

MINUTES
COMMITTEE ON LAW & LICENSING

October 6, 2011 - 5:00 p.m.
Common Council Chambers, City Hall

Members Present: Chairperson Ald. Jodi VanderWeele, Vice Chairperson Ald. Julie Kath, Ald. Joel Hammen, Ald. Eric Rindfleisch

Excused: Ald. Scott Versey

Others in Attendance: City Attorney Stephen McLean, Assistant City Attorney Charles Adams, Lt. Scott Mittelstadt, Licensing Clerk Cinda Langhoff, Aimee M. Boutchard, Zachary J. Drescher, Jerry A. Sonneman, Monica Torres, Mary A. Boreman, Marcello A. Segovia, Jeffrey D. Zelko, Michael G. Maurer, Kristin Fischer, Dale R. Repinski

Chairperson VanderWeele called the meeting to order at 5:00 p.m.

The Pledge of Allegiance was recited.

Introduction of committee members, staff and guests.

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

Committee review and recommendation regarding 2012 budget for City Attorney's Office

City Attorney McLean appeared before the committee to discuss the proposed 2012 budget for the City Attorney's Office. A motion was made by Ald. Rindfleisch, seconded by Ald. Kath, to approve the City Attorney's budget for 2012 as presented. **All ayes; motion approved.**

R.O. No. 214 -11-12 (13-21) – Summary of the 2012 Budget Requests for various funds

Submitting the attached summary of the 2012 Budget Requests for the Enterprise Funds, the Internal Service Funds, and the Trust Funds. The comparison is to the 2011 revised budget.

R.O. No. 215-11-12 (13-22) – Summary of the 2012 Budget Requests for various funds

Submitting the attached summary of the 2012 Budget Requests for the General Fund, the Special Revenue Funds, the Debt Service Funds, and the Capital Project Funds. The comparison is to the 2011 revised budget.

A motion was made by Ald. Rindfleisch, seconded by Ald. Hammen, to approve the summaries of the 2012 Budget Requests for the various funds as contained in R.O. Nos. 214-11-12 and 215-11-12. **All ayes; motion approved.**

R.O. No. 167-11-12 (11-65) – Various License Applications: Bev. Op. Lic. App. Nos. 9300 (Aimee M. Boutchard), 9291 (Zachary J. Drescher), 9295 (Jerry A. Sonneman), 9294 (Monica Torres)

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

Aimee M. Boutchard appeared before the committee to discuss her application. After discussion of her record and her failure to include a violation on her application, Ald. Rindfleisch 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.**

Zachary J. Drescher appeared before the committee to discuss his application. After discussion of his record and his failure to include violations on his application, Ald. Rindfleisch 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.**

Jerry A. Sonneman appeared before the committee to discuss his application. After discussion of his record and his failure to include a violation on his application, Ald. Kath moved, seconded by Ald. Rindfleisch, 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. **All ayes; motion approved.**

Monica Torres appeared before the committee to discuss her application. After discussion of her record and her failure to include violations on her application, Ald. Kath moved, seconded by Ald. Hammen, to deny the license application based upon her failure to accurately reveal all relevant convictions on her application and her record of violations related to the licensed activity. **All ayes; motion approved.**

R.O. No. 199-11-12 (12-47) – Various License Applications: Bev. Op. Lic. App. Nos. 9309 (Mary A. Boreman), 6547 (Jessica M. McKinster), 9320 (Marcello A. Segovia), 9082 (Nathan B. TenPas), 9312 (Jeffrey D. Zelko); Taxicab Driver Lic. App. Nos. 6409 (Kyle T. Cure), 9326 (Johnathan J. Dergantz), 6640 (Michael G. Maurer)

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

Mary A. Boreman appeared before the committee to discuss her application. After discussion of her record and her failure to include violations on her application, Ald. Rindfleisch 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.**

Jessica M. McKinster had contacted the City Attorney's Office to indicate that she was unable to appear on October 6th. Ald. Rindfleisch moved, seconded by Ald. Kath, to hold this matter until the October 20th meeting. **All ayes; motion approved.**

Marcello A. Segovia 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. Rindfleisch, 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. **All ayes; motion approved.**

Nathan B. TenPas failed to appear before the committee. Ald. Kath moved, seconded by Ald. Rindfleisch, to request via certified mailing Mr. TenPas's appearance before the committee at its October 20th meeting. **All ayes; motion approved.**

Jeffrey D. Zelko appeared before the committee to discuss his application. After discussion of his record and his failure to include a violation on his application, Ald. Rindfleisch 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.**

Kyle T. Cure failed to appear before the committee. Ald. Hammen moved, seconded by Ald. Kath, to request via certified mailing Mr. Cure's appearance before the committee at its October 20th meeting. **All ayes; motion approved.**

Johnathan J. Dergantz failed to appear before the committee. Ald. Kath moved, seconded by Ald. Hammen, to request via certified mailing Mr. Cure's appearance before the committee at its October 20th meeting. **All ayes; motion approved.**

Michael G. Maurer appeared before the committee to discuss his application. After discussion of his record and his failure to include a violation on his application, Ald. Hammen 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.**

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. Kath moved, seconded by Ald. Rindfleisch, to hold this license application until Ms. Loya presents a valid social security number to the City Clerk's Office. **All ayes; motion approved.** Licensing Clerk Cinda Langhoff indicated that she will send a letter to Ms. Loya reminding her that she needs to provide the social security number.

