



City of Appleton

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

Meeting Agenda - Final-revised Safety and Licensing Committee

Wednesday, January 10, 2018

5:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

2. Roll call of membership

3. Approval of minutes from previous meeting

[17-2035](#) Approval of minutes from previous meeting

Attachments: [S&L Minutes 12-13-17.pdf](#)

4. **Public Hearings/Apearances**

5. **Action Items**

[17-2037](#) Operator's License application of Cueren M. Egeland, W750 County Road VV, Seymour

Attachments: [Cueren M. Egeland.pdf](#)
[SL Denial 1-10-18.pdf](#)

[17-2041](#) Operator Licenses

Attachments: [Operator's Licenses for 1-10-18 S & L.pdf](#)

[18-0020](#) "Class A" Liquor License application of Fishtail LLC, Buddi S. Subedi, 415 S. Memorial Drive, contingent upon approval from all departments.

Attachments: [Memorial Petroleum.pdf](#)

[17-2032](#) "Class B" Beer/Liquor License application of Tudy Wilder LLC, d/b/a Wilder's Bistro, 2639 S. Oneida St. Suite 1, Terrance A. Wilder, Agent, contingent upon approval from all departments.

Attachments: [Wilder's Bistro application.pdf](#)

[18-0003](#) "Class B" Beer/Liquor License temporary change of premise description of Dairyland Brew Pub, Dorri Schmit, 1216 E. Wisconsin Avenue, January 27, 2018 or February 10, 2018, contingent upon approval from all departments.

Attachments: [Change of Description - Dairyland Brew Pub.pdf](#)

[17-2033](#) Class "B" Beer License application of McFleshman's Brewing Co LLC, Bobby L. Fleshman, Agent, 115 S. State St., contingent upon approval from all departments.

Attachments: [McFleshmans Brewing Co application.pdf](#)

[17-2034](#) Secondhand Article Dealer License Renewal application of The Attique Resale, James A. Boylan, 415 N. Oneida Street, contingent upon approval from all departments.

[18-0034](#) Secondhand Article Dealer License Renewal application of Heid Music, Kristin J. Masarik, Applicant, 308 E. College Avenue, contingent upon approval from all departments.

[17-2025](#) Special Class "B" Beer License application change of event date of Thompson Center on Lourdes in St. Bernadette, Marilyn J. Peterson, Applicant, 2331 E. Lourdes Dr., change to July 13, 2018.

[17-2036](#) Special Class "B" Beer License applications filed after the agenda was published

[17-1479](#) Resolution #18-R-17; Resolution Reaffirming the Public Safety Function of Local Law Enforcement

Attachments: [Resolution 18-R-17.pdf](#)

[Compiled Questions with Responses - FINAL 10-25-17.pdf](#)

Legislative History

9/27/17 Safety and Licensing Committee referred
The Initial Motion for discussion was withdrawn by Meltzer. Konetzke requested that the item be referred to the attorney's office for legal review.

The following members of the public spoke on this item:

Jeanne Roberts, 1110 E Florida Ave

David Haas, 1700 E Byrd St

Stevie Schmidt

Tania Shook, 1901 N Edgewood Ave

Ed Collector, W6366 Fire Ln 8, Menasha - Calumet County Supervisor

Tim Ste. Marie, 1407 N Lynndale Dr

Brian Farmer, 839 E Washington St.

Penny Robinson, 708 S Weimar St.

Pasalouisa Hernandez, 124 E Taft Ave

Katie Reiser, 924 E Winnebago St.

Chuck Schmidt, 717 N Richmond St.

Emma Reiser, 531 N Ida St.

Nick Ross, 426 E Atlantic St.

10/25/17 Safety and Licensing Committee held
Held until January 10th Safety & Licensing Committee meeting.

[17-1684](#)

Resolution #22-R-17; Resolution regarding The Social Station and Alcohol Consumption

Attachments: [Resolution #22-R-17 Social Station.pdf](#)

[22-R-17; Alcohol Consumption on the Social Station MEMO to SL_.pdf](#)

[Green Bay Ordinance- Comm. Quadricycle.pdf](#)

[Commercial Quadricycle Resolution Options S&L 1-9-18.pdf](#)

Legislative History

10/25/17 Safety and Licensing Committee held
Held until the next Safety & Licensing Committee meeting potentially on November 15th.

11/15/17 Safety and Licensing Committee held

11/15/17 Common Council held
This item was held in Committee. No action was taken on the item.

12/13/17 Safety and Licensing Committee recommended for approval

12/13/17 Safety and Licensing amended
Committee

The following substitution amendment was made to the Resolution:

NOW THEREFORE BE IT RESOLVED, Commercial Quadricycles be permitted to have passengers who are of the age of twenty-one (21) or older possess up to thirty-six (36) fluid ounces of malt beverages per person. Commercial Quadricycles may only operate until 10:30 PM daily and only operate on approved routes.

12/20/17 Common Council referred to the Safety and Licensing
Committee

6. Information Items

[17-2039](#) Police Department information on liquor law violation convictions

[17-2040](#) Director's Reports:
City Clerk
 - Election Equipment Deployment Update
 - Spring Primary & Spring Election Information
 - Granicus Livestream Video Issues
Fire Chief
 - Driver Engineer Jim Biersteker retired (1-2-18)
 - New Engine delivery date 1-22-18; Pierce event 1-27-18 at Expo
Center

Police Chief
 - Hiring update, retirements
 - Community Survey update

Attachments: [Police Weekly Report - Week 45.pdf](#)

[18-0050](#) Police Table of Organization Proposal

Attachments: [Police Table of Organization Proposal.pdf](#)

7. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.



City of Appleton

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

Meeting Minutes - Final Safety and Licensing Committee

Wednesday, December 13, 2017

5:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

The meeting was called to order by Chair Lobner at 5:30 p.m.

2. Roll call of membership

Present: 5 - Lobner, Konetzke, Meltzer, Williams and Croatt

3. Approval of minutes from previous meeting

[17-1888](#)

Approval of minutes from previous meeting

Attachments: [S&L Minutes 11-15-17 Special.pdf](#)

Konetzke moved, seconded by Meltzer, that the Minutes be approved. Roll Call. Motion carried by the following vote:

Aye: 5 - Lobner, Konetzke, Meltzer, Williams and Croatt

4. Public Hearings/Appealances

5. Action Items

[17-1848](#)

Operator License application of Brian R. Beyer, 1014 S. Lawe Street.

Attachments: [Brian R. Beyer.pdf](#)
[SL Denials 12-13-17.pdf](#)

Mr. Beyer was in attendance and addressed the Committee.

Doris, a co-owner of Gingerootz was in attendance and spoke in favor of Mr. Beyer receiving his license.

Konetzke moved, seconded by Meltzer, that the Operator License be recommended for approval. Roll Call. Motion failed by the following vote:

Aye: 2 - Konetzke and Meltzer

Nay: 3 - Lobner, Williams and Croatt

Lobner moved, seconded by Croatt, that the Operator License be recommended for denial. Roll Call. Motion carried by the following vote:

Aye: 3 - Lobner, Williams and Croatt

Nay: 2 - Konetzke and Meltzer

[17-1547](#)

Resolution #19-R-17; Resolution regarding Trick-or-Treat hours

Attachments: [#19-R-17 Trick-or-Treat Hours.pdf](#)

A substitute was offered to the Resolution changing the hours to 4 p.m. - 7 p.m.

Lobner moved, seconded by Meltzer, that the Resolution be approved with the hours amended to 4 p.m. to 7 p.m. Roll Call. Motion failed by the following vote:

Aye: 1 - Williams

Nay: 4 - Lobner, Konetzke, Meltzer and Croatt

Croatt moved, seconded by Konetzke, that the Resolution be received and filed. Roll Call. Motion carried by the following vote:

Aye: 3 - Konetzke, Meltzer and Croatt

Nay: 2 - Lobner and Williams

[17-1684](#)

Resolution #22-R-17; Resolution regarding The Social Station and Alcohol Consumption

Attachments: [Resolution #22-R-17 Social Station.pdf](#)
[22-R-17; Alcohol Consumption on the Social Station MEMO to SL .pdf](#)

The following substitution amendment was made to the Resolution:

NOW THEREFORE BE IT RESOLVED, Commercial Quadricycles be permitted to have passengers who are of the age of twenty-one (21) or older possess up to thirty-six (36) fluid ounces of malt beverages per person. Commercial Quadricycles may only operate until 10:30 PM daily and only operate on approved routes.

Konetzke moved, seconded by Croatt, that the Resolution be amended. Roll Call. Motion carried by the following vote:

Aye: 4 - Lobner, Konetzke, Williams and Croatt

Nay: 1 - Meltzer

Konetzke moved, seconded by Lobner, that the Resolution be recommended for approval as amended with the substitution language. Roll Call. Motion carried by the following vote:

Aye: 4 - Lobner, Konetzke, Williams and Croatt

Nay: 1 - Meltzer

[17-1883](#)

Request to sole source the purchase of Genesis heavy rescue equipment from Reliant Fire Aparatus

Attachments: [Authorization to Purchase Heavy Rescue Equipment - Single Source.pdf](#)

Croatt moved, seconded by Konetzke, that the Sole Source Purchase be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 5 - Lobner, Konetzke, Meltzer, Williams and Croatt

Balance of the action items on the agenda.

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

Aye: 5 - Lobner, Konetzke, Meltzer, Williams and Croatt

[17-1885](#)

Operator's Licenses

Attachments: [Operator's Licenses for 12-13-17 S & L.pdf](#)

This Report Action Item was recommended for approval

[17-1832](#)

Reserve "Class B" Beer/Liquor License application of Appleton Holdings LLC d/b/a Fox Cities Exhibition Center, Jay J. Schumerth, Agent, 355 W. Lawrence St., contingent upon approval from all departments.

Attachments: [Appleton Holdings LLC.pdf](#)

This Report Action Item was recommended for approval.

[17-1847](#)

Class "A" Beer/Cider License application of Kavva Gas Inc., Jayant Patel, Agent, 1201 N. Badger Ave., contingent upon approval from all departments.

Attachments: [Kavva Gas Inc application.pdf](#)

This Report Action Item was recommended for approval.

[17-1850](#)

Class "B" Beer and "Class C" Wine License application of Bowl Ninety-One LLC, Thong Vue, Agent, 100 E. College Ave., contingent upon approval from all departments.

Attachments: [Bowl Ninety-One LLC application.pdf](#)

This Report Action Item was recommended for approval.

[17-1865](#)

"Class C" Wine License application of King Brokerage Ltd d/b/a Outer Edge Stage, Lyssa M. King, Agent, 303 N. Oneida St., contingent upon approval from all departments.

Attachments: [King Brokerage LTD Wine application.pdf](#)

This Report Action Item was recommended for approval.

[17-1753](#)

"Class A" Beer/Liquor License Change of Agent of Dolgencorp LLC d/b/a Dollar General Store #6535, Anthony W. Hawks, Agent, 1320 W. Wisconsin Ave., contingent upon approval from the Police Department.

This Report Action Item was recommended for approval.

