

MINUTES
COMMITTEE ON LAW & LICENSING

January 5, 2012 - 5:00 p.m.
Common Council Chambers, City Hall

Members Present: Chairperson Ald. Jodi VanderWeele, Vice Chairperson Ald. Julie Kath, Ald. Fred Boeldt, Ald. Joel Hammen, Ald. Scott Versey

Others in Attendance: Assistant City Attorney Charles Adams, Lt. Scott Mittelstadt, Sgt. Kurt Zempel, Licensing Clerk Cinda Langhoff, Teresa L. Gierke, Scott Khail, Nassar F. Jaber, Ricky J. Skarvan, Jr., William C. Skirvin, Benjamin L. Zastrow, Candace I. Teetzen, Patrick J. Martin, Ryan N. Messner, Randal L. Mueller, Erin M. Hutton, Douglas T. Gilman, Kerry E. Goedeke, Robert Scheibl, Joseph E. Jantz, James J. Butzen, Kevin R. Fetterer, Hamilton W. Watt, Tom Lloyd, Penny A. Hinz, Alisa R. Veenendaal, Michael R. Dietz, Richard C. Lambrecht, Elizabeth Lambrecht, Keith Fischer, Pritesh T. Patel

Chairperson VanderWeele called the meeting to order at 5:01 p.m.

The Pledge of Allegiance was recited.

Introduction of committee members and staff.

A motion to approve the minutes of the previous meeting held December 22, 2011 was made by Ald. Versey and seconded by Ald. Kath. **All ayes; motion approved.**

R.O. No. 295-11-12 (17-42) – Various License Applications: Pawn Broker Lic. App. No. 2874-S & T's Pawn & Retail Shop (Teresa L. Gierke, Agent)

Submitting various license applications for the period ending June 30, 2012 and June 30, 2013.

Teresa L. Gierke appeared before the committee to discuss her application. Sgt. Kurt Zempel provided the committee with a letter outlining his findings and he then discussed his concerns with the committee. Ald. Boeldt moved, seconded by Ald. Versey, to deny the license application based upon concerns regarding issues of public safety and protection, Teresa Gierke's past behavior, and the criminal background of Teresa Gierke's business associate. **All ayes; motion approved.**

R.O. No. 318-11-12 (18-42) – Various License Applications: Bev. Op. Lic. App. Nos. 9410 (Cynthia D. Christman), 9414 (Brian J. Smith); Taxicab Op. Lic. App. Nos. 8316 (Nassar F. Jaber), 9412 (Ricky J. Skarvan, Jr.), 7124 (William C. Skirvin), 9407 (Benjamin J. Zastrow)

Submitting various license applications for the period ending June 30, 2012 and June 30, 2013.

Cynthia D. Christman failed to appear before the committee. Ald. Versey moved, seconded by Ald. Hammen, to request via certified mailing Ms. Christman's appearance before the committee at its January 19th meeting. **All ayes; motion approved.**

Brian J. Smith failed to appear before the committee. Ald. Hammen moved, seconded by Ald. Versey, to request via certified mailing Mr. Smith's appearance before the committee at its January 19th meeting. **All ayes; motion approved.**

Nassar F. Jaber appeared before the committee to discuss his application. After discussion of his record, Ald. Versey moved, seconded by Ald. Hammen, to deny the license application based upon his record of violations related to the licensed activity and his record as a habitual law violator. **All ayes; motion approved.**

Ricky J. Skarvan, Jr. appeared before the committee to discuss his application. After discussion of his record, Ald. Versey moved, seconded by Ald. Kath, to grant the license contingent upon the application being corrected, and with a warning to include all relevant information on future applications. **All ayes; motion approved.**

William C. Skirvin appeared before the committee to discuss his application. After discussion of his record and his failure to include a violation on his application, Ald. Versey moved, seconded by Ald. Hammen, to grant the license contingent upon the application being corrected, and with a warning to include all relevant information on future applications. **All ayes; motion approved.**

Benjamin J. Zastrow appeared before the committee to discuss his application. After discussion of his record and his failure to include violations on his application, Ald. Kath moved, seconded by Ald. Versey, to deny the license application based upon his failure to accurately reveal all relevant convictions on his application and his record of violations related to the licensed activity. **Four ayes and one nay (Ald. VanderWeele); motion approved.**