Possible action regarding Alc. Bev. Lic. No. 2193-The Kaddyshack LLC (Keith F. Fischer, Agent)

Keith F. Fischer failed to appear before the committee but instead had his wife, Kristin, appear. ACA Adams informed the committee that when he spoke with Mr. Fischer in September and indicated that the matter could be held until the October 6th meeting, Mr. Fischer asked if his wife could appear instead of him, and he was advised that he needed to appear in person before the committee. Ald. Hammen moved, seconded by Ald. Rindfleisch, to hold this matter until the October 20th meeting. **All ayes; motion approved.**

Possible action regarding Bev. Op. Lic. No. 6573 (Dale R. Repinski)

Dale R. Repinski appeared before the committee. Mr. Repinski explained to the committee what had happened during the bar check at Dave's Who's Inn on August 13th. Lt. Mittelstadt indicated that he

felt it would be a good idea to have a meeting between Mr. Repinski and the officer involved so that there will be better communication during bar checks in the future. Ald. Hammen moved, seconded by Ald. Kath, to issue a warning to Mr. Repinski regarding the August 13th incident. **All ayes; motion approved.**

Possible action regarding Alc. Bev. Lic. No. 2720-Rehab Bar & Grill (Rufino C. Martinez, Jr., Agent)

Rufino C. Martinez, Jr. failed to appear before the committee. Lt. Mittelstadt informed the committee that the chronic nuisance hearing had been held at the police department, suggestions had been made to Rehab Bar & Grill, and Mr. Martinez had appeared to be cooperative. Ald. Hammen moved, seconded by Ald. Kath, to hold this matter until the October 20th meeting and call in Mr. Martinez to that meeting. **All ayes; motion approved.**

Update regarding voluntary surrender of Bev. Op. Lic. No. 8447 (Peter Vreeke)

ACA Adams informed the committee that Peter Vreeke did voluntarily surrender his license on October 3, 2011 for a 10-day period, so a quasi-judicial hearing will not be necessary.

Update regarding status of quasi-judicial hearing regarding Bev. Op. Lic. No. 6011 (David M. Nennig)

ACA Adams informed the committee that he will try to schedule the quasi-judicial hearing for one of the November meetings.

R.O. No. 216-11-12 (13-39) – Various License Applications

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

Ald. Rindfleisch moved, seconded by Ald. Hammen, to grant a license to Class “A” Fermented Malt Beverage Lic. App. No. 2864-Bhupin Minimart LLC. **All ayes; motion approved.**

Ald. Hammen moved, seconded by Ald. Rindfleisch, to grant a license to Reserve “Class B” Liquor Lic. App. No. 2866-Night Moves. **All ayes; motion approved.**

Ald. Hammen moved, seconded by Ald. VanderWeele, to grant a license with a warning to App. No. 3784. **Two ayes and two nays (Ald. Rindfleisch and Ald. Kath); motion fails.** Ald. Kath moved, seconded by Ald. Rindfleisch, to call in Bev. Op. Lic. App. No. 3784 (Dennis D. Guernsey) to discuss his application with the committee. **All ayes; motion approved.**

Ald. Kath moved, seconded by Ald. Rindfleisch, to call in Bev. Op. Lic. App. No. 9331 (Lee K. Miller) to discuss her application with the committee. **All ayes; motion approved.**

Ald. Rindfleisch moved, seconded by Ald. Kath, to grant a license with a warning, contingent upon the application being corrected, to Bev. Op. Lic. App. No. 9330 (Jessica M. Mullens). **All ayes; motion approved.**

Ald. Kath moved, seconded by Ald. Hammen, to call in Bev. Op. Lic. App. No. 8415 (Kaletha L. Polzin) to discuss her application with the committee. **All ayes; motion approved.**

Ald. Kath moved, seconded by Ald. Rindfleisch, to call in App. No. 9343. **Two ayes and two nays (Ald. VanderWeele and Ald. Hammen); motion fails.** Ald. Rindfleisch moved, seconded by Ald. Hammen, to grant a license with a warning, contingent upon the application being corrected, to Bev. Op. Lic. App. No. 9343 (Kelly S. Schwanke). **All ayes; motion approved.**

Ald. Hammen moved, seconded by Ald. Kath, to call in Bev. Op. Lic. App. No. 9339 (Megan R. Stadler) to discuss her application with the committee. **All ayes; motion approved.**

Ald. Kath moved to call in App. No. 5356 to discuss his application with the committee. **Motion died for lack of a second.** Ald. Hammen moved, seconded by Ald. Rindfleisch, to grant a license with a warning, contingent upon the application being corrected, to Taxicab Driver Lic. App. No. 5356 (Christos G. Balassi). **All ayes; motion approved.**

Ald. Rindfleisch moved, seconded by Ald. Hammen, to grant a license with a warning, contingent upon the application being corrected, to Taxicab Driver Lic. App. No. 8676 (Shaun P. Farmer). **All ayes; motion approved.**

Ald. Rindfleisch moved, seconded by Ald. Hammen, to grant the remainder of the license applications for individuals and entities listed on the above-referenced R.O. **All ayes; motion approved.**

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

After hearing a brief report from Lt. Mittelstadt regarding a recent incident of over-serving at Sandee's bar, Ald. Rindfleisch made a motion, seconded by Ald. Hammen, to call in Alc. Bev. Lic. No. 2135-Sandee's Cool Runnings (Kerry E. Goedeke, Agent) to discuss the matter with the committee. **All ayes; motion approved.**

MATTERS TO BE HELD:

Com. No. 12-11-12 (13-11) – Communication from Kathy and Bernie Ross

Submitting a communication from Kathy and Bernie Ross stating that they are opposed to the approval of any liquor licensing in their area of S. 12th St. as there are too many schools in walking distance including small children.

This communication will be held until a license has been applied for.

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

There being no further business to come before the committee, the meeting was adjourned at 6:45 p.m.

The next committee meeting is scheduled to be held on October 20, 2011 at 5:00 p.m. in the Common Council Chambers located at City Hall, 828 Center Avenue.