



City of Appleton

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

Meeting Agenda - Final Safety and Licensing Committee

Wednesday, April 2, 2014

6:00 PM

Council Chambers, 6th Floor

Special

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting
4. **Public Hearings/Apearances**
5. **Action Items**
 - 14-535 The Taxicab Driver's License application of Bruce Blau, 913 S. West Avenue, #104.
 - 14-550 Operator's Licenses

Attachments: [Operator's Licenses for 03-27-14 S&L.pdf](#)
 - 14-501 Taxicab Company license application of Fox Valley Taxi and Transportation, Igor Leykin, 719 W. Frances Street, contingent upon approval from all departments.
 - 14-514 Operator's license applications contingent upon completion of the Responsible Beverage Service Course - Kimberly J. Schmidt, 300 W. Foster Street.
 - 14-531 Fire Department Request to Purchase Air Compressor Equipment.

Attachments: [Fire - Request to Purchase Air Compressor.pdf](#)
 - 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. Herandez, Agent, 100 East College Avenue, to add tables and chairs to the beautification strip, contingent upon approvals from all departments.

- 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.
- 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.
- 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.
- 14-549** The Flea Market Application for WI Self Storage, LLC, 1117 West Washington Street, Alex W. Sonleitner, applicant for April 4 & 5, 2014.
- Attachments:** [Flea Market Memo 3-21-2014.pdf](#)
- 14-554** Special Class "B" Beer License applications filed after the agenda was published.
- 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.

Legislative History

3/13/14	Safety and Licensing Committee	recommended for approval
3/19/14	Common Council	referred to the Safety and Licensing Committee

Referred back by Alderperson Plank

- 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

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.
- 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 03-13-2014](#)
[S&L 03-13-2014 for File 14-235 Resolution #4-R-14-Coenen \(Non-Discrimination\)](#)

Legislative History

2/13/14	Safety and Licensing Committee	referred
	<i>Refer to City Attorney's Office</i>	
2/27/14	Safety and Licensing Committee	held
	<i>Held until the March 13, 2014 meeting.</i>	

3/13/14

Safety and Licensing
Committee

held

*This item was held until the March 27, 2014 meeting***6. Information Items****7. Adjournment***Reasonable Accommodations for Persons with Disabilities will be made upon Request
and if Feasible.*

Operator's Licenses for 3/27/14 S & L

Approved

Angela Gaines	1722 S. Peabody Street
Ashley M. Pickerill	117 Main Street, Kimberly
Carly J. VanLaarhoven	N4837 Vine Road, Kaukauna
Elizabeth Marringa	415 S. Olde Oneida Street, 302
Jared S. Ball	2122 Olde Country Circle, Kaukauna
Jason E. Gaul	2255 W. Pershing Street, #12
Jayesh N. Patel	297 S. Main Street, Clintonville
Justin P. Posey	1422 N. Birchwood Avenue
Kurt L. Franceschini	2101 E. Henry Street
Leah J. Hutchens	832 W. 4 th Street
Nick E. Kraemer	1024 N. Bay Ridge Road
Paul J. Hinkel	926 ½ W. Harris Street
Rajnirankar Singh	4052 Cattail Court
Sheng Her Lor	1031 W. Frances Street
Tia Yang Lor	4225 E. Ashbury Drive
Zachary J. Vander Velden	321 W. 8 th Street, Kaukauna



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

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

MEMORANDUM

To: Alderperson Michael Smith, Chair & Safety and Licensing Committee
Members of the Common Council

From: Len Vander Wyst, Fire Chief

Date: March 20, 2014

Re: Request to Purchase Air Compressor and Associated Equipment

As you may recall, the Appleton Fire Department budgeted \$527,900 in the 2013 Capital Improvement Budget for the purchase of self-contained breathing apparatus (SCBAs) and associated respiratory-related equipment. The department was awarded a FEMA Assistance to Firefighter's Grant in the amount of \$265,600 for this purchase, which will offset the cost for the City.

As part of this project, the department sought quotes on a compressed air system, which will be located at Fire Station # Three. This system will allow fire crews to remain closer to their districts at all times when maintaining their respiratory equipment. The equipment quoted is a Mako Air Compressor which is consistent with existing equipment located at Fire Station # One.