Possible action regarding Alc. Bev. Lic. No. 2704-El Gallo Giro (Efren Martinez, Agent)

Efren Martinez failed to appear before the committee. As of January 1, 2012, El Gallo Giro is in violation of the City's continuation of business ordinance. Ald. Boeldt moved, seconded by Ald. Versey, to request via certified mailing Mr. Martinez' appearance before the committee at its January 19th meeting. **All ayes; motion approved.**

Possible action regarding Alc. Bev. Lic. No. 1260-The Cove (Candace I. Teetzen, Agent)

Candace L. Teetzen appeared before the committee. Ald. Boeldt moved, seconded by Ald. Hammen, to issue a warning to Ms. Teetzen regarding the sale of alcohol to underage persons at The Cove on August 10 and December 2, 2011. **All ayes; motion approved.**

Possible action regarding Alc. Bev. Lic. No. 1752-The End Zone (Patrick J. Martin, Agent)

Patrick J. Martin appeared before the committee. Ald. Kath moved, seconded by Ald. Versey, to issue a warning to Mr. Martin regarding the sale of alcohol to underage persons at The End Zone on March 28 and August 10, 2011. **All ayes; motion approved.**

Possible action regarding Alc. Bev. Lic. No. 2383-The Green Room (Ryan N. Messner, Agent)

Ryan N. Messner appeared before the committee. Ald. Kath moved, seconded by Ald. Boeldt, to issue a warning to Mr. Messner regarding the sale of alcohol to underage persons at The Green Room on March 28 and April 8, 2011. **Four ayes and one abstention (Ald. Versey); motion approved.**

Possible action regarding Alc. Bev. Lic. No. 2301-Mojo (Joseph P. Bonelli, Agent)

Joseph P. Bonelli failed to appear before the committee. Ald. Hammen moved, seconded by Ald. Versey, to request via certified mailing Mr. Bonelli's appearance before the committee at its January 19th meeting. **All ayes; motion approved.**

Possible action regarding Alc. Bev. Lic. No. 1234-Muellers Bar (Randal L. Mueller, Agent)

Randal L. Mueller appeared before the committee. Ald. Versey moved, seconded by Ald. Kath, to issue a warning to Mr. Mueller regarding the sale of alcohol to underage persons at Muellers Bar on August 10 and November 17, 2011. **Four ayes and one abstention (Ald. Hammen); motion approved.**

Possible action regarding Alc. Bev. Lic. No. 1699-On The House (Erin M. Hutton, Agent)

Erin M. Hutton appeared before the committee. Ald. Versey moved, seconded by Ald. Boeldt, to issue a warning to Ms. Hutton regarding the sale of alcohol to underage persons at On The House on August 10 and November 17, 2011. **All ayes; motion approved.**

Possible action regarding Alc. Bev. Lic. No. 2563-Penn Ave Pub II (Douglas T. Gilman, Agent)

Douglas T. Gilman appeared before the committee. Ald. Versey moved, seconded by Ald. Kath, to issue a warning to Mr. Gilman regarding the sale of alcohol to underage persons at Penn Ave Pub II on April 9 and November 29, 2011. **All ayes; motion approved.**

Possible action regarding Alc. Bev. Lic. No. 1252-Petek's Tavern (Stanley J. Petek, Agent)

Stanley J. Petek failed to appear before the committee, but the letter sent to him had been returned by the post office undelivered. Ald. Versey moved, seconded by Ald. Hammen, to request Mr. Petek's appearance before the committee at its January 19th meeting. **All ayes; motion approved.** The letter does not need to be sent via certified mail.