[17-1912](#)

"Class B" Beer/Liquor Licenses (4) Change of Agent of Appleton Holdings, LLC d/b/a Radisson Paper Valley Hotel 333 W. College Ave. and Reserve "Class B" Beer/Liquor License of Appleton Holdings, LLC d/b/a Fox Cities Exhibition Center, 355 W. Lawrence St., Brian A. Eschenbauch, Agent, contingent upon approval from the Police Department.

This Report Action Item was recommended for approval.

[17-1893](#)

Reserve "Class B" Beer/Liquor License Change of Agent of El Jariepo Appleton LLC, d/b/a El Jariepo, Oscar A. Sandoval Rosales, Agent, 3401 E. Evergreen Dr., contingent upon approval from the Police Department.

This Report Action Item was recommended for approval.

[17-1776](#)

"Class A" Beer/Liquor License Change of Agent of Walgreen Co. d/b/a Walgreens #07323, Richard Varick, Agent, 3330 E. Calumet St., contingent upon approval from the Police Department.

This Report Action Item was recommended for approval.

[17-1846](#)

"Class B" Beer/Liquor License temporary change of premise description of MIP LLC, d/b/a McGuinness Irish Pub, Christopher A. Meyer, Agent, 201 S. Walnut St., March 15-18, 2018 and August 2-5, 2018, contingent upon approval from all departments.

Attachments: [Change of Description-McGuinness Irish Pub 2018.pdf](#)

This Report Action Item was recommended for approval.

[17-1839](#) Special Class "B" Beer/Wine License application of Littlest Tumor Foundation, Tracy M. Wirtanen, Person in Charge, 210 W. College Ave., February 10, 2018, contingent upon approval from all departments.

Attachments: [Littlest Tumor Foundation application.pdf](#)

This Report Action Item was recommended for approval.

[17-1890](#) Special Class "B" Beer License applications filed after the agenda was published

No applications were filed.

[17-1901](#) Secondhand Article Dealer License application of Attic on the Ave, Shaine M. Werth, Applicant, 506 W. College Ave., contingent upon approval from all departments.

This Report Action Item was recommended for approval.

[17-1823](#) Secondhand Article Dealer 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 recommended for approval.

[17-1858](#) Secondhand Article Dealer License Renewal application of Warehouse Office Products, Jeffrey S. Lemery, Applicant, 1825 N. Richmond St., contingent upon approval from all departments.

This Report Action Item was recommended for approval.

[17-1859](#) Secondhand Article Dealer License Renewal application of Kay Jewelers #4739, Megan L. Stepniewski, Applicant, 3845 E. Calumet St., contingent upon approval from all departments.

This Report Action Item was recommended for approval.

[17-1867](#) Secondhand Article Dealer License Renewal application of Richmond Resale LLC, Dean M. Vandenhoy, Applicant, 204 N. Richmond St., contingent upon approval from all departments.

This Report Action Item was recommended for approval.

[17-1870](#)

Secondhand Article Dealer License Renewal application of Scooter G Sports, Scott A. Gonnering, Applicant, 621 W. Northland Ave., Ste A., contingent upon approval from all departments.

This Report Action Item was recommended for approval.

[17-1871](#)

Secondhand Article Dealer License Renewal application of Beatnik Betty's Resale Butik, Monika L. Austin, Applicant, 214 E. College Ave., contingent upon approval from all departments.

This Report Action Item was recommended for approval.

[17-1903](#)

Secondhand Article Dealer 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 recommended for approval.

[17-1904](#)

Secondhand Article Dealer License Renewal application of Replay Toys, Chris L. Freimuth, Applicant, 127 E. Wisconsin Ave., contingent upon approval from all departments.

This Report Action Item was recommended for approval.

[17-1906](#)

Secondhand Article Dealer License Renewal application of Side Quest Gaming LLC, John J. Steudel, Applicant, 502 W. College Ave., contingent upon approval from all departments.

This Report Action Item was recommended for approval.

[17-1908](#)

Secondhand Article Dealer 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 recommended for approval.

[17-1910](#)

Secondhand Article Dealer License Renewal application of Game Stop #3349, Troy Crawford, Applicant, 2640 W. College Ave., contingent upon approval from all departments.

This Report Action Item was recommended for approval.

[17-1911](#) Secondhand Article Dealer License Renewal application of Game Stop #5520, Troy Crawford, Applicant, 3825 E. Calumet St., #500., contingent upon approval from all departments.

This Report Action Item was recommended for approval.

[17-1988](#) Secondhand Article Dealer License Renewal application of Tiffani's Bridal & Consignment, Tiffani R. Ebben, Applicant, 1314 W. College Ave. #6, contingent upon approval from all departments.

This Report Action Item was recommended for approval.

[17-1797](#) Secondhand Jewelry Dealer License Renewal application of Avenue Jewelers, Jason A. Druxman, Applicant, 303 E. College Ave., contingent upon approval from all departments.

This Report Action Item was recommended for approval.

[17-1861](#) Secondhand Jewelry Dealer 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 recommended for approval.

[17-1866](#) Secondhand Jewelry Dealer 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 recommended for approval.

[17-1868](#) Secondhand Jewelry Dealer 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 recommended for approval.

[17-1869](#) Secondhand Jewelry Dealer 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 recommended for approval.

6. Information Items

[17-1975](#)

Annual Review of Towing Fees

The Towing Fee Policy was reviewed with no recommended changes.

[17-1697](#)

Special Events:

The Trout Museum Light Up Night - Houdini Plaza - November 10, 2017
Sculpture Valley, Inc. - Rededication of the American Doughboy - March
from Memorial Drive to Courthouse - November 11, 2017

Bar Crawl Events, LLC - 12 Bars of Christmas Bar Crawl - Various
taverns - December 9, 2017

10th Annual Festival Foods Turkey Trot - downtown district - November
23, 2017

Creative Downtown, Inc. - Holiday Fun Fest - Washington Square -
December 16, 2017

[17-1889](#)

Police Department information on liquor law violation convictions

[17-1891](#)

Director's Reports:

City Clerk

- New Election Equipment
- Candidate Filings

Fire Chief

- Update on Engine order for 2017 (Tentative delivery date of January
4th)

- Update on Engine order for 2018

- Received retirement notice for Driver Engineer Jim Biersteker
(January 2, 2018-last day)

- DC Baker/Sharon B. System Admin Training with Spillman CAD

System

- Citizens Public Safety Graduation night - Tuesday, September 5th

- Fire Alarm Companies at Station 1 (Great attendance - workshop)

- Kyle Zuleger Recruit Grad. Held on November 17th-currently a
firefighter on "A" shift and started shift work on Thanksgiving Day

- Station #4 Update

Police Chief

- Hiring update

- Goatees for good

7. Adjournment

Konetzke moved, seconded by Croatt, that the meeting be adjourned at 6:38 p.m. Roll Call. Motion carried by the following vote:

Aye: 5 - Lobner, Konetzke, Meltzer, Williams and Croatt



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

**LICENSE APPLICATION for
OPERATOR'S (BARTENDER'S) LICENSE**

FEES ARE NON-REFUNDABLE

Date Rec'd 12/14/17

☐ Operator License \$60.00 Acct. 11030.4307
☒ Operator License \$75.00 Acct. 11030.4307
plus a provisional
☒ Investigation fee 82 \$ 7.00 Acct. 100.2359
Total fee paid \$ 82 Receipt 4768002

☒ Original Application

☐ Renewal - License # _____

SECTION 1 - APPLICANT INFORMATION

Applicant Name (Last, First, MI) <u>Egeland, Curren, M</u>		Maiden	
Street Address <u>W750 County Rd U</u>	City <u>Seymour</u>	State <u>WI</u>	Zip <u>54165</u>
Driver's License Number/State Identification Number		State License Issued In: <u>WI</u>	
Date of Birth	Sex <u>M</u>	Home Phone Number	Cell phone Number
Name and Address of Establishment you will be selling alcohol <u>105 W</u> <u>Mobil Fox convenient, Northland ave, Appleton, WI, 54111</u>			

SECTION 2 - CONVICTION RECORD - NEW APPLICANT: You are required to list each and every violation and/or offense for which you have been convicted. Failure to provide complete answers may result in a denial of your application.

Have you EVER had an Operator's (Bartender's) License? YES NO
If Yes; where? _____
Have you EVER been convicted of a felony? YES NO
If Yes; when, where and what type of violation? (Please be specific) _____

Have you EVER been convicted of a misdemeanor or ordinance violation? YES NO
If Yes; when, where and what type of violation? (Example: speeding, OWI) several driving related
in different years

SECTION 2 - CONVICTION RECORD - RENEWAL APPLICANT: List any pending charges, citations, tickets and all convictions since last license application. Failure to provide complete answers may result in a denial of your application.

Have you EVER had an Operator's (Bartender's) License? YES NO
If Yes; where? _____
Have you been convicted of a felony since last license application? YES NO
If Yes; when, where and what type of violation? (Please be specific) _____

Have you been convicted of a misdemeanor or ordinance violation since last license application? YES NO
If Yes; when, where and what type of violation? (Example: speeding, OWI) _____

SECTION 3 - PENALTY NOTICE

Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge and belief.

Signature: Curren Egeland

FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
POLICE		<u>X</u>	<u>Miller</u>	
Date sent to APD <u>12-14-17</u>	Scheduled FVTC Class	Class Completion Date <u>12-14-17</u>	Current other license: Muni _____ # _____	
Safety and Licensing	Common Council	Date Issued	Expiration Date	License Number

Last increase adopted 11-21-2012 Reasonable accommodations for persons with disabilities will be made upon request and if feasible.

