:** In order to permit the sale of alcohol for on-site consumption in conjunction with an existing community hall and restaurant with outdoor seating, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A 2/3 vote of the Common Council is required for approval.

**Surrounding Zoning and Land Uses:**

North: R-1B Single-family District – Residential uses  
South: R-1B Single-family District – Residential uses  
West: C-2 General Commercial District – Commercial and Public Institutional uses  
East: R-1B Single-family District and R-2 Two-family District – Residential uses

**2010-2030 Comprehensive Plan:** The 2010-2030 Future Land Use Map currently represents Tax Parcel #31-4-0762-01 as commercial and Tax Parcel #31-4-0243-06 as single/two family residential. The two parcels are currently zoned C-2 General Commercial District. The proposed use is consistent with the purpose of the C-2 General Commercial District and goals and objectives of the City's Comprehensive Plan:

**Sec. 23-113. C-2 General Commercial District.**

- **Purpose.** This district is intended to provide for businesses which serve city and regional markets; provide goods and services to other businesses, as well as consumers, provide services to automobiles and serve the traveling public.

**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 8 – Economic Development** (Chapter 9)

Appleton will pursue economic development that brings good jobs to the area and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

**Economic Development Element**

- **9.1 OBJECTIVE:** Grow Appleton's business community through recruitment, expansion, and retention programs that ensure a diverse business mix and jobs that pay well.
- **9.1.2** Work with the existing business community to help identify and tap opportunities for expansion.



**Findings:** This expansion of service is consistent with the above-mentioned goals and objectives and increases the economic viability of the establishment by offering the sales and service of alcoholic beverages to enhance the entertainment and dining experience of patrons. The site is located in a commercial zoning district in the city and within walking distance of residential uses, thus reducing the need for automobile use.

**Finding of Fact:** This request was reviewed in accordance with the standards for granting a Special Use Permit under 23-66 (e) (1-6), which were found in the affirmative, as long as all stipulations are satisfied. Additionally, the use is subject to noise regulations to further ensure compatibility with surrounding properties. With the suggested conditions of approval, the proposed sale and service of alcoholic beverages within the existing community hall, restaurant and outdoor seating area should not result in increased safety or noise issues, above that expected in a commercial zoning district.

**Technical Review Group Report (TRG):** This item was discussed at the July 21, 2015 Technical Review Group meeting. No negative comments were received from participating departments.

#### **RECOMMENDATION**

---

Staff recommends, based on the above, that Special Use Permit #9-15 for a community hall and restaurant with outdoor seating with alcohol sales and service, **BE APPROVED**, to run with the land, subject to the following conditions:

1. Any deviations from the approved Development Plan may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance.
2. Compliance with the Operational Plan is required at all times. Changes to the Operational Plan shall be submitted to the Community and Economic Development Department for review and approval.
3. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
4. All applicable Codes, Ordinances and regulations, including but not limited to, Fire, Building and Health Codes and the Noise Ordinance, shall be complied with.

TAVERN AND/OR RESTAURANT WITH ALCOHOL SALES  
PLAN OF OPERATION AND LOCATIONAL INFORMATION

**Business Information:**

Name of business: CHUNG'S Sandwich Bar

Years in operation: 2015

Percentage of business derived from restaurant service: 70 %

Type of proposed establishment (detailed explanation of business):

Asian sandwiches, finger food, tea, and pop.

**Proposed Hours of Operation for Indoor Uses:**

Day	From	To
Week Day	8:00 AM	2:00 AM
Friday	8:00 AM	2:00 AM
Saturday	8:00 AM	2:00 AM
Sunday	8:00 AM	2:00 AM

**Building Capacity and Area:**

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 259 persons

Gross floor area of the existing building(s): 19,440 sq. ft

Gross floor area of the proposed building(s): not

**Describe Any Potential Noise Emanating From the Proposed Use:**

Describe the noise levels anticipated from all equipment or other mechanical sources:

Staff will ~~on~~ monitor the situation, keep all doors close during events and everyday use.

Describe how the crowd noise will be controlled inside and outside the building:

Staff will monitor situation, keep everyone in place area that are use.

If off-street parking is available for the business, describe how noise from the parking lot will be controlled:

Staff will monitor the situation

#### Outdoor Uses:

Location, type, size and design of outdoor facilities:

East side of building

Type and height of screening of plantings/fencing/gating:

10 feet tall fencing

Is there any alcohol service incorporated in this outdoor facility proposal? Yes ☒ No ☐

Are there plans for outdoor music/entertainment? Yes ☐ No ☒

If yes, describe how the noise will be controlled:

NA

Is there any food service incorporated in this outdoor facility proposal? Yes ☒ No ☐

#### Proposed Hours of Operation for Outdoor Uses:

Day	From	To
Week Day	8:00 AM	9:00 PM
Friday	8:00 AM	9:00 PM
Saturday	8:00 AM	7:00 PM
Sunday	8:00 AM	7:00 PM

**Outdoor Lighting:**

Type: Brown lighting

Location: existing parking lighting

**Off-Street Parking:**

Number of spaces existing: 152

Number of spaces proposed: NA

**Other Licensed Premises:**

The number of licensed premises within the immediate geographic area of the proposed location will be considered in order to avoid an undue concentration that may have the potential of creating public safety problems or deterring neighborhood development.

List nearby licensed premises:

NA  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Number of Employees:**

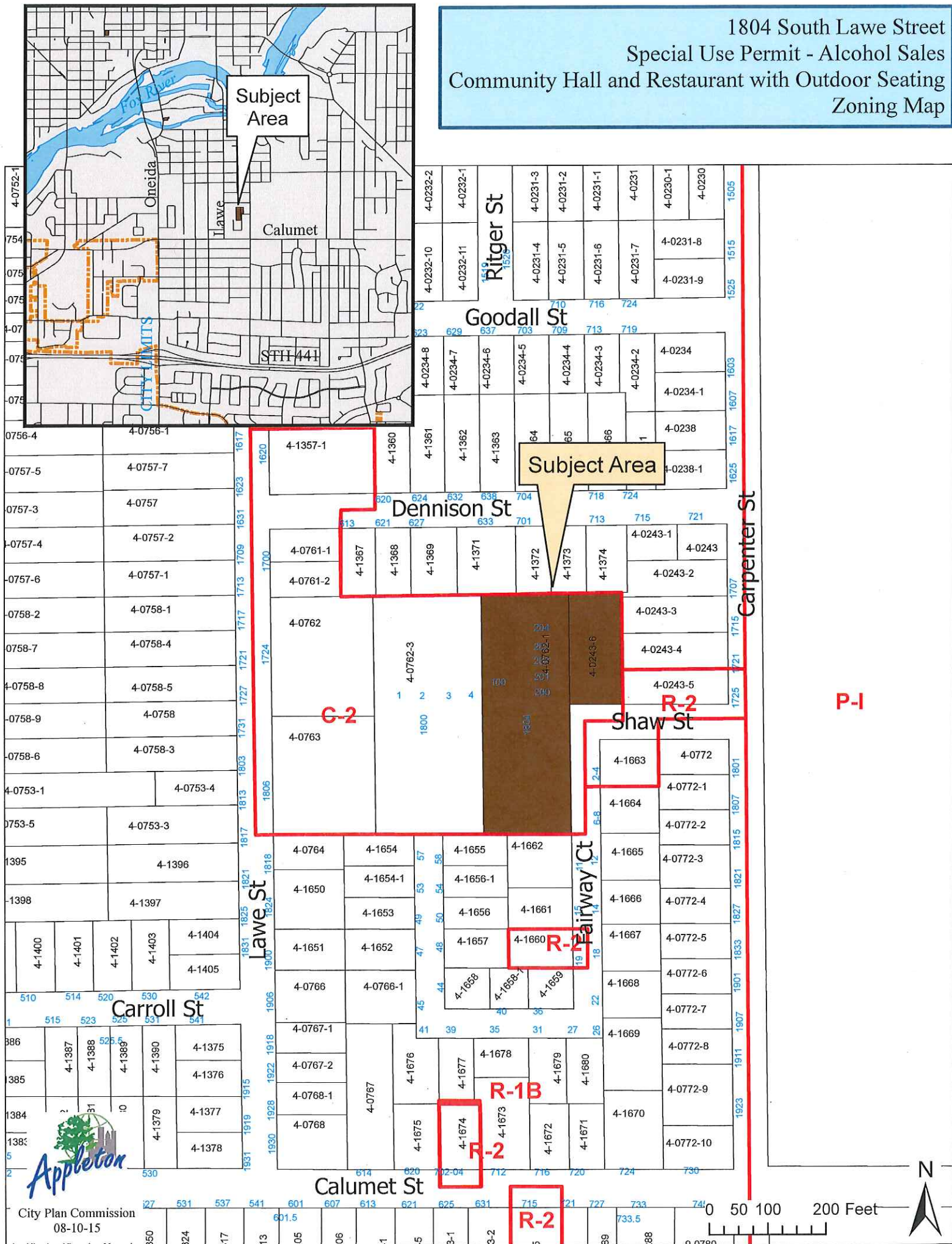
Number of existing employees: 10

Number of proposed employees: \_\_\_\_\_

Number of employees scheduled to work on the largest shift: 16



1804 South Lawe Street  
Special Use Permit - Alcohol Sales  
Community Hall and Restaurant with Outdoor Seating  
Zoning Map





1804 South Lawe Street  
Special Use Permit - Alcohol Sales  
Community Hall and Restaurant with Outdoor Seating

Subject Area

4-0762-1

4-0762-3

4-0243-6

Surface  
Parking

Fairway Ct

4-16

4-16

4-16

4-1655

4-1662

4-1656-

4-1654



City Plan Commission  
08-10-15

0 25 50 Feet









## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Meeting Date:** August 10, 2015

**Common Council Meeting Date:** August 19, 2015

**Item:** Special Use Permit #10-15 Restaurant with Alcohol Sales and Service

**Case Manager:** Don Harp

### GENERAL INFORMATION

**Owner/Applicant:** Hiroyuki Nakashima, Katsu-Ya of Japan (owner/applicant)

**Address/Parcel #:** 338 West College Avenue / 31-2-0235-00 and 31-2-0236-00

**Petitioner's Request:** The applicant is requesting a Special Use to permit the sale and service of alcohol for on-site consumption in conjunction with a restaurant.

### BACKGROUND

Building permit B15-0398 was issued on June 3, 2015, to renovate the existing commercial building to a restaurant.

On July 15, 2015, the applicant's Class B Beer/Liquor license was approved by the Common Council subject to the owner/applicant applying for and receiving approval of a Special Use Permit.

### STAFF ANALYSIS

**Existing Site Conditions:** Construction crews are renovating the existing commercial building into a restaurant.

**Operational Information:** See attached Plan of Operation and Locational Information.

**Proposed Outdoor Seating Area:** No outdoor alcohol service and consumption is requested with this application for Special Use Permit.

**Off-Street Parking Requirements:** Off-street parking spaces do not apply to uses within the Central Business District zoning district. The site is located within walking distance of downtown parking facilities.

**Ordinance Requirements:** In order to permit the sale of alcohol for on-site consumption in conjunction with the proposed restaurant, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A 2/3 vote of the Common Council is required for approval.



**Surrounding Zoning and Land Uses:**

North: CBD Central Business District – Parking Ramp  
South: CBD Central Business District – Bar and Restaurants  
West: CBD Central Business District – Performing Arts Center  
East: CBD Central Business District – Evans Title

**2010-2030 Comprehensive Plan:** The 2010-2030 Future Land Use Map currently represents this area to be used for central business district. The two parcels are currently zoned CBD Central Business District. The proposed use is consistent with the purpose of the CBD Central Business District and goals and objectives of the City's Comprehensive Plan:

**Sec. 23-114. CBD Central Business District.**

- **Purpose.** This district is intended to provide a centrally located and readily accessible area that offers a wide variety of retail, service, financial, entertainment and governmental uses. A broad range of uses is permitted to reflect downtown's role as a commercial, cultural and government center. Development is intended to be intense with maximum lot coverage, increased building scale and height density and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

**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 8 – Economic Development** (Chapter 9)

Appleton will pursue economic development that brings good jobs to the area and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

**Economic Development Element**

- 9.1 OBJECTIVE: Grow Appleton's business community through recruitment, expansion, and retention programs that ensure a diverse business mix and jobs that pay well.
- 9.1.2 Work with the existing business community to help identify and tap opportunities for expansion.

**Findings:** This proposed use is consistent with the above-mentioned goals and objectives and increases the economic viability of the establishment by offering the sales and service of alcoholic beverages to enhance the dining experience of patrons. The proposed use also enhances and supports the Central Business District as well as the other commercial establishments in this part of the Downtown.

**Finding of Fact:** This request was reviewed in accordance with the standards for granting a Special Use Permit under 23-66 (e) (1-6), which were found in the affirmative, as long as all stipulations are satisfied. Additionally, the use is subject to noise regulations to further ensure compatibility with surrounding properties. With the suggested conditions of approval, the proposed sale and service of alcoholic beverages within the proposed restaurant should not result in increased safety or noise issues, above that expected in a commercial zoning district.

**Technical Review Group Report (TRG):** This item was discussed at the July 21, 2015 Technical Review Group meeting. No negative comments were received from participating departments.

### **RECOMMENDATION**

Staff recommends, based on the above, that Special Use Permit #10-15 for a restaurant with alcohol sales and service, **BE APPROVED**, to run with the land, subject to the following conditions:

1. Any deviations from the approved Development Plan may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance.
2. Compliance with the Operational Plan is required at all times. Changes to the Operational Plan shall be submitted to the Community and Economic Development Department for review and approval.
3. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
4. All applicable Codes, Ordinances and regulations, including but not limited to, Fire, Building and Health Codes and the Noise Ordinance, shall be complied with.