The department solicited quotes from three vendors as follows for equipment and installation:

Five Alarm Fire and Safety Equipment, LLC - \$43,640

Bendlin Fire Equipment Co., Inc. - \$44,079

Gardner Denver - \$43,179*

*Gardner Denver did not provide installation costs. Therefore, the Appleton Fire Department is requesting to purchase the air compressor and related equipment from Five Alarm Fire and Safety Equipment, LLC for \$43,640.

If you have any questions or need additional clarification, please contact me at 832-5810. Thank you!



DEPARTMENT OF PUBLIC WORKS

Inspection Division


100 North Appleton Street

Appleton, WI 54911

Phone (920) 832-6411

Fax (920) 832-6464

TO: Safety and Licensing Committee

FROM: Kurt W. Craanen, Inspections Supervisor 

SUBJECT: 1117 W. Washington St. – Flea Market License Application

DATE: March 21, 2014

This building is currently being renovated as an indoor storage facility. Full completion of the renovation is expected by early summer of 2014. All of the renovation work completed to date has been inspected by city building inspectors and has been found to meet all applicable building codes for a storage facility.

The manager of the facility is requesting permission to utilize the remaining open space in the facility for a flea market event, which requires a license from the City. The event organizer has met with various City Departments regarding their specific requirements related to this proposed event and agrees to adhere to all requirements set forth by the City. The event organizer agrees that if a license is granted, it would expire on the day after the event is completed. This license typically remains valid for a two year period.

This is being proposed as an interim use and the building is not approved for an assembly use.

The manager has met with City staff and has agreed that this would be the last such event at this location.



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MEMORANDUM

TO: Safety & Licensing Committee Members

FROM: Kathy Flores – Diversity & Inclusion

CC: Karen Harkness, Community Development Director
Mayor Hanna

DATE: March 6, 2014

RE: **Employment & Accommodations Nondiscrimination Ordinance**

Over the past year, I've had dozens of conversations about the importance of protecting all people from discrimination. And nearly every conversation starts with people saying how shocked and surprised they are when they learn that today, in 2014, it is still legal to fire a hardworking employee from their job simply because they are transgender or gender nonconforming.

Under current state law, employers may not fire or demote an employee or deny employment or work shifts to a qualified employee based on an individual's race, color, creed, religion, national origin, sex, age, marital status, disability, sexual orientation and other identities. So, it is hard to believe that in 2014, transgender and gender nonconforming workers and community members are still not protected from this kind of discrimination under state or federal law, but it is true.

A vibrant, welcoming, successful and productive city is made possible by the talents, contributions and well-being of its diverse residents. We desire that the City of Appleton adopt a policy and then draft an ordinance so that the equal rights of all those who live and work in the city are assured and that equal rights and equal opportunities within the context of the larger commercial and social fabric of the Appleton community are promoted.

Here in Appleton, we believe in freedom and equality for all. With that freedom comes responsibility to protect all our residents from discrimination.

One avenue communities use to combat discrimination is through fair and equality housing, employment and accommodation laws. Seventeen states and more than 100 cities across America – including Madison and Milwaukee – have already passed similar nondiscrimination protections and implemented them successfully. Currently, Appleton does have fair housing laws in place, but we lack laws protecting everyone from employment and accommodation discrimination.

By adding nondiscrimination policies, the City of Appleton has a new tool to help protect our citizens from incidences of discrimination. The addition of an Appleton nondiscrimination ordinance will modernize the city's laws to ensure that all people, including transgender and gender nonconforming

individuals, will be protected from discrimination.

In addition to employment law, adding an accommodations piece to this law allows every customer to be treated equally as well.

It is time for the law to change so every customer and every worker, including those who are transgender or gender nonconforming, are judged by the content of their character – nothing more, nothing less. It's about striking a balance. We can give everyone an equal opportunity to live, work and enjoy Appleton.

We have been asked some questions from members of the Safety and Licensing Committee. I include those questions that were not answered in the memo.

Question: How would we enforce this ordinance?

