



City of Appleton

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

Meeting Agenda - Final Common Council

Wednesday, January 4, 2017

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
[16-1992](#) Common Council meeting minutes of December 21, 2016
Attachments: [CC Minutes 12-21-2016.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
- 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE
- 3. MINUTES OF THE CITY PLAN COMMISSION
- 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
- 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
- N. ITEMS HELD
- O. ORDINANCES
 - [16-1985](#) Ordinances 1-17 through 17-17
 - Attachments:* [Ordinances going to Council 1-4-17.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. CLOSED SESSION
 - [16-1991](#) The Common Council may convene in closed session pursuant to State Statute §19.85(1)(e) for the purpose of deliberating the purchasing of public properties and/or the investing of public funds in certain property located in downtown Appleton and then will reconvene in open session.
- T. ADJOURN

Kami Lynch, City Clerk

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



City of Appleton

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Meeting Minutes - Final Common Council

Wednesday, December 21, 2016

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order by Mayor Hanna at 7:00 p.m.

B. INVOCATION

The Invocation was offered by Alderperson Lobner.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Alderperson Spears arrived at 7:08 p.m.

Present: 16 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margaret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt and Mayor Timothy Hanna

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*City Clerk Lynch, Deputy City Attorney Behrens,
Director of Community & Economic Development Harkness,
Fire Chief Vander Wyst, Director of Finance Saucerman,
Health Officer Eggebrecht, Director of Human Resources Behnke,
Director of Information Technology Fox, Library Director Rortvedt,
Director of Parks, Recreation & Facilities Gazza,
Director of Public Works Vandehey, Police Chief Thomas,
Director of Utilities Shaw*

F. PUBLIC PARTICIPATION

*The following spoke during public participation:
Garret King, 3222 N Lawe St - Item 16-1866 Operator License Application
Butch Vander Putten, 2100 W Second St - Item 16-1952 Towing Ordinance*

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[16-1976](#)

Common Council Meeting Minutes of December 7, 2016

Attachments: [CC Minutes 12-7-16.pdf](#)

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

Aye: 14 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Margret Mann, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Jeffrey Jirschele, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams and Aldersperson Chris Croatt

Excused: 1 - Aldersperson Cathy Spears

Abstained: 1 - Mayor Timothy Hanna

[16-1977](#)

Common Council Meeting Minutes of December 14, 2016

Attachments: [CC Minutes 12-14-16.pdf](#)

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

Aye: 14 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Margret Mann, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Jeffrey Jirschele, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams and Aldersperson Chris Croatt

Excused: 1 - Aldersperson Cathy Spears

Abstained: 1 - Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR

[16-1974](#)

Reappointment of Jason Druxman, Gary Schmitz, and Nathan Weyenberg to the Business Improvement District Board.

Attachments: [BID BD Reappt Memo 121616.pdf](#)

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

Aye: 14 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Margret Mann, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Jeffrey Jirschele, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams and Aldersperson Chris Croatt

Excused: 1 - Aldersperson Cathy Spears

Abstained: 1 - Mayor Timothy Hanna

[16-1975](#)

Information Item:
Reappointment of Karen Harkness to the Fox Cities Convention & Visitors
Bureau Board of Directors

Attachments: [FCCVB BD Reappt 121616.pdf](#)

This Item was presented

I. PUBLIC HEARINGS

[16-1954](#)

Public Hearing for Rezoning #7-16

Attachments: [Public Hearing RZ #7-16 .pdf](#)

The Public Hearing was held. No one spoke during the hearing.

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[16-1866](#)

Operator's License application of Garret S. King, 3222 N. Lawe Street.

Attachments: [Garret S. King.pdf](#)
 [SL Denials G.King.pdf](#)

Aldersperson Lobner moved, seconded by Aldersperson Dannecker, that the recommendation to deny the license be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Margret Mann, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Jeffrey Jirschele, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears and Aldersperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[16-1843](#)

Request to award 3 year contract to Associated Benefits and Risk Consulting (ABRC) (formerly Associated Financial Group) to provide benefit consulting services for 2017, 2018 and 2019. With an option to renew for another 3 years.

Attachments: [ABRC consulting memo 11-16-16.pdf](#)

Aldersperson Croatt moved, seconded by Aldersperson Lobner, that the award of the contract be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

Abstained: 2 - Alderperson Matt Reed and Mayor Timothy Hanna

[16-1841](#)

Operator's License application of Laurie A. Cooper, 743 W. Eighth Street.

Attachments: [Laurie A. Cooper.pdf](#)
[SL Denials L.Cooper.pdf](#)

The license was denied.