TAVERN AND/OR RESTAURANT WITH ALCOHOL SALES  
PLAN OF OPERATION AND LOCATIONAL INFORMATION

**Business Information:**

Name of business: KATSU-YA OF JAPAN

Years in operation: 12 YEARS

Percentage of business derived from restaurant service: 100 %

Type of proposed establishment (detailed explanation of business):

Japanese hibachi and sushi restaurant.

**Proposed Hours of Operation for Indoor Uses:**

Day	From	To
Week Day	4:30	10:00
Friday	4:30	10:30
Saturday	4:00	10:30
Sunday	4:00	9:00

**Building Capacity and Area:**

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 280 persons

Gross floor area of the existing building(s): 14,855

Gross floor area of the proposed building(s): 14,855

**Describe Any Potential Noise Emanating From the Proposed Use:**

Describe the noise levels anticipated from all equipment or other mechanical sources:

Low noise levels

Describe how the crowd noise will be controlled inside and outside the building:

Low

If off-street parking is available for the business, describe how noise from the parking lot will be controlled:

N/A

**Outdoor Uses:**

Location, type, size and design of outdoor facilities:

N/A

Type and height of screening of plantings/fencing/gating:

N/A

Is there any alcohol service incorporated in this outdoor facility proposal? Yes \_\_\_ No ☒

Are there plans for outdoor music/entertainment? Yes \_\_\_ No ☒

If yes, describe how the noise will be controlled:

Is there any food service incorporated in this outdoor facility proposal? Yes \_\_\_ No ☒

**Proposed Hours of Operation for Outdoor Uses:**

Day	From	To
Week Day		
Friday		
Saturday		
Sunday		

**Outdoor Lighting:**

Type: Scenes

Location: Next to Doors

**Off-Street Parking:**

Number of spaces existing: —

Number of spaces proposed: —

**Other Licensed Premises:**

The number of licensed premises within the immediate geographic area of the proposed location will be considered in order to avoid an undue concentration that may have the potential of creating public safety problems or deterring neighborhood development.

List nearby licensed premises:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Number of Employees:**

Number of existing employees: 25

Number of proposed employees: 50

Number of employees scheduled to work on the largest shift: 30 - 35



Wisconsin

Richmond

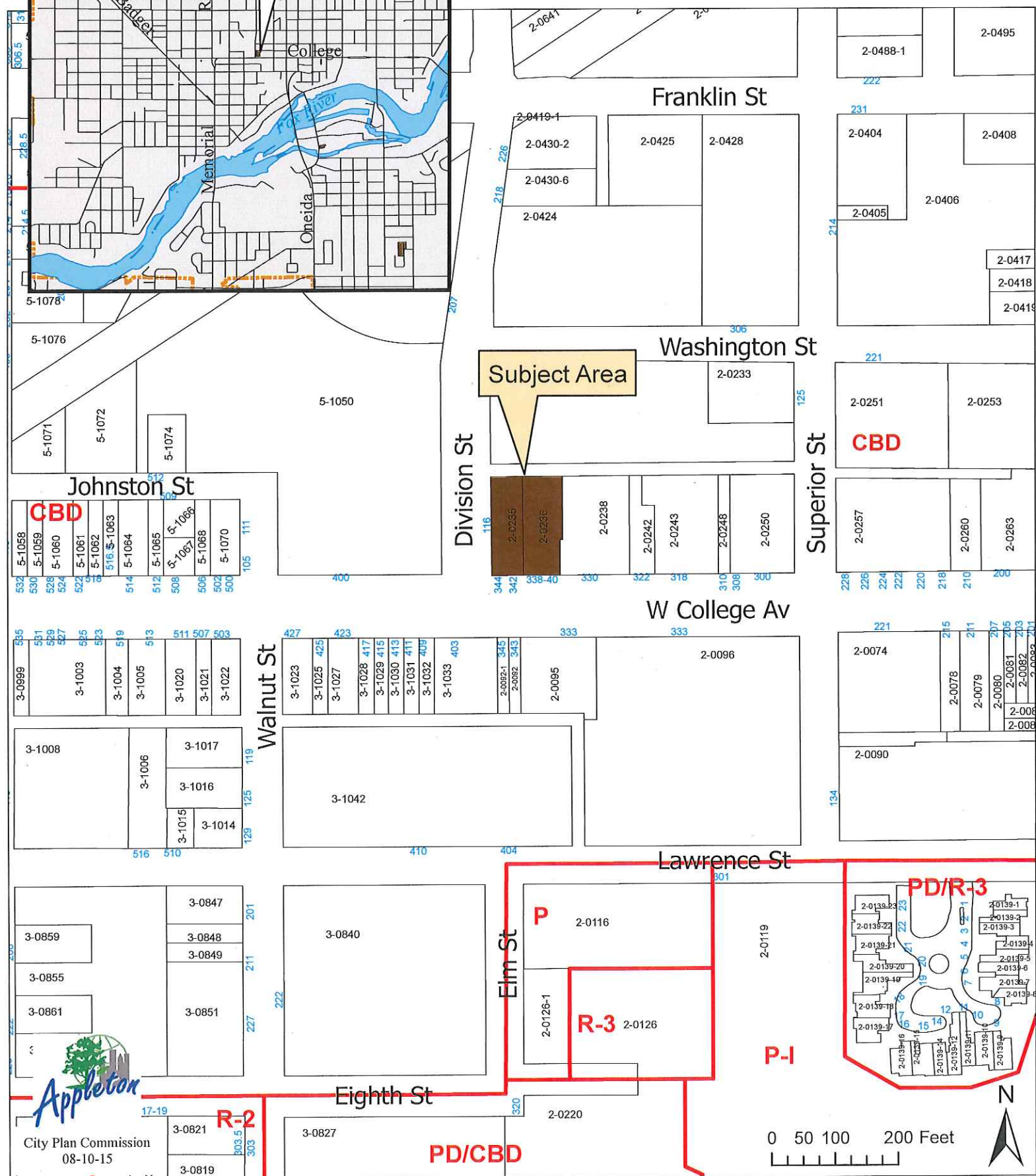
College

Memorial

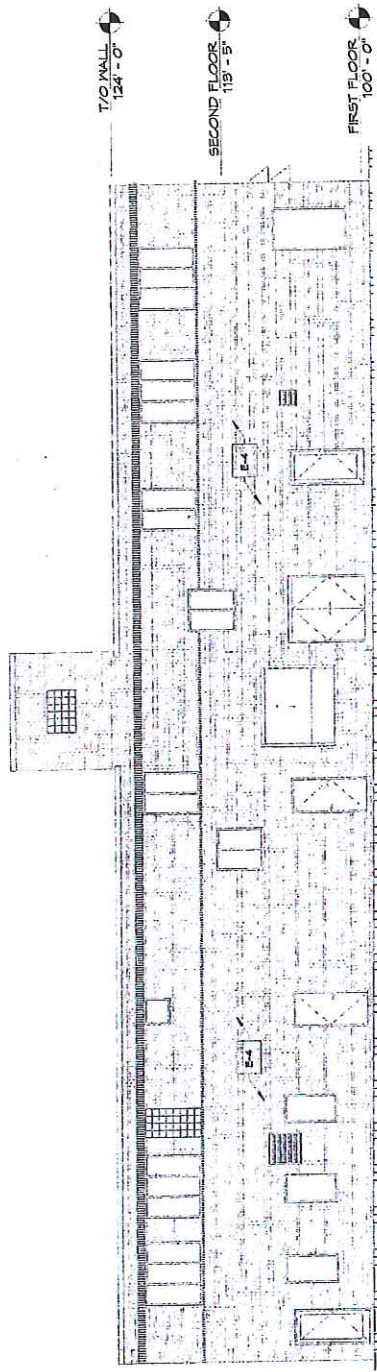
Oneida

Fox River

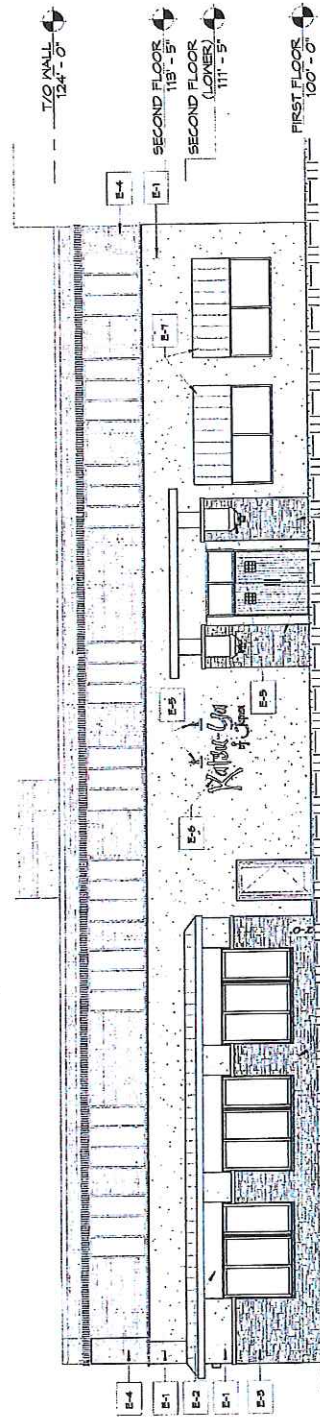
Subject Area





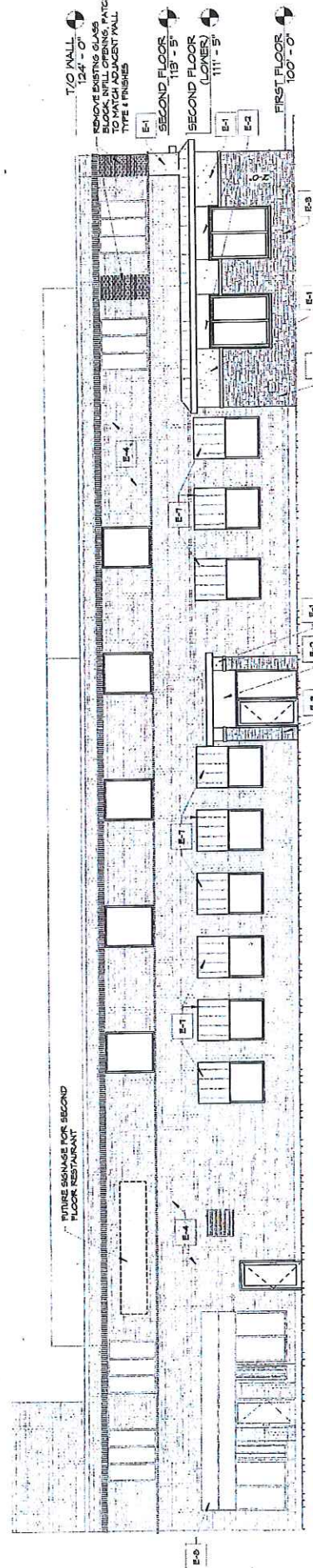


4 NORTH ELEVATION  
A-41 1/8" = 1'-0"



5 SOUTH ELEVATION  
A-41 1/8" = 1'-0"

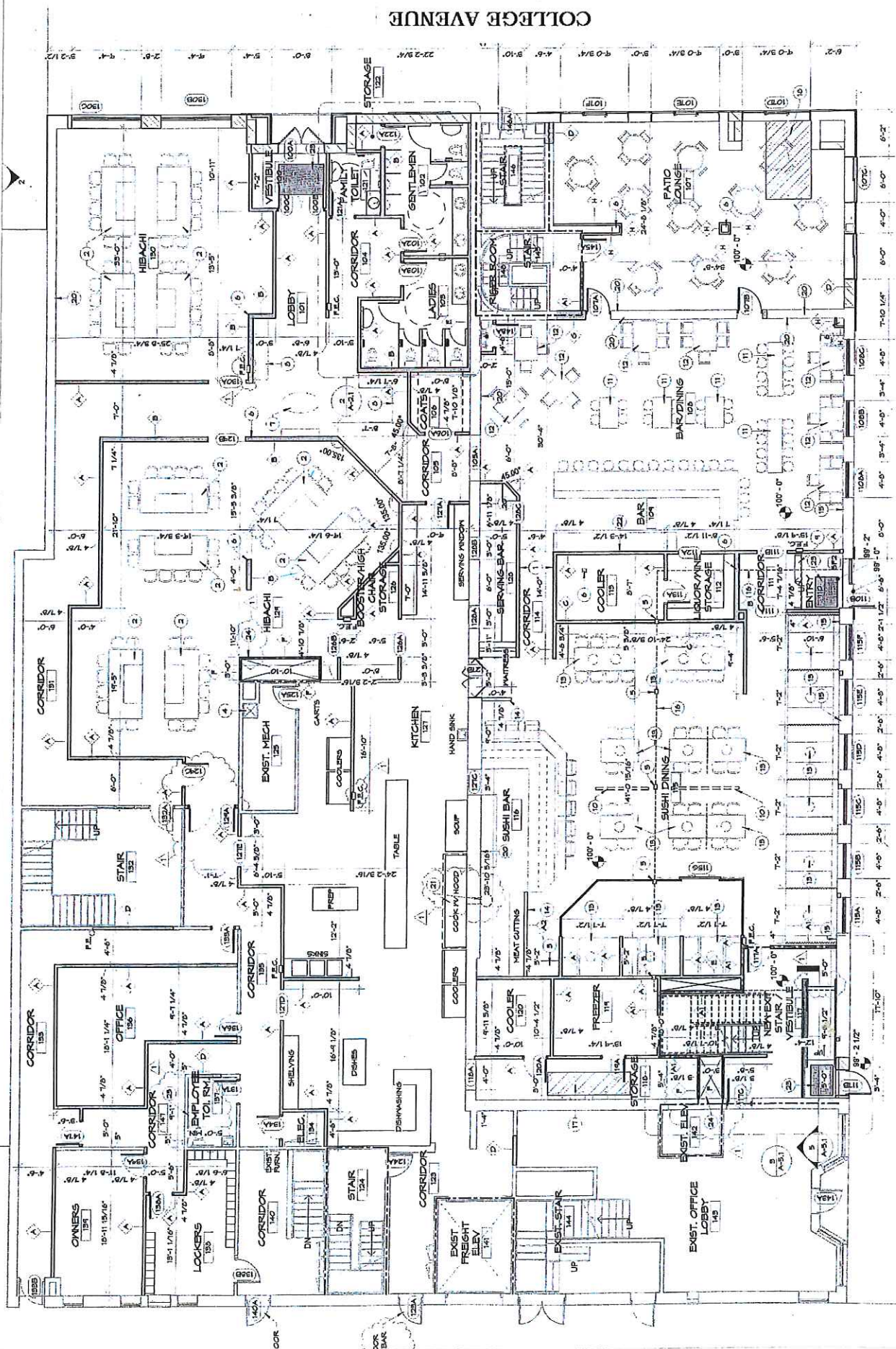
KEY NOTE	MATERIAL SUMMARY
E-1	ELF.S.
E-2	METAL PANELS
E-3	STONE VENEER
E-4	EXISTING BRICK TO BE PAINTED BLACK
E-5	LIGHT PICTURE BY OWNER
E-6	SIGNAGE BY OWNER
E-7	CANVAS MARKING
E-8	EXISTING MARKING TO REMAIN