Return application to: City Clerk, 100 N. Appleton Street, Appleton, WI 54911-4799

Appleton Police - Consideration for Denial
(electronic copy sent to LT Miller and Kami Lynch)

Applicant	License Type	Offense	Type	Offense Date	Conviction Date
Cueren M Egeland 11/10/93	Bartender	No Insurance	Ordinance	11/04/12	12/26/12
		Operate After Revocation	Ordinance	11/08/12	12/26/12
		Operate After Revocation	Ordinance	01/03/13	02/15/13
		Operate After Revocation	Ordinance	01/05/13	02/13/13
		No Insurance	Ordinance	01/05/13	02/13/13
		Operate After Revocation	Ordinance	02/23/13	04/24/13
		Underage Alcohol	Ordinance	04/24/13	07/03/13
		Operate After Revocation	Ordinance	06/20/13	07/16/13
		Operate After Revocation	Ordinance	05/03/14	06/24/14
		Reckless Driving	Ordinance	07/07/14	09/10/14
		Speeding	Ordinance	07/07/14	09/10/14
		Operate After Revocation	Ordinance	07/07/14	09/10/14
		No Insurance	Ordinance	07/07/14	09/10/14
		Resisting or Obstructing an Officer	Misdemeanor	10/20/14	04/07/15
		Bail Jumping	Misdemeanor	01/21/15	04/07/15
		Operate After Revocation	Ordinance	05/10/15	07/22/15
		No Proof of Insurance	Ordinance	12/04/15	01/27/16
		Unregistered Vehicle	Ordinance	12/04/15	01/27/16
		BAC	Ordinance	12/11/15	01/28/16
		Failure to Report Accident	Ordinance	12/11/15	03/03/16
		OWI	Ordinance	12/11/15	03/03/16
		Operate After Revocation	Ordinance	12/11/15	03/03/16
		Fail to Carry License	Ordinance	08/27/17	12/13/17

Operator's Licenses for 1/10/18 S & L

Approved

Shannon J. Alcala

Ian M. Chaudoir

Tyler J. Cook

Katie DePrycker

Jaclyn E. Ewald

Katie L. Feucht

Bridget L. Friel

Brandi J. Hughes

Cindi L. Jackman

Anthony I. Mahosky

Shannon M. Mihalic

Gaoshang Moua

Chloe M. Olson

Brittany Rysdam

Kathleen M. Schmidt

Aaron L. Staeger

Jessica J. Wilcox

W2746 Brookhaven Drive

1924 S. Jackson Street

1403 ½ N. Morrison Street

1356 Edgewood Drive, Kaukauna

1505 Waterford Drive, Green Bay

W2534 Block Road

222 Water Street, Menasha

1111 S. Madison Street

810 Marquette Street, Menasha

W2642 Barney Court

115 Green Meadows Street, Neenah

2530 S. Kerry Lane

1020 N. Division Street

862 Sixth Street, Menasha

123 E. Tobaconoir Street, Kaukauna

2420 E. Peter Street, #5

224 Olde Pulley Lane, #O, Menasha

4789821

452655890

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning July 1 20 17 ;
ending June 30 20 18TO THE GOVERNING BODY of the: ☐ Town of
☐ Village of } Appleton
☒ City ofCounty of Outagamie Aldermanic Dist. No. _____ (if required by ordinance)

1. The named
- ☐
- INDIVIDUAL
- ☐
- PARTNERSHIP
- ☒
- LIMITED LIABILITY COMPANY
-
- ☐
- CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name):
- Fishtail LLC

Applicant's WI Seller's Permit No.: <u>456102736678102</u>		FEIN Number: _____	
LICENSE REQUESTED			
TYPE	FEE		
<input type="checkbox"/> Class A beer	\$		
<input type="checkbox"/> Class B beer	\$		
<input type="checkbox"/> Class C wine	\$		
<input checked="" type="checkbox"/> Class A liquor	\$		
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A		
<input type="checkbox"/> Class B liquor	\$		
<input type="checkbox"/> Reserve Class B liquor	\$		
<input type="checkbox"/> Class B (wine only) winery	\$		
Publication fee	\$ <u>160</u>		
TOTAL FEE	\$		

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

	Title	Name	Home Address	Post Office & Zip Code
President/Member	<u>Member</u>	<u>Buddi S. Subedi</u>	<u>3045 W. Winnipeg St</u>	<u>Menasha, WI</u>
Vice President/Member				
Secretary/Member				
Treasurer/Member				
Agent		<u>Buddi S. Subedi</u>		
Directors/Managers				

3. Trade Name
- Memorial Petco
- Business Phone Number
- 9208091210
-
4. Address of Premises
- 415 South Memorial Dr.
- Post Office & Zip Code
- 54911

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? ☒ Yes ☐ No
6. Is the applicant an employee or agent of, or acting on behalf of anyone except the named applicant? ☐ Yes ☒ No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? ☐ Yes ☒ No
8. (a) **Corporate/limited liability company applicants only:** Insert state WI and date _____ of registration.
(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? ☐ Yes ☒ No
(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? ☒ Yes ☐ No

(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)
- Existing serve inside the building.

10. Legal description (omit if street address is given above): _____

11. (a) Was this premises licensed for the sale of liquor or beer during the past license year?
- ☒
- Yes
- ☐
- No
-
- (b) If yes, under what name was license issued?
- Fishtail LLC

12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5d) before beginning business? [phone 1-800-937-8864]
- ☒
- Yes
- ☐
- No

13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776].
- ☒
- Yes
- ☐
- No

14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs?
- ☒
- Yes
- ☐
- No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME

this 3 day of January, 20Linda Maus
(Clerk/Notary Public)

NOTARY PUBLIC
LINDA MAUS
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner)
(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

My commission expires Notary Public, State of WisconsinCommission Expires July 23, 2019

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning December 20 17 ;
ending June 30 20 18

TO THE GOVERNING BODY of the: ☐ Town of
☐ Village of } APPLETON
☒ City of

County of Winnebago Aldermanic Dist. No. 11 (if required by ordinance)

1. The named ☐ INDIVIDUAL ☐ PARTNERSHIP ☒ LIMITED LIABILITY COMPANY
☐ CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): TUDY WILDER LLC

Applicant's WI Seller's Permit No.: <u>456-1030203052-02</u> FEIN Number: <u>82-3458952</u>	
LICENSE REQUESTED	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input checked="" type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$
TOTAL FEE	\$

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

	Title	Name	Home Address	Post Office & Zip Code
President/Member	<u>OWNER</u>	<u>TERRANCE WILDER</u>	<u>1607 MT. VERNON ST</u>	<u>54401</u>
Vice President/Member				
Secretary/Member				
Treasurer/Member				
Agent		<u>TERRANCE A. WILDER</u>		
Directors/Managers				

3. Trade Name WILDER'S BISTRO Business Phone Number (920) 840-6333
4. Address of Premises 2639 S. ONEIDA ST. SUITE 1 Post Office & Zip Code 54415

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? ☐ Yes ☒ No
6. Is the applicant an employee or agent of, or acting on behalf of anyone except the named applicant? ☐ Yes ☒ No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? ☐ Yes ☒ No
8. (a) Corporate/limited liability company applicants only: Insert state WI and date 11/20/17 of registration.
(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? ☐ Yes ☒ No
(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? ☐ Yes ☒ No
(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages, may be sold and stored only on the premises described.) ALCOHOL WILL BE STORED IN THE BAR AREA AND IN A COOLER IN

10. Legal description (omit if street address is given above):
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ☒ Yes ☐ No
(b) If yes, under what name was license issued? MOJITOS & DRAFT CRAFT PUB
12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5d) before beginning business? [phone 1-800-937-8864] ☒ Yes ☐ No
13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776]. ☒ Yes ☐ No
14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME this 15 day of December, 2017
Cathy Bolwerk
(Clerk/Notary Public) CATHY BOLWERK
My commission expires Notary Public, State of Wisconsin
My Commission Expires January 23, 2021

Jeanne ML
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner)
(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>12-15-17</u>	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	



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

18-0003

**REQUEST for
Beer/Liquor License
Premise Amendment**

FEES ARE NON-REFUNDABLE

Date Recv'd 1/3/18

License Fee \$ 10.00

Acct. 11030.4306

Receipt 4789823

SECTION 1 – LICENSE INFORMATION

Name of Establishment

Dairyland Brew Pub

Address of Establishment

1216 E. Wisconsin Ave. Appleton

Name of Agent

Dore Schmidt

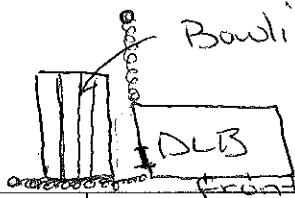
Phone Number

920-903-9708

SECTION 2 – PREMISE AMENDMENT

Please describe the change in premises:

A drawing/diagram of the proposed area must also be submitted with this application



Bowling lanes east side
of building for one day.
East parking lot of building
chained link for no access

Is this change Permanent?

☐ YES

☒ NO

If this is temporary please specify the reason for the amendment:

for one day to have alcohol allowed
outside for "Bowling on Ice" event
chain linked - east door of building used only,

Please list the date(s) and time(s) that this temporary premise amendment will be utilized:

would prefer → Jan. 27, 2018 or 2-10-2018

SECTION 4 – PENALTY NOTICE

I certify that I am familiar with Section 9-52 of the Municipal Code of the City of Appleton and agree that any license granted under this application may be suspended for cause at any time by the Common Council.

Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge and belief.

Signature of Applicant:

Dore Schmidt

FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				
Police				
S&L	<u>1-10-18</u>		Council	<u>1-17-18</u>
			Date Issued	
			Exp. Date	
			License Number	

sent 1-3-18

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning July 1st, 20 17 ;
ending June 30th, 20 18

TO THE GOVERNING BODY of the: ☐ Town of }
☐ Village of } Appleton
☒ City of }

County of Outagamie Aldermanic Dist. No. _____ (if required by ordinance)

Applicant's WI Seller's Permit No. <u>456-1029314691-02</u>		FEIN Number: <u>81-1263864</u>	
LICENSE REQUESTED ▶			
TYPE		FEE	
<input type="checkbox"/> Class A beer		\$	
<input checked="" type="checkbox"/> Class B beer		\$ <u>100.00</u>	
<input type="checkbox"/> Class C wine		\$	
<input type="checkbox"/> Class A liquor		\$	
<input type="checkbox"/> Class B liquor		\$	
<input type="checkbox"/> Reserve Class B liquor		\$	
<input type="checkbox"/> Class B (wine only) winery		\$	
Publication fee		\$ <u>60.00</u>	
TOTAL FEE		\$ <u>160.00</u>	

+7 (background) = \$167.00

1. The named ☐ INDIVIDUAL ☐ PARTNERSHIP ☒ LIMITED LIABILITY COMPANY
☐ CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): McFleshman's Brewing Co., LLC.

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

Title	Name	Home Address	Post Office & Zip Code
President/Member	<u>Owner</u>	<u>Bobby L. Fleshman</u>	<u>421 N. Lawe St., Appleton, WI 54911</u>
Vice President/Member	<u>Owner</u>	<u>Allison M. McCoy Fleshman</u>	<u>421 N. Lawe St., Appleton, WI 54911</u>
Secretary/Member	<u>Owner</u>	<u>Robert D. Fleshman</u>	<u>1189 Fieldview Dr., Menasha, WI 54952</u>
Treasurer/Member	<u>Owner</u>	<u>Jacque L. Fleshman</u>	<u>1189 Fieldview Dr., Menasha, WI 54952</u>
Agent ▶	<u>Owner</u>	<u>Bobby L. Fleshman</u>	<u>421 N. Lawe St., Appleton, WI 54911</u>
Directors/Managers	<u>Office Manager</u>	<u>Cindi L. Fleshman Jackman</u>	<u>810 Marquette St., Menasha, WI 54952</u>

3. Trade Name ▶ McFleshman's Brewing Co., LLC Business Phone Number (920) 903-8002
4. Address of Premises ▶ 115 S. State St., Appleton, WI 54911 Post Office & Zip Code ▶ P.O. Box 2274, Appleton, WI 54912

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? ☒ Yes ☐ No
6. Is the applicant an employee or agent of, or acting on behalf of anyone except the named applicant? ☐ Yes ☒ No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? ☐ Yes ☒ No
8. (a) Corporate/limited liability company applicants only: Insert state Wisconsin and date 4-20-16 of registration.
(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? ☐ Yes ☒ No
(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? ☐ Yes ☒ No
(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)

10. Legal description (omit if street address is given above): Street Address provided 5400 sq. ft building, 900 sq. ft beer garden

11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ☐ Yes ☒ No
(b) If yes, under what name was license issued? NA

12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] ☒ Yes ☐ No

13. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown in Section 2, above? [phone (608) 266-2776] ☒ Yes ☐ No

14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of the license.

