



# City of Appleton

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

## Meeting Minutes - Final Safety and Licensing Committee

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Wednesday, April 2, 2014

6:00 PM

Council Chambers, 6th Floor

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### Special

1. Call meeting to order

*The meeting was called to order at 6:00 p.m.*

2. Roll call of membership

*Other present: Deputy Police Chief Olm, Fire Chief Len VanderWyst, Deputy City Attorney Ellen Totzke, City Clerk Peterson, Kathy Flores.  
Aldersperson Trauger arrived at 6:22 p.m.*

**Present:** 4 - Aldersperson Michael Smith, Aldersperson Kathleen Plank, Aldersperson Sarah Garb and Aldersperson Polly Dalton

**Excused:** 1 - Aldersperson Tim Trauger

3. Approval of minutes from previous meeting

*S & L Minutes 3-13-2014*

**Aldersperson Dalton moved, seconded by Aldersperson Garb, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 4 - Aldersperson Smith, Aldersperson Plank, Aldersperson Garb and Aldersperson Dalton

**Excused:** 1 - Aldersperson Trauger

4. **Public Hearings/Apearances**

5. **Action Items**

[14-550](#)

Operator's Licenses

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

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

**Aye:** 4 - Aldersperson Smith, Aldersperson Plank, Aldersperson Garb and Aldersperson Dalton

**Excused:** 1 - Aldersperson Trauger

[14-501](#)

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

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

**Aye:** 4 - Alderson Smith, Alderson Plank, Alderson Garb and Alderson Dalton

**Excused:** 1 - Alderson Trauger

[14-514](#)

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

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

**Aye:** 4 - Alderson Smith, Alderson Plank, Alderson Garb and Alderson Dalton

**Excused:** 1 - Alderson Trauger

[14-531](#)

Fire Department Request to Purchase Air Compressor Equipment.

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

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

**Aye:** 4 - Alderson Smith, Alderson Plank, Alderson Garb and Alderson Dalton

**Excused:** 1 - Alderson Trauger

[14-515](#)

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

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

**Aye:** 4 - Alderson Smith, Alderson Plank, Alderson Garb and Alderson Dalton

**Excused:** 1 - Alderson Trauger

[14-534](#)

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

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

**Aye:** 4 - Alderson Smith, Alderson Plank, Alderson Garb and Alderson Dalton

**Excused:** 1 - Alderson Trauger

[14-536](#)

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

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

**Aye:** 4 - Alderson Smith, Alderson Plank, Alderson Garb and Alderson Dalton

**Excused:** 1 - Alderson Trauger

[14-549](#)

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

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

**Alderson Garb moved, seconded by Alderson Plank, that the Report Action Item be approved as amended. Roll Call. Motion carried by the following vote:**

**Aye:** 4 - Alderson Smith, Alderson Plank, Alderson Garb and Alderson Dalton

**Excused:** 1 - Alderson Trauger

*Amendment #1: "Contingent upon expiration on April 6, 2014"*

**Alderson Garb moved, seconded by Alderson Plank, that the Report Action Item be amended. Roll Call. Motion carried by the following vote:**

**Aye:** 4 - Alderson Smith, Alderson Plank, Alderson Garb and Alderson Dalton

**Excused:** 1 - Alderson Trauger

[14-398](#)

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

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

**Aye:** 4 - Alderson Smith, Alderson Plank, Alderson Garb and Alderson Dalton

**Excused:** 1 - Alderson Trauger

[14-535](#)

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

**Alderson Plank moved, seconded by Alderson Garb, that the Report Action Item be recommended for denial. Roll Call. Motion carried by the following vote:**

**Aye:** 4 - Alderson Smith, Alderson Plank, Alderson Garb and Alderson Trauger

**Nay:** 1 - Alderson Dalton

[14-235](#)