City Plan Commission  
08-10-15

338 West College Avenue  
Special Use Permit  
Restaurant with Alcohol Sales

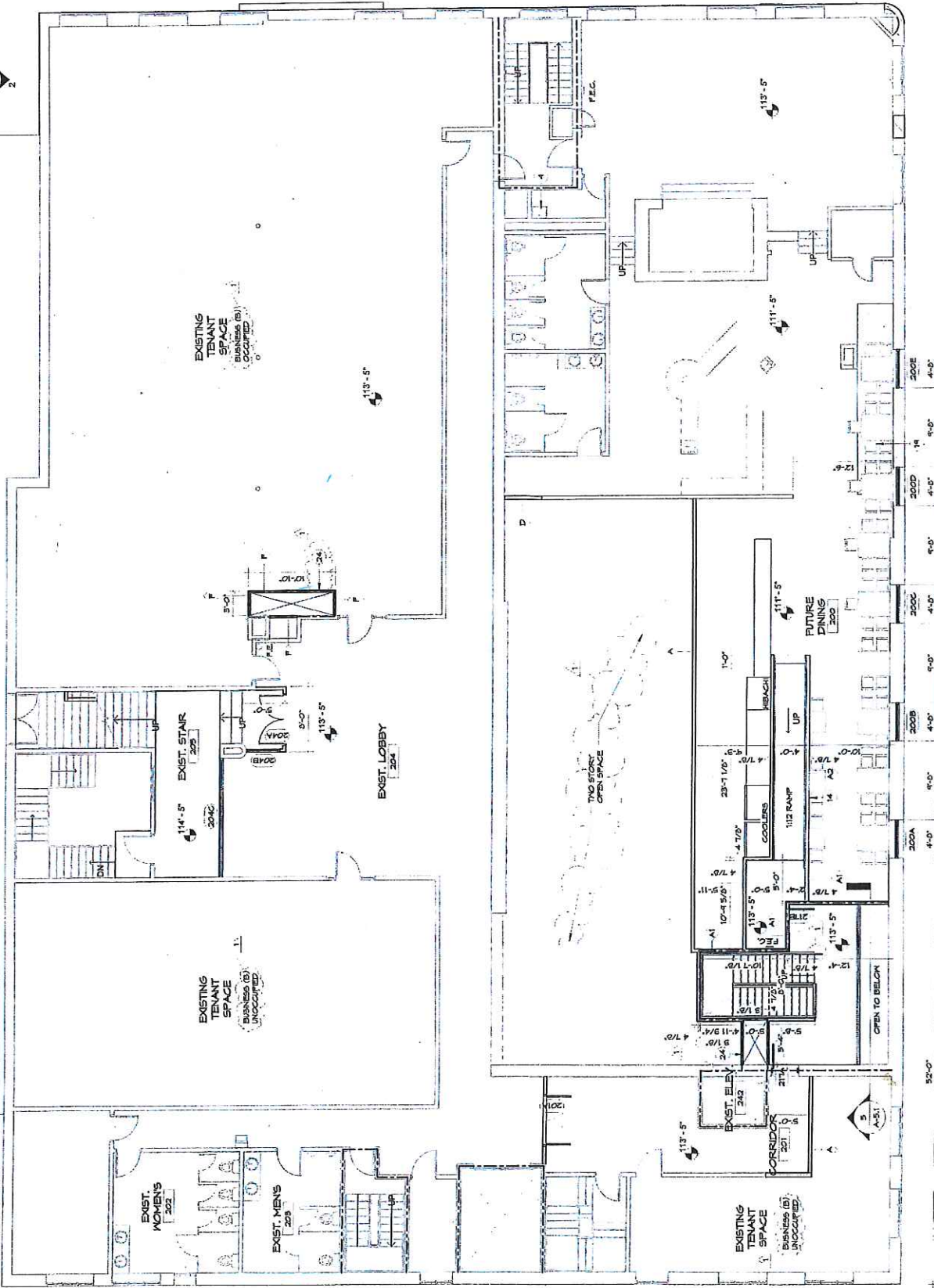




338 West College Avenue  
 Special Use Permit  
 Restaurant with Alcohol Sales







1 SECOND FLOOR PLAN  
A-12 1/8" = 1'-0"

338 West College Avenue  
Special Use Permit  
Restaurant with Alcohol Sales

AN ORDINANCE CREATING SECTION 2-29 OF CHAPTER 2 ARTICLE II OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ADMINISTRATION - COMMON COUNCIL.

(Committee Name -- Date)

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

**Section 1:** That Section 2-29 of Chapter 2, Article II, of the Municipal Code of the City of Appleton, relating to Administration, Common Council, is hereby created to read as follows:

**Sec. 2-29. Alderperson absence; participation ~~by phone~~ electronically**

An alderperson unable to appear in person at a meeting of the Common Council may request in writing or by email at least twenty-four (24) hours in advance of the meeting the written or emailed permission from the President of the Common Council to participate in the meeting by telephone. The Council President may grant the request only upon finding good cause. An alderperson's appearance ~~by telephone must be noted~~ electronically in the meeting agenda. Telephone participation must occur by speaker phone, with a speaker phone placed in the meeting room so that the physically absent member can hear and can be heard by all those who are present. An alderperson appearing ~~by telephone~~ electronically shall be entitled to participate and vote to the fullest extent possible, but shall not vote on any matter that may require observation of any part of the proceeding, including the demeanor of a witness or viewing exhibits not previously provided. An alderperson participating ~~by telephone~~ electronically shall not count towards a quorum.

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
Timothy M. Hanna, Mayor

\_\_\_\_\_  
Dawn A. Collins, City Clerk

J:\Attorney\WORD\Jamie\Ordinances\2015 Ords\Sec 2-29 Alderperson Appearances (created) 07-07-15 Finance Comm.doc



*"...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](mailto:dean.gazza@appleton.org)

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 7/21/2015

RE: Action: Request to approve contract to Northern Electric for Municipal Services Electrical Upgrades in the amount of \$181,900 with a contingency of \$8,100 for a contract not to exceed \$190,000.

Action: Request to reallocate a not-to-exceed amount of \$90,000 of the positive variance from the Municipal Services Building Trench Drain Repair Capital Improvement Project to perform the Municipal Services Electrical Upgrade project.

Request to approve a contract to Northern Electric to address deficiencies and make upgrades to the current electrical system at the Municipal Services Building. Over the last several years we have identified the need to make improvements to the electrical service at the Municipal Services Building. More specifically, deficiencies were identified during power outages as a result of storms over the last couple of years and also by management at the Municipal Services Building who have added equipment, new technology and changed processes since the facility was first constructed. Recognizing that the Department of Public Works provides many critical services during times of power outages, generally as a result of storms, it is recommended these upgrades be made to ensure the reliability of services provided.

The original intent of the project was to add more circuits to the existing 80 kw emergency generator until the system was loaded to its maximum capacity. After evaluation, it was discovered the system was already beyond capacity if fully utilized. There is no capacity remaining and new power circuits need to be added to the system to prevent events that took place during storms in the past couple years:

- Overhead doors to the vehicle garage could not be opened.
- Overhead doors to the maintenance shop could not be opened.
- Specific equipment in the shop could not be utilized.
- Fuel system failure.

- No offices, conference rooms, computers, or outlets were operational for emergency planning and implementation.

The current emergency power system is code compliant but any new modification requires compliance with the newest National Electrical Code (NEC) which requires a separation of essential and non-essential power loads (examples below) in panels and a separate transfer switch for each.

Essential

Exit lighting  
Path of egress lighting  
Fire alarm system  
Door access control

Non-Essential

Receptacles  
Lighting  
Offices  
Boilers & pumps  
Equipment, etc.

This project provides an additional 85 kw generator for desired new loads, separates the essential and non-essential power and redistributes loads to each generator to approximately 40-50% (fully loaded can increase to 80%).

Two bids were received:

Northern Electric	\$181,900
Van Ert Electric	\$207,460

During the 2014 carryover process, monies were approved to address safety and security projects. Of the \$137,979 balance carried over, \$100,000 is available to the Municipal Services Electrical Upgrades after engineering fees of \$12,400 and the addition of cameras and auto-locks at parks that are facing problematic security issues. Note that at the time of the carryover request the scope of improvements was unknown, so an engineer was hired to work with both Facilities Management and Department of Public Works staff to survey current deficiencies and needs. Specifications were then developed. To fund the difference, we are recommending that \$90,000 be reallocated from the positive bid variance of the Municipal Services Trench drain projected to complete this work.

The Parks, Recreation and Facilities Management recommends approving both the contract and budget transfer to allow the department to proceed with the work to improve the dependability of services provided by the Department of Public Works during power outages.

Please contact me at 832-5572 or at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org) with any questions.

NAME OF CEMETERY: Riverside cemetery  
LOCATION OF CEMETERY: 714 N. Owaiissa st. Appleton, WI 54911  
(Street/Road Address and Town, Village or City)  
CONTACT PERSON: Mary Jane Brown 920 733-5629  
(If questions regarding this submittal) (Name) (Phone)

1. Is perpetual care included in a lot purchase in your cemetery?  
(Please attach a copy of the perpetual care agreement) YES ☒ NO ☐
2. How many of the veteran graves **DO NOT** include a perpetual care agreement? 187
3. If perpetual care is not included, is care cost charged to all grave lot owners? YES ☐ NO ☒
1. \*Cost per grave upkeep per grave lot  
(Eligible costs divided by total # of grave lots within entire cemetery) \$ 3.00
2. Number of soldier's graves not covered under perpetual care  
(including spouses & women's auxiliary) X 582
3. Requested reimbursable expense for care of soldier's graves  
(including spouses & women's auxiliary) \$ 1,746.-
4. Did you provide an up-dated listing of the veteran's names? Yes ☒ No ☐

We, the officers of Riverside Cemetery Association, hereby certify that the upkeep and care of each grave is \$ 3.00, that the assessment is in compliance with ss 157.11(7)(a), and ss 157.11(7)(b), and is no more than the charge made for the care of other graves, and that such graves are receiving proper care.

It is further certified that suitable care of said graves has not been provided by perpetual care, private funds, or the cost for grave upkeep has not been collected as part of the funeral expenses, or otherwise.

7/17/15  
Date

Chris Hartwig  
Cemetery Association President

charlie Siekman  
Cemetery Association Secretary

mark Savides  
Cemetery Association Treasurer

At a regular meeting of the Town, Village, City of \_\_\_\_\_ held on \_\_\_\_\_, the above charges were approved for payment.

\_\_\_\_\_  
Municipal Clerk

\_\_\_\_\_  
Date

Send Check to:

Riverside Cemetery  
714 N. Owaiissa  
Appleton WI 54911

\*Cost includes maintenance of grave and tombstone; i.e. grass cutting, weed trimming, leveling of tombstone.

