

TOWN BOARD MEETING – TOWN OF GRAND CHUTE - 1900 GRAND CHUTE BLVD., GRAND CHUTE, WI – JANUARY 5, 2016

CALL TO ORDER/ROLL CALL

Meeting called to order at 7:04 p.m. by Dave Schowalter, presiding officer.

PRESENT: Dave Schowalter, Jeff Nooyen, Travis Thyssen, Jim Pleuss, Bruce Sherman, and Karen L. Weinschrott, Town Clerk

STAFF: Jim March, Town Administrator; Tim Bantes, Fire Chief; Julie Wahlen, Finance Director; Greg Peterson, Police Chief; Bob Heimann, IT Director; Tom Marquardt, Director of Public Works; Mike Patza, Town Planner; several Police Officers, Cpt. Mike Velie, Police; Carl Sutter, McMahon Associates; Attorney Rossmeissl, Herrling Clark Law Offices

OTHERS: 5 signed attendance

APPROVAL OF AGENDA/ORDER OF THE DAY

Motion (Nooyen/Pleuss) to approve. Motion carried.

OATHS OF OFFICE – Police Department

Chief Peterson introduced newly hired Officer James Shepherd, Officer Caleb Menke, and Officer Jacob Johnson.

Clerk Weinschrott swore in Officer James Shepherd, Officer Caleb Menke and Officer Jacob Johnson.

Chief Peterson introduced Russ Blahnik who was recently promoted to Lieutenant.

Clerk Weinschrott swore in Lieutenant Russ Blahnik.

HEARING

College BP, Gurvinder Singh-Agent. Total point accumulation is 130 = 10-day suspension of license.

Gurvinder Singh, College BP Agent, explained that he hired someone without a bartending license. He asked her to take the class and then get a license. She showed him the certificate for completing the class and then he borrowed her \$100 to apply for a Grand Chute License. The employee told Mr. Singh that she got her license. He did not find out that she didn't have her license until she was fined. She used the money for her household instead of applying for the license. The other citation happened when a family member passed away and the employee was upset.

Supv. Pleuss asked if any course of action was taken with the employee.

Gurvinder Singh responded that the employee stop showing up for work after she received the citation.

Attorney Rossmeissl asked Clerk Weinschrott to explain the convictions. They are as follows: an unlicensed bartender offense dated 3/24/15 with a conviction date of 10/21/15 and serving alcohol to a minor offense dated 10/21/15 with a conviction date of 11/4/15. The total assessed points are 130 which qualifies for a 10-day suspension according to the municipal code. They did not attend either Licensing Committee meeting even though they received the certified letters well in advance of the meetings.

Motion (Sherman/Pleuss) to uphold the 10-day suspension of the license.

Supv. Thyssen questioned if the Town required licenses or certificates to be displayed for police officers.

Chief Peterson explained the bartender/operator license belongs to the individual and not the business. The business must post their liquor license for the business.

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Clerk Weinschrott explained that the named agent on the liquor license is considered to be licensed on that premise. It is the agent's responsibility to make sure that there is at least one licensed operator on duty at all times.

Supv. Sherman suggested if they went to the License Committee Meeting the first time they may have taken greater precautions to avoid the second citation.

Motion carried.

Clerk Weinschrott hand-delivered a notice of suspension letter to Mr. Singh.

Motion (Thyssen/Pleuss) to close the hearing. Motion carried.

Hearing closed at 7:28 p.m.

PUBLIC INPUT

Derek Mattson, Buca Di Beppo, explained they had a liquor license violation three years ago, when they first opened up the restaurant. Since that time, they have become very diligent with carding all customers regardless of age when ordering alcohol. They talk about checking the ID's of all customers during every shift change every day. If an employee fails to check an ID, they will be automatically terminated. Buca has hired another company to run ID compliance checks on staff. They have stings weekly to determine that staff is properly checking everyone's ID. They are still terminated if they fail their internal compliance check. He asked for a reduction in points.

Ron Ebben, 3217 E. First Avenue, stated he is against the special exemption requested by Joseph and Karla Berken.

CONSENT AGENDA

Approval of Regular Meeting minutes – December 15, 2015 & Special Meeting minutes – October 15, 2015

Licensing: *(applications on file in the clerk's office) (License Committee recommends approval)*

Liquor Licenses:

Change of Agent – TGI Fridays appoints John Hartnell

Change of Agent – Buffalo Wild Wings appoints Kimberly Lutzewitz

Special Event Permits:

Appleton Baseball Club, wedding/banquet fireworks on 2/6/16 and 3/5/2016. Conditions: No fireworks display may begin after 10:00 p.m.; Display to comply with NFPA 1123 standards.

Appleton Baseball Club, Post Game Fireworks, 2400 N. Casaloma Drive, on the following 2016 dates 5/21, 6/3, 6/4, 6/24, 6/25, 7/8, 7/9, 7/22, 7/23, 8/5, 8/6, 8/19, 8/20, and 9/2 with the following conditions: 1) No fireworks display may begin after 11:00 p.m., and 2) Display to comply with NFPA 1123 Standards.

Motion (Nooyen/Sherman) to approve the consent agenda. Motion carried.

FINANCIAL REPORTS

Approval of Voucher List – January 5, 2016
\$193,295.85 (89899-89835); Payroll \$504,269.36; ACH \$798,951.34

Motion (Thyssen/Pleuss) to approve the voucher list. Motion carried.

NEW BUSINESS

Plan Commission Recommendations:

SE-27-15 Special Exception requested by Joseph E. and Karla J. Berken, dba J&B Home Improvement, 3225 E. First Avenue, to allow contractor storage use of a building on property zoned AGD General Agricultural District. PC recommends denial.

Motion (Thyssen/Sherman) to deny. Motion carried.

Buca Di Beppo - Assessment of points for liquor license violation.

Motion (Nooyen/Thyssen) to take no action on the item.

Supv. Nooyen stated to be fair and equitable with the other businesses, the Board should not take action.

Supv. Sherman stated if the Licensing Committee would like the Board to make an ordinance change, they should submit a revision to the Town Board on what the Licensing Committee would like changed.

Clerk Weinschrott explained the Licensing Committee does not have the power to reduce the points for the violation, so Buca wanted this before the Town Board since they have the power to do so.

Atty. Rossmeissl stated they have the power to reduce the points but there may be consequences for the Board not being consistent with their ordinances such as challenges by other businesses.

Supv. Thyssen asked for the Licensing Committee to determine if they could put something in place in which businesses could reduce points comparable to how a driver can earn points back on their license for taking a class.

Supv. Pleuss stated that he believes all violations are not the same and feels that each business could be judged separately based upon the steps they have taken. He would like to offer a reduction of points.

Motion carried. Pleuss opposed.

ORDINANCE

Ordinance 01-2016 prohibiting Town Board Supervisors from being Election Inspectors.

Motion (Nooyen/Sherman) to approve. Motion carried.

ADJOURNMENT

Motion (Nooyen/Thyssen) to adjourn. Motion carried.

Meeting adjourned at 7:46 p.m.

These minutes were taken at a regular meeting held on January 5, 2016 and entered in this record book, January 6, 2016 by:

Karen L. Weinschrott, Town Clerk
Town of Grand Chute
January 6, 2016
Approved: January 19, 2016