



# City of Appleton

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

## Meeting Minutes - Final-revised Safety and Licensing Committee

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Thursday, June 12, 2014

5:00 PM

Council Chambers, 6th Floor

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1. Call meeting to order

*The meeting was called to order at 5:00 p.m.*

2. Roll call of membership

*Others Present: City Attorney Jim Walsh, Deputy City Clerk Wendy Helgeson, Fire Chief Len VanderWyst, Police Chief Pete Helein, Firefighter/Inspector Steve Unruh, Fire Lt. John Kaziak, Fire Lt. Jason Lee, Firefighter(s) Becker, Dobbe and Wiese, Michael Rohr, Diversity Coordinator Kathy Flores, Alderperson Patti Coenen, Alderperson Joe Martin, Alderperson Polly Dalton, Communications Specialist Chad Doran, Jennifer Stephany - ADI, Community and Economic Development Director Karen Harkness*

**Present:** 4 - Alderperson Garb, Alderperson Trauger, Alderperson Jirschele and Alderperson Lobner

**Excused:** 1 - Alderperson Williams

3. Approval of minutes from previous meeting

[14-1012](#)

Approval of May 29, 2014 Minutes.

**Attachments:** [S&L Minutes 05-29-2014.pdf](#)

**Alderperson Lobner moved, seconded by Alderperson Garb, that the minutes be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 4 - Alderperson Garb, Alderperson Trauger, Alderperson Jirschele and Alderperson Lobner

**Excused:** 1 - Alderperson Williams

4. Public Hearings/Appearances

5. Action Items

[14-997](#)

"Class B" Beer/Liquor License Renewal applications for Michael W. Rohr, SC, Attorney, for 1st and 2nd floor licenses at 318 West College Avenue, contingent upon approvals from all departments.

*Granted an inactivity extension for a period of one year.*

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

**Aye:** 4 - Alderson Garb, Alderson Trauger, Alderson Jirschele and Alderson Lobner

**Excused:** 1 - Alderson Williams

[14-1024](#)

Resolution introduced by Alderperson Jirschele at the 6-4-2014 Common Council meeting relating to have an ordinance be created and adopted.

#19-R-14 - Jirschele

**“Whereas**

Appleton Downtown Inc. is working to encourage a vibrant and energetic Downtown central business district, and views sidewalk cafes as an important element of that district, and

**Whereas**

ADI, on behalf of its members, has requested that the **Appleton Municipal Code Chapter 9, Division 4:9-261 Restrictions** regarding alcoholic beverages within the parameters of the sidewalk café, be altered to remove items #4, “The sidewalk café must be enclosed with a freestanding decorative barrier,” and #8 “An employee must be present between 4 p.m. and 9:30 p.m. Monday through Friday and between 11 a.m. and 9:30 p.m. on Saturday and Sunday,” and

**Whereas**

The recommendation of ADI on behalf of its members has been discussed by the Safety and Licensing Committee as a concept,

**Be it Resolved**

That the City of Appleton adopt the ordinance changes as recommended.”

**Attachments:**     [Amendment proposal outdoor cafe 2014.pdf](#)

*Amendment submitted by Alderperson Lobner -*

*Amendment by substitution to replace entire resolution with the following:*

*“Be it resolved that the Appleton Municipal Code Chapter 9, Division 4:9-261 Restrictions regarding alcoholic beverages within the parameters of the sidewalk cafe be altered to remove item #8, “An employee must be present between 4 p.m. and 9:30 p.m. Monday through Friday and between 11 a.m. and 9:30 p.m. on Saturday and Sunday.”*

*Alderperson Lobner moved, seconded by Alderperson Garb, that the Report Action Item be recommended for approval as amended. Roll Call. Motion failed by the*

*following vote: "Aye" - 2 - Lobner/Garb, "Nay" - 2- Jirschele/Trauger, "Excused" - 1 - Williams.*

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

**Aye:** 2 - Alderson Garb and Alderson Lobner

**Nay:** 2 - Alderson Trauger and Alderson Jirschele

**Excused:** 1 - Alderson Williams

#### 14-940

Ordinance #40-14 (Referred back by Alderson Plank from the May 21, 2014 Common Council meeting).