<u>Last Name</u>	<u>First Name</u>	<u>Death Date</u>	<u>Date Entered</u>	<u>Discharge Date</u>	<u>War</u>	<u>Branch of Service</u>	<u>Location</u>
Ehlert	Elroy	07/19/2013			World War II	United States Army	S_66_X_3
Prink	James	07/30/2013				United States Navy	9_18_X_8
Braeger	Marvin	08/13/2013				United States Navy	G_26_N_3
Skeens	Michael	09/02/2013				United States Army	32_31_X_8
Brennecke	Richard	09/04/2013				United States Army	27_32_X_1
Timm Sr.	Marvin	09/04/2013			World War II	United States Navy	MAUS_104_6_K
Hastings	Fredrick	10/06/2013			VietNam War	United States Army	28_1_X_10
Schmelzling	Hans	10/11/2013				National Guard	22_79_SW_5
Lundt	Warner O.	10/14/2013			World War II	United States Navy	P_42_X_11
Hill	Charles	10/15/2013				United States Army	11_41_S_11
Nielsen	Arthur	10/27/2013			World War II	United States Army	S_24_X_4
Taubel	Raymond	10/27/2013				United States Navy	23_36_W_12
Burton	Francis	11/26/2013				United States Navy	V_14_X_6
Clark	John T.	12/08/2013				United States Air Force	34_15_X_10
Haas	Francis	12/26/2013				United States Army	27_32_X_9
Hartel	Margaret	12/29/2013				United States Navy	M_80_X_X_122
Harn	Mark	01/18/2014				United States Army	D_71_X_4
Gibbs	Charles	01/23/2014			VietNam War	United States Army	33_37_X_10
Scheig	Henry	02/03/2014			World War II	United States Army	V_33_X_16
Kallio	Robert W.	02/14/2014			VietNam War	United States Army	S_50_X_14
Tock	Edward	02/14/2014			World War II	United States Navy	17_52_X_4
Smith	Philip	03/04/2014			VietNam War	United States Army	P_40_X_2
Harper	Glenn	03/09/2014				United States Army	33_47_X_7
Mueller	Bruce	05/10/2014				United States Army	8_9_E_8
DeFord	Joshua	06/10/2014				United States Army	17_104_X_9
Klemp	Clyde	06/13/2014				United States Navy	22_84_X_7
Haas	Louis A.	07/10/2014				United States Army	MAUS_101_5_C
Pooler	Larry	08/03/2014				United States Navy	V_30_X_9
Walker	Gordon	08/14/2014			World War II	United States Marine Corps	K_86_X_1
Voigt	Steven	08/26/2014			VietNam War	United States Navy	33_12_S_4

<u>Last Name</u>	<u>First Name</u>	<u>Death Date</u>	<u>Date Entered</u>	<u>Discharge Date</u>	<u>War</u>	<u>Branch of Service</u>	<u>Location</u>
Managan	Thomas	09/08/2014			World War II	United States Navy	22_60_X_7
Barry	John	09/10/2014				United States Navy	15_26_S_6
Alsbury	Charles R.	09/22/2014				United States Army	MAUS_104_1_L
Waters	Emery	11/09/2014				United States Air Force	M_78_X_80
Miller	George	11/15/2014			VietNam War	United States Marine Corps	M_48_X_58
Kowald	Margaret	11/18/2014	08/28/1950	11/01/1972		United States Air Force	D_12_X_2
Porter	David	12/17/2014			Peace Time	United States Army	33_5_X_5
Stark	James J.	12/20/2014				United States Army	D_55_S_6
Filen	James	12/22/2014				United States Navy	5_65_W_13
Huven	James	12/27/2014				United States Army	6_47_X_9
Wingert	Eugene	01/01/2015			World War II	United States Army	MAUS_101_3_L
Hurst	Harry	01/02/2015			World War II	United States Army	29_60_X_8
Janssen	James	01/05/2015				United States Navy	MAUS_101_6_A
Tralongo	Salvatore	01/06/2015			World War II	United States Coast Guard	28_22_X_5
Schubbe	Burnell	01/09/2015			Korean War	United States Navy	S_32_X_8
Mueller	Lloyd	01/14/2015			World War II	United States Army	7_26_X_9
Newhouse	Eugene	03/11/2015				United States Air Force	33_46_X_7
Jury	Donald	03/14/2015			World War II	United States Navy	18_20_S_5
Skeens	Lowell	03/16/2015				United States Navy	32_31_X_2
Graham	Michael	03/27/2015				United States Marine Corps	M_78_X_82
Puffer	Richard	04/28/2015			Korean War	United States Army	K_20_X_11
Ward	Richard	06/02/2015			VietNam War	United States Army	L_74_X_12
Errington	William	06/06/2015				United States Army	16_34_X_10
Feavel	Robert	06/13/2015				National Guard	O_79_X_10
Scheibe	Harold	06/22/2015			Korean War	United States Army	23_12_S_6

Total Number of Veterans:



## RELOCATION ORDER

The City of Appleton, Outagamie/Calumet/Winnebago Counties, Wisconsin, by its Common Council and for its Relocation Order hereby resolves as follows:

1. That this Resolution is a Relocation Order in accordance with subsection 32.05(1), Wisconsin Statutes, for the purpose of the within-described public improvement project and it is also a determination of necessity for that project in accordance with subsection 32.07(2), Wisconsin Statutes;
2. That the City of Appleton hereby determines that it is necessary and of public purpose to construct storm sewers in the city of Appleton, Wisconsin.
3. That said storm sewers will be built within the areas marked on the scale drawing, which is attached to this Relocation Order as Exhibit "A" and is incorporated herein;
4. That the legal descriptions for the acquisition of Permanent Limited Easements and Temporary Limited Easements necessary for this construction are contained in Exhibits "B", "C", "D" and "E", which are also incorporated herein;
5. That the City of Appleton will acquire a permanent limited and temporary limited interest in the areas described in Exhibits "B", "C", "D" and "E" from the present owners.

Record and return to:

City of Appleton – City Attorney's Office  
100 North Appleton Street  
Appleton, WI 54911-4799

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2015, that the within Relocation Order was adopted by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays by the City Council for the City of Appleton, Wisconsin.

ATTEST:

\_\_\_\_\_  
Jamie L. Sova, Deputy City Clerk

APPROVED:

\_\_\_\_\_  
Timothy M. Hanna, Mayor

This instrument was drafted by:

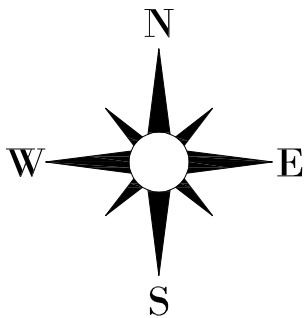
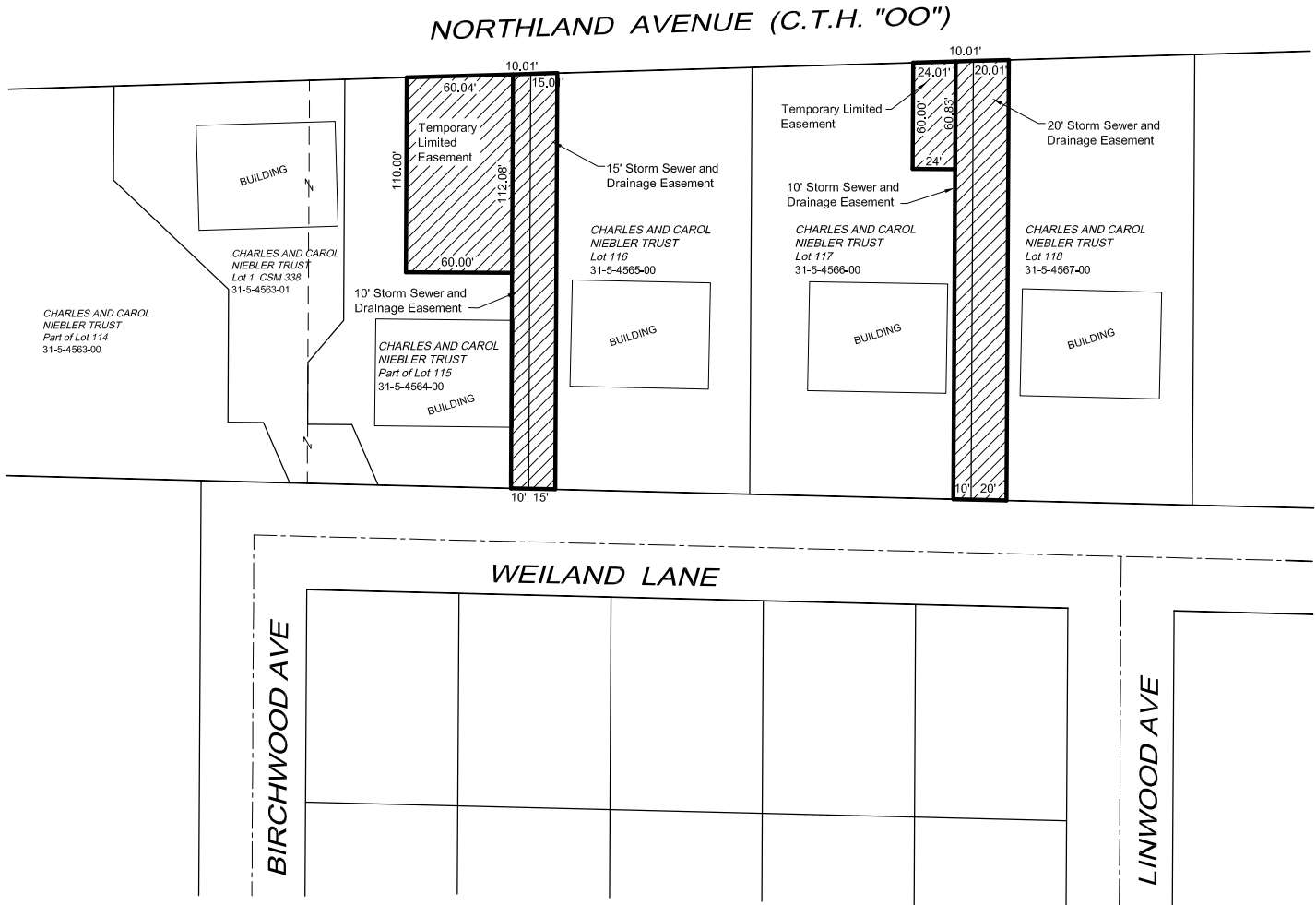
James P. Walsh, Appleton City Attorney

J:\Attorney\WORD\Condemnation\Northland-Weiland Pond\  
Northland-Weiland Pond - Relocation Order.doc



# EXHIBIT "A"

HOMESTEAD MEADOWS PLAT, LOCATED IN THE NW 1/4 OF SECTION 22, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



**CITY OF APPLETON**

DEPT. OF PUBLIC WORKS

ENGINEERING DIVISION

100 NORTH APPLETON STREET

APPLETON, WISCONSIN. DWN. BY:TMK

H:\Acad\Ease.\Storm\2015\Northland\_Ave\_Pond\_0401\_2015

# EXHIBIT B

## Legal Description Parcel 1

Charles G. Niebler and Carol I. Niebler as Trustees of the  
Niebler Living Trust dated 4/22/2008

### **Permanent Limited Easement:**

The East 10 feet of Lot One Hundred Fifteen (115), of **HOMESTEAD MEADOWS**, City of Appleton, located in the Northwest Quarter (NW ¼) of Section 22, Township 21 North, Range 17 East, Outagamie County, Wisconsin, containing 0.0537 Acres of land m/l.

### **Temporary Limited Easement:**

A part of Lot One Hundred Fifteen (115), of **HOMESTEAD MEADOWS**, City of Appleton, located in the Northwest Quarter (NW ¼) of Section 22, Township 21 North, Range 17 East, Outagamie County, Wisconsin, containing 0.1529 Acres of land m/l and being further described by:  
Commencing at the Northeast corner of said Lot 115;

Thence South 88°20' West 10.01 feet along the North line of said Lot 115 to the point of beginning;

Thence South 00°19' West 112.08 feet parallel to the East line of said Lot 115;

Thence North 89°41' West 60.00 feet;

Thence North 00°19' East 110.00 feet to the North line of said Lot 115;

Thence North 88°20' East 60.04 feet along the North line of said Lot 115 to the point of beginning.

Tax Key No. 31-5-4564-00

Title document: Warranty Deed Doc. No. 1811552

# EXHIBIT C

## Legal Description Parcel 2

Charles G. Niebler and Carol I. Niebler as Trustees of the  
Niebler Living Trust dated 4/22/2008

### **Permanent Limited Easement:**

The West 15 feet of Lot One Hundred Sixteen (116), of **HOMESTEAD MEADOWS**, City of Appleton, located in the Northwest Quarter (NW ¼) of Section 22, Township 21 North, Range 17 East, Outagamie County, Wisconsin, containing 0.0808 Acres of land m/l.

Tax Key No. 31-5-4565-00

Title document: Warranty Deed Doc. No.1811551

# EXHIBIT D

## Legal Description Parcel 3 Charles G. Niebler and Carol I. Niebler as Trustees of the Niebler Living Trust dated 4/22/2008

### **Permanent Limited Easement:**

The East 10 feet of Lot One Hundred Seventeen (117), of **HOMESTEAD MEADOWS**, City of Appleton, located in the Northwest Quarter (NW ¼) of Section 22, Township 21 North, Range 17 East, Outagamie County, Wisconsin, containing 0.0568 Acres of land m/l.

### **Temporary Limited Easement:**

A part of Lot One Hundred Seventeen (117), of **HOMESTEAD MEADOWS**, City of Appleton, located in the Northwest Quarter (NW ¼) of Section 22, Township 21 North, Range 17 East, Outagamie County, Wisconsin, containing 0.0333 Acres of land m/l and being further described by:

Commencing at the Northeast corner of said Lot 117;

Thence South 88°20' West 10.01 feet along the North line of said Lot 117 to the point of beginning;

Thence South 00°19' West 60.83 feet parallel to the East line of said Lot 117;

Thence North 89°41' West 24.00 feet;

Thence North 00°19' East 60.00 feet to the North line of said Lot 117;

Thence North 88°20' East 24.01 feet along the North line of said Lot 117 to the point of beginning.

Tax Key No. 31-5-4566-00

Title document: Warranty Deed Doc. No. 1811551

# EXHIBIT E

Legal Description Parcel 4  
Charles G. Niebler and Carol I. Niebler as Trustees of the  
Niebler Living Trust dated 4/22/2008

**Permanent Limited Easement:**

The West 20 feet of Lot One Hundred Eighteen (118), of **HOMESTEAD MEADOWS**, City of Appleton, located in the Northwest Quarter (NW ¼) of Section 22, Township 21 North, Range 17 East, Outagamie County, Wisconsin, containing 0.1139 Acres of land m/l.

Tax Key No. 31-5-4567-00

Title document: Warranty Deed Doc. No. 1811551



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

Information Technology Department  
100 N. Appleton Street  
Appleton, WI 54911

## MEMO

To: Alderperson Plank and Members of the Finance Committee

From: Dean Fox, Information Technology Director

Date: 8/5/15

Re: Request to transfer \$15,000 of unused CIP funds from the Application Development project to a Security Assessment Project for 2015

---

The 2015 budget includes \$40,000 CIP funding for application (app) development for smart device integration, with the late deployment of the new City website, some of those funds will not be used this year. I'd like to request the re-allocation of \$15,000 of these funds to work with a consultant to develop an overall City Security Assessment as Phase One of a project that will continue in 2016.

