



City of Appleton

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

Meeting Agenda - Final-revised Common Council

Wednesday, December 7, 2016

7:00 PM

Council Chambers

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

[16-1867](#) Common Council Meeting Minutes of November 16, 2016

Attachments: [CC Minutes 11-16-16.pdf](#)

- H. BUSINESS PRESENTED BY THE MAYOR

[16-1870](#) Presentation of League of Women Voters of Appleton Making Democracy Work Day Proclamation in honor of Kathy Groat

[16-1868](#) Reappointment of Judith Lang to the Appleton Housing Authority Board of Commissioners

Attachments: [COMM REAPPOINTS AHA PARADE COMM 120216.pdf](#)

[16-1869](#) Reappointment of Greg Otis to the Parade Committee

Attachments: [COMM REAPPOINTS AHA PARADE COMM 120216.pdf](#)

- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY
- L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE****3. MINUTES OF THE CITY PLAN COMMISSION**[16-1821](#)

Request to approve the dedication of land for public right-of-way for E. Broadway Drive as shown on the attached maps

Attachments: [StaffReport_StreetDedication_BroadwayDriveNov2016.pdf](#)

Legislative History

11/21/16 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE[16-1826](#)

Request Approval of Updated Military Family Support Policy

Attachments: [Memo - Updated Military Family Support Policy.doc](#)

[Military Family Support Policy Original and Redline.pdf](#)

Legislative History

11/21/16 Parks and Recreation recommended for approval
Committee

5. MINUTES OF THE FINANCE COMMITTEE**6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE****7. MINUTES OF THE UTILITIES COMMITTEE****8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE****9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION**[16-1848](#)

Recommendation to award Northern Winnebago Dial-A-Ride contract

Attachments: [NWDAR 2017 Auth to Award.pdf](#)

Legislative History

11/30/16 Fox Cities Transit referred to the Common Council
Commission
Report to Council

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[16-1864](#) Ordinances 98-16 to 103-16

Attachments: [Ordinances going to Council 12-7-16.pdf](#)

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO
COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO
COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Kami Lynch, City Clerk

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



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Meeting Minutes - Final Common Council

Wednesday, November 16, 2016

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order by Council President Plank at 7:02 p.m.

B. INVOCATION

The Invocation was offered by Alderperson Spears.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 13 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

Excused: 3 - Alderperson Margret Mann, Alderperson Joe Martin and Mayor Timothy Hanna

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

City Clerk Lynch, City Attorney Walsh, Deputy City Attorney Behrens, Director of Community & Economic Development Harkness, Director of Finance Saucerman, Fire Chief VanderWyst, Health Officer Eggebrecht, Director of Human Resources Behnke, Director of Public Works Vandehey, Police Chief Thomas, Director of Utilities Shaw, Valley Transit General Manager Mc Donald
The following were excused:
Director of Information Technology Fox, Library Director Rortvedt, Director of Parks, Recreation & Facilities Gazza,

F. PUBLIC PARTICIPATION

The following individuals spoke during Public Participation:
Mike Woodzicka, President of Appleton Fire Fighters Union spoke regarding Item 16-1795
Robyn Gruner, representing AT&T located at 221 W Washington St spoke regarding Item 16-1777
Celeste Flynn, representing TWC/Charter spoke regarding Item 16-1777

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[16-1815](#)

Approve Common Council Meeting Minutes of November 2, 2016

Attachments: [CC Minutes 11-2-16.pdf](#)**Alderson Lobner moved, seconded by Alderson Baranowski, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

Aye: 13 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Jeffrey Jirschele, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears and Alderson Chris Croatt

Excused: 3 - Alderson Margret Mann, Alderson Joe Martin and Mayor Timothy Hanna

[16-1816](#)

Approve Common Council Meeting Minutes of November 9, 2016

Attachments: [CC Minutes 11-9-16 Budget Adoption.pdf](#)**Alderson Meltzer moved, seconded by Alderson Konetzke, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

Aye: 13 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Jeffrey Jirschele, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears and Alderson Chris Croatt

Excused: 3 - Alderson Margret Mann, Alderson Joe Martin and Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR

I. PUBLIC HEARINGS

[16-1729](#)

Public Hearing for Rezoning #6-16

Attachments: [Public Hearing RZ #6-16.pdf](#)*The following person spoke during the Public Hearing:**Joel Ehrfurth, representing MachIV Engineering, 211 N Broadway Ste. 114 Green Bay*

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[16-1780](#)

Approve Inter Municipal Agreement with Outagamie County and Calumet County for CTH KK (Calumet Street)-John Street to CTH N Traffic Operational Study.

Attachments: [Calumet Street-John Street to CTH N traffic study.pdf](#)

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

Aye: 11 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Jeffrey Jirschele, Aldersperson Vered Meltzer, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears and Aldersperson Chris Croatt

Nay: 2 - Aldersperson Ed Baranowski and Aldersperson Matt Reed

Excused: 3 - Aldersperson Margret Mann, Aldersperson Joe Martin and Mayor Timothy Hanna

[16-1624](#)

Request to approve Rezoning #6-16 to rezone 2830 E. John Street, including to the centerline of the adjacent right-of-way, as shown on the attached maps, from PD/C-O Planned Development Commercial Office District #3-93 to C-O Commercial Office District

Attachments: [StaffReport Rezoning#6-16 2830 E John Street.pdf](#)

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

Aye: 13 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Jeffrey Jirschele, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears and Aldersperson Chris Croatt

Excused: 3 - Aldersperson Margret Mann, Aldersperson Joe Martin and Mayor Timothy Hanna

[16-1728](#)

Request to approve Special Use Permit #6-16 to expand an existing restaurant with alcohol sales at 207-209 N. Richmond 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 (2/3 vote required)

Attachments: [StaffReport SpecialUsePermit#6-16 207-209 N Richmond St.pdf](#)

Aldersperson Croatt moved, seconded by Aldersperson Lobner, that the Special Use Permit be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

Excused: 3 - Alderperson Margret Mann, Alderperson Joe Martin and Mayor Timothy Hanna

[16-1788](#)

Request from Nick Sollena to review water consumption billed on quarterly City Service billing dated 7/31/16 for property located at 1835 E. Edgewood Drive, Suite 104.

