

CITY OF SHEBOYGAN

LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE MINUTES

June 8, 2022

COMMITTEE MEMBERS PRESENT: Chair Alderperson Barb Felde, Vice Chair Alderperson Betty Ackley, Alderperson Dean Dekker, Alderperson Joseph Heidemann, Alderperson Amanda Salazar

STAFF/OFFICIALS PRESENT: City Attorney Charles Adams (remote), Mayor Ryan Sorenson, City Clerk Meredith DeBruin, Lt. Kurt Zempel, Sgt. Alex Jaeger, Licensing Clerk Melissa Fassbender, Paralegal Marie Foss

OTHERS PRESENT: Attorney Joseph Voelkner, Dave Felde, Bailey Kupfer, Joseph Bonelli, Pedro Reynoso Jr., Barbara Klug, Christine Loose

OPENING OF MEETING

1. Call to Order

Chair Alderperson Barb Felde called the meeting to order at 4:15 PM.

2. Roll Call
3. Pledge of Allegiance

The Pledge of Allegiance was recited.

4. Introduction of Committee members, staff and guests

MINUTES

5. Approval of Minutes

MOTION TO APPROVE THE MINUTES OF THE PREVIOUS MEETING HELD MAY 25, 2022.

Motion made by Alderperson Dekker, seconded by Vice Chair Ackley.

Voting Yea: Alderperson Salazar, Chair Felde, Vice Chair Ackley, Alderperson Dekker, Alderperson Heidemann.

QUASI-JUDICIAL HEARING

6. Quasi-Judicial hearing to determine whether Alcohol Beverage License No. 2301 (One More Time, LLC - MOJO) [Joseph P. Bonelli, Agent] shall be suspended or revoked.

Chair Felde called the hearing to order with appearances by City Attorney Charles Adams on behalf of the City and Joseph P. Bonelli appearing in person. Special Counsel Joseph Voelkner was also present to advise the committee in their function as finder of law and fact.

City Attorney Adams indicated in his opening statement that the matter before the committee is to determine whether One More Time, LLC – Mojo has violated the City's continuation of business ordinance by being closed for six months without requesting an extension.

Mr. Bonelli was sworn in by Chair Felde and questioned by City Attorney Adams. City Attorney Adams presented a timeline of events regarding Mojo and introduced six exhibits that included emails between Mr. Bonelli and the City Clerk's Office and City Attorney's Office, as well as letters from the City Attorney's office. The exhibits were presented to the committee members. Attorney Voelkner asked Mr. Bonelli some clarifying questions while the committee reviewed the exhibits.

Licensing Clerk Melissa Fassbender was present on behalf of the City and was sworn in and questioned by City Attorney Adams regarding exhibits 4, 5 and 6.

Mr. Bonelli asked for an adjournment as he feels there is a conflict of interest due to the fact that Attorney Voelkner is acting as counsel for the committee while his law firm is also handling the sale of Mr. Bonelli's business. Attorney Voelkner noted the adjournment request and indicated the hearing would proceed. The committee asked questions of Mr. Bonelli. Mr. Bonelli stated that his business was open on April 1, 2022. Attorney Adams cross-examined Mr. Bonelli.

Closing statements were made by City Attorney Adams and Mr. Bonelli.

CLOSED SESSION

7. MOTION TO CONVENE IN CLOSED SESSION under the exemption provided in Section 19.85(1) (a) of the Wisconsin Statutes for the purpose of deliberation concerning action to be taken regarding Liquor License No. 2301 (One More Time, LLC - MOJO)

Motion made by Vice Chair Ackley, seconded by Alderperson Dekker.

Voting Yea: Alderperson Salazar, Chair Felde, Vice Chair Ackley, Alderperson Dekker, Alderperson Heidemann.

RECONVENE IN OPEN SESSION

8. MOTION TO RECONVENE IN OPEN SESSION

Motion made by Alderperson Dekker, seconded by Alderperson Salazar.

Voting Yea: Alderperson Salazar, Chair Felde, Vice Chair Ackley, Alderperson Dekker, Alderperson Heidemann.