The funds this year will provide us enough to get the baseline of the study accomplished and use the requested funds in the 2016 budget to further implement the technology improvements, upgrades and appliances that will come out of the assessment in 2015.

With the continued emergence of new technology threats every day and the large organizations that make the news after being exploited, this assessment will provide initial insight into where we are at within the City's network and a goal for us to obtain with the intent to remain as secure as possible and mitigate any threats to the best our technology allows.



## LEGAL SERVICES DEPARTMENT

### Office of the City Attorney


100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

**TO:** Kathleen Plank, Chair  
Members of the Finance Committee

**FROM:** James P. Walsh, City Attorney 

**DATE:** August 6, 2015

**RE:** Rescission of Resolution of Necessity

---

This Committee may recall that in July of 2014 it approved a Resolution of Necessity for Trinity Lutheran Church and Michiels that was subsequently approved by the Common Council on August 20, 2014. This was a required first step in order for the City to pursue acquiring the private property for the purpose of constructing a new library. On June 17, 2015 the Common Council debated whether to make an offer to purchase the properties (111 East Kimball Street and 209 South Allen Street) for the purpose of the library project. As a result of a 6-8 vote, authorization to make an offer to purchase these properties was not granted. The Council's action essentially ended the City's efforts to acquire these properties for the purpose of building a library.

The Resolution of Necessity previously passed by the Council was drafted and recorded with the Register of Deeds with regard to each of the properties. Considering the Council's vote on June 17, 2015 it is necessary for the Council to adopt a resolution rescinding the Resolution of Necessity in order to clear the title of these properties from any encumbrance associated with a Resolution of Necessity.

It is my recommendation that the Finance Committee and Common Council adopt a resolution rescinding the Resolution of Necessity previously filed by the City with regard to the Trinity Lutheran Church and Michiels properties.

If you have any questions, please do not hesitate to contact me.

JPW:jl

## RESCISSION OF RESOLUTION OF NECESSITY

The Common Council of the City of Appleton, Outagamie, Calumet and Winnebago Counties, Wisconsin, hereby resolves as follows:

1. That the Resolution of Necessity previously passed and adopted by the Common Council of the City of Appleton on the 20<sup>th</sup> day of August, 2014 relating to the within-described real estate shall be rescinded in its entirety.
2. The above-described Resolution of Necessity was recorded by the Outagamie County Register of Deeds on February 19, 2015 as Document No. 2036440.

That the herein Resolution rescinding the previously-adopted Resolution of Necessity was passed and adopted by the Common Council of the City of Appleton this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

Record and return to:  
City of Appleton – City Attorney's Office  
100 North Appleton Street  
Appleton, WI 54911-4799

Tax Key No: 31-2-0156-00

ATTEST:

\_\_\_\_\_  
Jamie L. Sova, Deputy City Clerk

APPROVED:

\_\_\_\_\_  
Timothy M. Hanna, Mayor

This instrument was drafted by:

James P. Walsh, Appleton City Attorney

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Rescission of Resolution of Necessity.doc



## RESCISSION OF RESOLUTION OF NECESSITY

The Common Council of the City of Appleton, Outagamie, Calumet and Winnebago Counties, Wisconsin, hereby resolves as follows:

1. That the Resolution of Necessity previously passed and adopted by the Common Council of the City of Appleton on the 20<sup>th</sup> day of August, 2014 relating to the within-described real estate shall be rescinded in its entirety.

2. The above-described Resolution of Necessity was recorded by the Outagamie County Register of Deeds on February 19, 2015 as Document No. 2036439.

That the herein Resolution rescinding the previously-adopted Resolution of Necessity was passed and adopted by the Common Council of the City of Appleton this \_\_\_\_ day of \_\_\_\_\_, 2015 by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

Record and return to:

City of Appleton – City Attorney's Office  
100 North Appleton Street  
Appleton, WI 54911-4799

Tax Key No: 31-2-0144-00

ATTEST:

\_\_\_\_\_  
Jamie L. Sova, Deputy City Clerk

APPROVED:

\_\_\_\_\_  
Timothy M. Hanna, Mayor

This instrument was drafted by:

James P. Walsh, Appleton City Attorney

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Rescision of Resolution of Necessity.doc



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

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Department of Utilities  
Wastewater Treatment Plant  
2006 E Newberry Street  
Appleton, WI 54915  
920-832-5945 tel.  
920-832-5949 fax

**To:** Chairperson Greg Dannecker and Members of the Utilities Committee

**From:** Robert Kennedy, AWWTP Operations Supervisor

**Cc:** Chris Shaw, Director of Utilities  
Paula Vandehey, Director of Public Works  
Dean Gazza, Director of Parks, Recreation and Facilities Management  
Mayor Tim Hanna

**Date:** August 11, 2015

**Re:** *Request Approval of the electronic Compliance Maintenance Annual Report (eCMAR) for 2014 and Request Resolution be Presented to Common Council for Approval*

---

State of Wisconsin Code NR 208 mandates an annual assessment of the wastewater utility known as the electronic Compliance Maintenance Annual Report (eCMAR). Requirements under NR 208 are enforceable through the facility's Wisconsin Pollutant Discharge Elimination System permit. This regulation has four objectives: assuring consistency with other rules; expanding application of the rule to sanitary sewer collection system operation and maintenance; improving the compliance maintenance rating system; and improving the quality and ease of reporting through electronic data management integration. The 2014 eCMAR is required to be submitted to the Department of Natural Resources (DNR) by August 31, 2015.

Attached is the 2014 eCMAR summary, which will be submitted electronically to the Wisconsin Department of Natural Resources after the Utilities Committee and Common Council approve the resolution cited in the agenda with this attachment. Each eCMAR category was letter graded (A, B, C, D, or F) based on regulatory criteria. The categories are then combined and an overall treatment works grade point average was determined for 2014. Responses are required for categories with grades at or below a "C" or for an overall grade point average less than 3.0.

The overall letter grade for the 2014 eCMAR is an A with a grade point average of 3.73. Seven of the nine categorical grades for the facility were graded as excellent or A. There were two categories with a B grade: Effluent Quality/Ammonia and Biosolids Quality and Management.

The Biosolids Quality and Management section B grade was the result of the facility not having the necessary 180 days of storage capacity required under NR 204. The wastewater plant did maintain 155 days of biosolids storage for 2014.

The Effluent Quality/Ammonia section B grade was the consequence of air piping emergency repair work in January 2014 which resulted in the plant functioning at ½ of normal aeration capacity during the repair time. The limited aeration function combined with cold weather inhibition of ammonia-reducing bacteria caused a decrease in ammonia-nitrogen removal during the first two weeks of January. Aeration capacity was restored on 1-13-2014, and ammonia removal improved by the end of the month.

Issues of biosolids storage capacity continue to be addressed by the Utilities Department. A capital project for a building expansion or a compost facility has been identified for 2017. AWWTP staff is currently engaged in a large scale pilot that is field testing composting biosolids with city generated yard wastes. The composted product has the potential for outlets year round that would effectively reduce the Class B biosolids building storage needs. This reduction in storage would improve the eCMAR grade to an A for biosolids storage.

Overall, the 2014 Compliance Maintenance Annual Report reflects sound utility planning and operations. I would like to credit the Utilities Committee and Council for continued investment in our wastewater facilities, Wastewater Staff for their work in achieving a fine maintenance and compliance record, the Department of Public Works for collection system engineering and maintenance, and Facilities Management for maintaining our buildings and grounds.

I recommend approving the 2014 eCMAR and the Common Council resolution in support thereof. If you have any questions concerning the 2014 eCMAR please contact Robert Kennedy at 832-2349.

# Compliance Maintenance Annual Report

Appleton Wastewater Treatment Facility

Last Updated: Reporting For:

8/5/2015

2014

## Grading Summary

WPDES No: 0023221

SECTIONS	LETTER GRADE	GRADE POINTS	WEIGHTING FACTORS	SECTION POINTS
Influent	A	4	3	12
BOD/CBOD	A	4	10	40
TSS	A	4	5	20
Ammonia	B	3	5	15
Phosphorus	A	4	3	12
Biosolids	B	3	5	15
Staffing/PM	A	4	1	4
OpCert	A	4	1	4
Financial	A	4	1	4
Collection	A	4	3	12
<b>TOTALS</b>			<b>37</b>	<b>138</b>
<b>GRADE POINT AVERAGE (GPA) = 3.73</b>				

### Notes:

A = Voluntary Range (Response Optional)

B = Voluntary Range (Response Optional)

C = Recommendation Range (Response Required)

D = Action Range (Response Required)

F = Action Range (Response Required)



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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](mailto:dean.gazza@appleton.org)

**To:** Utilities Committee

**From:** Dean R. Gazza, Director of Parks, Recreation and Facilities Management

**Date:** August 11, 2015

**Re:** Action: Award contract to Steinmetz Corporation for Electrical Transformer Testing at the Wastewater Treatment Plant in the amount of \$17,120 with a contingency of \$2,000 for a contract total not to exceed \$19,120.

---

The proposals for the Electrical Transformer Testing at the Wastewater Treatment Plant were received on Wednesday, July 1, 2015. The 2015 budget includes \$30,000 for electrical testing. Testing of transformers is recommended to be completed every two years to assure reliability of the system. Due to the age and usage of the equipment, our department highly recommends that we maintain this testing interval. Please note that the testing includes a total of ten transformers.

Two proposals were received.

Steinmetz Corporation	\$17,120
Electrical Testing Solutions	\$26,125

It is the recommendation of the Parks, Recreation and Facilities Management Department to accept the proposal by Steinmetz Corporation for \$17,120 for a two-year contract. The Department is also recommending a contingency of \$2,000 for a contract not to exceed \$19,120.

Please feel free to contact me at 832-5572 with any questions, or by email at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org).





"Paving the Way  
to the Future"

July 28, 2015

Kurt Eggebrecht – Health Officer  
Appleton Health Department  
100 N. Appleton Street  
Appleton, WI 54911

Home Depot – 2201 South Kensington Avenue

Dear Kurt,

The management for the Home Depot store on south Kensington is planning to repair and resurface the parking lot and entry roads. In order to minimize disruption to the adjacent businesses we would like to mill and overlay the roadway between Kensington Avenue and Lake Park Road along with the entry road to Calumet Street at night.

On behalf of the Venture Paving Group (1301 W. Washington Blvd, Suite 1B, Chicago, IL 60607) we are requesting a noise variance for two nights during the week August 24<sup>th</sup>. Should we get rain delayed during that week we would ask for that one night to be pushed to the following week.

Please feel free to contact me should you have any questions or need additional information.

Sincerely,

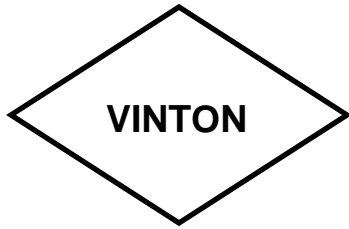
Tom Walsh  
Project Manager  
Northeast Asphalt, Inc.

twalsh@neasphalt.com

(920) 342-4399 (Mobile)  
(920) 757-7503 (Office)

Corporate Office	•	W6380 Design Drive	•	Greenville, WI 54942	•	920-757-2900 ph	•	920-757-2906 fax
Area Office	•	20 Camelot Drive	•	Fond du Lac, WI 54935	•	920-921-5577 ph	•	920-921-7330 fax
Area Office	•	1524 Atkinson Drive	•	Green Bay, WI 54303	•	920-494-0543 ph	•	920-494-0745 fax
Area Office	•	433 3rd Avenue	•	Iron River, MI 49935	•	906-265-5771 ph	•	906-265-5516 fax

An Equal Opportunity Employer • [www.neasphalt.com](http://www.neasphalt.com)



**VINTON CONSTRUCTION COMPANY...Road Contractors**  
**An Equal Opportunity Employer**  
**2705 North Rapids Road**  
**P.O. Box 1987**  
**Manitowoc, Wisconsin 54221-1987**  
**Office 920-682-0375**  
**Fax 920-682-2838**

July 31, 2015  
RE: Project # 4984-09-71  
Prospect Avenue, Jackman Street Overhead  
Outagamie County

Kurt Eggebrecht,

Vinton Construction Company would like to request a noise variance for the above project. There will be six nights total in Sept and October depending on when our concrete pavement occurs where late night or early morning saw cutting of the concrete is required. VCC will keep this operation and disturbance to a minimum. There may also be a few instances of the lower retaining wall R-44-16 that would need to be sawed later in the evening or early morning. If hot weather is prevalent at the time Pfeifer Brothers wants to pour the bridge deck this pour may have to take place at night. The deck pour would be one night for a few hours if required. Thank You for your time.

Respectfully,

Robert Brownson  
Vinton Construction Company  
920-973-8946  
rbrownson@vintonwis.com

## **BACKGROUND**

---

At the June 8, 2015 Plan Commission meeting, staff was asked to provide the current beekeeping requirements of the Municipal Code in response to Resolution #8-R-15 - Dalton/Meltzer, which is as follows:

Resolution #8-R-15 - Dalton/Meltzer

"Whereas, the City of Appleton approved amended language to allow for the keeping of honeybees on areas zoned Public Institution in 2011, and areas zoned Urban Farm in 2013,

Whereas, there have been no reported incidents or problems related to the maintained honeybee populations,

Now, Therefore, Be it Resolved, the Appleton Municipal Code 3-52 be amended to include the following language:

"All zoned areas may, with the Health Officer's written consent, maintain up to 5 hives" and approved Beekeeping Permit requirements."

# Study

Over the course of the past 15 years, Health Department staff and the Board of Health have had requests to make various revisions to Appleton Municipal Code Chapter 3 Animals, Sec 3-52, related to restricted species in the City. During this time frame, the Health Department has had varying requests to revise the ordinance language to allow for residents to raise pot belly pigs, pigmy horses, goats, chickens, bees, and ducks. Requests to change the language to allow for raising these restricted species in residential settings have been denied by the Common Council on each occasion.