SUBSCRIBED AND SWORN TO BEFORE ME

this 18th day of December, 20 17

(Clerk/Notary Public)

My commission expires 12/11/20

Bobby Fleshman
(Officer of Corporation/Member/Manager of Limited Liability Company/Partnership/Agent)

(Officer of Corporation/Member/Manager of Limited Liability Company/Partnership/Agent)

(Additional Partner(s)/Member/Manager of Limited Liability Company/Partnership/Agent)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>12-19-17</u>	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

City of Appleton – **Resolution #18-R-17**

September 20, 2017

Submitted by: Alderperson Meltzer – District 2, Alderperson Baker – District 9, Alderperson Coenen – District 11

Referred to: Safety & Licensing Committee

Resolution Reaffirming the Public Safety Function of Local Law Enforcement

WHEREAS the City of Appleton devotes resources to law enforcement for the purpose of assuring the safety of all persons who reside in or visit our community; and

WHEREAS the power to regulate immigration is exclusive to the federal government and the enforcement of immigration law is a function of the federal government that currently resides with Immigration and Customs Enforcement (ICE) of the Department of Homeland Security; and

WHEREAS no federal law compels the local police to participate in the enforcement of federal immigration law and any such requirement would raise significant anti-commandeering issues under the Tenth Amendment to the Constitution of the United States; and

WHEREAS any perception that the local police are involved in the enforcement of immigration law will undermine the time and energy our police force has spent building trust with the immigrant community, and thereby undermine the ability of the police to keep the community safe; and

WHEREAS it is essential to public safety that every person, regardless of immigration status, who is a victim of or a witness to a crime feels comfortable reporting crimes or aiding in the investigation of crimes -

NOW THEREFORE BE IT RESOLVED THAT IN THE CITY OF APPLETON:

1. Except as necessary for public safety as determined by the Police Chief or designee, or as otherwise required by state or federal law, the Appleton Police Department shall not undertake any law enforcement action for the purpose of detecting the presence of undocumented persons or devote any public resources to the enforcement of federal immigration law.
2. Except as necessary for public safety as determined by the Appleton City Council, the Appleton Police Department shall not enter into any partnership with ICE in order to receive delegated authority for immigration enforcement.

3. This resolution addresses the discretionary use of legal city resources and does not:

(i) Affect or limit the enforcement of federal immigration law by federal authorities within the City of Appleton;

(ii) Affect or limit ICE's Priority Enforcement Program whereby all fingerprints of adults arrested, or juveniles taken into custody, for a crime other than a simple misdemeanor are automatically included in the federal automated fingerprint identification system and cross checked against the ICE database, such that ICE is notified of that person's arrest and detention in the jail; or

(iii) In any way condone, encourage or assist the violation of federal law which makes it a crime for any person to "knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation." (8 U.S.C. Section 1324)

LEGAL SERVICES DEPARTMENT

Office of the City Attorney

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

TO: Kyle Lobner, Chair of the Safety and Licensing Committee
Members of the Safety and Licensing Committee

FROM: Darrin Glad, Assistant City Attorney

DATE: October 25, 2017

RE: Compiled Questions with Responses Regarding Resolution # 18-R-17

Many questions were forwarded to our office within the past week. I have copied and pasted the questions below (in bold) and provided an answer, if known. If an answer was provided by another individual, it is noted accordingly.

I understand from Atty Walsh that there is pending legislation at the state level that would affect the circumstances brought forward in this resolution, wouldn't it be better to wait until we understand the decision at the state level and how that affects us? (Plank)

2017 Senate Bill 275 is currently being considered within the Committee on Labor and Regulatory Reform. If passed, the Bill prohibits municipalities from enacting or enforcing an ordinance, resolution, or policy that prohibits the enforcement of a federal or state law relating to illegal aliens or ascertaining whether an individual has satisfactory immigration status. Penalties for violations include \$1,000/day fine and creates government liability for damages caused by illegal aliens.

Generally speaking, this area of law is not well-settled. As a result, any legislation or administrative policies directing local governments to take part in immigration enforcement or attempts to cut off sources of funding to localities unless they partake in immigration enforcement schemes could face significant challenges in court. As such, there could be significant time delays and costs associated with challenging such legislation and/or policies. If funds were withheld pending litigation, there would also be temporary budgetary losses. Finally, some of the challenges to federal policies would not apply to State legislation, which reduces the overall likelihood of a successful challenge to such legislation.

Wisconsin has three municipalities that have been described as "sanctuary cities": Madison, Milwaukee County, and Racine. It has been reported that Milwaukee County is among 10 locations that the US Justice Department was scrutinizing to determine if they should lose some federal grant money for failing to prove that they were adhering to federal immigration law.

From a risk point of view, it would not open up the city to any risk if we wait and see what happens at the State level; while passing the resolution does open the city up to the possibilities of those exposures in the proposed bill.

James P. Walsh
City Attorney

Christopher R. Behrens
Deputy City Attorney

Amanda Abshire
Assistant City Attorney

Darrin M. Glad
Assistant City Attorney

Regarding the policing resolution and recent action at S&L, I'd like a legal opinion on if this were to pass how it directly impacts any status as a designated sanctuary city (or not). (Croatt)

Based upon my review, "Sanctuary City" is not defined within Wisconsin or federal law. I also note that "sanctuary city" is not used in the resolution.

Because the term "Sanctuary City" is open for definition, is overly broad on its face, and not used in the current proposed resolution, it is difficult to determine whether this resolution would impact any status as a designated "sanctuary city."

Also, I'd really like to know what the 3rd section of the 'be it resolved' section completely means from a legal perspective as it relates to section 1 and 2 and what the APD currently does. (Croatt)

While Sections 1 and 2 detail situations and entities in which the resolution will be controlling, Section 3 sets forth three specific areas that this resolution does not affect. There is, however, an apparent inconsistency in Sections 1 and 3. Section 1 specifically notes that "the Appleton Police Department shall not...devote *any public resources* to the enforcement of federal immigration law" and section 3 states that the resolution "addresses the *discretionary use of legal city resources*." When read together, it appears that the limitation expressed in section 3 for discretionary use of resources controls the entire resolution, including section 1.

Additionally, I'd like to know if this were to pass, and State legislation passes at a later future date, would our municipal policy be no longer enforceable at that point? (Croatt)

That would depend entirely upon what law or laws are passed. Based on the language in 2017 SB 275, if passed as-is, this resolution would be inconsistent with the proposed bill and as such, would not be enforceable – and if enforced, could be subject to a \$1,000/day fine as well as government liability for damages caused by illegal aliens.

I'd like a legal opinion on how approving (or voting for) this resolution conflicts (if it does) with the oath of office for Alderpersons and the oath of office for any Police Officer. It seems to me to be in direct conflict with oath language. (Croatt)

The resolution does not conflict with the oath for APD Officers. Similarly, the resolution does not conflict with the oath for Alderpersons. An alderperson would have to knowingly violate the United States constitution or the constitution of the State of Wisconsin for there to be a conflict with the oath.

From Chief Thomas: We will never waiver in adhering to our oath of office which includes upholding the laws of the State of Wisconsin and the ordinances of the City of Appleton. That is what we have done and how we have addressed the immigration enforcement issue and it is what we will continue to do whether this resolution is passed or not.

I am interpreting that this resolution intends to remove burden from our police force and to help immigrants to feel more comfortable reporting crimes. Does the APD support this resolution? (Baranowski)

From Chief Thomas: The risk and potential litigation the city may face outweigh any benefit of having a city policy established for this issue. This issue is too fluid at both the national and state levels and there

are too many unknowns.

The time we needed to be sending this message and reaching out to these communities was over a year ago, during the presidential election cycle, and especially right after the election. We had no Diversity Coordinator for almost a year during the most racially divisive time we have been through in decades. It was the men and women of the Police Department that courageously and compassionately stepped into this heated and divisive topic because it was the right thing to do for the members of that community and for the safety of our entire community. They met individually with students who were being harassed, even elementary school aged children, to let them know we cared and they were safe with us. I met with a group of officers, school staff, and parents at East HS, who were in tears because of what their children were dealing with. We set up meetings with Casa Hispana and other advocacy groups to get this message out and to try and build stronger, trusting, relationships with them. And we were very public in putting out our message through the media, and obviously received some strong negative responses from those with very different views and a lack of understanding of the law.

We will continue to do what we have done. We know this issue will continue to be discussed at the national and state level and those in the immigrant community will continue to need us. This resolution will not change anything we do and may create more issues for us in the future so we would not support it.

Would this resolution result in the loss of any Community Development Block Grants, or other federal or state grants that are currently helping nonprofits in the Fox Cities? (Baranowski)

Unable to answer this, but Director Saucerman indicated that federal funds have been received to support CDBG in the past 5 years.

What is an APD's oath of office? (Baranowski)

I, state your name, having been duly qualified and appointed as a _____ for the City of Appleton do hereby swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Wisconsin, uphold the Laws of the State of Wisconsin and the Ordinances of the City of Appleton, obey all lawful orders of my superiors, adhere to the Law Enforcement Code of Ethics, and faithfully discharge the duties of my office to the best of my ability, so help me God.

Does this resolution in any matter, implied or otherwise perceived, violate said oath? (Baranowski)

Officers are bound by their oath to uphold the ordinances of the City of Appleton. If an ordinance is later found to be unconstitutional, an officer's prior (and otherwise lawful) conduct does not violate their oath. Similarly, if State law changes, making an ordinance unenforceable, an officer's prior conduct does not violate their oath.

Chief Thomas has addressed these questions in his response above.

How much federal funding do we on average received? How much over the past 5 years? (Baranowski)

Director Saucerman provided the following response to this inquiry.

On average, the City receives approximately \$3.5 million annually. In total, over the past 5 years, the City has received approximately \$16.9 million.

If we were to lose federal funding, what programs would be in jeopardy? (Baranowski)

Director Saucerman provided the following response to this inquiry.

It is uncertain which programs might be in jeopardy but federal funds have been received to support the following programs over the past 5 years: CDBG, Housing Rehabilitation Grant, Police Grants (bulletproof vest program, Edward Byrne Memorial), Fire Equipment (not annual grants, but occasional purchases), and Valley Transit.

Does Council or should Council have the authority to tell the APD that they shall not enter into any partnership with ICE in order to receive delegated authority for immigration enforcement?
(Baranowski)

Resolutions aimed at prohibiting voluntary cooperation with ICE have been the target of federal scrutiny and in at least one occasion, the courts ruled against the municipality.

Does Mayor Hanna support this Resolution in its entirety? If not, does Mayor Hanna support sections of this resolution and which are those sections and why? (Baranowski)

The mayor indicated that he doesn't support the resolution because he finds that it is unnecessary and doesn't change the way our police department operates.

Does Chief Thomas support this Resolution in its entirety? If not, does Chief Thomas support sections of this resolution and which are those sections and why? (Baranowski)

Chief Thomas has addressed these questions in his response above.