Alderperson Meltzer moved, seconded by Alderperson Baranowski, that the recommendation to approve the license be approved. Roll Call. Motion failed by the following vote:

Aye: 3 - Alderperson Ed Baranowski, Alderperson Margret Mann and Alderperson Vered Meltzer

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

Abstained: 1 - Mayor Timothy Hanna

[16-1952](#)

Request to Revise Chapter 9, Article XIII Division 3 of the Municipal Code, Rotating Call List Towing Services

Attachments: [S L Memo Towing Ordinance.pdf](#)
[Proposed Tow Ordinance \(edited 12-2-16\).pdf](#)
[tow companies rates 2016 \(2\).pdf](#)
[Tow Ordinance \(CURRENT 12-09-16\).pdf](#)
[Proposed Fee Schedule \(edited 12-12-16\).pdf](#)
[Proposed Tow Ordinance \(edited 12-14-16\).pdf](#)

Alderperson Lobner moved, seconded by Alderperson Dannecker, that the request to revise Chapter 9 of the Municipal Code related to Towing Services be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Aldersperson Konetzke moved, Aldersperson Baranowski seconded, to approve the balance of the agenda. The motion carried by the following vote:

Aye: 15 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Margret Mann, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Jeffrey Jirschele, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears and Aldersperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[16-1931](#)

Award 2017 Materials Testing Contract (M-17) to OMNNI Associates, Inc. in an amount not to exceed \$100,000.

Attachments: [2017 Materials Testing Contract.pdf](#)

This Report Action Item was approved.

[16-1932](#)

Award 2017 Contract for Operation, Maintenance and Monitoring at the Closed City of Appleton Landfill to SCS Engineers, in an amount not to exceed \$70,140.

Attachments: [2017 Contract for Operation, Maintenance and Monitoring.pdf](#)

This Report Action Item was approved.

[16-1933](#)

Approved proposed Truck Route changes as recommended in the Downtown Mobility Study.

Attachments: [Truck Route changes-Downtown Mobility Study.pdf](#)

This Report Action Item was approved.

[16-1934](#)

Approve proposed parking change on Kamps Avenue between Locust Street and Bennett Street.

Attachments: [Kamps Ave between Locust St and Bennett St..pdf](#)

This Report Action Item was approved.

[16-1935](#)

Approve proposed parking changes on Eighth Street/Walnut Street/Sixth Street/Elm Street related to the Fox Cities Exhibition Center.

Attachments: [Parking changes-Fox Cities Exhibition Center.pdf](#)

This Report Action Item was approved.

[16-1936](#)

Approve proposed parking changes on Hancock Street between Lawe Street and Meade Street.

Attachments: [Hancock St between Lawe St and Meade St.pdf](#)

This Report Action Item was approved.

[16-1948](#)

Award of Contract for the design and construction related services for the northbound Oneida Street Bridge Reconstruction Project over Jones Park to Patrick Engineering, in an amount not to exceed \$228,861.

Attachments: [Oneida Street Bridge Reconstruction Project.pdf](#)

This Report Action Item was approved.

[16-1950](#)

Amendment to the scope of services & contract amount for the Railroad Quiet Zone Feasibility & Implementation Plan consulting services contract.

Attachments: [Railroad Quiet Zone Feasibility & Implementation Plan.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[16-1733](#)

Secondhand Jewelry License Renewal application of Avenue Jewelers, Jason Druxman, Applicant, 303 E. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[16-1734](#)

Secondhand Article License Renewal application of Warehouse Office Products, Jeff S. Lemery, Applicant, 1825 N. Richmond St., contingent upon approval from all departments.

This Report Action Item was approved.

[16-1796](#) Secondhand Jewelry License Renewal application of Expert Jewelry Repair, Randy L. Kester, Applicant, 636 W. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[16-1797](#) Secondhand Article License Renewal application of Active Bike & Fitness LLC, Mark A. Fluette, Applicant, 1421 N. Richmond St., contingent upon approval from all departments.

This Report Action Item was approved.

[16-1799](#) Secondhand Jewelry License Renewal application of Tennie's Jewelry, Brian D. Frisch, Applicant, 208 E. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[16-1817](#) Secondhand Article License Renewal application of The Exclusive Company, J.A. Giombetti, Applicant, 770 W. Northland Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[16-1831](#) Secondhand Article License Renewal application of Play It Again Sports, Shane A. Herron, Applicant, 611 W. Northland Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[16-1832](#) Secondhand Article License Renewal application of Tiffani's Bridal & Consignment, Tiffani Rose Ebben, Applicant, 1314 W. College Ave. #6, contingent upon approval from all departments.

This Report Action Item was approved.

[16-1834](#) Secondhand Jewelry License Renewal application of Scanlan Jewelers, Judy A. Scanlan, Applicant, 2031 E. Calumet St., contingent upon approval from all departments.

This Report Action Item was approved.

[16-1835](#) Secondhand Article License Renewal application of Replay Toys, Chris L. Freimuth, Applicant, 1131 N. Badger Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[16-1836](#) Secondhand Article License Renewal application of Tina Marie's Unique Boutique, LLC, Tina Marie Ahrens, Applicant, 206 E. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[16-1844](#) Secondhand Article License Renewal application of ecoATM, LLC, Hunter E. Bjorkman, Applicant, 3701 E. Calumet St., contingent upon approval from all departments.

This Report Action Item was approved.