In 2011, Health Department staff recommended, and the Board of Health and Common Council voted to approve, a permitting process, administered by the Health Department, for allowing up to five Honey Bee hives within areas zoned P-I, Public Institution Districts. In 2013, the Municipal Code was again amended so that a permit holder may maintain three Honey Bee hives per acre up to a maximum of 25 hives within an area approved as an urban farm. This language was added into Sec 3-52 (b) of the Municipal Code.

As it relates to this current request, Health Department staff has reviewed dozens of municipal codes and a model ordinance from the State of Minnesota related to bee-keeping.

We also received helpful information from residents, business owners (who sell related equipment) and current bee tenders who live outside the City.

Some of what we learned in these discussions, and by the review of ordinances, relate to two particular species of bees: the Mason Bee, and the Common Honey Bee.

**Mason Bees** (*Osmia Lignaria*) are non-stinging, honey producing bees. One hundred forty different varieties of Mason Bees are present in North America, and there are 200 varieties worldwide. Mason Bees, also known as the blue orchard bee, are the most common bee found in Wisconsin. The Mason Bee is a great pollinator, but nonsocial unlike the Honey Bee. Mason Bees work alone. All

Mason Bees lay eggs, live about 8-10 weeks, hibernate in the winter, and the males die in the spring after inseminating the females as they are no longer needed. They move frequently to where the pollen is, and they need a source of mud to cap the tubes filled with honey and the larvae in them - no wax. Mason Bees are a food source for birds including Robins, Crows, Starlings, and Wood Peckers. Their short coming is a low amount of honey production and no wax production. They are good pollinators when they stick around, and they do not sting.

**Honey Bees** (*Apis mellifera*) are social insects. They do sting but only as a last resort. When they sting they die. Honey Bees produce commercial quantities of honey and wax. Honey Bees are eusocial: they live in groups and divide labor among members who specialize in certain tasks. Honey Bees are so reliant on each other that no individual bee can live long on its own.

**The Queen:** The only sexually developed female in the hive. The Queen's task is reproduction and hive control via pheromone production.

**Drones:** Male bees. They have a defined life cycle. They mate with Queen Bees from other hives for genetic diversity. Despite the lack of participation in day to day operation of a colony, drones seem important for the normal function of a colony from which they originate.

**Worker Bees:** They are sexually underdeveloped female bees. Workers live only 6 weeks during the foraging season (honey producing season). Their life span is affected by flight miles more than time. Worker bees that emerge in the fall live 6 months, help the colony survive the winter, and help rear new Worker bees for the spring.

Bees sometimes make headlines in the news because of the Africanization of the bees in South America and South US from strains of aggressive African bees infiltrating the native hives, displacing the docile strain with a more aggressive bee. These bees have value because they produce more honey. They are more difficult to control, and like to sting. Lucky for us they do not like cold weather. Bee-keepers in the Midwest do not handle these strains.



## **Recommendations**

Staff members from both the Health Department and Attorney's Office have completed extensive research and identified the important components, within the various ordinances we have reviewed, to be included in the draft ordinance we crafted as requested. We did limit our language just to honeybees based on the written request by the sponsoring alderpersons.

We recognize the policy decision as to whether or not to allow Honey Bee hives within residential sections of the City will be decided by Common Council.

As staff, in addition to the drafting Apiary Requirements, which is based on minimizing neighborhood disputes and related concerns, we have also written a suggested permitting process. This process includes a permitting fee to capture staff time commitment to reviewing applications, neighborhood notifications and inspecting the hives.

BEEKEEPING PERMIT REQUIREMENTS  
(Ref. 3-52 Appleton Municipal Code)

DEFINITIONS:

ACRE means a unit of measure equal to 4,840 sq. yds. or 43,560 sq. ft.

AGGRESSIVE BEHAVIOR is any instance in which unusual characteristics are displayed by a honeybee or colony including, but not limited to, stinging, swarming or attacking humans or animals without provocation.

APIARY means the assembly of one or more colonies of bees at a single location on a property.

BEEKEEPER means a person who owns or has charge of one (1) or more colonies of bees and has demonstrated to the Health Officer that he or she has obtained formal education or sufficient practical experience to act as a beekeeper.

BEEKEEPING EQUIPMENT means all items used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

COLONY means an aggregate of honeybees in a hive consisting principally of workers, but having one queen and at times drones, including brood, combs and honey.

HEALTH DEPARTMENT means the City of Appleton's Health Department.

HIVE means the receptacle inhabited by a colony that is manufactured for that purpose.

HONEYBEE means all life stages of the common domestic honeybee, *Apis mellifera* species, including the queen and drones.

LOT means a tract of land, designated by metes and bounds, land survey, minor land division or plat, and recorded in the office of the county register of deeds

PERMIT means the written approval given by the Health Department to a property owner who occupies the premises and who is also a beekeeper pursuant to the definition herein.

PERMIT HOLDER means a beekeeper and who has received a permit from the Health Department allowing for an apiary on his or her property.

PROPERTY means a parcel of land identified by the City of Appleton as a lot in any state of development, ownership and occupation.

PROPERTY OWNER means a person, individual firm, association, syndicate or partnership that appears on the recorded deed of the lot.

URBAN FARM means the land or rooftops that are managed and maintained by an individual, group of individuals, organization or business for growing, harvesting, washing and packaging of fruits, vegetables, flowers and other plant and herb products with the primary purpose of growing food for sale and/or distribution.

1. **GENERALLY.** No person shall keep honeybees in the City of Appleton without being a beekeeper and obtaining a permit issued by the Health Department. A permit shall be valid for a period of one (1) year from March 1 through the last day of February the following year, and may be renewed annually. Only one (1) permit shall be granted per property regardless of the number of beekeepers

residing at or owning said property. Should multiple beekeepers request permits and be eligible for permits for a property, the permit shall be issued on a first-come, first-served basis.

2. **APPLICATION FOR PERMIT.** Application for a permit required in this section shall be made to the Health Department upon a form furnished by the Health Department and shall contain such information which the Health Department may prescribe and require and shall be accompanied by payment of the applicable fees. The Application may be updated and/or amended as deemed necessary by the Health Department. No prior approval of a permit guarantees future approval. The Health Department reserves the right to require permit holders to reapply if the application is updated and/or amended, and refusal to reapply may result in the termination of a permit.

(a) **GENERAL REQUIREMENTS.**

1. The applicant must complete the required form by the Health Department, and provide to the Health Department the non-refundable application fee.
2. The permit applicant must provide proof of formal education and/or sufficient practical experience to act as a beekeeper.
3. The permit applicant must provide proof of property ownership for the property where the proposed apiary will be located.
4. The permit application must provide proof of occupancy of the property where the proposed apiary will be located.

(b) **NEIGHBORHOOD APPROVAL REQUIRED.**

1. When a permit is applied for, all property owners within a circular area having a radius of two hundred (200) feet, centered on the location where the proposed hive(s) will be placed, shall be notified of the application by the Health Officer. Notification shall be by first-class U.S. mail.
2. Property owners located within the circular radius of two hundred (200) feet of the proposed apiary objecting to the permit must file a written objection to the permit by contacting the Health Department or City Health Officer within fourteen (14) business days of the date the notice was mailed or postmarked. Each objection must contain the objector's name, address, phone number, and reason for the objection to the permit.
3. Upon receipt of a written objection, the application shall be denied by the Health Officer. The applicant may appeal to the Board of Health per APPEALS Section seven (7) below. The Board of Health shall allow the applicant and objector an opportunity to be heard on why the permit should or should not be issued. The Board shall make a recommendation to the Common Council regarding approval of said permit.

(c) **INSPECTION OF APIARY.** Prior to populating the apiary, an inspection of the apiary by the City Health Officer or his or her designee shall be conducted to ensure compliance with all of the following provisions:

1. **Public Institutional District.** A maximum of five (5) hives may be maintained within areas zoned P-I, Public Institutional District.

2. Urban Farm. A maximum of three (3) hives may be maintained by a permit holder per acre up to a maximum of twenty-five (25) hives within an area approved as an urban farm.
3. Residential Zone. No residentially zoned property shall have more than the following numbers of hives on the property:
  - a. A maximum of two (2) hives may be maintained on a lot one half (1/2) acre or smaller.
  - b. A maximum of three (3) hives may be maintained on a lot larger than one half (1/2) acre but smaller than three quarters (3/4) acre.
  - c. A maximum of four (4) hives may be maintained on a lot larger than three quarters (3/4) but smaller than one (1) acre.
  - d. A maximum of five (5) hives may be maintained on a lot one (1) acre or larger.
4. Occupation. Apiaries in residentially zoned areas must be located on the lot occupied by the permit holder.
5. Vacant/Unoccupied Lot. No apiary may be placed on vacant or unoccupied lots.
6. Frames. All colonies shall be kept in hives with removable frames, which shall be continuously maintained in sound and usable condition by the permit holder.
7. Identification. Each apiary shall, at all times, have the permit holder's name, address and phone number permanently and legibly displayed in a prominent place on an external portion of each hive.
8. Flyway Barrier. For all hives located within thirty (30) feet of a property line, a 6-foot high closed fence, closed hedge, building, or other solid flyway barrier, or other type of barrier which the Health Officer determines to be of sufficient height, shall be located between the rear and/or side property lines and the hive(s). A flyway barrier is not needed if the hive(s) are kept at least ten (10) feet off the ground. Flyway barriers, if required shall meet the requirements of the building code.
9. Water Supply. A continuous supply of water shall be located on the property where the apiary is located, and placed near the hive(s) and within the enclosures or flyway barriers. The water source shall be designed to allow the honeybees' access water by landing on a hard surface available to the honeybees so long as they remain active outside of the hive.
10. Placement.
  - a. All beekeeping equipment must be located a minimum of thirty (30) feet from the front property line and ten (10) feet from all other property lines.

- b. Hives may not be located in the front yard of any lot. Should there be multiple street frontages to a property or no front yard clearly indicated on the property records for a property, the placement of the apiary shall be at the discretion of the City Health Officer.
- c. Apiaries must be located a minimum of fifty (50) feet from dwellings, porches, gazebos, decks, swimming pools, permanently affixed play equipment and any other habitable area on any adjoining lots unless the owner of the adjoining property has provided written permission to the Health Department for closer placement.

3. **PERMIT RENEWAL.**

(a) Permits shall be renewed each year on a form furnished by the Health Department unless written notice of discontinued operation is received by the Health Department.

(b) The Health Officer or his or her designee shall enter upon the permit holder's property at any reasonable time once a year to inspect the apiary, beekeeping equipment and honeybees.

4. **APIARY MAINTENANCE.**

(a) Beekeeping equipment shall be actively maintained and managed at all times by the permit holder.

(b) If a permit holder no longer intends to maintain and/or manage their apiary, the permit holder must immediately notify the Health Department and remove or dismantle the hive(s). Failure to immediately remove the hives will be grounds for the Health Department to cause the removal of the hive(s) and the cost thereof shall be charged back to the permit holder as a special charge pursuant to Wis. Stat. § 66.0627

(c) In any instance where the City Health Officer reasonably believes a colony exhibits aggressive behavior, it shall be the duty of the permit holder to immediately destroy or re-queen the hive.

(d) Queens shall be selected from stock bred for gentleness and non-swarming characteristics.

(e) The provisions of Sec. 3-15(a), Appleton Municipal Code, do not apply to beekeeping.

5. **RIGHT OF ENTRY.**

(a) The Health Officer or his or her designee may enter upon any permit holder's property at any time to inspect the apiary, beekeeping equipment and/or honeybees, and may take photographs and/or videos of the apiary, beekeeping equipment and/or honeybees as he or she deems necessary, or take any other action deemed necessary to properly enforce the provisions of this section.

(b) If the Health Officer or his or her designee finds any apiary kept in violation of any portion of this section, he or she may order the violation corrected within thirty (30) days unless the violation appears to put the honeybee's or people in immediate harm or danger, in which case the Health Officer or his or her designee may order the immediate correction of the violation. If the permit holder fails to correct the violation pursuant to the order of the Health Officer, the hive(s) in violation may be



destroyed and/or removed from the municipality by the Health Officer or his or her designee and the cost thereof shall be charged back to the permit holder as a special charge pursuant to Wis. Stat. § 66.0627.

6. **SUSPENSION OR REVOCATION OF PERMIT.** The Health Officer may suspend or revoke any permit issued pursuant to this section for violations of ordinances, laws or requirements regulating activity and for other good cause.

7. **APPEALS.** Any person aggrieved by the denial of a permit or by suspension or revocation of a permit by the Health Officer, or by any temporary suspension or any other order may appeal any such order to the Board of Health within thirty (30) days of denial, suspension or revocation of a permit or issuance of the order. The Board of Health shall provide the appellant a hearing or opportunity for hearing on the matter and may either suspend or continue any such order pending determination of appeal. The Board may affirm, modify or set aside the order of the Health Officer after a hearing on the matter. The Board of Health shall make and keep a record of all proceedings related to any such appeal and the record and actions of the Board of Health shall be subject to review by certiorari by a court of record.