**Attachments:**     [Ordinance 40-14 REVISED.pdf](#)  
                                 [#40-14.pdf](#)

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

**Aye:** 3 - Alderson Garb, Alderson Trauger and Alderson Lobner

**Nay:** 1 - Alderson Jirschele

**Excused:** 1 - Alderson Williams

### **Balance of the action items on the agenda.**

**Alderson Lobner moved, Alderson Garb seconded, to approve the balance of action items on the agenda. The motion carried by the following vote:**

**Aye:** 4 - Alderson Garb, Alderson Trauger, Alderson Jirschele and Alderson Lobner

**Excused:** 1 - Alderson Williams

#### 14-1015

Operator's Licenses

**Attachments:**     [Operator's Licenses for 06-12-14 S&L.pdf](#)

**This Report Action Item was recommended for approval.**

#### 14-1016

Operator License Renewals

**Attachments:**     [Operator's Renewal Licenses for 06-12-14 S&L.pdf](#)

**This Report Action Item was recommended for approval.**

[14-971](#) Change of Premises Description - "Class B" Beer/Liquor License for Gregg Van Dinter, 906 South Olde Oneida Street, to include a 27 x 45 sq. ft. patio area, contingent upon approvals from all departments.

**This Report Action Item was recommended for approval.**

[14-993](#) Change of Premises Description - "Class B" Beer/Liquor License of What the Heck, LLC, d/b/a The Madd Hatter, Steven P. Heckenlaible, Agent, 205 West College Avenue, to include a 9 x 16 sq. ft. sidewalk cafe, contingent upon approvals from all departments.

**This Report Action Item was recommended for approval.**

[14-944](#) Reserve "Class B" Beer/Liquor License Renewal application of MC & C Sales LLC, d/b/a McKnight & Carlson Wines, John Carlson, Agent, 1350 West College Avenue, contingent upon approvals from all departments.

**This Report Action Item was recommended for approval.**

[14-996](#) Reserve "Class B" Beer/Liquor License Renewal application of Knotted Pianos Inc, Stefanie M. Hernet, Agent, 215 East College Avenue, contingent upon approvals from all departments.

**This Report Action Item was recommended for approval.**

[14-981](#) Reserve "Class B" Beer/Liquor License application of Timber Mill LLC, d/b/a Timber Mill Theater, Kris L. Oates, Agent, RiverHeath Way, contingent upon approvals from all departments.

**This Report Action Item was recommended for approval.**

[14-958](#) Class "A" Beer License Renewal application of Merina LLC, d/b/a Appleton BP, Prabhu Dhungana, Agent, 1200 West Wisconsin Avenue, contingent upon approvals from all departments.

**This Report Action Item was recommended for approval.**

[14-972](#) Class "B" Beer and Class "C" Wine License Renewal application of Lasubo Inc. d/b/a Atlas Coffee Mill & Cafe, Lawrence R. Bogenschutz, Agent, 425 West Water Street, contingent upon approvals from all departments.

**This Report Action Item was recommended for approval.**

[14-945](#) Class "B" Beer and Class "C" Wine License Renewal application of Sou Chomsisengphet, d/b/a Basil Cafe, 1513 North Richmond Street, contingent upon approvals from all departments.

**This Report Action Item was recommended for approval.**

[14-947](#) Class "B" Beer and Class "C" Wine License application of Home Run Pizza LLC, Patricia L. Reinke, Agent, 1216 West Wisconsin Avenue, contingent upon approvals from all departments.

**This Report Action Item was recommended for approval.**

[14-985](#) Class "B" Beer License Renewal application of Gno Bogeys LLC, d/b/a Reid Golf Course, Stacey L. Gassner, Agent, 1100 East Fremont Street, contingent upon approvals from all departments.

**This Report Action Item was recommended for approval.**

[14-973](#) Class "B" Beer License Renewal application of Mai's Deli, Fong Lee, Agent, 104 South Memorial Street, contingent upon approvals from all departments.

**This Report Action Item was recommended for approval.**

[14-1042](#) Class "B" Beer License application of Youa Bee Xiong, d/b/a Pheng Houa Daily Foods, 1216 North Division Street, to comply with stipulations of Special Use Permit #1-14, contingent upon approvals from all departments.

**This Report Action Item was recommended for approval.**

[14-959](#) Class "B" Beer License Renewal application of Youa Bee Xiong, d/b/a Pheng Houa Daily Foods, 1216 North Division Street, contingent upon approvals from all departments.

**This Report Action Item was recommended for approval.**

[14-995](#) Class "B" Beer License Renewal application of Therisa L. Xiong d/b/a Pooh San, 621D West Northland Avenue, contingent upon approvals from all departments.

**This Report Action Item was recommended for approval.**

[14-994](#) "Class B" Beer/Liquor License Renewal application of Antojitos Mexicanos LLC, d/b/a Antojitos Mexicanos, Fernando Almanza, Agent, 207 North Richmond Street, contingent upon approvals from all departments.

**This Report Action Item was recommended for approval.**

[14-970](#) "Class B" Beer/Liquor License Renewal application for Super Bowl Inc., Erik A. Gialdella, Agent, 2222 East Northland Avenue, contingent upon approvals from all departments.

**This Report Action Item was recommended for approval.**

[14-978](#) "Class B" Beer/Liquor License Renewal application of VFW Post 2778, Alexander R. White, Agent, 501 North Richmond Street, contingent upon approvals from all departments.