[16-1855](#) Reserve "Class B" Beer/Liquor License Change of Agent of Red & White, Inc., David Herbeck, Agent, 2400 S. Kensington Dr., contingent upon approval from the Police Department.

This Report Action Item was approved.

[16-1857](#) Operator's Licenses

Attachments: [Operator's Licenses for 12-14-16 S & L.pdf](#)

This Report Action Item was approved.

[16-1871](#) Request to Sole Source the Purchase of the Emergency Vehicle Preemption Equipment.

This Report Action Item was approved.

[16-1872](#) Secondhand Article License Renewal application of Beatnik Betty's Resale Butik, Monica L. Austin, Applicant, 214 E. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[16-1873](#) Secondhand Jewelry License Renewal application of Krieger Jewelers, Jamie L. Boyce, Applicant, 934 W. Northland Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[16-1874](#) Reserve "Class B" Beer/Liquor License Change of Agent, Timeless Tavern LLC, Jared M. Korn, Agent, 215 E. College Ave., contingent upon approval from the Police Department.

This Report Action Item was approved.

[16-1875](#) "Class B" Beer/Liquor License Change of Agent of Apple Hospitality Group LLC, d/b/a Applebee's, Kenneth J. Lemerond, Agent, 3040 E. College Ave., contingent upon approval from the Police Department.

This Report Action Item was approved.

[16-1887](#) Recommendation to Purchase Class B Firefighting Foam from W. S. Darley

Attachments: [Memo Requesting Purchase of Solberg foam from Darley.pdf](#)

This Report Action Item was approved.

[16-1942](#) Class "B" Beer/"Class C" Wine License application of Artful Expressions LLC d/b/a Pinot's Palette, Amy L. Duffey, agent, 226 E. College Ave., contingent upon approval from all departments.

Attachments: [Pinots Palette application.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[16-1820](#) Request to approve Rezoning #7-16 to rezone 320 and 410 S. Walnut Street (Tax Id #31-3-0827-00, #31-3-0680-00, #31-2-0220-00), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from PD/CBD Planned Development Central Business District to CBD Central Business District

Attachments: [StaffReport_OutagamieCoCampus_Rezoning_For11-21-16.pdf](#)

This Report Action Item was approved.

[16-1882](#)

Request to approve Special Use Permit #7-16 for a light manufacturing use in a C-2 General Commercial District, located at 1115 W. Tuckaway Lane (Tax Id #31-8-1569-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the condition in the attached staff report (2/3 vote required)

Attachments: [StaffReport_Press Color_SpecialUsePermit#7-16.pdf](#)

This Report Action Item was approved.

[16-1884](#)

Request to approve Special Use Permit #8-16 for a standalone parking lot in a CBD Central Business District, located at 227 S. Walnut Street (Tax Id #31-3-0851-00), 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) (Attached letter received on 12-14-16, after the Plan Commission meeting)

Attachments: [StaffReport_227SWalnutSt_SUP_For12-12-16.pdf](#)
 [Letter from Schaff & Rattray Opposing SUP#8-16 Request.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[16-1922](#)

Action: Award the City of Appleton "2016 Erb Playground Equipment Project" contract to Lee Recreation, LLC in an amount not to exceed \$145,000

Attachments: [2016 Erb Playground award.docx](#)

This Report Action Item was approved.

[16-1926](#)

Action: Request Approval of Reciprocity Agreement with the City of Neenah

Attachments: [City of Neenah Reciprocity Agreement.pdf](#)

This Report Action Item was approved.

[16-1927](#)

Action: Request Approval of Reciprocity Agreement with the City of Menasha

Attachments: [City of Menasha Reciprocity Agreement.pdf](#)

This Report Action Item was approved.

5. MINUTES OF THE FINANCE COMMITTEE[16-1891](#)

Request to award contract to Unifirst Corporation for rental and cleaning of uniforms and related items.

Attachments: [Uniform Contract Recommendation.pdf](#)

This Report Action Item was approved.

[16-1892](#)

Request to approve Change Order #1 to contract 50-16 for Erb Park and Pool renovation project for a separated recirculation system of slides in the amount of \$130,590.99 resulting in a decrease of the contingency from \$613,048 to \$482,457.01. No change to the overall contract amount.

Attachments: [2016 Erb Pool Construction Change Order #1.pdf](#)

This Report Action Item was approved.

[16-1893](#)

Request to write off \$14,003.29 of accounts receivable invoices and \$19,481.52 of personal property taxes (outstanding over one year).

Attachments: [Written off accounts list.pdf](#)

This Report Action Item was approved.

[16-1915](#)

Request to approve Bid Packages and project related expenses into the Guaranteed Maximum Price Amendment to Miron Construction for the Fox Cities Exhibition Center for a contract not to exceed \$5,585,083; and to reject bids from Applied Flooring Solutions, Braun Thyssen Krupp Elevator LLC and Schindler Elevator Corporation for not meeting and/or following bidding requirements.

Attachments: [2016 Expo Center Bid Package #2 - Guaranteed Maximum Price Amendment .pdf](#)

This Report Action Item was approved.

