



# FINANCE AND PERSONNEL COMMITTEE MEETING AGENDA

**October 23, 2023 at 5:00 PM**

**Council Chambers, 828 Center Avenue, Sheboygan, WI**

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It is possible that a quorum (or a reverse quorum) of the Sheboygan Common Council or any other City committees/boards/commissions may be in attendance, thus requiring a notice pursuant to State ex rel. Badke v. Greendale Village Board, 173 Wis. 2d 553,494 N.W.2d 408 (1993).

Persons with disabilities who need accommodations to attend this meeting should contact the Finance Department at 920-459-3311. Persons other than council members who wish to participate remotely shall provide notice to the Finance Department at 920-459-3311 at least 24 hours before the meeting so that the person may be provided a remote link for that purpose.

## OPENING OF MEETING

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Introduction of Committee Members and Staff

## MINUTES

5. Approval of Minutes - October 9, 2023

## ITEMS FOR DISCUSSION AND POSSIBLE ACTION

6. R. C. No. 217-22-23 by Finance and Personnel Committee to whom was referred R. O. No. 48-22-23 by City Clerk submitting a Summons and Complaint in the matter of One More Time, LLC vs. City of Sheboygan.
7. R. O. No. 57-23-24 /October 16, 2023: Submitting the 2024 Business Improvement District (BID) Statement of Purpose, dated September 26, 2023, and the BID's 2024 Operating Budget.

## DATE OF NEXT REGULAR MEETING

8. Next Meeting Date - November 13, 2023

## ADJOURN

9. Motion to Adjourn

***In compliance with Wisconsin's Open Meetings Law, this agenda was posted in the following locations more than 24 hours prior to the time of the meeting:***

*City Hall • Mead Public Library  
Sheboygan County Administration Building • City's website*

IV

R. C. No. 217 - 22 - 23. By FINANCE AND PERSONNEL COMMITTEE. April 17, 2023.

Your Committee to whom was referred R. O. No. 48-22-23 by City Clerk submitting a Summons and Complaint in the matter of One More Time, LLC vs. City of Sheboygan; recommends referring to the Finance and Personnel Committee of the 2023-2024 council year.

_____	_____
_____	_____
_____	_____

Committee

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Dated \_\_\_\_\_ 20\_\_\_\_. \_\_\_\_\_, City Clerk

Approved \_\_\_\_\_ 20\_\_\_\_. \_\_\_\_\_, Mayor

R. O. No. 48 - 22 - 23. By CITY CLERK. August 1, 2022.

Submitting a Summons and Complaint in the matter of One More Time, LLC vs. City of Sheboygan.

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CITY CLERK

STATE OF WISCONSIN

CIRCUIT COURT

SHEBOYGAN

One More Time, LLC vs. City of Sheboygan

Electronic Filing Notice

Case No. 2022CV000377
Class Code: Petition for Writ of Certiorari

FILED JUL 20 2022 Item 6. Sheboygan County Clerk of Circuit Court 2022CV000377 Honorable Kent Hoffmann Branch 2

CITY OF SHEBOYGAN
828 CENTER AVENUE
SHEBOYGAN WI 53081

Process Server
Date: 7/22/22 Time: 11:40 am/pm
Personal Substitute
Posted Corporate

Case number 2022CV000377 was electronically filed with/converted by the Sheboygan County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at http://efiling.wicourts.gov/ and may withdraw as an electronic party at any time. There is a \$20.00 fee to register as an electronic party. This fee may be waived if you file a Petition for Waiver of Fees and Costs Affidavit of Indigency (CV-410A) and the court finds you are indigent under §814.29, Wisconsin Statutes.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

Pro Se opt-in code: 64b2f7

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 920-459-3068.

Sheboygan County Circuit Court
Date: July 20, 2022

FILED  
07-20-2022

Item 6.

Sheboygan County  
Clerk of Circuit Court  
2022CV000377  
Honorable Kent Hoffmann  
Branch 2

STATE OF WISCONSIN

CIRCUIT COURT

SHEBOYGAN COUNTY

ONE MORE TIME, LLC  
c/o 4139 Cherrywood Court, Apt. A-101  
Sheboygan, WI 53081  
Joseph P. Bonelli, Agent

Plaintiff,

v.

