

TOWN BOARD MEETING – TOWN OF GRAND CHUTE - 1900 W. GRAND CHUTE BLVD., GRAND CHUTE, WI – JUNE 21, 2016

CALL TO ORDER/ROLL CALL

Meeting called to order at 7:02 p.m. by Dave Schowalter, presiding officer.

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

STAFF: Jim March, Town Administrator; Tim Bantes, Fire Chief; Greg Peterson, Police Chief; Bob Heimann, IT Director; Tom Marquardt, Director of Public Works; Mike Patza, Town Planner; Mike Velie, Police Department; Matt Kasriel, Fire Department; Karen Heyrman; Deputy Public Works Director; Carl Sutter, McMahon Associates; Attorney Koehler, Herrling Clark Law Offices.

OTHERS: 7 signed attendance

APPROVAL OF AGENDA/ORDER OF THE DAY

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

PUBLIC INPUT

Kevin Virobik, 1010 S. Timmers Lane, stated that the backside of the American Motel abuts a residential neighborhood. He believes that the activity in the hotel carries on through the neighbors' yards. They have found drug paraphernalia in yards close to the hotel. The problems are spilling over into the neighborhood from the motel. If they continue with their hotel license, he would like to see a six-foot fence constructed around the property.

HEARING – NON-USE OF LIQUOR LICENSE

Brian Krause, representative of 110 S. Nicolet Blvd., asked for a four-month extension to find a tenant for their building.

Motion (Nooyen/Thyssen) to extend the liquor license for four months.

Supv. Sherman asked about the waiting list and if there is anyone else waiting to receive a liquor license.

Clerk Weinschrott stated that there are some liquor licenses available and nine people are on the waitlist. She explained that Attorney Krause's client is first on the waitlist and could obtain a second license.

Motion carried.

CONSENT AGENDA

Approval of Regular Meeting Minutes – June 7, 2016

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

Operator Licenses

Applications to expire: 2018 dated 5/31/2016, 6/8/2016

Change of Agent

WB WI Appleton LLC., dba World of Beer, appoints Conor Schuh. License Committee recommends denial.

Kwik Trip #412, 3825 W. Wisconsin Avenue, appoints Michael C. Difilippo.

Liquor License Renewals

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“Class B” Beer and Liquor, Allan C. Sosnoski dba Cinders West, 2369 W. Wisconsin Avenue, Kelly Matelski, agent.

“Class A” Beer and Liquor, Carlos Ordaz dba Joyeria Ordaz, 2603 W. College Avenue, Carlos Ordaz, agent.

“Class B” Beer and “Class C” Wine, Takumi King 360 Asian Cuisine Gold, LLC., dba Takumi King Asian Cuisine, 555 N. Casaloma Drive, Kong Feng Ni, agent.

“Class B” WB WI Appleton LLC., dba World of Beer, 149 N. Mall Drive, Alexis Elliott, agent.

Dance License

Appleton FADS Inc. dba Fred Astaire Dance Studios, 2021 N. Casaloma Drive.

Special Event Permits

Appleton Baseball Club, requesting to amend season permit by adding August 3, 2016, Thrivent Financial night.

Appleton Baseball Club, wedding fireworks on 10/21/2016. CONDITIONS: No fireworks display may begin after 10:00 p.m.; Display to comply with NFPA 1123 standards.

Secura 5K to support United Way of the Fox Cities on July 23, 2016, at FVTC, 8:30 a.m. – 11:00 a.m.

St. Pius Church for a Eucharistic Procession on September 10, 2016, 9:00 a.m. – noon.

Accept Monthly Reports: Police Department, Fire Department, Public Works and Community Development

Motion (Thyssen/Pleuss) to approve the consent agenda. Motion carried.

FINANCIAL REPORTS

Approval of Voucher List – June 21, 2016

\$95,773.49 (90302-90375); Payroll \$268,449.85 ACH \$5,932.78

Budget Statement – April 2016

Motion (Thyssen/Sherman) to approve the voucher list and accept the budget statement. Motion carried.

NEW BUSINESS

Plan Commission Recommendations:

CUP-05-16 Conditional Use Permit requested by 1401 Appleton LLC, dba Anytime Fitness, 1401 N. Casaloma Drive, to allow grading and filling for a building addition and parking lot expansion.

Planner Patza stated that Plan Commission recommends approval.

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

CPA1-01-12 Condo Plat Amendment requested for Georgetown Square Condominium, 5400/5404 Pennsylvania Ave, for an amendment to the condominium plat for new floor plans that include full basements.

Planner Patza stated that Plan Commission recommends approval.

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

Professional Service Contract Amendment #1 with McMahon Associates for Spencer Street to perform an Architectural History Survey as required by the WDOT for a cost not to exceed \$4,296.41.

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

Hotel/Motel License Renewals

Motion to (Nooyen/Sherman) suspend the rules to allow dialog between the Town Board, Town Attorney, Town Staff, and Hotel/Motel owners or managers. Motion carried.

Atty. Koehler explained that if the Town Board denies a renewal of the hotel/motel license, it would not cause the hotel/motel to close the same night. The hotel/motel would have 14 days to file an appeal. They would then have a hearing with testimony and witnesses. The license would be conditionally granted until all legal issues have been resolved. This will be brought to circuit court before any doors are closed. This is the safest way for the hotel owners, occupants, and the Town to proceed. There will be a considerable amount of time before any final action of closing would occur.