[16-1917](#)

Request to award Unit Y-16 Arbutus Park Stormwater Lift Station (rebid) to August Winter and Sons, Inc in the amount of \$213,775 with a 10% contingency of \$21,377.50 for a project total not to exceed \$235,152.50.

Attachments: [Award of Contract Y-16.pdf](#)

This Report Action Item was approved.

[16-1918](#)

Request to award Unit S-17 Spartan Drive Sanitary Lift Station to August Winter and Sons, Inc. in the amount of \$760,250 with a 10% contingency of \$76,025 for a project total not to exceed \$836,275.

Attachments: [Spartan Dr Lift Station.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[16-1896](#)

Request to approve a Variance to the Declaration of Covenants and Restrictions, Item 3.A for the Northeast Industrial Park Plat #4, allowing for a minimum building size of 5,000 square feet for Parcel #31-1-5362-00 on Goodland Drive

Attachments: [Onstage variance 12-6-16.pdf](#)

This Report Action Item was approved.

7. MINUTES OF THE UTILITIES COMMITTEE

[16-1859](#)

Intergovernmental Cooperation Agreement between the City of Appleton and the City of Neenah for Solicitation of Chemical Quotations.

Attachments: [Intermunicipal Agreement - Appleton and Neenah - Chemical Quote Solicitation.pdf](#)

This Report Action Item was approved.

[16-1912](#)

Award 2017C Northland Pond Construction Related Services Contract to Brown & Caldwell in an amount not to exceed \$77,110.

Attachments: [Brown Caldwell 2017C Northland CRS Contract Util Memo 12-07-2016.pdf](#)

This Report Action Item was approved.

[16-1914](#)

Amend the 2016C contract for Leona Pond Final Design and Permitting contract to Brown & Caldwell in an amount not to exceed \$27,410.

Attachments: [Leona Pond Final Design and Permitting.pdf](#)

This Report Action Item was approved.

[16-1947](#)

Approve contract for the Bar Screen #1 Channel Butterfly Valve Rebuild to August Winter and Sons, Inc. for \$111,250 with a contingency of \$13,750 and a project total not to exceed \$125,000.

Attachments: [Bar Screen #1 Gate Valve Rebuild Project Award Memo.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[16-1865](#)

Request to approve a proposed modification to the Department of Public Works table of organization - Parking Utility to convert one Ramp Attendant position to a Ramp Operator I - Parking position.

Attachments: [DPW Parking Utility Reorg.pdf](#)

This Report Action Item was approved.

[16-1904](#)

Request to approve Police Professional Association union contract for 2017-2019 with the following adjustments:

2017: 7/1-1.5% and 10/1 1.0%

2018: 1/1-1.5% and 7/1-1.0%

2019: 1/1-1% and 7/1-1.0%

Attachments: [APPA Tentative Agreements November 2 2016.pdf](#)

This Report Action Item was approved.

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

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

Alderson Baranowski moved, seconded by Alderson Croatt, that the meeting be adjourned at 7:23 p.m. Roll Call. Motion carried by the following vote:

Aye: 16 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Jeffrey Jirschele, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears, Alderson Chris Croatt and Mayor Timothy Hanna

Kami Lynch, City Clerk

1-17

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 12-21-16)

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.

Parking be restricted to Outagamie County visitors only, from 5 a.m. to 5 p.m. Monday through Friday, on the east side of Walnut Street from Seventh Street to a point 45 feet north of Sixth 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.

2-17

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 12-21-16)

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.

Parking be restricted to Outagamie County employees only (permit required), from 5 a.m. to 5 p.m. Monday through Friday, on the east side of Walnut Street from Seventh Street to a point 45 feet south of Eighth 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.

3-17

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 12-21-16)

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.

Parking be restricted to Outagamie County employees only (permit required), from 5 a.m. to 5 p.m. Monday through Friday, compact vehicles only (No Trucks/Vans/SUVs; maximum wheelbase 105", maximum height 61"), on the east side of Walnut Street from Eighth Street to a point 45 feet south of Eighth 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.

4-17

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 12-21-16)

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.

Parking be restricted to Outagamie County employees only (permit required), from 5 a.m. to 5 p.m. Monday through Friday, on Eighth Street from Walnut Street to Elm 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.

5-17

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 12-21-16)

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.

Parking be prohibited on the north side of Sixth Street from Walnut Street to a point 40 feet east of Walnut 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.

6-17

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 12-21-16)

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.

Parking be restricted to Outagamie County employees only (permit required), from 5 a.m. to 5 p.m. Monday through Friday, compact vehicles only (No Trucks/Vans/SUVs; maximum wheelbase 105", maximum height 61"), on the north side of Sixth Street from a point 35 feet east of Walnut Street to a point 100 feet east of Walnut 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.

7-17

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 12-21-16)

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.

Parking be restricted to Outagamie County employees only (permit required), from 5 a.m. to 5 p.m. Monday through Friday, on the north side of Sixth Street from Elm Street to a point 100 feet east of Walnut 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.

8-17

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 12-21-16)

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.