Attachments: [N Sollena Luigi's Pizza Water Consumption Review.pdf](#)

Alderperson Dannecker moved, seconded by Alderperson Croatt, that the Committee's recommendation to deny the request be approved. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

Nay: 1 - Alderperson Ed Baranowski

Excused: 3 - Alderperson Margret Mann, Alderperson Joe Martin and Mayor Timothy Hanna

[16-1795](#)

Request to approve Fire Fighter union contract for a 3 year agreement. With the following wage adjustments:

2017

7/1-1.5%

10/1-1.0%

2018

1/1-1.5%

7/1-1%

2019

1/1-1%

7/1-1%

Attachments: [FIRE Final TA October 31 2016.pdf](#)

Alderperson Konetzke moved, seconded by Alderperson Baranowski, that the Agreement be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

Excused: 3 - Alderperson Margret Mann, Alderperson Joe Martin and Mayor Timothy Hanna

[16-1798](#)

Request to approve Valley Transit reorganization to restructure the table of organization as follows: The current 3.5 FTE Communications Technicians will report to a Road Supervisor. The Paratransit Coordinator/Operations Supervisor will report to the General Manager. In addition, two 0.625 FTE part-time driver positions will be added to the Table of Organization, reporting to the Road Supervisors.

Attachments: [Valley Transit reorganization 10.17.16.pdf](#)

Items 16-1798 and 16-1659 were taken up together with one Motion for approval

Alderperson Lobner moved, seconded by Alderperson Croatt, that the reorganization be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

Excused: 3 - Alderperson Margret Mann, Alderperson Joe Martin and Mayor Timothy Hanna

[16-1659](#)

Authorization to restructure the Table of Organization by reassigning direct reports in addition to adding two 0.625 fte part-time driver positions

Attachments: [Glance Chart Draft 10 2016.pdf](#)
[Request to change the T O October 13 2016.pdf](#)

Alderperson Lobner moved, seconded by Alderperson Croatt, that the table of organization be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

Excused: 3 - Alderperson Margret Mann, Alderperson Joe Martin and Mayor Timothy Hanna

[16-1777](#)

Approve proposed expansion of Article IV. Right-of-Way Management, Section 16 Municipal Code.

Attachments: [Proposed expansion of Right-of-Way Management Ord.pdf](#)

Referred back to Committee by Alderperson Jirschele

This Report Action Item was referred to the Municipal Services Committee due back on 12/13/2016.

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderperson Meltzer moved, Alderperson Croatt seconded, to approve the balance of the agenda. The motion carried by the following vote:

Aye: 13 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

Excused: 3 - Alderperson Margret Mann, Alderperson Joe Martin and Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[16-1778](#)

Request from REI Environmental for a permanent street occupancy permit to install one (1) monitoring well in Prospect Avenue right-of-way and one (1) monitoring well in Outagamie Street right-of-way to monitor ground water at the Kwik Trip at 1342 W. Prospect Avenue.

Attachments: [Kwik Trip Express #556 monitoring well.pdf](#)

This Report Action Item was approved.

[16-1779](#)

Approve proposed changes to Sections 4-188, 4-207, 4-265, 4-272 and 9-33 of the Municipal Code related to bond requirements.

Attachments: [Proposed changes to Municipal Codes related to bond requirements.pdf](#)

This Report Action Item was approved.

[16-1802](#)

Approve Inter Municipal Agreement with the Town of Grand Chute for the Broadway Drive Asphalt Overlay Project between Meade Street and Ballard Road.

Attachments: [Broadway Drive Asphalt Overlay Project.pdf](#)

This Report Action Item was approved.

[16-1813](#)

Amend 2016 Materials Testing Contract (M-16) with OMNNI Associates, Inc. from an amount not to exceed \$75,000 to an amount not to exceed \$100,000.

Attachments: [2016 Materials Testing Contract M-16.pdf](#)

This Report Action Item was approved.

[16-1814](#)

Approve Amendment #4-Oneida Street Contract with RA Smith National, Inc in an amount not to exceed \$7300.

Attachments: [Amendment #4 Oneida Street Contract.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[16-1721](#)

Operator's Licenses

Attachments: [Operator's Licenses for 11-16-16 S & L.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[16-1585](#)

Request to approve request from Alderperson Siebers that special assessments for sanitary laterals, storm sewer and storm sewer laterals for properties on Fair Street that are zoned Commercial and R3 with single family residential use be assessed as Single Family.

Attachments: [Fair St Spec Assessment.pdf](#)
 [Petition.pdf](#)

This item was held in Committee. No action or discussion took place on the item.

[16-1806](#)

Request to award three (3) year contract to Schenck SC to provide audit services for the 2016, 2017 and 2018 annual audits.

Attachments: [2016 Audit Services.pdf](#)

This Report Action Item was approved.

[16-1808](#)

Request to approve the following 2016 Budget adjustment:

General Fund - Fire Department

State Aids	+\$27,000
Fire Suppression Salaries	+\$27,000

to record funding for the overtime costs associated with State of Wisconsin sponsored training events by the Department of Military Affairs (2/3 vote required).