HEALTH DEPARTMENT - 100 N Appleton St, Appleton WI 54911  
Telephone: 920-832-6429 Fax: 920-832-5853  
**APIARY PERMIT APPLICATION**  
Effective Date May 1, 2015

PLEASE PRINT

Check Appropriate Box:

This is an NEW Application

☐

This is a RENEWAL Application

☐

Date of Application: \_\_\_\_\_

Anticipated Start Date \_\_\_\_\_

**Applicant Information:**

Name: \_\_\_\_\_

**Apiary Information:**

Person in Charge of Apiary: \_\_\_\_\_

Address: \_\_\_\_\_

Number of Hives: \_\_\_\_\_

City/State/ZIP: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

**Activity Code**

**Permit Description**

**Fee**

141 Preinspection Fee: (New Apiary) \$145.00

142 Apiary Permit (New and Renewal) \$59.00

NOTE: The Preinspection Fee Is Non-Refundable

Total Amount Due \$

For NEW and RENEWAL applications, provide a sketch of the property and the location where the hive or hives will be kept. Include hive distances from property lines, neighboring dwellings, porches, gazebos, decks, swimming pools, permanently affixed play equipment. Indicate watering location. Indicate flyway barrier location, material and height. Provide documentation of training as a Beekeeper.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Drivers License Number \_\_\_\_\_

MAKE CHECK OR MONEY ORDER PAYABLE TO .....

CITY OF APPLETON

SUBMIT APPLICATION AND FEE TO .....

APPLETON HEALTH DEPT.

100 N APPLETON ST

APPLETON WI 54911-4799

**OFFICE USE**

Date letter sent to property owners within 200 feet of proposed apiary \_\_\_\_\_

Written Objections Received (attach) \_\_\_\_\_

Written Objection Deadline \_\_\_\_\_

Inspector Signature \_\_\_\_\_ Date \_\_\_\_\_

Apiary Start Date \_\_\_\_\_

Establishment Number (COA#) \_\_\_\_\_

License Year: March 1, \_\_\_\_\_ Expires February \_\_\_\_\_, Year \_\_\_\_\_ Assigned Inspector \_\_\_\_\_

Amount Paid \$ \_\_\_\_\_ Check # \_\_\_\_\_ Account Name: \_\_\_\_\_



## MEMO

---

**TO:** Utilities Committee

**FROM:** Paula Vandehey, Director of Public Works *PAV*  
Sue Olson, Staff Engineer

**DATE:** June 29, 2015

**SUBJECT:** Stormwater Billing Appeals for Green Tree Court.

---

In September, 2013 the City Council approved the staff recommended changes for how multifamily properties' stormwater charges were calculated. Although Council approved a January 1, 2015 implementation date, it has taken longer to implement the change than we expected, so a July 1, 2015 implementation date is occurring.

As shown on the attached Ordinance language, multifamily properties used to have a different calculation based on whether they were on a public or private road. In some cases, there were a mixture of both which made it difficult to determine the appropriate way to charge a property. The calculations were based solely on the number of units and not on the square footage of impervious area. This formula had no incentive for developers to be sensitive to the amount of impervious area created.

The City of Appleton uses customer classifications to determine the stormwater utility billing rate. All non-residential and multi-use classifications were already charged based on actual impervious area. The change approved by Council in 2013 moved the multi-family classification to also be charged based on actual impervious area. We anticipate the Council discussing whether single family and duplex properties should be charged based on a tiered system in the near future.

Attached are the calculations for 1036 #A and 1016 #B Green Tree Court.

Attachments

## Paula Vandehey

---

**From:** Nancy Lee Carter <nlcarter@athenet.net>  
**Sent:** Monday, June 29, 2015 12:52 PM  
**To:** Paula Vandehey  
**Cc:** Joe Martin; Diane Mandler  
**Subject:** Appearing before the Utilities Committee Meeting on July 7

Dear Paula:

I would like to be on the agenda of the Utilities Committee Meeting on July 7 to have the opportunity to ask questions about the change in the City ordinance relating to the Appleton Stormwater Utility and to receive clarification about how changes in charges to owners of multifamily dwellings are being calculated.

Based on information I have been able to find that explains how the measurements were taken by the City to calculate and impose stormwater charges, I do not feel that I have been given a satisfactory explanation to show that the measurements and calculations have been done fairly and equitably. I am not experienced in stormwater utility measurement and understanding how charges levied on my property are being imposed.

Under the circumstances, I would appreciate being granted space on the agenda. Please let me know if I can be on the agenda.

If I am not going to be included in the agenda, I infer that I can still attend the hearing and plan to do so.

Regards,

Nancy Lee Carter  
920-738-6829

1036 #A Green Tree

AN ORDINANCE AMENDING SECTION 20-237 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO CUSTOMER CLASSIFICATION.

(Utilities Committee – 9-18-13)

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

**Section 1:** That Section 20-237 of Chapter 20 of the Municipal Code of the City of Appleton, relating to customer classification, is hereby amended to read as follows:

**Sec. 20-237. Customer classification.**

(a) For purposes of imposing the stormwater charges, all lots and parcels within the City are classified as follows:

ERUs imposed		
Classification	Public Road	Private Road
Single Family	1	1
Detached Individual Condominiums	1	1
Duplex	.5/unit	1/unit
Duplex Condominiums	.5/unit	1/unit
Multifamily Condominiums	<del>.4/unit 1/unit</del> <u>Actual impervious area of the property using aerial photography</u>	
Mobile Homes	.5/unit	1/unit
Bed & Breakfast (fewer than 5 units)	1	1
Bed & Breakfast (5 units or more)	.5/unit	1/unit
Multifamily rental	<del>.4/unit 1/unit</del> <u>Actual impervious area of the property using aerial photography</u>	
Non-Residential and Multi-Use	One (1) ERU, multiplied by the numerical factor obtained by dividing the total impervious area of a non-residential property by the square footage of one (1) ERU, rounded down to the nearest one-tenth (0.1), i.e.:  $\frac{\text{ERU rate} \times \text{impervious area}}{\text{ERU}}$	One (1) ERU, multiplied by the numerical factor obtained by dividing the total impervious area of a non-residential property by the square footage of one (1) ERU, rounded down to the nearest one-tenth (0.1), i.e.:  $\frac{\text{ERU rate} \times \text{impervious area}}{\text{ERU}}$
Undeveloped	One (1) ERU multiplied by a factor established by resolution then divided by the	One (1) ERU multiplied by a factor established by resolution then divided by the



ERUs imposed		
Classification	Public Road	Private Road
	square footage for one (1) ERU established by resolution	square footage for one (1) ERU established by resolution

(b) The Director shall prepare a list of lots and parcels within the City of Appleton and assign a classification to each lot or parcel.

(c) The average square footage of impervious area of ERU is established to be equivalent to 2,368 square feet.

(d) The Director shall be responsible for determining the impervious area based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photography, the property owner, tenant or developer. The Director may require additional information as necessary to make the determination. The billing amount shall be updated by the Director based on the building permit process.

(e) All unoccupied developed lots and parcels shall be subject to the stormwater utility charges.

**Section 2:** This ordinance shall be in full force and effect on January 1, 2015.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Timothy M. Hanna, Mayor

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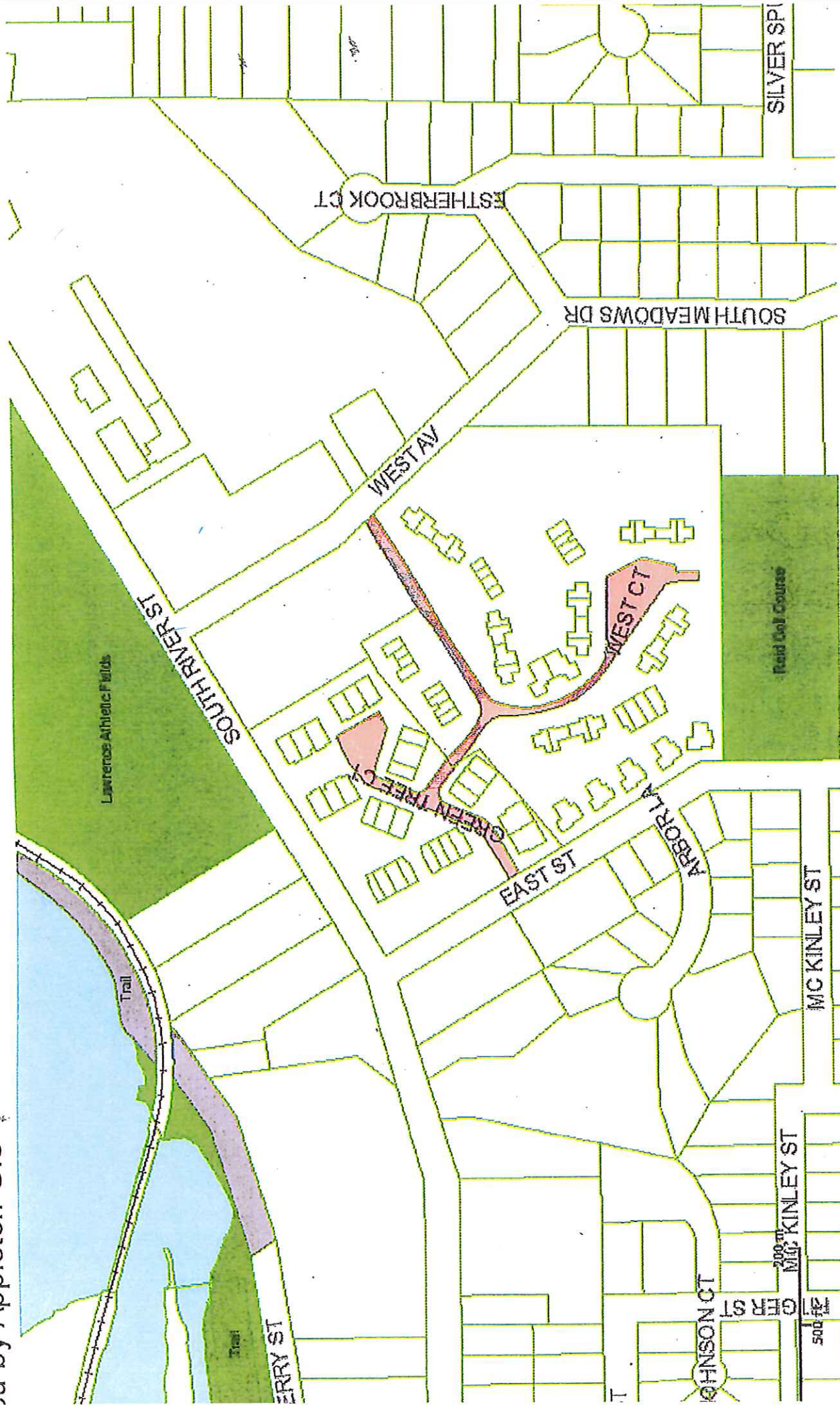
\_\_\_\_\_  
Charlene M. Peterson, City Clerk



	<u>1036 #A Green Tree</u>	<u>1016 #B Green Tree</u>
Building	1717	1861
Patio	168	170
Sidewalk	$410 + 142 + 147 / 3 = 233$	87
Individual Driveway	$4285/6 = 714$	$75/2 = 337$
Complex Driveway	$44881/74 = 606$	$44881/74 = 606$
Additional Parking	$1252/74 = 17$	$1252/74 = 17$
<b>TOTAL</b>	<b>3,455 = 1.46 ERU</b>	<b>3,078 = 1.30 ERU</b>

# Appleton

Map by Appleton GIS





SW  
410  
142  
147  
699 ÷ 3  
= 233

314027900

314081801

E SOUTH RIVER ST

South River St

Patio 168 Sq. Ft.

Sidewalk 410 Sq. Ft.

Building: 1717 Sq. Ft.

314081382

Patio 191 Sq. Ft.

Building: 1851 Sq. Ft.

314081383

Patio 321 Sq. Ft.

Building: 1916 Sq. Ft.

314081384

Sidewalk 142 Sq. Ft.

Patio 331 Sq. Ft.

Sidewalk 147 Sq. Ft.

Sidewalk 226 Sq. Ft. Building: 1761 Sq. Ft.

314081386

Building: 1739 Sq. Ft.

314081387

Driveway 842 Sq. Ft.

Sidewalk 68 Sq. Ft. Building: 1834 Sq. Ft.

314081388

Driveway 471 Sq. Ft.

Sidewalk 218 Sq. Ft.

Parking 709 Sq. Ft.

Driveway 916 Sq. Ft.

Driveway 383 Sq. Ft.

Sidewalk 193 Sq. Ft.

Driveway 422 Sq. Ft.

Building: 2180 Sq. Ft.

A

B

C

A

1036

A

1037 B

0

1028

1027

0

714

Green Tree Ct

Driveway 4285 Sq. Ft.

Sidewalk 92 Sq. Ft.

Building: 1877 Sq. Ft.

314081380

Patio 186 Sq. Ft.

Patio 136 Sq. Ft.

314081379

Building: 1791 Sq. Ft.

Building: 1816 Sq. Ft.

314081378

Sidewalk 300 Sq. Ft.

Patio 153 Sq. Ft.

Patio 174 Sq. Ft.

Building: 1451 Sq. Ft.

314081372

Building: 1861 Sq. Ft.

314081371









## MEMO

---

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

**TO:** Utilities Committee

**FROM:** Paula Vandehey, Director of Public Works *PAV*  
Sue Olson, Staff Engineer

**DATE:** June 29, 2015

**SUBJECT:** Stormwater Billing Appeals for Green Tree Court.

---

In September, 2013 the City Council approved the staff recommended changes for how multifamily properties' stormwater charges were calculated. Although Council approved a January 1, 2015 implementation date, it has taken longer to implement the change than we expected, so a July 1, 2015 implementation date is occurring.

As shown on the attached Ordinance language, multifamily properties used to have a different calculation based on whether they were on a public or private road. In some cases, there were a mixture of both which made it difficult to determine the appropriate way to charge a property. The calculations were based solely on the number of units and not on the square footage of impervious area. This formula had no incentive for developers to be sensitive to the amount of impervious area created.

The City of Appleton uses customer classifications to determine the stormwater utility billing rate. All non-residential and multi-use classifications were already charged based on actual impervious area. The change approved by Council in 2013 moved the multi-family classification to also be charged based on actual impervious area. We anticipate the Council discussing whether single family and duplex properties should be charged based on a tiered system in the near future.