Parking be restricted to Outagamie County visitors only, from 5 a.m. to 5 p.m.
Monday through Friday, on the west side of Elm Street from Seventh Street to a point 30 feet north of Sixth 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.

9-17

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 12-21-16)

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.

Parking be prohibited on the west side of Elm Street from Sixth Street to a point 30 feet north of Sixth 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.

10-17

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 12-21-16)

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.

Parking be prohibited on the east side of Elm Street from Sixth Street to a point 130 feet north of Sixth 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.

11-17

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 12-21-16)

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.

Parking be restricted to Outagamie County employees only (permit required), from 5 a.m. to 5 p.m. Monday through Friday, on the east side of Elm Street from Seventh Street to a point 130 feet north of Sixth 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.

12-17

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 12-21-16)

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.

Parking be prohibited on Eighth Street from Elm Street to a point 200 feet east of Elm 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.

13-17

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 12-21-16)

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.

Parking be prohibited on Hancock Street from Lawe Street to Meade 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.

14-17

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 12-21-16)

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. 131-06: “Parking be prohibited from 4.p.m. to 5 a.m. on the north side of Kamps Avenue from Bennett Street to Locust 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.

15-17

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

(Municipal Services Committee – 12-21-16)

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

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

Sec. 19-137. Routes enumerated.

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

Alliance Drive from Milis Drive to Vantage Drive.

Appleton Street from Washington Street to Lawrence Street.

Badger Avenue from Wisconsin Avenue to Memorial Drive.

Ballard Road from Wisconsin Avenue to the north City limits.

Bluemound Drive from College Avenue to the north City limits.

Calumet Street from Oneida Street to the east City limits.

Capitol Drive from Ballard Road to Zuehlke Drive.

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

~~College Avenue from Morrison Street to the east City limits.~~

~~College Avenue from Richmond Street to the west City limits.~~

Commercial Street from Meade Street to Rankin Street.

Conkey Street from Pershing Street to Venture Drive.

~~Division Street from Washington Street to Franklin Street.~~

Douglas Street from Spencer Street to Melvin Street.

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

Endeavor Drive from Lakeland Drive to Eisenhower Drive.

Enterprise Avenue from Gateway Drive to Providence Avenue.

Evergreen Drive from Ballard Road to French Road.

Everett Street from Perkins Street to the west end.

Fourth Street from Lynndale Drive to the east end.

Franklin Street from Richmond Street (STH 47) to Appleton Street.

Gateway Drive from Enterprise Avenue to Evergreen Drive.

Glendale Avenue from Ballard Road to Sandra Street.

Goodland Drive from Conkey Street to Zuehlke Drive.

Hancock Street from Lawe Street to Meade Street.

Haskell Street from Outagamie Street to Herbert Street.

Herbert Street from Haskell Street to Rogers Avenue.

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

John Street from College Avenue to Calumet Street.

Kensington Drive from College Avenue to Newberry Street.

Lakeland Drive from Plank Road to Vantage Drive.

Lawe Street from South Island Street to Summer Street.

Lawrence Street from Memorial Drive to Morrison Street.

Leonard Street from Lynndale Drive to Perkins Street.

Lightning Drive from Evergreen Drive to Enterprise Avenue.

Lilas Drive from College Avenue to the north City limits.

Lilas Drive from Everett Drive to Second Street.

Linwood Avenue from College Avenue to Spencer Street.

Lynndale Drive from College Avenue to the north City limits.

Lynndale Drive from Spencer Street to the south end.

Marshall Road from Winslow Avenue to Capitol Drive.

Meade Street from Hancock Street to Wisconsin Avenue.

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

Milis Drive from Quest Drive to Alliance Drive.

Morrison Street from Lawrence Street to Washington Street.

Newberry Street from Walter Avenue to the east City limits.

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

Olde Oneida Street from South Island Street to Oneida Street.

Oneida Street from College Avenue to the south City limits.

Outagamie Street from Spencer Street to Haskell Street.

Pensar Drive from Roemer Road to the west end.

Perkins Street from College Avenue to the north City limits.

Perkins Street from Second Street south to the railroad tracks.

Pershing Street from Conkey Street to Sandra Street.

Plank Road from Quest Drive to Eisenhower Drive.

Pointer Road from Pensar Drive to Capitol Drive.

Progress Drive from Winslow Avenue to Capitol Drive.

Providence Avenue from Evergreen Drive to Enterprise Avenue.

Quest Drive from Plank Road to Midway Road.

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

Rankin Street from Commercial Street to Wisconsin Avenue.

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

Roemer Road from Glendale Avenue to Capitol Drive.

Rogers Avenue from Herbert Street to the west end.

Sandra Street from Glendale Avenue to Pershing Street.

Second Street from Outagamie Street to the west end.

Second Street from Whitman Avenue to Perkins Street.

South Island Street between Olde Oneida Street and Lawe Street.

Spencer Street from Badger Avenue to the west City limits.

Summer Street from Lawe Street to Meade Street.

Vantage Drive from Quest Drive to Lakeland Drive.