Answer: Most communities with these protections have an equality commission established to work on issues of housing, employment and accommodations. It is my recommendation that Appleton create an equal opportunity oversight committee/commission for this purpose. That oversight committee would make recommendations to the Safety and Licensing Committee for further action. This committee/commission would consist of community members appointed by the Mayor who have experience in these issues. It would then be enforced similar to other violations.

Question: I would like an expanded understanding of what the meanings and implications are, in regard to the legal concerns to "family status, national origin/ancestry, source of lawful income or victims of domestic violence, sexual assault or stalking."

Answer: That language came from the Fair Housing ordinance. Fair Housing laws are often different than employment and accommodation laws. It is the suggestion of staff that our ordinance reflect our own internal policy language that follows State employment laws with the addition of Gender Identity and/or Gender Expression as a protected class.

The suggested City policy language for protected classes comes from our internal equal opportunity hiring policy.

It is the official policy of the City of Appleton to provide equal employment opportunities for all qualified and qualifiable persons without regard to 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, use or nonuse of lawful products off the employer's premises during non-working hours, or any other non-merit factors, except where such factors constitute a bona fide occupational qualification or substantially relate to the circumstances of a particular job or licensed activity, and with proper regard for privacy and constitutional rights as citizens.

Question: What is the city's exposure increased lawsuits if someone determines that the city did not perform or respond appropriately to this ordinance?

Answer: Communities do not become defendants if they don't feel there isn't enough evidence to enforce a fine. An individual can still go through the court system against the business or person they feel discriminated against them, but like other ordinance violations, the city renders its decision through Safety and Licensing and those receiving the result would go through the same process as any other ordinance.

If you have any questions or comments, I welcome you to contact me at (920) 832-1564 or email at Kathy.flores@appleton.org.



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LEGAL SERVICES DEPARTMENT

Office of the City Attorney


100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

TO: Alderperson Mike Smith
Members of the Safety and Licensing Committee

FROM: James P. Walsh, City Attorney 

DATE: March 10, 2014

RE: Resolution #4-R-14/Coenen

The above Resolution was referred by the Committee to this office for information regarding which aspects of the resolution may be covered by either federal or State of Wisconsin law. Our comments follow.

There are a number of federal laws relating to employment discrimination. The primary provisions arise from Title VII of the Civil Rights Act of 1964. That act prohibits employment discrimination based on race, color, religion, sex or national origin. A great deal of case law has developed around what specifically those terms include, but it is also instructive to note that other issues have been addressed through legislation. Those include age discrimination, qualified persons with disabilities, discrimination based on genetic information are all issues addressed by federal law.

Likewise the State of Wisconsin has adopted fair employment statutes which cover similar areas but the State has also expanded its coverage. Wisconsin's fair employment laws can be found in §111.31 through §111.395 of the Wisconsin Statutes. The more extensive provisions of the Wisconsin Statutes address unfair discrimination in employment based on age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, arrest record, conviction record, military service, use or nonuse of lawful products off the employer's premises during non-working hours, or declining to attend a meeting or to participate in any communication about religious matters or political matters, and that such discrimination substantially and adversely effects the general welfare of the state. Wisconsin Statutes §111.31(1). There are also provisions in the Wisconsin Statutes which address things such as honesty testing, the results of genetic testing, service in the U.S. armed forces, the State defense force, or the National Guard of any state.

The federal prohibition against discrimination in places of public accommodation is addressed in 42 U.S. Code 2000A, inter alia. Similar to the employment discrimination, that section provides protection against discrimination based on race, color, religion, or national origin.

The State of Wisconsin has likewise added a prohibition on discrimination in places of public accommodation in §106.52 of the Wisconsin Statutes. That section prohibits discrimination based

Alderpersion Mike Smith
Members of the Safety and Licensing Committee
March 10, 2014

on sex, race, color, creed, disability, sexual orientation, national origin or ancestry. The administration of these provisions in Wisconsin is the Department of Workforce Development.

There is no provision in either state or federal law which precludes the City of Appleton from adopting the resolution proposed. All “classifications” identified in the resolution are found within Wisconsin or federal law with the exception of gender identity and/or gender expression.

Hopefully this information is of assistance to the Committee. If you have any questions in this regard, please do not hesitate to contact me.

JPW:jls