Is there action in the state of WI to adopt a similar resolution statewide? (Baranowski)

I am not aware of any similar resolution similar to this at the state level.

If so, would the City of Appleton be bound by a resolution adopted by the state? (Baranowski)

It would depend on the language of any resolution.

Does this Resolution change the way the APD conduct business today with the community? If so, how? (Baranowski)

From Chief Thomas: No.

Does this Resolution Reaffirm the Public Safety Function of Local Law Enforcement in Appleton as we see it today? (Baranowski)

Chief Thomas has addressed this question in his response above.

City of Appleton – **Resolution #22-R-17**

October 18, 2017

Submitted by: Alderperson Martin – District 4

Referred to: Safety & Licensing Committee

Whereas, The Social Station intends to be the premier attraction in Northeast Wisconsin and the Fox Cities , eventually become the preferred activity for sight-seeing and entertainment and group activities.

Whereas, the tour is a great entertainment service for craft beer tours, narrated history tours, singles-mingle events, birthday parties, bachelorette/bachelor parties, fitness expeditions, mystery tours or scavenger hunts, at the coolest places in Downtown Appleton and the riverfront in Appleton. Wisconsin.

Whereas, The Social Station mission is to create unique, memorable and enjoyable group cycle experience.

Whereas, The Social Station promotes active living in a healthy and socially responsible manner while adhering to the highest safety standards and regulations

Whereas, The Social Station has laid out a great road map of up to 2 routes.

1. South on State Street to Lawrence Street crossing North at College Avenue, West on Washing Street, Division Street jog onto College Avenue West to Walnut Street, Right on Walnut Street, Left on Johnston Street, back on State Street , south on State Street crossing over College Avenue.

2.South on State Street to Jackman Street along the riverfront on Water Street, RIGHT on Olde Oneida Street, cross Oneida Street up into Riverview Gardens. Return on Olde Oneida Street, East on Water Street, cross College Ave, West on Washing Street, Division Street jog onto College Avenue West to Walnut Street, Right onto to Walnut Street, and Left on Johnston Street back to State Street, south on State Street crossing over College Ave..

NOW THEREFORE BE IT RESOLVED, The Social Station be permitted to have up to three beverages of malt beverages, wine in individual servings, hard sodas, hard seltzer's and similar canned beverages and or craft beers per person. Served only to twenty-one years of age and served only till 11:00 PM daily.

LEGAL SERVICES DEPARTMENT

Office of the City Attorney

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

TO: Kyle Lobner, Chair of the Safety and Licensing Committee
Members of the Safety and Licensing Committee

FROM: Darrin Glad, Assistant City Attorney

DATE: November 8, 2017

RE: 22-R-17; Alcohol Consumption on the "Social Station"

This memo is in response to Ald. Konetzke's request for information on how State laws or other guidelines affect the proposed resolution.

The proposed resolutions states:

NOW THEREFORE BE IT RESOLVED, The Social Station be permitted to have up to three beverages of malt beverages, wine in individual servings, hard sodas, hard seltzer's and similar canned beverages or craft beers per person. Served only to twenty-one years of age and served only till 11:00 PM daily.

The Appleton Municipal Code, section 9-55 states that "No person may consume a fermented malt beverage while a passenger on a commercial quadricycle...within the city of Appleton."

Wisconsin Statutes, section 340.01(8m) defines a commercial quadricycle as "a vehicle with fully operative pedals for propulsion entirely by human power, that has 4 wheels and is operated in a manner similar to a bicycle, that is equipped with at least 12 seats for passengers, that is designed to be occupied by a driver and by passengers providing pedal power to the drive train of the vehicle, that is used for commercial purposes, and that is operated by the vehicle owner or an employee of the owner."

As it relates to the proposed resolution, Wisconsin Statutes, section 346.94(23) regulates commercial quadricycles in following manner:

No person may drive a commercial quadricycle occupied by passengers after 10:30 p.m. or after any earlier time established by ordinance under s. [349.18 \(1\) \(d\)](#).

No person may drive a commercial quadricycle on which any alcohol beverages other than fermented malt beverages are carried or consumed.

No person may drive a commercial quadricycle on which any alcohol beverages are sold, including delivery on the commercial quadricycle of alcohol beverages previously sold by a caterer.

No person may possess on, or carry onto, a commercial quadricycle more than 36 fluid ounces of fermented malt beverages.

The proposed resolution is in direct conflict with section 9-55 of the Appleton Municipal Code. The concerns then shift to what is intended to be done by this resolution; repeal that section of the Code,

carve out an exception for just one business, or something else. There are additional general concerns if the resolution results in the special treatment to a single entity.

The next issues arise from the conflicts with State law. First, the proposed resolution's limitation of three beverages is not entirely consistent with the State law prohibiting the amount to be not more than 36 fluid ounces. There may be a need to clarify, as there already exists a prohibition on having more than 36 fluid ounces.

Similarly, the proposed resolution describes the types of alcoholic beverages to be allowed on the "Social Station" which is directly in conflict with the State law prohibiting alcohol beverages other than fermented malt beverages.

The proposed resolution conflicts with both of the State law prohibitions on serving of alcohol and driving an occupied commercial quadricycle after 10:30 PM.

In addition to the conflict with the Code and State law, there are other concerns over the enforcement of any violations. Currently, the Social Station operates under a limousine license that does not contemplate the alcohol consumption described in the proposed resolution. There is a need to clarify the intention of the resolution. For example, is the intention to create a separate licensing and enforcement procedure? If so, would that procedure be for all "commercial quadricycles" in Appleton or just the Social Station?

There is an additional concern over the routes and the Police Chief's position. Previously, Police Chief Thomas expressed concern over keeping commercial quadricycles off College Avenue. The proposed resolution describes two routes that were acceptable to Chief Thomas, but as the resolution is currently written, those routes are not binding on the Social Station and unenforceable.

GENERAL ORDINANCE NO. 4-17

AN ORDINANCE AMENDING SECTION 6.215, GREEN BAY MUNICIPAL CODE, RELATING TO COMMERCIAL QUADRICYCLES

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 6.215, Green Bay Municipal Code, is hereby amended to read:

6.215 COMMERCIAL QUADRICYCLE LICENSING.

(1) DEFINITIONS.

(a) “Applicant” means the individual applying for a license under this section or any person who is an officer of a corporation that is applying for a license under this section.

(b) “Commercial Quadricycle” means a vehicle with fully operative pedals for propulsion entirely by human power that:

1. has 4 wheels and is operated in a manner similar to a bicycle,
2. is equipped with at least 12 seats for passengers,
3. is designed to be occupied by a driver and by passengers providing pedal power to the drive train of the vehicle,
4. is used for commercial purposes, and
5. is operated by the vehicle owner or an employee of the owner.

(c) “Commercial Quadricycle Business” means any enterprise that owns a commercial quadricycle or manages the operation of a commercial quadricycle.

(d) “Commercial Quadricycle Operator’s License” means a public vehicle operator’s license as described in Green Bay Municipal Code § 6.21.

(e) “Public Commercial Quadricycle Operator” means any person who operates a commercial quadricycle or commercial quadricycle which transport passengers for hire or compensation.

GENERAL ORDINANCE NO. 4-17

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(2) LICENSES REQUIRED.

(a) Commercial Quadricycle Business License. No person may engage in a Commercial Quadricycle Business unless each Commercial Quadricycle used in the business is licensed. A Commercial Quadricycle Business license shall expire on December 31 of each year.

(b) Operator's License. No person may operate a Commercial Quadricycle for purposes upon a highway or public road unless the person is licensed as a Public Commercial Quadricycle Operator. The Public Commercial Quadricycle Operator's License shall expire on ~~May 31~~ **December 31** of each year.

(3) COMMERCIAL QUADRICYCLE BUSINESS APPLICATION PROCESS.

(a) Application. A person wishing to operate a Commercial Quadricycle Business shall apply to the City Clerk for a business license pursuant to GBMC § 6.21(2)(a) using an approved form and pay the Clerk a \$25 license fee for each Commercial Quadricycle managed by the person. The Clerk shall forward the application to the police department for review. The police department shall deny the application if any of the following applies:

1. The circumstances of a pending criminal charge against the Applicant substantially relate to the licensed activity:
2. The Applicant has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the particular job or licensed activity.
3. The Applicant made a false statement on the application.
4. The Applicant is under 18 years old.

(b) Route approval. If the police department approves the application for a Commercial Quadricycle Business License, the police department shall forward the application to the Protection and Welfare Committee for the Committee to approve, deny, or amend the proposed route. The Common Council shall affirm, reverse, or modify the Committee's decision.

~~(b)~~**(c)** Appeal. If the police department denies an application for a Commercial Quadricycle Business license, the Applicant may appeal within 15 days after the police department mails a notice of denial to the Applicant. If the Applicant files a timely appeal

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with the Clerk, the Clerk shall schedule an appeal hearing before the Protection & Welfare Committee.

~~(e)~~**(d)** Hearing Before Committee. The Committee may approve any application placed on its agenda only if the Applicant is qualified under this section and may place conditions upon approval. The Common Council shall affirm, reverse or modify the Committee's decision.

~~(d)~~**(e)** Issuance. The Clerk shall issue the Commercial Quadricycle Business license if the applicant has been approved by the Common Council and has satisfied all other provisions of this section.

~~(e)~~**(f)** Vehicle Inspection. Before a Commercial Quadricycle Business may operate a Commercial Quadricycle on a highway, the Applicant shall obtain a license sticker from the police department by passing an inspection. The police department shall collect \$25 for each Commercial Quadricycle inspection. This paragraph does not apply to a Commercial Quadricycle owned or operated by:

1. A nonprofit corporation that provides to the police department proof that the vehicle passed a state vehicle inspection.

2. An organization which is exempt from federal income tax under IRC § 501(c)(3) that provides to the police department proof that the vehicle passed a state vehicle inspection.

~~(f)~~**(g)** Maintain liability insurance coverage for the Commercial Quadricycle containing the limits of not less than \$500,000 per occurrence combined single limit bodily injury and property damage, issued by a company authorized to do business in the State of Wisconsin. A certificate of insurance coverage specific to each Commercial Quadricycle shall be filed with the Risk Management Division.

~~(g)~~**(h)** Police Department Review. The police department shall affix a license sticker to the rear of each inspected Commercial Quadricycle if the department determines that the Commercial Quadricycle is:

1. Licensed with the City Clerk.
2. In a safe operating condition.
3. Insured as required by this section.

GENERAL ORDINANCE NO. 4-17

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4. Conspicuously displaying on the exterior driver and passenger side of the vehicle:

a. The name or trade name of the public vehicle business.

b. The phone number of the public vehicle business.

c. A unique number assigned by the Commercial Quadricycle Business that identifies the particular vehicle.

5. Conspicuously displaying within the front passenger compartment:

a. A display holder within which Commercial Quadricycle Operators can show their licenses while operating the Commercial Quadricycle.

(4) COMMERCIAL QUADRICYCLE OPERATOR'S LICENSE APPLICATION PROCESS.