Walter Avenue from College Avenue to Newberry Street.

Warehouse Road from Radio Road to Kensington Drive.

Washington Street from Appleton Street to Morrison Street.

~~Washington Street from Morrison Street to Division Street.~~

Whitman Avenue from Spencer Street to Second Street.

Winslow Avenue from Roemer Road to Zuehlke Drive.

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

Woods Edge Drive from College Avenue to the north end.

Zuehlke Drive from Winslow Avenue to Goodland Drive.

*Additions are underlined

**Deletions are ~~stricken~~

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

16-17

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 12-21-16)

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 lands located at 320 and 410 South Walnut Street from PD/CBD Planned Development Central Business District to CBD Central Business District. (Rezoning #7-16 – Outagamie County)

LEGAL DESCRIPTION:

Tax ID #31-3-0827-00--GRAND CHUTE PLAT 3WD ALL OF BLK 42 AND N1/2VAC SEVENTH ST AND W1/2 VAC ELM ST LYG ADJ THERETO 2.186AC M/L, City of Appleton, Outagamie County, Wisconsin, including to the centerline of the adjacent right-of-way.

Tax ID #31-2-0220-00--APPLETON PLAT 2WD LOTS 1, 2, 3, 4, 8, 9 AND W1/2 LOT 5 BLK 18 AND S1/2 PRT VAC W EIGHTH ST AND N1/2 PRT VAC SEVENTH ST ANDE1/2 VAC ELM ST LYG ADJ THERETO 72,896.55

SQ FT M/L, City of Appleton, Outagamie County, Wisconsin, including to the centerline of the adjacent right-of-way.

Tax ID # 31-3-0680-00--GRAND CHUTE PLAT 3WD BLK 31 AND S1/2 VAC SEVENTH ST LYG NORTH AND ADJ THERETO 2.56AC M/L, City of Appleton, Outagamie County, Wisconsin, including to the centerline of the adjacent right-of-way.

COMMON DESCRIPTION:

320 and 410 South Walnut 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.

17-17

AN ORDINANCE REPEALING AND RECREATING ARTICLE XIII, DIVISION 3 OF CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO WRECKER SERVICES.

(Safety and Licensing Committee – 12-21-16)

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

Section 1: That Article XIII, Division 3 of Chapter 9 of the Municipal Code of the City of Appleton, relating to wrecker services, is hereby repealed and recreated as follows:

ARTICLE XIII. VEHICLES FOR HIRE

DIVISION 3. ROTATING CALL LIST TOWING SERVICES

Sec. 9-746. Finding and purpose.

It is the finding of the Common Council that the existence of a rotating call list comprised of eligible towing companies is essential to public convenience and safety and for the efficiency of the police department. The purpose of a rotating call list is to provide the police department with a list of approved and eligible towing companies capable of towing a citizen's vehicle in times of need. Such times include, but are not limited to:

(a) Traffic accidents where the vehicle's owner/operator does not express a preference for a towing service or the towing service of their choice is not available;

(b) Disabled vehicles and vehicles posing a hazard, in the discretion of the police department, where the vehicle's owner/operator does not express a preference for a towing service or the towing service is not available;

(c) Illegally parked vehicles, including vehicles parked in violation of temporary parking restrictions due to a special event; and

(d) Vehicles towed subsequent to an arrest.

Sec. 9-747. Definitions.

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

Assignment means a call from the Outagamie County Public Safety Communications Center to a towing company on the rotating call list requesting towing services resulting in the towing company going to tow a vehicle.

Class "A" wrecker or **wrecker** means a wrecker unit with an accepted commercially manufactured wrecker apparatus, single- or twin-boom, equipped with a mechanical or hydraulic power supply and dual rear wheel units with a minimum gross vehicle weight (GVW) of 10,000 pounds and having a minimum unit rating of four-ton capacity as rated by the manufacturer. The wrecker apparatus shall be attached to a motor vehicle truck chassis in conformance with wrecker apparatus recommendations for truck chassis gross vehicle weight not less than 10,000 pounds GVW. The wrecker unit shall be considered as a whole for compliance with this definition and no exception shall be allowed.

Fee schedule is the schedule approved by the Common Council and on file with the City Clerk that lists the maximum fees a towing company may charge a customer for providing services related to this Article.

Flatbed tow truck means a hydraulic fill rollback bed truck, commercially manufactured and rated by the manufacturer to have a minimum winch capacity of not less than four tons by direct pull with accepted manufacturer rating. The rollback flatbed shall be attached to a truck chassis in conformance with the manufacturer's recommendations with a chassis manufacturer rating of not less than 10,000 pounds GVW and a minimum bed length of 19 feet. The unit shall be capable of and rated for a bed payload minimum of 7,000 pounds as commercially manufactured and rated. The flatbed unit shall be considered as a whole for compliance with this definition and no exception shall be allowed except as otherwise provided herein.

Notice, from the police department to a towing company, shall be deemed delivered to the company upon the notice being hand delivered to the owner or registered agent of the company or, if mailed, within three (3) business days after the date the notice was mailed.