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

#4-R-14/Coenen -

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

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

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

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

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

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

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

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

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

**Alderson Dalton moved, seconded by Alderson Trauger, that the Report Action Item be approved, as amended. Roll Call. Motion carried by the following vote:**

**Aye:** 5 - Alderson Smith, Alderson Plank, Alderson Garb, Alderson Trauger and Alderson Dalton

**AMENDMENT #1:**

*2nd Paragraph: strike the word "housing".*

*3rd Paragraph: strike the language "to age, color, family status, gender identity and/or gender expression, marital status, national origin/ancestry, race, religion, color, persons with disability, sex, sexual orientation, source of lawful income or victims of domestic violence, sexual assault or stalking is a desirable goal of the City of Appleton and a matter of legitimate concern to its government;"*

*Add the language "race, color, creed, religion, national origin, ancestry, age, sex/gender, handicap or disability, arrest/conviction record, marital status, sexual orientation, gender identity and gender expression, political affiliation, results of genetic testing, honesty testing, pregnancy or childbirth, military service, disabled veteran or covered veteran status, service in the U.S. Armed Forces, the State Defense force, National Guard of any state, or any other reserve component of the United States or State military forces"*

*1st Bulletpoint: strike the language "age, color, family status, gender identity and/or gender expression, marital status, national origin/ancestry, race, religion, color, persons with disability, sex, sexual orientation, source of lawful income or victims of domestic violence, sexual assault or stalking."*

*Add the language "race, color, creed, religion, national origin, ancestry, age, sex/gender, handicap or disability, arrest/conviction record, marital status, sexual orientation, gender identity and gender expression, political affiliation, results of genetic testing, honesty testing, pregnancy or childbirth, military service, disabled veteran or covered veteran status, service in the U.S. Armed Forces, the State Defense force, National Guard of any state, or any other reserve component of the United States or State military forces."*

*The added language is currently covered under state law with the exception of gender identity and gender expression.*

**Alderson Dalton moved, seconded by Alderson Trauger, that amendment #1 be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 5 - Alderperson Smith, Alderperson Plank, Alderperson Garb, Alderperson Trauger and Alderperson Dalton

**AMENDMENT #2:**

*2nd Paragraph add the language: "actual or perceived" race, color, creed, religion, national origin, ancestry, age, sex/gender, handicap or disability, arrest/conviction record, marital status, sexual orientation, gender identity and gender expression, political affiliation, results of genetic testing, honesty testing, pregnancy or childbirth, military service, disabled veteran or covered veteran status, service in the U.S. Armed Forces, the State Defense force, National Guard of any state, or any other reserve component of the United States or State military forces is a desirable goal of the City of Appleton and a matter of legitimate concern to its government; and*

*Within the 1st Bullet Point add the language: "actual or perceived" race, color, creed, religion, national origin, ancestry, age, sex/gender, handicap or disability, arrest/conviction record, marital status, sexual orientation, gender identity and gender expression, political affiliation, results of genetic testing, honesty testing, pregnancy or childbirth, military service, disabled veteran or covered veteran status, service in the U.S. Armed Forces, the State Defense force, National Guard of any state, or any other reserve component of the United States or State military forces.*

**Alderperson Garb moved, seconded by Alderperson Plank, that amendment #2 be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 5 - Alderperson Smith, Alderperson Plank, Alderperson Garb, Alderperson Trauger and Alderperson Dalton

## 6. Information Items

[14-552](#)

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

*This request was withdrawn by the applicant.*

[14-554](#)

Special Class "B" Beer License applications filed after the agenda was published.

*None.*

**This Report Action item was presented**

## 7. Adjournment

*The meeting adjourned at 6:43 p.m.*

**Alderperson Garb moved, seconded by Alderperson Dalton, that the meeting be adjourned. Roll Call. Motion carried by the following vote:**

**Aye:** 5 - Alderperson Smith, Alderperson Plank, Alderperson Garb, Alderperson Trauger and Alderperson Dalton