(a) Application. A person wishing to obtain a Commercial Quadricycle Operator's License shall apply to the City Clerk using a Common Council approved form and pay to the Clerk the proper license fee and submit an acceptable passport-sized photo. The Clerk shall forward the application to the police department for review. If the police department approves the application, it shall forward its recommendation to the Clerk. The police department shall deny the application if any of the following applies:

1. The circumstances of a pending criminal charge against the Applicant substantially relate to the licensed activity.

2. The Applicant has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the particular job or licensed activity.

3. The Applicant made a false statement on the application.

4. The Applicant is under 18 years old.

(b) Appeal. If the police department denies an application for a Commercial Quadricycle Operator's License, the Applicant may appeal within 15 days after the police department mails a notice of denial to the Applicant. If the Applicant files a timely appeal with the Clerk, the Clerk shall schedule an appeal hearing before the Protection & Welfare Committee. The Committee shall approve the application only if the Applicant

GENERAL ORDINANCE NO. 4-17

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is qualified under this section and may place conditions upon approval. The Common Council shall affirm, reverse or modify the Committee's decision.

(c) Issuance. The Clerk shall issue a Commercial Quadricycle Operator's License if the Applicant has been approved by the police department or the Common Council and has satisfied all other provisions of this section.

(5) COMMERCIAL QUADRICYCLE REGULATIONS. The owner and operator of a Commercial Quadricycle are both responsible for ensuring compliance with this subsection.

(a) Licensees must adhere to the routes specified in their submitted application. New routes must be applied for and approved by the Common Council before a licensee may use the new routes. Temporary routes must be applied for and approved by the ~~Special Events Committee~~ **Chief of Police or his or her designee.** **A temporary route application must be submitted in writing and include a proposed map no later than three (3) business days prior to the applicant's proposed first date of operation of the temporary route. No Licensee shall operate a Commercial Quadricycle on a street closed off to public traffic regardless of whether the street is included in an approved route.** Any deviation from a new or temporary route without approval shall be a violation of this section.

(b) Commercial Quadricycle operation is permitted between the hours of 10:00 am and 10:30 pm. Commercial Quadricycle operation does not include the use of a Commercial Quadricycle for maintenance, inspection, or without passengers.

(c) It is unlawful for any person to operate or to permit another to operate a Commercial Quadricycle at other times or in other locations than those approved by the Common Council or ~~Special Events Committee~~ **the Chief of Police or his or her designee.**

(d) No Public Commercial Quadricycle Operator shall drive, or be permitted by a Public Commercial Quadricycle Operator to drive, a Commercial Quadricycle without a valid Wisconsin driver's license, or a valid driver's license issued by any other state in the United States.

(e) Passengers on a Commercial Quadricycle may possess on or carry onto the Commercial Quadricycle no more than 36 ounces of fermented malt beverages as defined in Wis. Stat. § 125.02(6). No other alcohol beverages, as defined in ch. 125, Wis. Stats., may be possessed on, carried upon, or consumed upon a Commercial Quadricycle.

GENERAL ORDINANCE NO. 4-17

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- (f) No glass containers may be carried on a Commercial Quadricycle.
- (g) Restrictions on possession, transportation and consumption of alcohol beverages in the operation of Commercial Quadricycles upon city highways and public places shall apply to operation of Commercial Quadricycles when used for non-revenue producing events or transportation in addition to regular commercial activities.
- (h) No driver of a Commercial Quadricycle may consume alcohol while the Commercial Quadricycle is occupied by passengers.
- (i) No person may drive a Commercial Quadricycle with an alcohol concentration of more than 0.02.
- (j) No person may drive a Commercial Quadricycle on which any alcohol beverages are carried or consumed other than fermented malt beverages under this section.
- (k) No person may drive a Commercial Quadricycle on which alcohol beverages are sold and may not transport alcohol beverages on a Commercial Quadricycle for the purposes of sale or delivery upon sale.
- (l) Passengers shall be advised by the operator, driver or other person responsible for the operation of the Commercial Quadricycle that no alcohol beverages shall be possessed on, carried upon, or consumed on a Commercial Quadricycle in violation of city ordinance or state statute, and shall conspicuously post a notice of these restrictions upon the Commercial Quadricycle in a form and manner approved by the city.
- (m) The operator of the Commercial Quadricycle shall hold a valid operator's license pursuant to § 6.215(4), Green Bay Municipal Code.
- (n) The operator of the Commercial Quadricycle shall operate the vehicle at all times in compliance with applicable local and state traffic **and parking** laws.
- (o) Failure of a person to comply with the regulations of this section or to operate in accordance with the approved plan of operation shall constitute grounds for suspension or revocation as provided in § 6.21(6), Green Bay Municipal Code.

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(p) The Common Council may adopt and from time to time amend the regulations relating to Commercial Quadricycles and their operations, including, but not limited to, hours of operations, routes, vehicle markings and safety equipment.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 20th day of February, 2017.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

JWF:bc

02/07/17

Two potential options for the Commercial Quadricycle resolution that seem viable:

- 1) Repeal and replace the current Commercial Quadricycle ordinance (ACO 9-55)ⁱ with an ordinance based off of the City of Green Bay's Commercial Quadricycles ordinance, or
- 2) Continue licensing Commercial Quadricycles as limousines and
 - a. Repeal current Commercial Quadricycle ordinance (ACO 9-55);

NOTE: There is no need to adopt Wis. Stat. §346.94(23)ⁱⁱ, as it has already been adopted in ACO 19-1(b)(61) as well as the penaltiesⁱⁱⁱ under ACO 19-1(b)(62).

- b. Expressly add that Commercial Quadricycles as defined in Wis. Stat. §340.01(8m)^{iv} shall be licensed as a limousine;
 - c. Create provision regarding the routes (2 likely options)
 - i. Copy the provisions that Green Bay uses in their ordinance regarding routes, or
 - ii. Identify locations where Commercial Quadricycles aren't allowed, possibly:
 1. All state highways, except for College Ave. between Division and Walnut Streets, or (NOTE: Oneida St. is not a State Highway north of 441)
 2. College Ave. except for area between Division and Walnut Streets; Oneida Street south of College Ave.; and N. Richmond St./S. Memorial Dr.
 - d. Create a provision that violations of the routes are punishable under the General Penalty provisions (ACO 1-16)
 - e. Amend ACO 9-729(d)^v to add language to the limousine licensing penalty to include that 3 violations of the routes provision within 1 year shall have the license automatically revoked.

ⁱ **ACO 9-55. Quadricycles.** No person may consume a fermented malt beverage while a passenger on a commercial quadricycle, as that term is defined in §340.01(8m), Wis. Stats. within the city of Appleton.

ⁱⁱ **Wis. Stat. §346.94(23) COMMERCIAL QUADRICYCLES.**

(a) In this subsection:

1. "Alcohol beverages" has the meaning given in s. 125.02 (1).
2. "Fermented malt beverages" has the meaning given in s. 125.02 (6).

(b) No driver of a commercial quadricycle may consume alcohol while the commercial quadricycle is occupied by passengers.

(c) No person may drive a commercial quadricycle while the person has an alcohol concentration of more than 0.02.

(d) No person may drive a commercial quadricycle occupied by passengers after 10:30 p.m. or after any earlier time established by ordinance under s. 349.18 (1) (d).

(e) No person may drive a commercial quadricycle on which any alcohol beverages other than fermented malt beverages are carried or consumed. No person may drive a commercial quadricycle on which any alcohol beverages are sold, including delivery on the commercial quadricycle of alcohol beverages previously sold by a caterer.

(f) No person may possess on, or carry onto, a commercial quadricycle more than 36 fluid ounces of fermented malt beverages.

(g) Upon conviction of a driver of a commercial quadricycle for a violation of this subsection, the court shall enter an order permanently prohibiting the person from driving a commercial quadricycle. No person may drive a commercial quadricycle in violation of such an order.”

ⁱⁱⁱ **Wis. Stat. §346.95(12)**

(a) Any person violating s. 346.94 (23) (b), (c), (d), (e), or (f) may be required to forfeit not less than \$200 nor more than \$500.

(b) Any person violating s. 346.94 (23) (g) may be required to forfeit not less than \$1,000 nor more than \$2,000.

^{iv} **Wis. Stat. §340.01(8m)** “Commercial quadricycle” means a vehicle with fully operative pedals for propulsion entirely by human power, that has 4 wheels and is operated in a manner similar to a bicycle, that is equipped with at least 12 seats for passengers, that is designed to be occupied by a driver and by passengers providing pedal power to the drive train of the vehicle, that is used for commercial purposes, and that is operated by the vehicle owner or an employee of the owner.

^v **ACO 9-729(d)** Any driver licensed under this section who shall be found guilty or shall plead guilty to violations of the traffic code of the City three (3) times within any one (1) year shall have his license automatically revoked. (Code 1965, §11.09(10); Ord 49-89, §1, 3-15-89; Ord 22-94, §1, 1-5-94, Ord 204-02, §1, 10-22-02) **Cross reference(s)**--Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

**APPLETON POLICE DEPARTMENT
WEEKLY REPORT
2017**

**WEEK # 45
ENDING 11/11/2017**

Calls and Report Data	TW	TWLY	TYTD	LYTD	YTD Incr
Calls for Service	939	927	45,088	43,558	3.5%
Citizen Initiated	576	627	29,350	29,026	1.1%
Officer Initiated	350	285	15,091	13,853	8.9%
Crime Prevention Screens	116	131	5,981	5,541	7.9%
Total Service Incidents*	1,055	1,058	51,069	49,099	4.0%
Offense Reports	156	157	6,998	7,325	-4.5%
Offense Report Follow-ups	40	46	1,983	1,955	1.4%
Reports Handled by Comm Technicians	9	13	667	760	-12.2%

Total Crimes Reported	TW	TWLY	TYTD	LYTD	YTD Incr
Group A Crimes	59	86	3,752	3,894	-3.6%
Group B Crimes	80	83	4,608	4,617	-0.2%

Crime and Productivity Data	TW	TWLY	TYTD	LYTD	YTD Incr
Lock-ups	48	40	1,852	1,865	-0.7%
Citizen Contacts (Written)	279	283	10,861	9,592	13.2%
Traffic Citations	123	88	6,288	4,863	29.3%
City Summonses	32	33	1,669	1,700	-1.8%
Assaults (Simple)	5	7	383	384	-0.3%
Assaults (Aggravated)	4	3	98	121	-19.0%
Rape	-	2	17	22	-22.7%
Robbery	-	-	15	21	-28.6%
Burglary	3	4	120	123	-2.4%
Shoplifting	5	4	226	282	-19.9%
Theft from Vehicle	-	-	104	145	-28.3%
Motor Vehicle Theft	1	1	35	40	-12.5%
Drug/Narcotic Violations	7	10	345	335	3.0%
Drug Equipment Violations	8	5	250	272	-8.1%
OWI	3	9	296	301	-1.7%
All Adult Arrests	72	68	3,940	4,209	-6.4%
All Juvenile Arrests	6	11	507	623	-18.6%
2 A.M. to 5 A.M.	97	85	3,986	3,997	-0.3%

*Total Service Incidents = Calls for Service + Crime Prevention Screens

Statistics

Start Date/Time: 11/5/2017 12:00:00 AM
End Date/Time: 11/12/2017 12:00:00 AM
Jurisdiction: WI0450100