No tow means the vehicle's owner/operator moved the vehicle prior to the towing company partially towing or removing the vehicle.

Partial tow means a towing company placed a vehicle to be towed onto their flatbed tow truck or wrecker but the vehicle's owner/operator took possession of the vehicle prior to the vehicle

being removed.

Place of business means a location in the corporate city limits of the city of Appleton that (1) the towing company has use of, by ownership or written lease, (2) has a storage facility, the company's primary telephone and telephone number, cellphones and/or two-way radios, a point of sale system, and all other equipment and personnel reasonably necessary for the company to perform its obligations under this Article, (3) is open, accessible and staffed as required in this Article, (4) has a single dedicated phone number available to the Appleton Police Department, and (5) has a sufficient number of employees to operate all of the necessary equipment pursuant to this Article at any time.

Regular business hours are the minimum hours a place of business must be open to the public for the retrieval of their vehicle or personal belongings, being Monday through Friday, from 8:00 a.m. until 5:00 p.m., and available to open on Saturdays from 8:00 a.m. until 12:00 noon upon the request of an owner of a towed vehicle. Regular business hours do not include legal holidays.

Rotating call list or list means the list of approved towing companies that take turns responding to an assignment.

Storage facility means a fenced-in, lighted, locked yard or secure indoor storage area in the corporate city limits of the city of Appleton with at minimum one (1) working bay and a minimum storage capacity of fifteen (15) vehicles. The storage facility must conform to all building and zoning requirements and must be owned or leased by the towing company for such purposes.

Towing company or company means any company, firm, partnership, corporation, association or entity engaged in the business of the recovery and towing of motor vehicles on a full-time basis.

Wheel lift means an accepted commercially manufactured apparatus designed for the towing and recovery of motor vehicles by the towed unit's wheels/suspension. The wheel lift apparatus shall have a minimum manufacturer lift rating of 3,000 pounds while fully extended. The wheel lift apparatus shall be attached in conformance with manufacturer's recommendations for chassis mounting on a truck chassis having a manufacturer's rating of at least 10,000 pounds GVW. The wheel lift shall be considered an integral part of the wrecker apparatus considered as a whole for compliance with this definition and no exception shall be allowed.

Sec. 9-748. Eligibility.

To be eligible for placement on the rotating call list, a towing company must meet the following requirements:

(a) A State of Wisconsin Licensed Carrier Permit and any other licenses required by the State.

(b) Ownership or the exclusive lease of, at minimum, one (1) flatbed tow truck and one (1) class "A" wrecker equipped with a wheel lift.

(1) Each vehicle must be registered, licensed and maintained in a safe and serviceable condition at all times, with proof available upon request.

- (2) Each vehicle must be insured at rates determined by the City of Appleton's Risk Manager, with proof on file with the City of Appleton.
 - (3) Each vehicle must be inspected annually by a qualified technician, with proof available upon request.
 - (4) Each vehicle must contain, at minimum, a two-way radio communication device and/or cell phone, a tow dolly (except for flatbed tow truck), a broom, a shovel, a motorcycle belt, a snatch block and a steering wheel holder.
- (c) A place of business in the corporate city limits of Appleton.
- (d) Provide proof upon request that the company conducted a background check of their employees providing a service under in this Article, including responding to an assignment or providing the owner of a towed vehicle access to his/her vehicle.
- (e) Provide upon request a true copy of the driver's license for each employee who operates a vehicle for the towing company.
- (f) Towing companies on the rotating call list must agree to the following:
 - (1) Grant the Appleton Police Department the right to inspect the place of business, equipment and vehicles without notice during regular business hours and with reasonable notice during non-business hours, and
 - (2) Indemnify, defend and hold harmless the City of Appleton and its employees, elected and appointed officials, agents and volunteers from and against all claims, suits, damages, costs, losses and expenses (including attorney's fees) in any manner resulting from, arising out of, or connected to being on the rotating call list.
 - (3) Attend an annual meeting held by the Appleton Police Department.
 - (4) Ensure that employees with convictions substantially related to their ability to provide safe, reliable and trustworthy service pursuant to this Article are prohibited from providing a service pursuant to this Article.

Sec. 9-749, Application, investigation, term.

- (a) A towing company must apply to be on the rotating call list by completing a rotating call list application. Applications are available at the Appleton Police Department and are accepted year round.
- (b) The Chief of Police or designee shall, within thirty (30) business days receipt of an application, conduct an investigation to determine whether the company meets all of the requirements of this Article. If the towing company does not meet all of the requirements or if the company has been previously removed from the list pursuant to Sec. 9-752, the Chief of Police or designee may deny the application.
 - (1) If the application is approved, the towing company will be placed onto the

rotating call list within seven (7) business days.

- (2) If the application is denied, the company will be informed by the Chief of Police or designee in writing within seven (7) business days after the conclusion of the investigation.

- a. A towing company may reapply one (1) additional time in a calendar year.
- b. A denial shall not prevent the towing company from re-applying in subsequent years.