Attachments: [Finance Committee Fire Training 2016.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

[16-1783](#)

Authorization to contract with RA Smith National for 2017 Stormwater Management Plan Review without an RFP process in an amount Not to Exceed \$75,000 and to negotiate Stormwater Plan Review Services through 2018.

Attachments: [2017 SWM Plan Review Contract Extension Memo Util Cmte.pdf](#)

This Report Action Item was approved.

[16-1784](#)

Authorization to contract with RA Smith National for 2017 Wetland Delineation Services without an RFP process in an amount Not to Exceed \$11,000 and to negotiate wetland delineation services through 2018 with RA Smith National.

Attachments: [2017 Wetland Delineations Contract Extension Memo Util Cmte.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

[16-1659](#)

Authorization to restructure the Table of Organization by reassigning direct reports in addition to adding two 0.625 fte part-time driver positions

Attachments: [Glance Chart Draft 10 2016.pdf](#)
 [Request to change the T O October 13 2016.pdf](#)

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

Aye: 13 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Jeffrey Jirschele, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears and Aldersperson Chris Croatt

Excused: 3 - Aldersperson Margret Mann, Aldersperson Joe Martin and Mayor Timothy Hanna

16-1798

Request to approve Valley Transit reorganization to restructure the table of organization as follows: The current 3.5 FTE Communications Technicians will report to a Road Supervisor. The Paratransit Coordinator/Operations Supervisor will report to the General Manager. In addition, two 0.625 FTE part-time driver positions will be added to the Table of Organization, reporting to the Road Supervisors.

Attachments: [Valley Transit reorganization 10.17.16.pdf](#)

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

Aye: 13 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Jeffrey Jirschele, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears and Alderson Chris Croatt

Absent: 3 - Alderson Margret Mann, Alderson Joe Martin and Mayor Timothy Hanna

N. ITEMS HELD

O. ORDINANCES

16-1812

Ordinances 96-16 and 97-16

Attachments: [Ordinances going to Council 11-16-16.pdf](#)

This Report Action Item was approved.

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

S. CLOSED SESSION

T. ADJOURN

Alderson Baranowski moved, seconded by Alderson Dannecker, that the meeting be adjourned at 7:39 p.m. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

Excused: 3 - Alderperson Margret Mann, Alderperson Joe Martin and Mayor Timothy Hanna

Kami Lynch, City Clerk



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

OFFICE OF THE MAYOR

Timothy M. Hanna
100 North Appleton Street
Appleton, Wisconsin 54911-4799
(920) 832-6400 FAX (920) 832-5962
e-mail: mayor@appleton.org

TO: Members of the Common Council

FROM: Mayor Timothy Hanna 

DATE: December 2, 2016

RE: Committee Reappointments

It is with pleasure that I present the following reappointments for your confirmation at the December 7 Common Council meeting. Per Resolution #8-R-14, attendance has been included (when applicable).

APPLETON HOUSING AUTHORITY

Judith Lang	5-year term	83% attendance
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PARADE COMMITTEE

Greg Otis	1-year term	Memorial Day Parade
Greg Otis	1-year term	Flag Day Parade
Greg Otis	1-year term	Holiday Parade



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

OFFICE OF THE MAYOR

Timothy M. Hanna
100 North Appleton Street
Appleton, Wisconsin 54911-4799
(920) 832-6400 FAX (920) 832-5962
e-mail: mayor@appleton.org

TO: Members of the Common Council

FROM: Mayor Timothy Hanna 

DATE: December 2, 2016

RE: Committee Reappointments

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PARADE COMMITTEE

Greg Otis	1-year term	Memorial Day Parade
Greg Otis	1-year term	Flag Day Parade
Greg Otis	1-year term	Holiday Parade



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Meeting Date: November 21, 2016

Common Council Meeting Date: December 7, 2016

Item: Dedication of Public Right-of-Way, Broadway Drive

Case Manager: Jeff Towne

GENERAL INFORMATION

Owner/Applicant: Kurey Ridge, LLC; Robert De Bruin - Owner
Schuler & Associates, Inc.; Mike Frank - Applicant

Location: Generally located north of East Broadway Drive and east of North Meade Street

Petitioner's Request: City requirement dedicating 40' width on Broadway Drive

BACKGROUND

The applicant has submitted a Certified Survey Map subdividing the adjacent property to the north of the proposed dedication area into three lots. The City is acquiring the subject area through this dedication for future roadway purposes. The CSM has been approved subject to the acceptance of the subject land for dedicated public right-of-way by the Plan Commission and Common Council.

STAFF ANALYSIS

Public Right-of-Way Dedication: Approximately .229 acre (9,958 square feet) of land is included in the proposed right-of-way dedication.

Street Classification: The City's Arterial/Collector Plan identifies this portion of Broadway Drive as a collector street.

Surrounding Zoning and Land Uses:

North: R-1B – Single-Family Residence and Undeveloped
South: Town of Grand Chute – Plamann Park
East: R-1B – Single-Family Residence and Undeveloped
West: AG – Undeveloped

2010-2030 Comprehensive Plan: The City of Appleton 2010-2030 Comprehensive Plan identifies this area for future One and Two-Family Residential uses. The proposed public land dedication is consistent with the following goal of the 2010-2030 Comprehensive Plan:

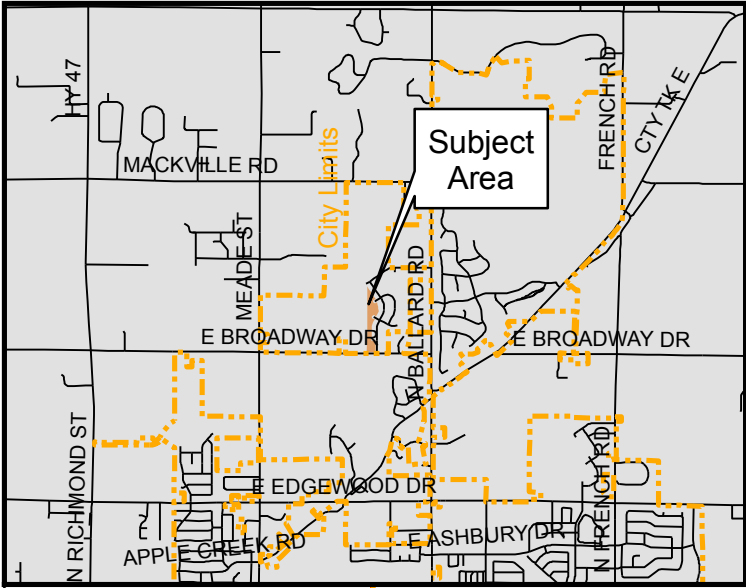
- **Goal 4 – Transportation** (Chapter 6)

Appleton will support a comprehensive transportation network that provides viable options for pedestrian, bicycle, highway, rail, and air transportation, both locally and within the region.

Technical Review Group Report (TRG): No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends the dedication of land for public right-of-way for East Broadway Drive as shown on the attached maps, **BE APPROVED**.



Public Right-of-Way Dedication
Broadway Dr

AG

R-1B

dedicated to the public

City Limits

Subject Area

AG

R-1B

R-3

R-1A

City Limits

R-1B

P-I

R1-A

THORNAPPLE LA

1-9309

P-I

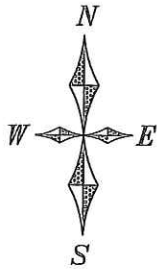
E BROADWAY DR

NIKUREY DR



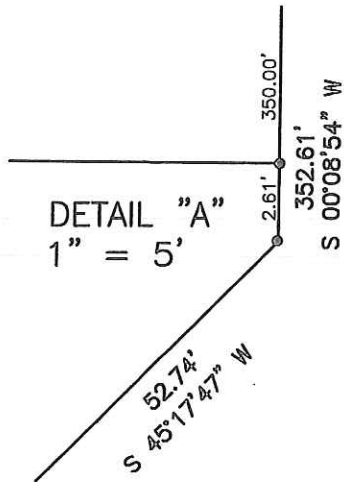
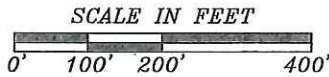
R-1B

CERTIFIED SURVEY MAP NO.
 PART OF LOTS 1 AND 3 OF CERTIFIED SURVEY
 MAP 4933 AND PART OF THE SOUTHEAST 1/4 ALL
 BEING OF IN SECTION 36, TOWNSHIP 22 NORTH,
 RANGE 17 EAST, CITY OF APPLETON,
 OUTAGAMIE COUNTY, WISCONSIN.



NOTE:
 DRAINAGE PLAN REQUIRED BEFORE
 ANY BUILDING PERMITS ARE ISSUED

BEARINGS ARE REFERENCED TO THE
 WISCONSIN COUNTY COORDINATE
 SYSTEM FOR OUTAGAMIE COUNTY
 SOUTH LINE OF THE SE 1/4
 SECTION 36 T22N, R17E BEARS
 S89°33'20"E



LEGEND

- = 1-1/4" DIA. ROUND REBAR FOUND
- = 1" DIA. ROUND x 24" LONG IRON PIPE
WEIGHING 1.13 LBS./LIN. FOOT SET

PREPARED FOR:
KUREY RIDGE LLC
 1718VAN ZEELAND COURT
 LITTLE CHUTE, WI 54140

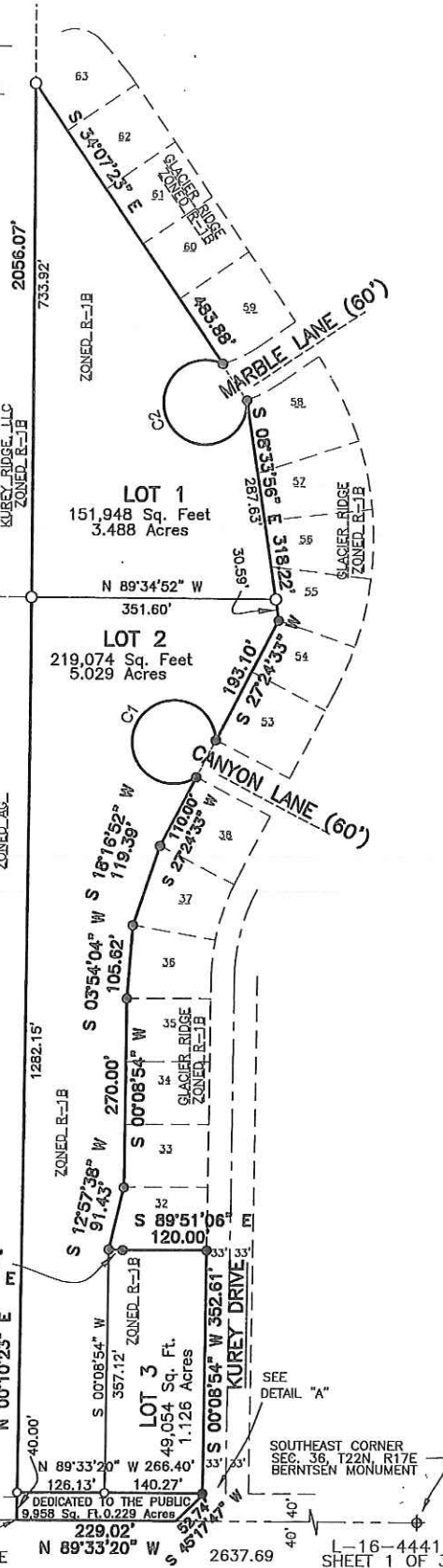
SCHULER & ASSOCIATES, INC.
 LAND SURVEYORS & ENGINEERS
 2711 N. MASON ST., SUITE F, APPLETON, WI 54914