Offenses							Cases Cleared This Period				Cases Cleared YTD		YTD %		YTD Last Year	
		This Period	This Period Last Year	YTD-This Year	YTD-Last Year	YTD %	Arrest	Excep. Cleared	Adult	Juv.	Arrest	Excep. Cleared	Arrest	Excep. Cleared	Arrest	Excep. Cleared
UCR Code	UCR Description															
A	Group A															
09A	MURDER & NON-NEGLIGENT MANSLAUGHTER	0	0	1	3	-66.7%	0	0	0	0	1	0	100.0%	0.0%	1	0
09B	MANSLAUGHTER BY NEGLIGENCE	0	0	1	0	100.0%	0	0	0	0	0	0	0.0%	0.0%	0	0
09C	JUSTIFIABLE HOMICIDE	0	0	0	0	0%	0	0	0	0	0	0	0.0%	0.0%	0	0
100	KIDNAPPING/ABDUCTION	1	0	13	9	44.4%	1	0	1	0	10	0	76.9%	0.0%	8	0
11A	RAPE	0	2	19	22	-13.6%	0	0	0	0	7	0	36.8%	0.0%	4	1
11B	SODOMY	0	0	17	12	41.7%	0	0	0	0	8	2	47.1%	11.8%	2	2
11C	SEXUAL ASSAULT WITH AN OBJECT	0	0	3	3	0%	0	0	0	0	0	0	0.0%	0.0%	0	2
11D	FONDLING	0	2	27	38	-28.9%	0	0	0	0	12	4	44.4%	14.8%	11	12
120	ROBBERY	0	0	15	21	-28.6%	0	0	0	0	9	0	60.0%	0.0%	14	0
13A	AGGRAVATED ASSAULT	4	3	100	121	-17.4%	3	0	3	0	75	3	75.0%	3.0%	90	5
13B	SIMPLE ASSAULT	5	7	393	384	2.3%	3	1	3	0	285	12	72.5%	3.1%	308	25
13C	INTIMIDATION	0	3	49	38	28.9%	0	0	0	0	34	1	69.4%	2.0%	31	1
200	ARSON	0	0	13	6	116.7%	0	0	0	0	6	0	46.2%	0.0%	2	2
210	EXTORTION/BLACKMAIL	0	0	7	3	133.3%	0	0	0	0	0	0	0.0%	0.0%	0	0
220	BURGLARY/BREAKING AND ENTERING	3	4	127	121	5.0%	0	0	0	0	16	1	12.6%	0.8%	17	2
23A	POCKET PICKING	0	0	0	0	0%	0	0	0	0	0	0	0.0%	0.0%	0	0
23B	PURSE SNATCHING	0	0	0	0	0%	0	0	0	0	0	0	0.0%	0.0%	0	0
23C	SHOPLIFTING	5	4	255	278	-8.3%	4	0	3	1	147	9	57.6%	3.5%	167	10
23D	THEFT FROM BUILDINGS	1	6	237	277	-14.4%	1	0	0	1	35	4	14.8%	1.7%	49	16
23E	THEFT FROM COIN-OPERATED MACHINE OR DEVICE	0	0	0	5	-100.0%	0	0	0	0	0	0	0.0%	0.0%	1	0
23F	THEFT FROM MOTOR VEHICLE	0	0	125	145	-13.8%	0	0	0	0	14	0	11.2%	0.0%	4	1
23G	THEFT OF MOTOR VEHICLE PARTS OR ACCESSORIES	0	0	26	32	-18.8%	0	0	0	0	0	0	0.0%	0.0%	0	0
23H	ALL OTHER LARCENY	0	10	202	275	-26.5%	0	0	0	0	32	8	15.8%	4.0%	39	15
240	MOTOR VEHICLE THEFT	1	1	40	40	0%	0	0	0	0	11	0	27.5%	0.0%	15	0
250	FORGERY/COUNTERFEITING	2	3	67	63	6.3%	0	0	0	0	13	2	19.4%	3.0%	13	5

Statistics

Offenses							Cases Cleared This Period				Cases Cleared YTD		YTD %		YTD Last Year	
UCR Code	UCR Description	This Period	This Last Year	YTD-This Year	YTD-Last Year	YTD %	Arrest	Excep Cleared	Adult	Juv.	Arrest	Excep Cleared	Arrest	Excep Cleared	Arrest	Excep Cleared
26A	FALSE PRETENSE/SWINDLE/CONFIDEN CE GAME	2	1	119	127	-6.3%	1	0	1	0	31	0	26.1%	0.0%	31	5
26B	FRAUD CREDIT CARD/AUTOMATED TELLER MACHINES	0	1	58	69	-15.9%	0	0	0	0	14	0	24.1%	0.0%	11	2
26C	IMPERSONATION	1	3	198	160	23.8%	0	0	0	0	14	2	7.1%	1.0%	15	9
26D	WELFARE FRAUD	0	0	0	0	0%	0	0	0	0	0	0	0.0%	0.0%	0	0
26E	WIRE/COMPUTER/OTHER ELECTRONIC MANIPULATION	0	0	3	2	50.0%	0	0	0	0	0	0	0.0%	0.0%	0	0
26F	IDENTITY THEFT	1	2	22	7	214.3%	0	0	0	0	4	0	18.2%	0.0%	1	0
26G	COMPUTER HACKING/INVASION	0	0	2	4	-50.0%	0	0	0	0	0	0	0.0%	0.0%	0	0
270	EMBEZZLEMENT	0	1	20	17	17.6%	0	0	0	0	9	1	45.0%	5.0%	10	2
280	STOLEN PROPERTY OFFENSES (RECEIVING, ETC.)	0	0	9	25	-64.0%	0	0	0	0	2	0	22.2%	0.0%	15	5
290	DESTRUCTIVE/DAMAGE/VANDA LISM OF PROPERTY	10	8	507	521	-2.7%	0	0	0	0	108	11	21.3%	2.2%	127	24
35A	DRUG/NARCOTIC VIOLATIONS	7	10	367	335	9.6%	7	0	7	0	289	2	78.7%	0.5%	261	12
35B	DRUG EQUIPMENT VIOLATIONS	8	5	264	272	-2.9%	7	0	7	0	207	2	78.4%	0.8%	217	4
36A	INCEST	0	0	0	0	0%	0	0	0	0	0	0	0.0%	0.0%	0	0
36B	STATUTORY RAPE	0	0	10	11	-9.1%	0	0	0	0	1	9	10.0%	90.0%	1	8
370	PORNOGRAPHY/OBSCENE MATERIAL	1	0	20	22	-9.1%	0	0	0	0	11	3	55.0%	15.0%	7	10
39A	BETTING AND WAGERING	0	0	0	0	0%	0	0	0	0	0	0	0.0%	0.0%	0	0
39B	OPERATING/PROMOTING/ASSIS TING GAMBLING	0	0	0	0	0%	0	0	0	0	0	0	0.0%	0.0%	0	0
39C	GAMBLING EQUIPMENT VIOLATIONS	0	0	0	0	0%	0	0	0	0	0	0	0.0%	0.0%	0	0
39D	SPORTS TAMPERING	0	0	0	0	0%	0	0	0	0	0	0	0.0%	0.0%	0	0
40A	PROSTITUTION	0	1	34	42	-19.0%	0	0	0	0	18	0	52.9%	0.0%	33	0
40B	ASSISTING/PROMOTING PROSTITUTION	0	0	1	0	100.0%	0	0	0	0	1	0	100.0%	0.0%	0	0
40C	PURCHASING PROSTITUTION	0	0	1	1	0%	0	0	0	0	1	0	100.0%	0.0%	1	0
510	BRIBERY	0	0	0	0	0%	0	0	0	0	0	0	0.0%	0.0%	0	0
520	WEAPON LAW VIOLATIONS	1	0	23	22	4.5%	1	0	1	0	19	1	82.6%	4.3%	17	0
64A	HUMAN TRAFFICKING, COMMERCIAL SEX ACTS	0	0	2	0	100.0%	0	0	0	0	2	0	100.0%	0.0%	0	0
64B	HUMAN TRAFFICKING, INVOLUNTARY SERVITUDE	0	0	0	0	0%	0	0	0	0	0	0	0.0%	0.0%	0	0
720	ANIMAL CRUELTY	0	0	0	0	0%	0	0	0	0	0	0	0.0%	0.0%	0	0
NO	NON UCR REPORTABLE	5	7	259	248	4.4%	1	0	1	0	38	2	14.7%	0.8%	11	2
UCR A	UCR CODE A	1	2	78	93	-16.1%	1	0	1	0	58	3	74.4%	3.8%	81	1

Statistics

Offenses						Cases Cleared This Period				Cases Cleared YTD		YTD %		YTD Last Year		
UCR Code	UCR Description	This Period	This Period Last Year	YTD-This Year	YTD-Last Year	YTD %	Arrest	Excep. Cleared	Adult	Juv	Arrest	Excep. Cleared	Arrest	Excep. Cleared	Arrest	Excep. Cleared
UCR B	UCR CODE B	0	0	16	16	0%	0	0	0	0	11	0	68.8%	0.0%	16	0
UCR C	UCR CODE C	0	0	1	4	-75.0%	0	0	0	0	0	0	0.0%	0.0%	4	0
UCR D	UCR CODE D	0	0	1	0	100.0%	0	0	0	0	1	0	100.0%	0.0%	0	0
UCR E	UCR CODE E	0	0	0	0	0%	0	0	0	0	0	0	0.0%	0.0%	0	0
UCR F	UCR CODE F	0	0	0	0	0%	0	0	0	0	0	0	0.0%	0.0%	0	0
UCR G	UCR CODE G	0	0	0	0	0%	0	0	0	0	0	0	0.0%	0.0%	0	0
UCR H	UCR CODE H	0	0	0	0	0%	0	0	0	0	0	0	0.0%	0.0%	0	0
UCR I	UCR CODE I	0	0	0	0	0%	0	0	0	0	0	0	0.0%	0.0%	0	0
UCR J	UCR CODE J	0	0	0	0	0%	0	0	0	0	0	0	0.0%	0.0%	0	0
Total Group A		59	86	3,752	3,894	-3.6%	30	1	28	2	1,554	82	41.4%	2.2%	1,635	183
B Group B																
90A	WORTHLESS CHECKS	0	0	5	2	150.0%	0	0	0	0	0	1	0.0%	20.0%	1	0
90B	CURFEW/LOITERING/VAGRANC Y VIOLATIONS	4	1	151	80	88.8%	0	0	0	0	39	1	25.8%	0.7%	24	0
90C	DISORDERLY CONDUCT	16	10	709	781	-9.2%	11	0	10	1	414	14	58.4%	2.0%	490	26
90D	DRIVING UNDER THE INFLUENCE	3	9	297	301	-1.3%	3	0	3	0	296	0	99.7%	0.0%	300	0
90E	DRUNKENNESS	0	0	0	0	0%	0	0	0	0	0	0	0.0%	0.0%	0	0
90F	FAMILY OFFENSES , NONVIOLENT	0	0	32	25	28.0%	0	0	0	0	17	1	53.1%	3.1%	20	1
90G	LIQUOR LAW VIOLATIONS	5	2	198	185	7.0%	4	0	4	0	166	0	83.8%	0.0%	165	1
90H	PEEPING TOM	0	0	0	0	0%	0	0	0	0	0	0	0.0%	0.0%	0	0
90I		0	0	0	121	-100.0%	0	0	0	0	0	0	0.0%	0.0%	13	2
90J	TRESPASS OF REAL PROPERTY	7	7	376	400	-6.0%	4	0	3	1	140	2	37.2%	0.5%	178	7
90Z	ALL OTHER OFFENSES	45	54	2,840	2,722	4.3%	19	0	11	2	1,802	17	63.5%	0.6%	1,862	43
Total Group B		80	83	4,608	4,617	-0.2%	41	0	31	4	2,874	36	62.4%	0.8%	3,053	80
NR Group NR																
00	NON UCR REPORTABLE	7	70	2,678	2,793	-4.1%	0	0	0	0	28	0	1.0%	0.0%	24	1
Total Group NR		7	70	2,678	2,793	-4.1%	0	0	0	0	28	0	1.0%	0.0%	24	1