Case No.

Case Code: 30955, 30952

CITY OF SHEBOYGAN  
828 Center Avenue  
Sheboygan, WI 53081

Defendant.

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**SUMMONS**

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THE STATE OF WISCONSIN

TO EACH PERSON NAMED ABOVE AS A DEFENDANT:

You are hereby notified that the plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within twenty (20) days of receiving this Summons (45 days if you are the State of Wisconsin and 60 days if you are the United States of America), you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an Answer that does not follow the requirements of the statutes. The Answer must be sent or delivered to the Court, whose address is:

Clerk of Courts  
Sheboygan County Courthouse  
615 North 6th Street  
Sheboygan, Wisconsin 53081

and to plaintiff's attorney, whose address is:

Peter R. Mayer  
Mayer Law Firm, S. C.  
502 North 6<sup>th</sup> Street  
Sheboygan, WI 53081  
peter@wisclawyer.com

You may have an attorney help or represent you.

If you do not provide a proper Answer within twenty (20) days, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 20th day of July, 2022.

MAYER LAW FIRM, S. C.



By

Peter R. Mayer  
State Bar No. 1009680  
Attorney for One More Time, LLC

Mayer Law Firm, S. C.  
502 North 6<sup>th</sup> Street  
Sheboygan, WI 53081  
Telephone (920) 980-8241  
Facsimile (920) 451-0500  
E-mail: peter@wisclawyer.com

FILED  
07-20-2022

Item 6.

Sheboygan County  
Clerk of Circuit Court  
2022CV00037  
Honorable Kent Hoffmann  
Branch 2

STATE OF WISCONSIN

CIRCUIT COURT

SHEBOYGAN COUNTY

ONE MORE TIME, LLC  
c/o 4139 Cherrywood Court, Apt. A-101  
Sheboygan, WI 53081  
Joseph P. Bonelli, Agent

Plaintiff,

v.

Case No.

Case Code: 30955, 30952

CITY OF SHEBOYGAN  
828 Center Avenue  
Sheboygan, WI 53081

Defendant.

**COMPLAINT AND PETITION FOR CERTIORARI  
REVIEW PURSUANT TO WIS. STAT. SECTIONS 68.13 and 125.12(2)(d)**

NOW COMES the above-named plaintiff, One More Time, LLC, a Wisconsin limited liability company, by its attorney, Mayer Law Firm, S.C., by Peter R. Mayer, as and for causes of action against the above-named defendant, hereby submits this Complaint for Certiorari Review pursuant to Sections 68.13 and 125.12(2)(d), Wis. Stats., with respect to the revocation of City of Sheboygan Alcohol Beverage License No. 2301 previously held by Plaintiff, which revocation was purportedly recommended by Licensing, Hearings, and Public Safety Committee of the City of Sheboygan on June 8, 2022, and adopted as a resolution by the Common Council of the City of Sheboygan on June 20, 2022, and this Complaint for Writ of Mandamus pursuant to Chapter 783, Wis. Stats. with respect to City of Sheboygan Ordinance 10-46, City of Sheboygan Ordinance 10-39 and Section 125.12, Wis. Stats., and herein alleges and shows to the Court as follows:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over the subject matter of this action pursuant to Wis. Stats. Sections 68.13, 125.12(2)(d), and 783.01.



2. Venue is proper in this Court pursuant to Wis. Stats. Section 801.50(2)(a), (b), and c) because Sheboygan County is the county where the claim arose, the county where the real estate which is the subject of the action is located, and the county where the Defendant does business.

### **PARTIES**

3. One More Time, LLC, is a Wisconsin limited liability company (the "Plaintiff") having a principal business location at 1235 Pennsylvania Avenue in the City of Sheboygan, Sheboygan County, Wisconsin (the "Premises"), a registered agent office of c/o 502 North 6<sup>th</sup> Street, Sheboygan, Wisconsin 53081, and a temporary business location address of 4139 Cherrywood Court, Apt. A-101, Sheboygan, WI 53081.