9. Possible action regarding Alcohol Beverage License No. 2301 (One More Time, LLC - MOJO)

MOTION TO DENY RENEWAL OF ALCOHOL BEVERAGE LICENSE NO. 2301 (ONE MORE TIME, LLC – MOJO)

Motion made by Alderperson Heidemann, seconded by Alderperson Dekker.

Voting Yea: Alderperson Salazar, Chair Felde, Vice Chair Ackley, Alderperson Dekker, Alderperson Heidemann.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

10. R.O. No. 9-22-23 (5-2-22) by City Clerk submitting various license applications: "Class B" Liquor License [NEW] App. No. 3539 - Reynoso Properties LLC (GuGu's Bar and Grill) [Pedro Reynoso, Jr., Agent] - HEARING REGARDING DENIAL OF LICENSE.

Chair Felde called the hearing to order with appearances by City Attorney Charles Adams on behalf of the City and Pedro Reynoso, Jr. appearing in person. Special Counsel Joseph Voelkner was also present to advise the committee in their function as finder of law and fact.

Licensing Clerk Melissa Fassbender was present on behalf of the City Clerk's Office and was questioned by City Attorney Adams regarding the history of this license. City Attorney Adams stated that there is no license to be granted as the license holder (Indiana Joe's) had not been open for over six months and had not requested an extension, causing a cessation of business. Attorney Voelkner also explained to the committee that the issue at hand is that there isn't a license to be had.

MOTION TO DENY "CLASS B" LIQUOR LICENSE [NEW] APP. NO. 3539 – REYNOSO PROPERTIES LLC (GUGU'S BAR AND GRILL) AS THERE IS NO LICENSE AVAILABLE.

Motion made by Alderperson Dekker, seconded by Vice Chair Ackley.

Voting Yea: Alderperson Salazar, Chair Felde, Vice Chair Ackley, Alderperson Dekker, Alderperson Heidemann.

11. Presentations by potential applicants for available "Class A" alcohol beverage licenses.

Bailey Kupfer appeared and spoke on behalf of the Watershed Hotel. Ms. Kupfer presented the hotel layout and indicated where the alcohol would be sold. City Attorney Adams indicated they will need to comply with the rules regarding the layout of the premise.

12. Discussion and action regarding granting opportunity to apply for available "Class A" alcohol beverage licenses.

MOTION TO INVITE WATERSHED HOTEL TO APPLY FOR AVAILABLE "CLASS A" ALCOHOL BEVERAGE LICENSE.

Motion made by Vice Chair Ackley, seconded by Alderperson Dekker.

Voting Yea: Alderperson Salazar, Chair Felde, Vice Chair Ackley, Alderperson Dekker, Alderperson Heidemann.

13. Discussion and possible action regarding request from Alcohol Beverage License No. 3333 (Kohler Company - golf course) for an extension under the city's continuation of business ordinance.

Barbara Klug appeared before the committee on behalf of Kohler Company and explained that they are requesting an extension because construction of the new golf course cannot begin until the pending lawsuits have been resolved. City Attorney Adams explained the difference between a "Class B" and "Class B reserve" license and indicated that Kohler Company has a "Class B reserve" license and the City has multiple reserve licenses available.

MOTION TO GRANT A ONE-YEAR EXTENSION THROUGH JUNE 30, 2023 TO ALCOHOL BEVERAGE LICENSE NO. 3333 (KOHLEK COMPANY – GOLF COURSE) UNDER THE CONTINUATION OF BUSINESS ORDINANCE.

Motion made by Alderperson Heidemann, seconded by Alderperson Dekker.

Voting Yea: Alderperson Salazar, Vice Chair Ackley, Alderperson Dekker, Alderperson Heidemann.

Abstained: Chair Felde.

14. Res. No. 23-22-23 (6-6-22) A Resolution authorizing acceptance of the 2022 Wisconsin Bureau of Transportation Safety, Bicycle and Pedestrian Enforcement Grant.

Lt. Kurt Zempel from the Sheboygan Police Department gave a brief presentation regarding this grant and its benefits to the City.