Statistics

D Property Value

<u>Property Values</u>	<u>This Period</u>	<u>This Period Last Year</u>	<u>YTD This Year</u>	<u>YTD Last Year</u>	<u>YTD %</u>
Stolen	\$20,028.00	\$20,568.00	\$1,068,620.13	\$1,225,521.50	-12.8%
Recovered	\$5,356.00	\$1,954.00	\$213,707.24	\$300,042.00	-28.8%
Damaged	\$2,170.00	\$1,723.00	\$211,685.17	\$316,411.00	-33.1%

Statistics

Arrests		This Period	This Period Last Year	YTD This Year	YTD Last Year	YTD %
E	Adult Arrests					
	Part A Ordinance	7	8	485	499	-2.8%
	Part A State Statute	21	17	1,147	1,035	10.8%
	Part B Ordinance	7	7	584	683	-14.5%
	Part B State Statute	37	35	1,950	1,904	2.4%
	Part NR Ordinance	0	0	0	0	0%
	Part NR State Statute	0	0	2	1	100.0%
	Part TR Ordinance	0	0	0	0	0%
	Part TR State Statute	0	1	14	13	7.7%
F	Juvenile Arrests					
	Part A Ordinance	2	5	96	102	-5.9%
	Part A State Statute	0	0	116	70	65.7%
	Part B Ordinance	4	5	174	199	-12.6%
	Part B State Statute	0	1	145	251	-42.2%
	Part NR Ordinance	0	0	0	0	0%
	Part NR State Statute	0	0	1	2	-50.0%
	Part TR Ordinance	0	0	0	0	0%
	Part TR State Statute	0	0	0	0	0%
G	Adult & Juv Traffic Arrests					
	Traffic Citations	93	108	5,878	4,543	29.4%
H	Animal					
	Animal Arrests	2	2	56	48	16.7%
	Animal Complaints	27	32	1,783	1,644	8.5%
	Animal Warnings	6	8	368	571	-35.6%

Statistics

I	Accidents	This Period	This Period Last Year	YTD This Year	YTD Last Year	YTD %
	Fatal	0	0	0	1	-100.0%
	Hit & Run Personal Injury	0	0	18	14	28.6%
	Hit & Run Property Damage	2	3	76	101	-24.8%
	Personal Injury	8	6	335	339	-1.2%
	Property Damage	36	18	1,162	820	41.7%



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POLICE DEPARTMENT

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To: Alderperson Konetzke, Human Resources Committee Chairperson
Alderperson Lobner, Safety and Licensing Committee Chairperson

From: Chief Todd Thomas

Date: January 1, 2018

Subject: Table of Organization Proposal

We have been monitoring and evaluating the table of organization changes we have made in the last several years. We have looked for unintended consequences, as well as opportunities to become more efficient and effective. The staffing plan that we have implemented is a continuous process that evaluates community needs, and then looks for ways to use technology and process improvements to address those needs, before we look for additional staffing. Subsequently, I am requesting two modifications to our table of organization so we can better use the resources we have.

Move Support Services Unit to the Investigative Service Captain.

The Support Services Unit consists of a Lieutenant who oversees our hiring and training, an officer, and an administrative support services employee. They currently report directly to the Assistant Chief. This is the only specialty unit that does not report directly to a Captain in their day-to-day operation. When we combined the two Deputy Chief positions into the Assistant Chief position we knew we would have to shift some duties and responsibilities to the Captains. The Support Services Unit would have more direction and interaction from a command staff member from reporting directly to the Investigative Captain. The majority of the investigators that do backgrounds are in the Investigative Unit; this is a much better fit and allows the Captain to have more control over his resources. With the recent retirement of Assistant Chief Olm we tested this out on a temporary basis and were very pleased with the results. There is no financial impact with this move.

Create two LEAD positions; one in Records Unit and one in Communication Specialist Unit.

In 2018, we will implement a new records management system which will change the way all our employees operate. The area that will see the biggest changes will be our records unit. Our Administrative Support Services Manager currently has the largest number of direct reports in the department and oversees two large units; Records and

Police Communication Specialists. We are recommending a change in our table of organization which will create two LEAD positions, one in each unit, to assist with day to day operations, scheduling and overtime monitoring, and to provide effective direction and guidance when the Manager is unavailable.

We have several employees in each unit who would be qualified for these positions and they would be used for succession planning for other internal positions. The estimated financial impact will be about \$2,000 per position and we hope to be able to pay for the additional cost through OT cost savings from closer monitoring of OT and the employees work load, and from other efficiencies.

I have attached a memo from Administrative Services Manager Cathy Allcox that gives some additional information.

Thank you for your consideration and I welcome any questions or comments,

Chief Todd Thomas



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POLICE DEPARTMENT

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August 23, 2017

Chief Thomas,

The Clerical Unit of APD is evolving and changing rapidly, with some significant workforce and technology changes on the immediate horizon. We have had some recent turnover and are about to embark on implementing an enormous change in a new Records Management System (RMS) in the next several months.

With the potential of several retirements within the next five years, we are considering a succession plan to create career development. Currently 16% of my staff is eligible for retirement. In five short years, 53% of them will be.

The change to a new Records Management System will be monumental for the department. It will require select individuals to have a wide scope of knowledge and training in the new system. It is necessary for one clerical employee at the Front Desk and one member from Records to go through specialized training to be certified as a SAA (Spillman Applications Administrator). These positions will be leading both clerical and sworn through a complete overhaul with the way we do business, and their expertise will be heavily relied up to ensure the success of the implementation of this new system.

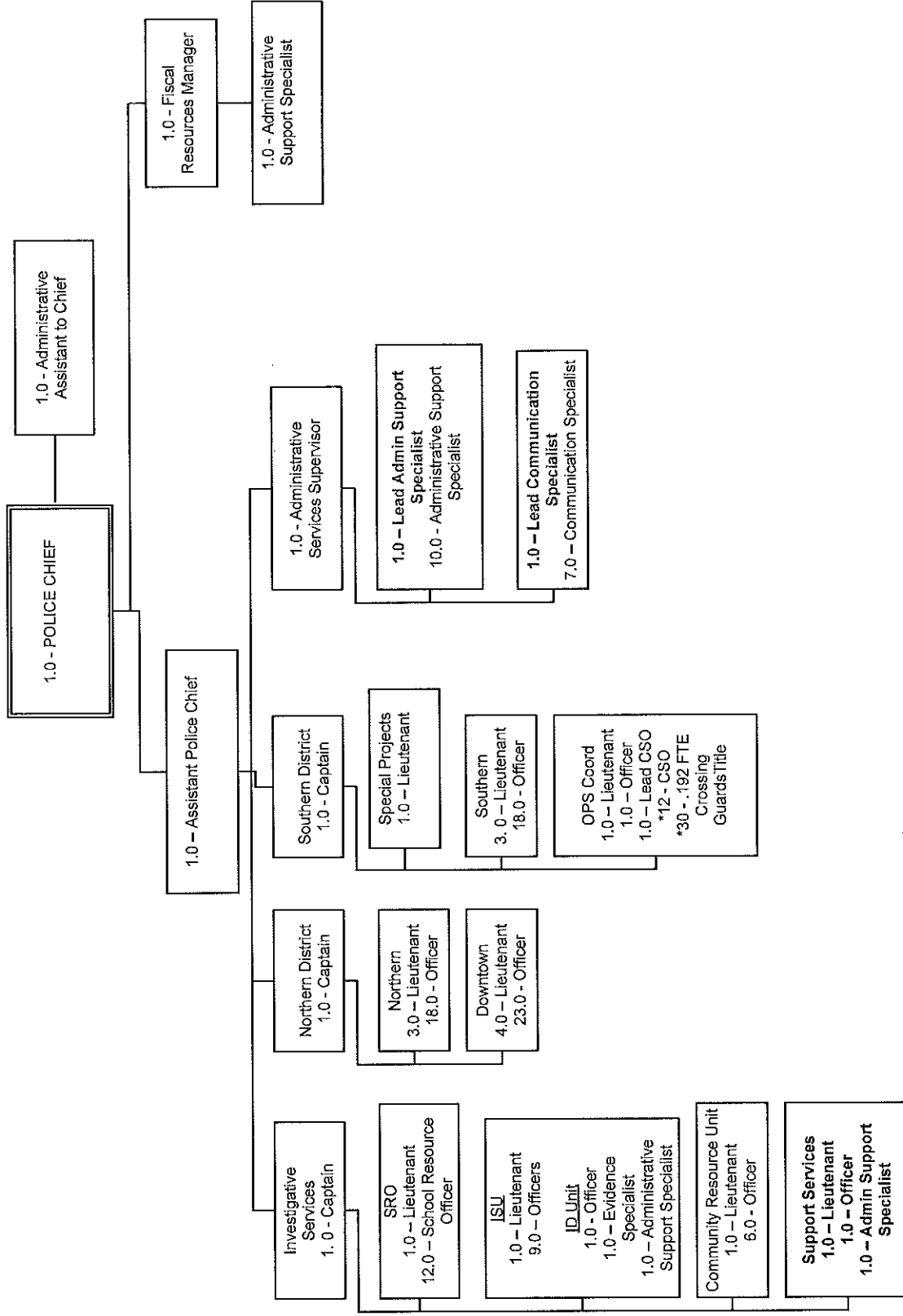
I request approval for one clerical member in Records and one clerical employee at the Front Desk be classified at Lead positions. These positions would be responsible to:

- Schedule daily coverage to ensure effective operations and to minimize overtime
- Provide effective direction, instruction and guidance regarding workload priorities
- Periodically review goals and progress with team members
- Keep the Administrative Services Manager apprised of personnel matters so they can be addressed

The proposed creation of a Lead Administrative Support Specialist and a Lead Communications Specialist will have an estimated financial impact of \$2,000 per position equaling \$4,000 annually. While the cost is minimal, the impact of these roles will be phenomenal.

Thank you for your consideration.

Cathy Allcox
Administrative Services Manager



DRAFT 1-2018