SOUTH 1/4 CORNER
 SEC. 36, T22N, R17E
 RAILROAD SPIKE

BROADWAY DRIVE

CURVE DATA TABLE

NUMBER	DELTA ANGLE	CHORD DIRECTION	RADIUS	ARC LENGTH	CHORD LENGTH	TANGENT IN	TANGENT OUT
C1	300°00'00"	S27°24'33"W	60.00'	314.16'	60.00'	N02°35'27"W	N 57°24'33"E
C2	297°25'27"	S34°16'05.5"E	60.00'	311.46'	62.32'	N65°33'22"W	N02°58'49"E



SOUTHEAST CORNER
 SEC. 36, T22N, R17E
 BERNTSEN MONUMENT

L-16-4441
 SHEET 1 OF 3



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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Niki Wendt, Recreation Manager

1819 East Witzke Boulevard
Appleton, Wisconsin 54911-8401
(920) 832-3925 FAX (920) 993-3103
Email – niki.wendt@appleton.org

TO: Parks & Recreation Committee

FROM: Niki Wendt, Recreation Manager

DATE: November 21, 2016

RE: Action: Request Approval of Updated Military Family Support Policy

The Parks, Recreation & Facilities Management Department along with the City Attorney's Office have updated the Military Family Support Policy. Assistant City Attorney Emily Truman has been reviewing our policies and providing feedback on language/formatting.

Outside of cleaning up the language and some minor reformatting the main change to the policy is the addition of the DISCUSSION section of the policy. The only other changes were some clarifications made to DEFINITIONS to follow the same guidelines as other recently updated policies through our department

Please contact me at 832-3925 or niki.wendt@appleton.org with any questions.

CITY OF APPLETON POLICY		TITLE: Military Family Support Policy
ISSUE DATE: Day of Council Adoption:	LAST UPDATE:	TEXT NAME: K:Parks/Administration/ Policies/Military Family Fee Waiver Policy 2010
POLICY SOURCE: Parks and Recreation Department		TOTAL PAGES: 2
Reviewed by Attorney's Office Date: April 21, 2010	Parks and Recreation Committee Approval Date: April 28, 2010	Council Approval Date: May 5, 2010

I. Purpose

It is the purpose of this policy to provide guidelines necessary to allow City of Appleton military families with a family member currently deployed to participate in recreation programs offered by the Parks and Recreation Department at discounted rates, regardless of their financial status, in gratitude for their service to our country.

VV. Policy

It is the policy of the City of Appleton to offer discounted fees for participation in recreation programs by military families from the City of Appleton when appropriate documentation of military service and deployment are provided.

VVI. Definition

Family Member – Member of a military family currently serving in one of the military branches of the United States of America and deployed in support of our country.

Military Family – All persons currently residing at the same address, who are directly related to the military person (spouse, son, daughter, parents), are legal dependents, or are foster children. Households are limited to two adults and their dependents and/or foster children.

Resident – Any person who lives in the corporate city limits of Appleton. Persons who own property in Appleton, but live outside of Appleton, are considered non-residents.

Youth – age 17 and under

Adult – age 18 and over

IV. Eligibility

Discounted fees are available to all City of Appleton military families with a family member deployed who wish to participate in instructional programs, sport league participation or obtain a golf and pool pass or coupon. The discounted fees will be available to military families from the time of a family member deployment to a period of six (6) months after return to the United States.

VI. Discounted Fees

1. Military families shall receive a 50% reduction in fees for individual recreation programs, pool passes, pool coupons, and individual sport league participation.
2. Youth members of military families shall receive a 50% reduction in passes and coupons for Reid Golf Course.
3. Discounted fees shall not be applicable to programs and/or activities that require a drop-in or daily fee. Programs and/or activities may include, but are not limited, to open swim, lap swim, golf course, playground fair, etc.
4. Discounted fees shall not be applicable to team fees, pavilions rentals, and trips.

VII. Verification

The military family shall provide a copy of the military person's identification card, copy of the mobilization orders and/or other appropriate documentation to verify military service and deployment. Additional documentation may be requested to verify city residency.

VIII. Application

All requests for the military family discount must be presented in person to the Parks and Recreation Department. Copies of the verification documents must be provided at the time of registration.

VIV. Reasonable Accommodations

The City of Appleton will provide reasonable accommodations for service men and women with disabilities to participate in recreation programs and facilities.

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POLICY SOURCE: <u>Parks, Recreation and Facility Management Department</u>	Parks and Recreation Department AUDIENCE: <u>City employees and residents</u>	TOTAL PAGES: 2
Reviewed by Attorney's Office Date: April 21, 2010 <u>October 13, 2016</u>	Parks and Recreation Committee Approval Date: April 28, 2010	Council Approval Date: May 5, 2010

I. PURPOSE

It is the purpose of this policy to provide guidelines necessary to allow City of Appleton military families with a family member currently deployed to participate in recreation programs offered by the Parks and Recreation Department at discounted rates, regardless of their financial status, in gratitude for their service to our country.

II. POLICY

It is the policy of the City of Appleton to offer discounted fees for participation in recreation programs by military families from the City of Appleton when appropriate documentation of military service and deployment are provided.