**This Report Action Item was recommended for approval.**

[14-980](#) "Class B" Beer/Liquor Renewal application of Appleton Souvenir & Cigar Company, Robert J. Zima, Agent, 415 West College Avenue, contingent upon approvals from all departments.

**This Report Action Item was recommended for approval.**

[14-1040](#) "Class B" Beer/Liquor Renewal application of Images, LLC, Kelly J. Kirchner, Agent, 1200 South Oneida Street, contingent upon approvals from all departments.

**This Report Action Item was recommended for approval.**

[14-1041](#) "Class B" Beer/Liquor License Renewal application of Appleton Elks Club, James B. Marks, Agent, 1103 West College Avenue, contingent upon approvals from all departments.

**This Report Action Item was recommended for approval.**

[14-974](#) Taxicab Company and Limousine Service renewal application of Fox Valley Tours, LLC, Justin T. Garrett, 165 Lamplighter Drive, #2, Kaukauna, contingent upon approvals from all departments.

**This Report Action Item was recommended for approval.**

[14-956](#) Taxicab Company and Limousine Service renewal application of LIR Transportation LLC d/b/a Fox Valley Cab, Igor Leykin, 719 W. Frances Street, contingent upon approvals from all departments.

**This Report Action Item was recommended for approval.**

[14-975](#) Mobile Home Park License renewal application of Fox Valley Estates, Richard Moore, 116 W. Hardy St., Duluth, MN, contingent upon approvals from all departments.

**This Report Action Item was recommended for approval.**

## 6. Information Items

[14-946](#) Special Class "B" Beer License application of Appleton Downtown Inc., Jennifer L. Stephany, Person in Charge, for the Mile of Music at Houdini Plaza and Jones Park, August 8 through August 10, 2014, contingent upon approvals from all departments.

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

**Aye:** 4 - Alderson Garb, Alderson Trauger, Alderson Jirschele and Alderson Lobner

**Excused:** 1 - Alderson Williams

[14-943](#) Special Class "B" Beer and Wine License application of Appleton Area Jaycees, Paul E. Schmerse, person in charge, 1620 East Witzke Blvd., July 3, 2014 for the fireworks from 5:00 p.m. to 11:00 p.m., contingent upon approvals from all departments.

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

**Aye:** 4 - Alderson Garb, Alderson Trauger, Alderson Jirschele and Alderson Lobner

**Excused:** 1 - Alderson Williams



[14-977](#) Special Class "B" Beer License application of St. Thomas More Church Bingo Committee, Gerald C. Rickert, Person in Charge, 1810 N. McDonald Street, July 12 & 26, August 9 & 23, September 6 & 20, October 4 & 18, November 1, 15 & 29 and December 13, 2014 from 5:00 p.m. to 12:00 a.m., contingent upon approvals from all departments.

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

**Aye:** 4 - Alderson Garb, Alderson Trauger, Alderson Jirschele and Alderson Lobner

**Excused:** 1 - Alderson Williams

[14-1017](#) Special Class "B" License applications filed after the agenda was published.

*None*

[14-1018](#) Director's Reports:  
City Clerk  
Fire Chief  
Police Chief

**Attachments:** [Police Weekly Report - Week 16.pdf](#)

[14-1019](#) Police Department Information on liquor law violation convictions.

*None*

[14-1020](#) Operator's License applicants have failed to show their certificate of completion of the responsible beverage service course, resulting in the expiration of Provisional Operator's License. None

[14-1021](#) Operator's License applications contingent upon completion of the Responsible Beverage Service Course. None

[14-1022](#)

## Special Events:

Sic Wit It MC Charity Ride - May 25, 2014  
Johnston Elementary Mustang Mile - May 31, 2014  
Special Olympics Torch Run - June 5, 2014  
Family Services Butterfly Festival - June 21, 2014  
Fox Cities YMCA Summer Classic - June 21 & 22, 2014  
African Heritage, Inc. Juneteenth - June 22, 2014  
Community Blood Center Mash Blood Drive - June 25, 2014  
Appleton Parks & Recreation Movie on the Hill - June 26, July 11, July 31, August 15, 2014  
Fox Cities YMCA Bird Bath Open - July 11-13, 2014  
Appleton Parks & Recreation Playground Fair - July 24 & 25, 2014

[14-976](#)

Appleton Fire Department Apparatus Committee Presentation.

**Attachments:**     [Fire Apparatus Committee Presentation.pdf](#)

## 7. Adjournment

*The meeting adjourned at 6:15 p.m.*

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

**Aye:** 4 - Aldersperson Garb, Aldersperson Trauger, Aldersperson Jirschele and Aldersperson Lobner

**Excused:** 1 - Aldersperson Williams