Possible action regarding Alc. Bev. Lic. No. 2135-Sandee's Cool Runnings (Kerry E. Goedeke, Agent)

Kerry E. Goedeke appeared before the committee. Ald. Versey moved, seconded by Ald. Kath, to issue a warning to Mr. Goedeke regarding the sale of alcohol to underage persons at Sandee's Cool Runnings on April 9 and June 9, 2011. **All ayes; motion approved.**

Possible action regarding Alc. Bev. Lic. No. 2717-SheVegas (Robert Scheibl, Agent)

Robert Scheibl appeared before the committee. Mr. Scheibl is the new agent for SheVegas as of July 2011. Ald. Versey moved, seconded by Ald. Kath, to issue a warning to Mr. Scheibl regarding the sale of alcohol to underage persons at SheVegas on April 9 and June 9, 2011. **All ayes; motion approved.**

Possible action regarding Alc. Bev. Lic. No. 2142-Talk of the Town (Fern M. Meyer, Agent)

Fern M. Meyer failed to appear before the committee. Ald. Versey moved, seconded by Ald. Hammen, to request via certified mailing Ms. Meyer's appearance before the committee at its January 19th meeting. **All ayes; motion approved.**

Possible action regarding Alc. Bev. Lic. No. 1406-Tidy Car of Sheboygan (Joseph E. Jantz, Agent)

Joseph E. Jantz appeared before the committee. Ald. Versey moved, seconded by Ald. Kath, to issue a warning to Mr. Jantz regarding the sale of alcohol to underage persons at Tidy Car of Sheboygan on June 9 and November 29, 2011, and also the sale of tobacco to an underage person on November 29, 2011. **All ayes; motion approved.**

Possible action regarding Alc. Bev. Lic. No. 2466-Tipo Too (James J. Butzen, Agent)

James J. Butzen appeared before the committee. Ald. Versey moved, seconded by Ald. Kath, to issue a warning to Mr. Butzen regarding the sale of alcohol to underage persons at Tipo Too on March 29 and August 10, 2011. **All ayes; motion approved.**

Possible action regarding Alc. Bev. Lic. No. 2774-Union Ave. Tap (Kevin R. Fetterer, Agent)

Kevin R. Fetterer appeared before the committee. Ald. Versey moved, seconded by Ald. Kath, to issue a warning to Mr. Fetterer regarding the sale of alcohol to underage persons at Union Ave. Tap on August 10 and November 17, 2011. **All ayes; motion approved.**

Possible action regarding Alc. Bev. Lic. No. 1083-Vibez (Hamilton W. Watt, Agent)

Hamilton W. Watt appeared before the committee. Ald. Versey moved, seconded by Ald. Boeldt, to issue a warning to Mr. Watt regarding the sale of alcohol to underage persons at Vibez on June 9 and November 17, 2011. **All ayes; motion approved.**

Possible action regarding Alc. Bev. Lic. No. 2513-Vreekes Tavern I (Penny A. Hinz, Agent)

Penny A. Hinz appeared before the committee. She indicated that the person bartending on November 28, 2011 was terminated immediately and they now have a zero tolerance policy. Ald. Versey moved, seconded by Ald. Hammen, to issue a warning to Ms. Hinz regarding the sale of

alcohol to underage persons at Vreekes Tavern I on April 9 and November 28, 2011, and also for being open after hours on November 28, 2011. **All ayes; motion approved.**

Possible action regarding Alc. Bev. Lic. No. 1833-Champs Sports Bar (Alisa R. Veenendaal, Agent)

Alisa R. Veenendaal appeared before the committee. She indicated that Champs now has a zero tolerance policy and they are in the process of retraining all employees. Ald. Versey moved, seconded by Ald. Kath, to issue a warning to Ms. Veenendaal regarding the sale of alcohol to underage persons at Champs Sports Bar on April 9, August 10 and December 2, 2011. **All ayes; motion approved.**

Possible action regarding Alc. Bev. Lic. No. 2758-Mikes Wilson Ave Bar & Grill (The Finer Things in Life) (Michael R. Dietz, Agent)

Michael R. Dietz appeared before the committee. Mr. Dietz indicated that all employees are going through training again. Ald. Versey moved, seconded by Ald. Boeldt, to issue a warning to Mr. Dietz regarding the sale of alcohol to underage persons at Mikes Wilson Avenue Bar & Grill on April 8, April 9 and June 9, 2011. **All ayes; motion approved.**

Possible action regarding Alc. Bev. Lic. No. 1267-Poor Richards (Richard C. Lambrecht, Agent)