III. DISCUSSION

The City of Appleton recognizes the sacrifice a military family experiences when a family member is deployed. As a gesture of the City of Appleton's appreciation, the City provides military families with a family member currently deployed a discount to participate in recreational programs offered by the City's Parks, Recreation and Facilities Management Department.

IV. DEFINITIONS

- Family Member – Member of a military family currently serving in one of the ~~military~~ branches of the United States of America and actively deployed in support of our country.
- Military Family – Up to two adults who live together, where at least one of the adults is currently enlisted in a branch of the United States Armed Forces, in addition to any youth living with the adults, either full-time or part-time, where the adults are the

~~legal guardian of the youth. All persons currently residing at the same address, who are directly related to the military person (spouse, son, daughter, parents), are legal dependents, or are foster children. Households are limited to two adults and their dependents and/or foster children.~~

- Resident – ~~Any~~ A person who currently lives in the corporate city limits of Appleton. ~~Persons who own property in Appleton, but live outside of Appleton, are considered non-residents.~~

- —Youth – A person aged 17 and under.

- —Adult – A resident aged 18 and over.

V. Eligibility POLICY

A. Eligibility - Discounted fees are available to all City of Appleton military families with a family member deployed who wish to participate in instructional programs, sport league participation or obtain a golf and pool pass or coupon. The discounted fees will be available to military families from the time of a family member deployment to a period of six (6) months after return to the United States.

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C. Verification

- The military family shall provide a copy of the military person's identification card, copy of the mobilization orders and/or other appropriate documentation to verify military service and deployment. Additional documentation may be requested to verify city residency.

D. ~~Application~~Application -

All requests for the military family discount must be presented in person to the Parks, ~~and~~ Recreation and Facilities Department. Copies of the verification documents must be provided at the time of registration.

E. Reasonable Accommodations -

The City of Appleton will provide reasonable accommodations for service men and women with disabilities to participate in recreation programs and facilities.



November 23, 2016

To: Fox Cities Transit Commission

From: Amy Erickson
Paratransit Coordinator

Subject: Authorization to award a three year Contract with two one year options to Fox Valley Cab for Northern Winnebago Dial A Ride service

Background: The Northern Winnebago Dial A Ride service is a demand responsive ambulatory transportation service designed for person aged 60 and over who reside within the City of Neenah, City of Menasha, the Town of Fox Crossing, or within the "Heritage Area" which consists of areas of the City of Appleton which lie within Winnebago County. Trips are provided at a reduced cost to persons who reside in these areas

Process: Valley Transit issued a Request for Proposal for the Northern Winnebago Dial A Ride service. The RFP packet was emailed to a list of current paratransit providers and providers who have expressed an interest in bidding. In addition, the RFP was published in the Green Bay Press Gazette, Oshkosh Northwestern, the Post-Crescent, and published on the City of Appleton website. One provider submitted a proposal by the November 18, 2016 deadline. A panel consisting of Nick Musson, Associate Transportation Planner with East Central Wisconsin Regional Planning Commission, Tami Thompson, Village of Fox Crossing, Mark Weisensal, Director of Elderly Services, Winnebago County, Carol Kasimor, Planner, City of Neenah, and Amy Erickson, Paratransit Coordinator of Valley Transit was assembled and met on November 21, 2016 to evaluate the proposals. Evaluation criteria included; Experience, Professional Competence, capacity, Proposal and Cost. Fox Valley Cab is a local company who is currently providing the service. The proposal's per trip cost of \$14 represents a 3.7% increase in cost from the current temporary extension which ends on December 31, 2016.

Recommendation: Staff recommends and requests approval to award contract with Fox Valley Cab for Northern Winnebago Dial A Ride Service.

98-16

AN ORDINANCE AMENDING CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON AND THE OFFICIAL ZONING MAP WHICH IS A PART THEREOF, BY MAKING THE FOLLOWING CHANGES IN THE DISTRICT AS NOW PROVIDED.

(City Plan Commission 11-16-16)

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

Section 1: That Zoning Ordinance, Chapter 23 of the Municipal Code of the City of Appleton and the Official Zoning Map, which is a part thereof, is amended by making the following changes:

To rezone land located at 2830 East John Street (Property Tax #31-4-5885-00) from PD/C-O Planned Development Commercial Office District (#3-93) to C-O Commercial Office District. (Rezoning #6-16 – Bytof Family LTD Partnership)

LEGAL DESCRIPTION:

Tax Id. Number 31-4-5885-00 SEC31 T21N R18E S283.8FT OF THAT PRT GVT LOT 3 LYG EAST OF HWY AS DESC IN DOC 1098602 (3-0-0500-00) 1.95 AC M/L, including to the centerline of the adjacent right-of-way.

COMMON DESCRIPTION:

2830 East John 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 Director of Community and Economic Development is authorized and directed to make the necessary changes to the Official Zoning Map in accordance with this Ordinance.

99-16

AN ORDINANCE AMENDING SECTION 4-188 OF CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO DEMOLITION OF BUILDINGS.

(Municipal Services Committee – 11-16-16)

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

Section 1: That Section 4-188 of Chapter 4 of the Municipal Code of the City of Appleton, relating to demolition of buildings, is hereby amended to read as follows:

Sec. 4-188. Demolition of buildings.