Attached are the calculations for 1036 #A and 1016 #B Green Tree Court.

Attachments

June 18, 2015

Paula Vandehey P.E.  
City of Appleton

Re: Storm water billing change

Dear Paula,

I am writing to let you know that I wish to appeal the change in Appleton's storm water billing policy for condominium and apartment dwellers. I plan to attend the meeting scheduled for July 7<sup>th</sup>. As you know, my objection to the rate change is based on the fact that it is not being uniformly applied to all utility users. Thank you for advising me of this opportunity.

Sincerely,

Diane Mandler  
1016 E Green Tree Ct #B  
Appleton 54915  
832-0612  
832-4646 (work)



AN ORDINANCE AMENDING SECTION 20-237 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO CUSTOMER CLASSIFICATION.

(Utilities Committee – 9-18-13)

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

**Section 1:** That Section 20-237 of Chapter 20 of the Municipal Code of the City of Appleton, relating to customer classification, is hereby amended to read as follows:

**Sec. 20-237. Customer classification.**

(a) For purposes of imposing the stormwater charges, all lots and parcels within the City are classified as follows:

Classification	ERUs imposed	
	Public Road	Private Road
Single Family	1	1
Detached Individual Condominiums	1	1
Duplex	.5/unit	1/unit
Duplex Condominiums	.5/unit	1/unit
Multifamily Condominiums	<del>.4/unit 1/unit</del> Actual impervious area of the property using aerial photography	
Mobile Homes	.5/unit	1/unit
Bed & Breakfast (fewer than 5 units)	1	1
Bed & Breakfast (5 units or more)	.5/unit	1/unit
Multifamily rental	<del>.4/unit 1/unit</del> Actual impervious area of the property using aerial photography	
Non-Residential and Multi-Use	One (1) ERU, multiplied by the numerical factor obtained by dividing the total impervious area of a non-residential property by the square footage of one (1) ERU, rounded down to the nearest one-tenth (0.1), i.e.:  $\frac{\text{ERU rate} \times \text{impervious area}}{\text{ERU}}$	One (1) ERU, multiplied by the numerical factor obtained by dividing the total impervious area of a non-residential property by the square footage of one (1) ERU, rounded down to the nearest one-tenth (0.1), i.e.:  $\frac{\text{ERU rate} \times \text{impervious area}}{\text{ERU}}$
Undeveloped	One (1) ERU multiplied by a factor established by resolution then divided by the	One (1) ERU multiplied by a factor established by resolution then divided by the

ERUs imposed		
Classification	Public Road	Private Road
	square footage for one (1) ERU established by resolution	square footage for one (1) ERU established by resolution

(b) The Director shall prepare a list of lots and parcels within the City of Appleton and assign a classification to each lot or parcel.

(c) The average square footage of impervious area of ERU is established to be equivalent to 2,368 square feet.

(d) The Director shall be responsible for determining the impervious area based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photography, the property owner, tenant or developer. The Director may require additional information as necessary to make the determination. The billing amount shall be updated by the Director based on the building permit process.

(e) All unoccupied developed lots and parcels shall be subject to the stormwater utility charges.

**Section 2:** This ordinance shall be in full force and effect on January 1, 2015.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Timothy M. Hanna, Mayor

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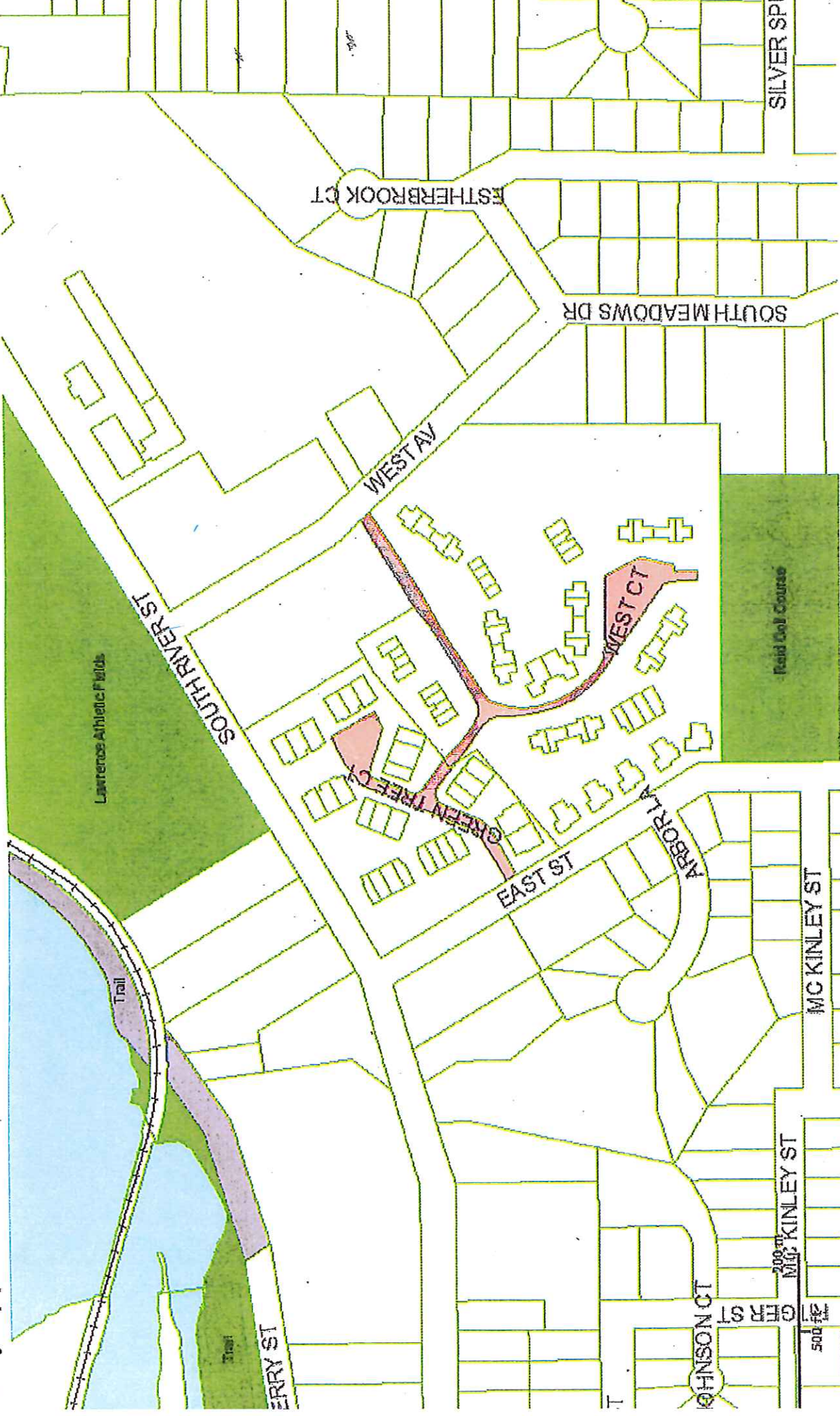
\_\_\_\_\_  
Charlene M. Peterson, City Clerk

	<u>1036 #A Green Tree</u>	<u>1016 #B Green Tree</u>
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<b>TOTAL</b>	<b>3,455 = 1.46 ERU</b>	<b>3,078 = 1.30 ERU</b>

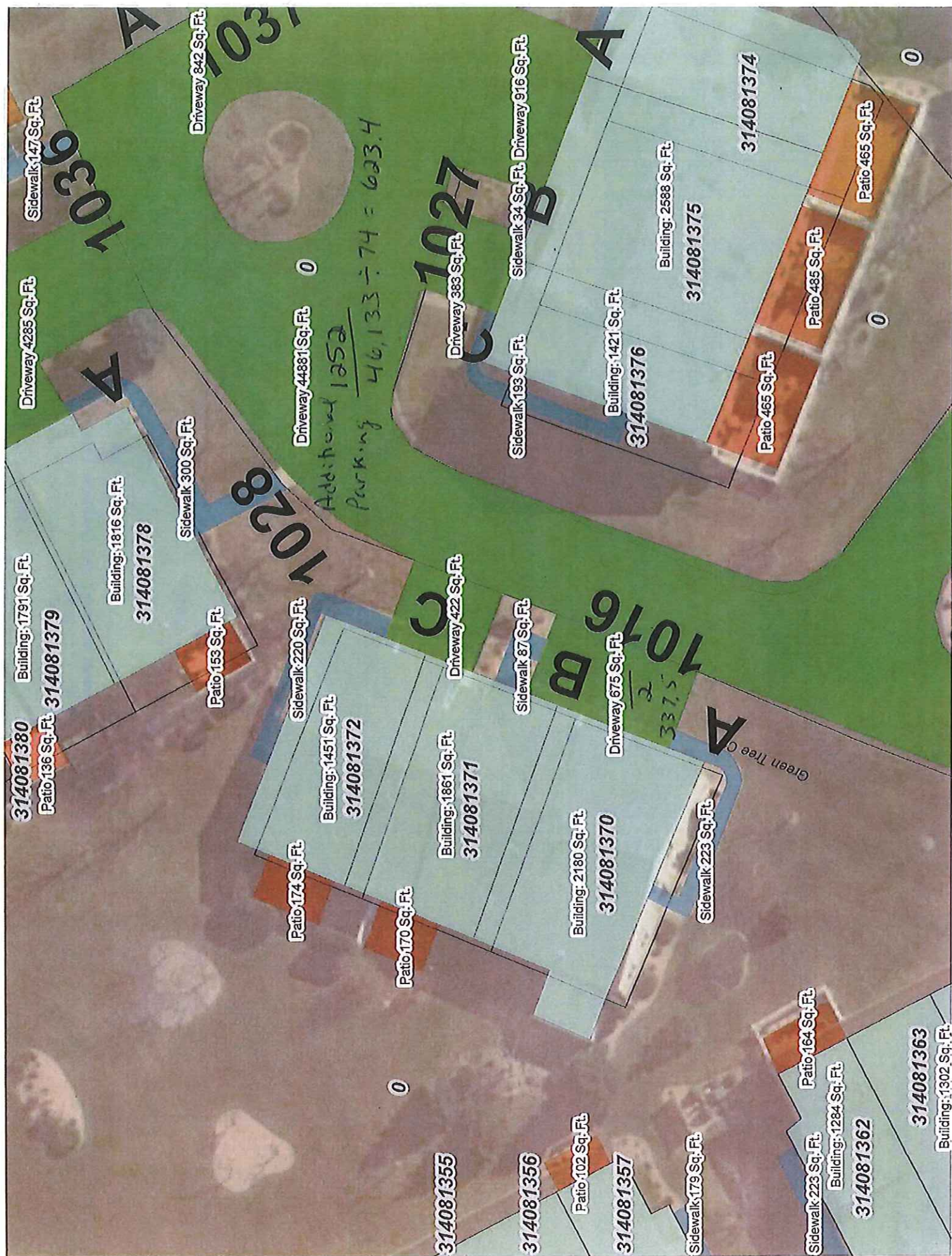


# Appleton

Map by Appleton GIS













**56-15**

**AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.**

(Municipal Services Committee 8-5-15)

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

**Section 1:** That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Stopping, standing and parking be prohibited on the east side of Roemer Road from Glendale Avenue to a point 223 feet north of Glendale Avenue.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

**57-15**

**AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.**

(Municipal Services Committee 8-5-15)

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

**Section 1:** That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

30-Minute Loading Zone be designated on the east side of Roemer Road from a point 223 feet north of Glendale Avenue to a point 327 feet north of Glendale Avenue.

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

publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

**58-15**

**AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.**

(Municipal Services Committee 8-5-15)

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

**Section 1:** That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Stopping, standing and parking be prohibited on the east side of Roemer Road from a point 327 feet north of Glendale Avenue to a point 455 feet north of Glendale Avenue.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

**59-15**

**AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.**

(Municipal Services Committee 8-5-15)

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

**Section 1:** That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

30-Minute Loading Zone be designated on the east side of Roemer Road from a point

455 feet north of Glendale Avenue to a point 525 feet north of Glendale Avenue.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

**60-15**

**AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.**  
(Municipal Services Committee 8-5-15)

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

**Section 1:** That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Stopping, standing and parking be prohibited on the east side of Roemer Road from a point 525 feet north of Glendale Avenue to a point 647 feet north of Glendale Avenue.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

**61-15**

**AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.**  
(Municipal Services Committee 8-5-15)

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

**Section 1:** That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals

any conflicting ordinance regarding parking in the designated area.

30-Minute Loading Zone be designated on the east side of Roemer Road from a point 647 feet north of Glendale Avenue to a point 735 feet north of Glendale Avenue.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

## **62-15**

### **AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.**

(Municipal Services Committee 8-5-15)

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

**Section 1:** That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Stopping, standing and parking be prohibited on the east side of Roemer Road from a point 735 feet north of Glendale Avenue to a point 868 feet north of Glendale Avenue.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

## **63-15**

### **AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.**

(Municipal Services Committee 8-5-15)

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

**Section 1:** That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Stopping, standing and parking be prohibited on the west side of Roemer Road from Glendale Avenue to a point 75 feet north of Glendale Avenue.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

#### **64-15**

**AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.**  
(Municipal Services Committee 8-5-15)

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

**Section 1:** That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby repealed:

***Ord. 184-03:*** “Parking be restricted to vehicles displaying handicapped license plates or Wisconsin Handicapped permit only on the east side of Morrison Street from a point 73 feet north of Franklin Street to a point 109 feet north of Franklin Street.”

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

#### **65-15**

**AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.**  
(Municipal Services Committee 8-5-15)



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

**Section 1:** That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby repealed:

***Ord. 129-11:*** “Stopping, standing and parking be prohibited from 7:30 a.m. to 4:30 p.m. on school days, except for school buses, from on the north side of Lawrence Street from a point 166 feet west of Mason Street to a point 241 feet west of Mason Street.”

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.