

VILLAGE BOARD
SPECIAL MEETING MINUTES
MAY 16, 2011
VILLAGE HALL BOARD ROOM

CALL TO ORDER

The meeting was called to order at 5:30 p.m.

ROLL CALL

Members present: President Wolter, Trustees Baum, Ewert, Hughes, Vanderheiden, Werderman, and Zabel. Absent but arriving at a later time was Trustee Kaminski. Absent was Trustee Wing. Also present were Village Administrator Schornack, Attorney DeStefanis and Clerk Knaack. Tom Petri, along with his legal counsel Mark Tishberg as well as Magie Matousek Brady, Court Reporter with Gramann Reporting.

HEARING

NON-RENEWAL OF "CLASS B" FERMENTED MALT BEVERAGE

AND INTOXICATING LIQUOR LICENSE –T.O.P. LLC d/b/a Tom's Kuhberg Junction
Agent Thomas F Petri; W140 N10385 Fond du Lac Avenue

Village Attorney DeStefanis gave the statistics behind the recommendation of non renewal of the liquor license. He outlined the complaint on file.

Police Chief Hoell was called to the stand. After being sworn in, he answered questions of Village Attorney DeStefanis and was cross-examined by Attorney Tishberg. Items discussed included, but were not limited to the following:

- Video machine payouts
- Purchasing liquor from a non-wholesale source
- And unlicensed bartender
- Operating a vehicle while intoxicated
- Smoking in the bar area

This testimony ended at 6:00 p.m.

Kathy Jahn was called to the stand and sworn in. Along with her siblings she is landlord of the property rented by Mr. Petri. She then answered questions of the Village Attorney and Attorney Tishberg. Items discussed included, but were not limited to the following:

- The lease with Mr. Petri expires June 30, 2011
- His rent payments have been late
- The sewer bill is not current
- No certificate of insurance has been shown to her

This testimony ended at 6:15 p.m.

A summarization was given by Attorney DeStefanis
A summarization was given by Attorney Tishberg

Tom Petri was called to the stand and sworn in. He was questioned by Attorneys DeStefanis and Tishberg.

Items discussed included, but were not limited to the following:

- Financial problems due to a divorce
- Purchasing alcohol from retail stores
- He has been in operation for eleven years
- He will get the rent, insurance and utilities current in the near future
- He has no other source of income
- He is aware of the legal limit for alcohol
- He wasn't aware a DUI would have an effect on his license
- He didn't get notification of the Public Safety meeting (the Clerk produced the list stating he was sent notification)
- He does charity work in the Community
- He is asking the Board for mercy, he has been through a tough time
- Someone is out to 'get him'

His testimony ended at 6:40 p.m.

BUSINESS

RENEWAL OF "CLASS B" FERMENTED MALT BEVERAGE AND INTOXICATING LIQUOR LICENSE - T.O.P. LLC d/b/a Tom's Kuhberg

Junction – Agent Thomas F Petri; W140 N10385 Fond du Lac Avenue

Motion by Zabel second by Hughes to renew both the liquor license and amusement arcade license.

Discussion:

- The license period is one year and cannot be licensed for a different period
- The license can be revoked if stipulations are not met
- There would have to be another hearing
- Restrictions should be defined
- Absolute sobriety
- Not drinking on duty
- A responsible beverage training course

Motion by Werderman second by Kaminski to amend the motion to state Tom Petri is to take a responsible beverage serving course prior to July 1, 2011. All voted aye to amend. Motion carried.

Motion by Baum second by Ewert to amend the motion to state that there be no further DUI and if there were to be, it would be the third one and cause for revocation. All present voted aye to amend. Motion carried.

Motion by Baum second by Zabel to amend the motion to state Mr. Petri is not allowed to drink while working. Baum voted aye, all else nay. Motion lost.

Motion by Zabel second by Ewert to amend the motion to state Mr. Petri has to have a blood alcohol content of less than .04% if drinking while working. Baum, Ewert, and Zabel voted aye, Vanderheiden, Kaminski, Werderman, Hughes and Wolter nay. Motion lost.

Motion by Baum second by Zabel to amend the motion to state that Mr. Petri cannot be intoxicated to the legal point of .08% while working. Baum, Ewert, Werderman and Zabel voted aye, Kaminski, Vanderheiden, Wolter and Hughes nay. Motion to amend ended in a tie vote. Motion lost.

Motion by Vanderheiden second by Baum to amend the motion to state there will be a recommendation for review with any violation of any State law or Village ordinance and also it will be reviewed by the Public Safety Committee with a referral to the Village Board if necessary. All present voted aye to amend. Motion carried.

Motion by Vanderheiden to amend the motion to state Mr. Petri is to provide the Village proof of insurance for his business. Motion failed for lack of a second.

Roll call vote was taken on the motion as amended. All present voted aye. Motion carried.

RENEWAL – AMUSEMENT ARCADE LICENSE - T.O.P. LLC d/b/a Tom's Kuhberg Junction – Agent Thomas F Petri; W140 N10385 Fond du Lac Avenue (included in previous motion)

ADJOURNMENT

The meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Elizabeth Knaack
Village Clerk