(c) All approved applications expire on December 1 of each year. Towing companies must reapply annually.

Sec. 9-750. Responsibilities.

(a) A towing company's place of business must be open to the public during regular business hours.

(b) A towing company must provide rotating call list services 24 hours a day, seven (7) days a week, including on legal holidays.

(c) Assignments shall be given to towing companies on a rotating basis.

- (1) Upon receiving an assignment, the towing company must provide prompt and efficient service. Unless emergency conditions dictate otherwise, as determined solely by the Chief of Police or designee, "prompt service" means the arrival of a wrecker within 20 minutes and/or the arrival of a flatbed tow truck within 25 minutes after receiving the assignment. In the event the towing company informs the Outagamie County Public Safety Communications Center the company will be unable to provide prompt service, the Communications Center may choose a different towing company from the list and the originally assigned company will be placed at the end of the list.

- (2) Assignments shall be deemed waived by the non-response or non-acceptance of an assignment by a towing company and that company will be placed at the end of the list.

- (3) If an assignment results in a no tow, the towing company shall not charge for the no tow and the company will be placed at the top of the list.

- (4) If an assignment results in a partial tow, the towing company may, in the company's discretion, charge for the partial tow at the rate provided for in Sec. 9-751(a). If the company does not charge, the company will be placed at the top of the list. If the company does charge, the company will be placed at the bottom of the list.

(d) In the event a towing company on an assignment needs assistance from another

towing company, the request for assistance shall be made only after consulting with the police officer on the scene and a request for assistance must be made by the police officer.

(e) During regular business hours, a towing company must immediately provide the vehicle's owner or designee access to any personal property contained in the towed vehicle, with the exception of components of the vehicle itself, such as license plates, tires, wheels, batteries, and radios, even if payment has not been made. During non-regular business hours the release of personal property to the owner or designee is at the discretion of the towing company with the exception of the following items, which must be released to the owner or designee within a reasonable amount of time: luggage (upon verification that the owner/operator is from out-of-town), medical devices, prescription glasses, prescription medication, perishable items and unfilled medication prescriptions.

(f) Towing company employees who are engaged in any activity described in this Article must:

- (1) Have a valid driver's license, if their position involves vehicle operation,
- (2) Be attired in a reflective safety vest when involved in a tow operation,
- (3) Conduct themselves in a professional manner,
- (4) Be properly trained, and
- (5) Work in the most efficient manner possible.

(g) Towing companies on the rotating call list must, within seven (7) business days, provide the Chief of Police or designee with information about:

- (1) New employees, if the employee will be involved in any activity described herein, and
- (2) A replacement to or addition of a wrecker and/or flatbed tow truck. New and replacement wreckers and/or flatbed tow trucks must not be used for towing vehicles on the rotating call list until approval for use has been provided by the Chief of Police or designee.

Sec. 9-751. Fees, payment.

(a) Towing companies must provide their services under this Article at rates not exceeding those on the fee schedule.

(b) On an annual basis, the Chief of Police or designee may recommend amendments to the fee schedule to the Common Council by way of the Safety and Licensing Committee.

(c) Towing companies shall charge only for equipment and time reasonably necessary for the service provided. There shall be no extra charge if a towing company responds to an assignment with the incorrect equipment.

(d) Towing companies shall charge the owner or operator of a vehicle, not the City of Appleton, for the services provided under this Article. A bill for service must include an itemized

accounting of the services performed by the towing company. A copy of the bill for service must be retained by the towing company for the calendar year of issuance plus the next calendar year. Towing companies must provide the copy to the Chief of Police or designee immediately upon request.

Sec. 9-752. Suspension and revocation.

(a) In the event a towing company is no longer in compliance with any portion of this Article, the towing company must immediately notify the Chief of Police or designee who shall immediately remove the company from the list. Once the towing company returns to full compliance with this Article, the towing company may inform the Chief of Police or designee, at which time the towing company will be reinstated to the list upon verification by the Chief of Police or designee that the towing company is in full compliance.

(b) The Chief of Police or designee shall promptly investigate a report of a towing company violating any provision of this Article or any other rule, regulation, ordinance, statute or code. At the conclusion of the investigation, the Chief of Police or designee shall use his/her discretion to take any of the following actions:

- (1) Remove the towing company from the list,
- (2) Require corrective action within a certain timeframe and, if not corrected in that timeframe, remove the towing company from the list,
- (3) Issue a written or verbal warning, or
- (4) Take no action.

(c) A towing company receiving two (2) written warnings in a calendar year shall be immediately removed from the rotating call list, with the suspension beginning on the date the towing company receives notice of the removal.

(d) A towing company may request a reconsideration of a decision made pursuant to this Article by putting the reason for the request in writing and submitting it to the Chief of Police. The Chief of Police or designee shall review the request and issue a written decision on the request within seven (7) business days. A towing company may appeal the decision of the Chief of Police or designee within ten (10) business days by placing the reason for the appeal in writing and delivering the appeal to the City Clerk. The appeal will be heard and decided by the Common Council by way of the Safety and Licensing Committee.

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