MOTION TO RECOMMEND THE COMMON COUNCIL ADOPT RES. NO. 23-22-23.

Motion made by Alderperson Dekker, seconded by Alderperson Salazar.

Voting Yea: Alderperson Salazar, Chair Felde, Vice Chair Ackley, Alderperson Dekker, Alderperson Heidemann.

15. R.O. No. 14-22-23 (5-16-22) - Various license applications: "Class B" Liquor Lic. [RENEW] App. Nos. 3333 (Kohler Company - Golf Course) and 2301 (One More Time, LLC - MOJO).

MOTION TO APPROVE THE RENEWAL OF LIQUOR LIC. APP. NO. 3333 (KOHLEK COMPANY – GOLF COURSE) AND TO FILE THE R.O. AS APP. NO. 2301 (ONE MORE TIME, LLC – MOJO) WAS NOT RENEWED.

Motion made by Alderperson Dekker, seconded by Alderperson Salazar.

Voting Yea: Alderperson Salazar, Chair Felde, Vice Chair Ackley, Alderperson Dekker, Alderperson Heidemann.

16. R.O. No. 21-22-23 (6-6-22) by City Clerk submitting various license applications.

MOTION TO GRANT THE LICENSE TO APP. NO. 1764 (MORTIMER'S PUB, LTD.) CONTINGENT UPON THE APPLICANT CORRECTING THE APPLICATION TO SHOW THE CORRECT CORPORATE NAME OF THE ENTITY TO WHICH THE LICENSE RENEWAL IS BEING GRANTED, WHICH IS MORTIMER'S PUB, LTD.

Motion made by Alderperson Dekker, seconded by Alderperson Salazar.

Voting Yea: Alderperson Salazar, Chair Felde, Vice Chair Ackley, Alderperson Dekker, Alderperson Heidemann.

MOTION TO GRANT THE LICENSE TO APP. NO. 2088 (WALGREEN CO.) CONTINGENT UPON THE APPLICANT PROVIDING AN APPOINTMENT OF SUCCESSOR AGENT FORM BEFORE ISSUANCE.

Motion made by Alderperson Dekker, seconded by Alderperson Salazar.

Voting Yea: Alderperson Salazar, Chair Felde, Vice Chair Ackley, Alderperson Dekker, Alderperson Heidemann.

MOTION TO GRANT THE LICENSE TO APP. NO. 2696 (DELAVAN FAMILY RESTAURANT, INC.) CONTINGENT UPON THE PROPER COMPLETION OF THE APPLICATION , WHICH IS MISSING SOME INFORMATION.

Motion made by Alderperson Dekker, seconded by Alderperson Salazar.

Voting Yea: Alderperson Salazar, Chair Felde, Vice Chair Ackley, Alderperson Dekker, Alderperson Heidemann.

MOTION TO GRANT THE LICENSE TO APP. NO. 2207 (SILVER FERN, LLC) AND AMEND THE R.O. TO LIST THE APPLICATION WHICH WAS TIMELY RECEIVED BUT DID NOT APPEAR ON THE R.O.AS IT SHOULD HAVE.

Motion made by Alderperson Dekker, seconded by Vice Chair Ackley.

Voting Yea: Alderperson Salazar, Chair Felde, Vice Chair Ackley, Alderperson Dekker, Alderperson Heidemann.

MOTION TO GRANT THE REMAINDER OF THE APPLICATIONS ON R.O. NO. 21-22-23.

Motion made by Alderperson Dekker, seconded by Alderperson Salazar.

Voting Yea: Alderperson Salazar, Chair Felde, Vice Chair Ackley, Alderperson Dekker, Alderperson Heidemann.

NEXT MEETING DATE

17. The next committee meeting is scheduled to be held on June 29, 2022 at 4:15 p.m.

ADJOURN

18. Motion to adjourn

MOTION TO ADJOURN AT 6:35 PM.

Motion made by Alderperson Salazar, seconded by Alderperson Dekker.

Voting Yea: Alderperson Salazar, Chair Felde, Vice Chair Ackley, Alderperson Dekker, Alderperson Heidemann.