Richard C. Lambrecht and his wife, Elizabeth Lambrecht, appeared before the committee. Mrs. Lambrecht indicated that she reads ID's more carefully now, using a flashlight if necessary. Ald. Kath moved, seconded by Ald. Hammen, to issue a warning to Mr. Lambrecht regarding the sale of alcohol to underage persons at Poor Richards on March 29, April 9 and December 2, 2011. **All ayes; motion approved.**

Possible action regarding Alc. Bev. Lic. No. 2532-Fischer's Food & Liquor (Keith Fischer, Agent)

Keith Fischer appeared before the committee. Mr. Fischer indicated he will have a zero tolerance policy from now on. Ald. Kath moved, seconded by Ald. Versey, to issue a warning to Mr. Fischer regarding the sale of alcohol to underage persons at Fischer's Food & Liquor twice on March 28 and once on March 29 and June 9, 2011. **All ayes; motion approved.**

Possible action regarding Alc. Bev. Lic. No. 2816-Marathon Harbor Petro (Mobil Mart) (Pritesh T. Patel, Agent)

Pritesh T. Patel appeared before the committee. Mr. Patel became the agent on March 30, 2011. Ald. Boeldt moved, seconded by Ald. Hammen, to issue a warning to Mr. Patel regarding the sale of alcohol to underage persons at Marathon Harbor Petro twice on March 28 and once on March 29 and June 9, 2011. **All ayes; motion approved.**

R.O. No. 86-11-12 (6-43) – Various License Applications: Taxicab Driver Lic. App. No. 9163 (Noemy Loya)

Submitting various license applications for the period ending June 30, 2012 and June 30, 2013.

Noemy Loya still has not provided a valid social security number to the City Clerk's Office. Ald. Versey moved, seconded by Ald. Hammen, to hold this license application until Ms. Loya presents a valid social security number to the City Clerk's Office. **All ayes; motion approved.**

R.O. No. 328-11-12 (19-18) – Various License Applications

Submitting various license applications for the period ending June 30, 2012 and June 30, 2013.

Ald. Versey moved, seconded by Ald. Hammen, as follows:

- To call in the following license applicants to discuss their applications with the committee:
 - Bev. Op. Lic. App. No. 9419 (Krista L. Stobbe); and
- To grant license, contingent upon the application being corrected and with a warning to include all violations on future applications, to:
 - Taxicab Op. Lic. App. No. 9416 (Bobbie J. Mendez); and
- To grant the remainder of the license applications for individuals and entities listed on the above-referenced R.O.

All ayes; motion approved.

R.O. No. 330-11-12 (19-9) – Alarm Business Permit License Application

Submitting an Alarm Business Permit License application #2663 for Vivint, Inc., 4931 North 300, West Provo, UT 84604.

The City Clerk's office has had ongoing problems with this applicant throughout the past couple of years. Ald. Versey moved, seconded by Ald. Hammen, to call in Alarm Business Permit Lic. App. No. 2663-Vivint, Inc. to discuss their application with the committee. **All ayes; motion approved.**

Res. No. 124-11-12 (19-15)

A resolution authorizing the presiding officer at city meetings the discretion to utilize written confidentiality agreements for closed sessions.

Ald. Kath explained to the committee that this resolution was drafted because recently there have been instances of confidential information being disclosed to the public following closed session meetings. Ald. Hammen moved, seconded by Ald. Kath, to approve the proposed resolution and submit it to the common council with a favorable recommendation. **Three ayes and two nays (Ald. Boeldt and Ald. VanderWeele); motion approved.**

Discussion and possible action regarding law violations that may require future action by the Committee

ACA Adams and Lt. Mittelstadt indicated that they had no such violations to report at this time.

Ald. Versey made a motion to adjourn. Ald. Hammen seconded the motion. **All ayes; motion approved.**

There being no further business to come before the committee, the meeting was adjourned at 7:15 p.m.

The next regularly-scheduled committee meeting will be held on January 19, 2012 at 5:00 p.m. in the Common Council Chambers located at City Hall, 828 Center Avenue. In addition, a special meeting of the committee has been scheduled for January 12, 2012 at 9:00 a.m. in Common Council Chambers with regard to the large number of underage alcohol violations.