(a) **Permits.** Permits shall be obtained prior to the demolition of any building or structure in accordance with §4-66(a) and §4-161(a)(6). If the demolition will result in two thousand (2,000) square feet of soil disturbance or where more than two hundred (200) cubic yards of fill (soil or gravel) will be placed, an erosion and sediment control permit shall be obtained in accordance to §24-10(a)(1). No permits shall be issued without the following conditions being met:

- (1) The applicant shall file with the City Clerk proof of workers compensation, automobile and general liability insurance equal to or greater than that required by the City and approved by the City's Risk Manager, and it shall be kept in full force and effect for one (1) year after the work has been completed.
- (2) The applicant shall file with the Department of Public Works a permit bond in the penal sum of five thousand dollars (\$5,000.00) executed by the applicant as principal and a surety company authorized to do business in the State of Wisconsin, running in favor of the City so that in the event the City should suffer any loss or damage by any negligence, malfeasance or misfeasance in the conduct of the work performed under this section shall have the right to institute an action for recovery against the applicant and the surety upon such bond. The bond must further state that the applicant shall fully comply with all provisions of State law and City ordinances as applicable and that the applicant will save and indemnify the City against any costs, expenses or damages which may in any way accrue against the City due to the work performed under this section, and will keep the City harmless against all liabilities, judgments, costs and expenses as a consequence of the work.

(b) **Utility disconnections.** Prior to the issuance of a demolition permit, the owner or agent shall notify all utilities having service connections within the building, including but not limited to: water, electric, gas, sewer and other connections. A permit to demolish or to remove a building shall not be issued until all equipment, such as meters or regulators, have been removed, and service connections are sealed and plugged correctly. No permit to demolish or remove any building shall be issued without written proof of service disconnections.

(c) **Sewer and water connections.** The sewer and water connections are required to be sealed before a building is demolished to protect the sewer from any sand, earth, water or other foreign materials that may enter into the sewer and/or water system in accordance with §4-272. The water connection shall be sealed at the property line or at a point determined by the water utility. The sewer connection may also be sealed at the property line if the piping is constructed of materials listed in Table 82.30-3 of the State Plumbing Code. If the sewer connection is any other material it must either be sealed at the main in the street or brought into compliance with this section by using other approved methods.

(d) **Property to be protected.** Streets, alleys, and private property shall be properly protected by erecting proper fences and scaffolds. If scaffolds are to be built on streets or alleys, they shall be properly protected with a top cover of planks, guard rails, and toe-boards to prevent debris from falling on sidewalks or streets. The top of the scaffold shall be at least eight feet (8') above the sidewalk or alley.

(e) ***Property to be secured.*** Properties that are to be demolished shall not be left open and unsecured. If doors and windows are removed for any reason, these openings shall be secured with boards in accordance with §4-142. If a demolition permit is obtained, a permit for boarding is not required. If the permit applicant plans to leave a building open overnight, a security plan must be approved by the Inspections Supervisor prior to the issuance of a demolition permit. The security plan shall detail how any open building or demolition site will be secured from trespassers.

(f) ***Unguarded pits a nuisance.*** Open excavations or pits caused by the demolition of the building are declared a public nuisance in accordance with §12-30(12) of the Appleton Municipal Code.

(g) ***Obstruction of streets.*** When razing requires the obstruction of a public street, alley or sidewalk, a street occupancy permit must be obtained from the Department of Public Works before starting work on razing the building.

(h) ***Completion of project.*** Except for commercial properties with approved site plans, when demolition activities are completed, disturbed areas shall be graded and restored to perennial grass vegetation at a slope of no greater than 10:1 (horizontal to vertical), unless approved by the building inspector upon permit issuance. For purposes of this section, site restoration shall consist of the following:

- (1) Topsoil capable of supporting a dense cover of perennial grass shall be placed at a minimum thickness of four (4) inches over all disturbed areas.
- (2) Till and prepare a fine, but firm seedbed, reasonably free of rocks, foreign matter or soil clods over two (2) inches in size.
- (3) Uniformly seed the site in a manner consistent with typical landscaping standards, utilizing grass seed that conforms to the requirements of the Wisconsin Statutes and of the Administrative Code Chapter ATPC 20.01 regarding noxious weed seed content and labeling. Seed application rates shall be consistent with supplier recommendations.
- (4) At a minimum, mulch seeded areas with straw or hay that is substantially free of noxious weed seeds or other objectionable matter. Application shall be uniform and at a loose depth of one-half (½) inch to one and one-half (1½) inches. Mulch shall be anchored in place by use of a mulch crimper to impress the mulch into the soil or other approved methods. Where steep slopes dictate, other seed/soil stabilization methods such as erosion control mat may be required.
- (5) Re-seed areas as necessary to achieve a uniform dense cover of grass.
- (6) Commercial properties with approved site plans must proceed pursuant to those plans as soon as demolition activities are completed.

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

AN ORDINANCE AMENDING SECTION 4-207 OF CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ISSUANCE OF PERMIT; PERMIT FEE.

(Municipal Services Committee – 11-16-16)

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

Section 1: That Section 4-207 of Chapter 4 of the Municipal Code of the City of Appleton, relating to issuance of permit; permit fee, is hereby amended to read as follows:

Sec. 4-207. Issuance of permit; permit fee.

No permit shall be granted by the Common Council for the moving of buildings over the streets of the City without the following conditions being met:

- (1) The axle load shall be such that there will be no damage to the road surface as determined by the Director of Public Works.
- (2) The building shall be of such length, height and width that, in the opinion of the Municipal Services Committee, it will not interfere with power lines, trees and other structures along the route to be traveled.
- (3) No building shall be moved over a bridge in the City unless it can be shown to the satisfaction of the Director of Public Works that such move will not result in undue stress on or physical damage to the bridge.
- (4) The applicant shall file with the City Clerk proof of workers compensation, automobile and general liability insurance equal to or greater than that required by the City and approved by the City's Risk Manager, which shall be kept in full force and effect for one (1) year after the building has been moved.
- (5) The applicant shall file with the Department of Public Works a permit bond in the penal sum of five thousand dollars (\$5,000.00) executed by the applicant as principal and a surety company authorized to do business in the State of Wisconsin, running in favor of the City so that in the event the City should suffer any loss or damage by any negligence, malfeasance or misfeasance in the conduct of the work of this section shall have the right to institute an action for recovery against the applicant and the surety upon such bond. The bond must further state that the applicant shall fully comply with all provisions of State law and City ordinances and that the applicant will save and indemnify the City against any costs, expenses or damages which may in any way accrue against the City due to the work of this section, and will keep the City harmless against all liabilities, judgments, costs and expenses as a consequence of the work.