MOTEL 6, 210 N. Westhill Boulevard, Kumar Koneru, owner. Licensing Committee recommends renewal with the following conditions:

- Shall obtain written legal advice on whether or not they can stop renting to locals and provide this document to Lt. Zolkowski
- Must provide proof to Lt. Zolkowski within 30 days that parking lot will be patched/sealed by deadline of September 1, 2016
- Shall require room deposits
- Must require all guests to show identification
- Must comply with 30-day stay

Clerk Weinschrott stated the Licensing Committee met on June 7, 2016 and have been reviewing reports since February. They recommended approval of the license with the above conditions.

Captain Velie stated Motel 6 has already implemented some of the conditions and has come up with other ideas to reduce their calls for service. The Police Department recommended approval with the above conditions.

Andrew Schroepfer, Motel 6 Manager, explained they had already implemented most items on the list. They hope to have the parking lot seal-coated by EAA. He met with painters to improve the appearance of the motel. They have new signage around the parking lot. They are always open to suggestions to help reduce the calls for service.

Motion (Sherman/Thyssen) to uphold the Licensing Committee recommendation to include the recommendations. Motion carried.

SUPER 8, 3624 W. College Avenue, Hansa Patel, owner. Licensing Committee recommends renewal with the following conditions:

- All staff must attend drug and prostitution training by July 15, 2016
- Must install lighting by August 1, 2016, on the east side where there is currently no lighting
- Must install cameras around the building and in the parking lot
- Comply with all CPTED requirements not listed above by September 1, 2016

Clerk Weinschrott stated the Licensing Committee met on June 7, 2016 and have been reviewing reports since February. They recommended approval of the license with the above conditions.

Captain Velie stated they recently became a Tier III hotel/motel. They were uncooperative in the beginning but they reassured him after the last Licensing Committee meeting that they would cooperate in the future.

Chairman Schowalter stated the lighting should be on the north side of the building.

Discussion was held regarding the location of the lighting needed. The lighting condition changed to reflect lighting improvements according to the CPTED study.

Motion (Thyssen/Sherman) to uphold the Licensing Committee recommendation to include the recommendations as amended. Motion carried.

Atty. Koehler explained that if the conditions are not met by the dates outlined then the Police can submit a complaint to the Licensing Committee, which would start the revocation process. The police report stated that the east side of the building has no lighting and the north side was poorly lit.

Amend the motion (Thyssen/Sherman) to include all lighting as stated in the CPTED study. Motion carried.

Motion (Pleuss/Nooyen) to approve the main motion with amendments. Motion carried.

AMERICAN MOTEL, 1032 S. Westland Drive, Mitul and Nilesh Patel, owners. Licensing Committee recommends non-renewal due to their Tier III status:

- Excessive Calls for Service (2.0 CFS) for the low number of motel rooms
- Drug related arrests at the motel
- Failure to provide a safe environment for motel guests

Clerk Weinschrott stated the Licensing Committee met on June 7, 2016 and they have been reviewing Police reports since February. They recommended nonrenewal of the hotel/motel license due to items listed above and their Tier III status.

Captain Velie stated the Police Department recommended nonrenewal due to their Tier III status and the issues they have encountered at this motel to include reasons listed above.

Atty. Winkel asked the Town Board not to take action on the Licensing Committee recommendations because his clients did not receive enough time to go through the reports. They requested the calls for service reports and have not received anything from the Police Department. They believe many items listed as calls for service should not be considered. He stated that the calls for service are going down. When his clients purchased the motel, they spent about \$230,000. Since the initial purchase, they have spent an additional \$170,000. They are moving in the right direction with updating the motel and lowering their calls for service.

Motion (Sherman/Nooyen) to uphold the Licensing Committee recommendation for non-renewal and extend the license until all appeal and court proceedings are concluded.

Supv. Thyssen asked Captain Velie if the motel has been working with the Police Department.

Captain Velie stated they have been cooperative in some areas, but not others. Not all of the employees have participated in drug and prostitution training. The desk clerk is not involved with what goes on in the motel.

Supv. Nooyen stated this motel came before the Board last year with the same issues and nothing significant has changed.

Atty. Koehler addressed Atty. Winkel's request for additional time stating the motel will have 14 days to appeal the decision made by the Town Board.

A hearing would have to be scheduled after appeal has been received. The Town will give him ample time before a hearing is scheduled.

Motion carried.

NORTHERN INN, 420 W. Northland Avenue, Kanu Patel, owner. Licensing Committee recommends non-renewal due to their Tier III status:

- Excessive calls for service (3.0 CFS ratio)
- Failure to provide a healthy and safe environment for motel guests
- Violating Department of Health Code by not cleaning rooms at least once a week

Clerk Weinschrott stated the Licensing Committee met on June 7, 2016 and they have been reviewing Police reports since February. They recommended nonrenewal of the hotel/motel license due to items listed above with their Tier III status.

Captain Velie stated the Northern Inn was before the Board last year and with similar issues. The motel's calls for service increased compared to last year. One of the biggest issues was not treating the rooms like a hotel/motel and not cleaning them on a weekly basis. The Police Department recommended non-renewal.

Atty. Winkel, representative of the Northern Inn, stated Mr. Patel does not know what is unhealthy or unsafe for the motel guests. They were just inspected by Outagamie County and received their health license. They would like to see the records from the Police Department. He would like time to review the records for the calls for service. He said no one is calling the Police to provide services.

Motion (Nooyen/Sherman) to uphold the License Committee recommendation for non-renewal due to their Tier III status and extend the license until all appeal and court proceedings are concluded.

Motion carried.

ADJOURNMENT

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

Meeting adjourned at 7:40 p.m.

These minutes were taken at a regular meeting held on June 21, 2016 and entered in this record book, June 27, 2016 by:

Karen L. Weinschrott

Karen L. Weinschrott, Town Clerk

Town of Grand Chute

APPROVED: July 19, 2016