- (6) The applicant shall pay to the Director of Finance a fee as provided in §4-161(7).

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

101-16

AN ORDINANCE AMENDING SECTION 4-265 OF CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PERMIT REQUIRED FOR PLUMBING WORK IN PUBLIC RIGHT-OF-WAY.

(Municipal Services Committee – 11-16-16)

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

Section 1: That Section 4-265 of Chapter 4 of the Municipal Code of the City of Appleton, relating to permit required for plumbing work in public right-of-way, is hereby amended to read as follows:

Sec. 4-265. Permit required for plumbing work in public right-of-way.

(a) No person shall engage in or work at plumbing in the public right-of-way without the following conditions first being met:

- (1) The applicant shall obtain a permit from the Department of Public Works.
- (2) The applicant shall file with the City Clerk proof of workers compensation, automobile and general liability insurance equal to or greater than that required by the City and approved by the City's Risk Manager, and it shall be kept in full force and effect for one (1) year after the work has been completed.
- (3) The applicant shall file with the Department of Public Works a permit bond in the penal sum of five thousand dollars (\$5,000.00) executed by the applicant as principal and a surety company authorized to do business in the State of Wisconsin, running in favor of the City so that in the event the City should suffer any loss or damage by any negligence, malfeasance or misfeasance in the conduct of the work performed under this section shall have the right to institute an action for recovery against the applicant and the surety upon such bond. The bond must further state that the applicant shall fully comply with all provisions of State law and City ordinances as applicable and that the applicant will save and indemnify the City against any costs, expenses or damages which may in any way accrue against the City due to the work performed under this section, and will keep the City harmless against all liabilities, judgments, costs and expenses as a consequence of the work.

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

102-16

AN ORDINANCE AMENDING SECTION 4-272 OF CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SEALING OF UNUSED SEWER AND WATER SERVICES.

(Municipal Services Committee – 11-16-16)

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

Section 1: That Section 4-272 of Chapter 4 of the Municipal Code of the City of Appleton, relating to unused sewer and water services, is hereby amended to read as follows:

Sec. 4-272. Sealing of unused sewer and water services.

(a) All sewer and water laterals or building sewers and water services installed and not immediately used shall be securely sealed so as to be watertight. This shall be done by the use of proper fittings and materials manufactured for that purpose and in a manner approved by the Inspection Division.

(b) Before any building connected to city sanitary sewer or water mains is razed or moved to another location, a permit shall be obtained by a person licensed by the State to perform such work from the Inspection Division to disconnect and seal all sanitary sewer and water services serving the premises. Sealing of the sewer and water laterals shall comply with Sec. 4-188. The water service shall be disconnected and sealed at a location point determined by the Water Utility. The disconnections and sealing thereof shall be approved by the Inspection Division before the work is covered.

(c) All water wells which are temporarily or permanently abandoned shall be sealed by a Wisconsin registered well constructor or pump installer after first obtaining a permit from the Inspection Division. The well shall be sealed and a report filed with the State Board of Health in conformance with the State Well Construction and Pump Installation Code.

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

103-16

AN ORDINANCE AMENDING SECTION 9-33 OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO WALKS, CURBS AND OTHER CONCRETE WORK LICENSE.

(Municipal Services Committee – 11-16-16)

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

Section 1: That Section 9-33 of Chapter 9 of the Municipal Code of the City of Appleton, relating to walks, curbs and other concrete work license, is hereby amended to read as follows:

Sec. 9-33. Walks, curbs and other concrete work license.

(a) ***License required.*** No person shall construct or repair any concrete walk, curb and gutter, driveway or pavement in any public right-of-way unless a license is obtained pursuant to this section. Property owners repairing the sidewalks on their own property are not required to obtain a license.

(b) ***Application for license; issuance; term.*** Any person required to be licensed under this section shall apply to the Department of Public Works for a license. The Department of Public Works shall issue an annual license to any qualified person. The license shall expire December 31 of each calendar year.

(c) ***License fee; bond and insurance.*** No person shall engage in work under this section without the following conditions first being met:

(1) The applicant shall file with the Department of Public Works a license bond in the penal sum of five thousand dollars (\$5,000.00) executed by the applicant as principal and a surety company authorized to do business in the State of Wisconsin, running in favor of the City so that in the event the City should suffer any loss or damage by any negligence, malfeasance or misfeasance in the conduct of the work performed under this section shall have the right to institute an action for recovery against the applicant and the surety upon such bond. The bond must further state that the applicant shall fully comply with all provisions of State law and City ordinances as applicable and that the applicant will save and indemnify the City against any costs, expenses or damages which may in any way accrue against the City due to the work performed under this section, and will keep the City harmless against all liabilities, judgments, costs and expenses as a consequence of the work.

(2) The applicant shall file with the City Clerk proof of workers compensation, automobile and general liability insurance equal to or greater than that required by the City and approved by the City's Risk Manager, and it shall be kept in full force and effect for one (1) year after the work has been completed.

(d) ***Revocation of license.*** If a person holding a license violates any of the ordinances of the City relating to the construction of concrete improvements, the Common Council may, upon giving the offender two (2) days' notice, revoke his license. After the license has been revoked the licensee shall not again receive a license within three (3) months of the date of revocation.

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