4. City of Sheboygan (the "City") is a body corporate in the State of Wisconsin, duly organized under Wis. Stats. Chapter 66 as a city with its offices located at 828 Center Avenue, Sheboygan, WI 53081.

### **FACTS**

5. The Plaintiff and its affiliated limited liability companies, all of which have been solely owned by Joseph P. Bonelli and of which he has been the sole member ("Agent") operated a tavern establishment selling alcohol, food, and other beverages to the public (the "Business") at the Premises since 2005.

6. The operation of the Business at the Premises, including specifically the sale of alcohol to customers, was under the authority of City of Sheboygan Alcohol Beverage License No. 2301 (the "License").

7. Commencing in the second half of 2019, Plaintiff temporarily reduced the hours of operation of the Business at the Premises, which reduction in hours of operation was later affected by the Covid pandemic, including by governmental orders requiring the cessation of Business for certain periods of time and recommendations against conducting public operations of the Business for the safety and well-being of the public.

8. Plaintiff made the Premises available for sale but continued to operate the Business from time to time and at no point abandoned, suspended, or ceased operations of the Business for a continuous period of at least six (6) months.

9. Plaintiff operated the Business at the Premises on October 3, 2021, and the City acknowledged and agreed that Plaintiff operated the Business at the Premises on such date, as documented on Exhibit A attached hereto and incorporated herein by this reference.

10. Between October of 2021 and March of 2022, Plaintiff and Bonelli had two different prospective purchasers who both agreed to purchase the Premises, had the financial ability to purchase the Premises under the terms offered, had past experience in the operation of a tavern, had appropriate personal character to be eligible for the issuance of an alcohol beverage license, and indicated a desire for Plaintiff to conditionally surrender the License after the payment of the down payment and earnest money so that the purchasers could obtain a new alcohol beverage license from the City of Sheboygan and operate the Premises from and after the date of closing (the "Potential Sales of the Premises").

11. As a result of the Potential Sales of the Premises and in order to increase the likelihood of consummating the sale of the Premises, Bonelli delayed resumption of the full operation of the Business during the time that the Potential Sales of the Premises were being addressed.

12. During March of 2022, Bonelli determined that the Potential Sales of the Premises might no longer be viable and decided to resume the Plaintiff's operation of the Business.

13. City of Sheboygan Ordinances and Chapter 125, Wis. Stats., do not require a holder of a retail alcohol beverage license to conduct business a certain minimum number of hours or a certain minimum number of days or to advertise an open business in a certain manner.

14. City of Sheboygan Ordinance 10-46 ("Ordinance 10-46") provides that if a retail licensee shall suspend or cease doing business for six consecutive months or more, the retail license shall be subject to revocation, which ordinance is documented on Exhibit B attached hereto and incorporated herein by this reference.

15. Ordinance 10-46 does not require a minimum number or amount of sales of alcohol by the licensee.

16. Ordinance 10-46 has in the past consistently been interpreted by the Office of the City Attorney for the City of Sheboygan to require only operation of Business with the sale of alcohol to members of the public on a single day within not more than a six (6) month period.

17. During March and April of 2022, Bonelli, for and on behalf of himself and Plaintiff, contacted the Office of the City Attorney for the City of Sheboygan and the Licensing Clerk of the City of Sheboygan numerous times to seek advice and obtain confirmation relating to the Plaintiff's compliance with Ordinance 10-46 to prevent the revocation of the License, which communication is documented on Exhibits C and D attached hereto and incorporated herein by this reference.

18. On March 31, 2022, commencing at 11:45 AM, Bonelli had a 20-minute telephone call with City Attorney Adams relating to compliance with Ordinance 10-46 (the "March Advice Call"), and during the March Advice Call City Attorney Adams stated that Bonelli could either request an extension by the City Common Council or open for business to the public again within six (6) months of the last date of business, which communication is documented on Exhibit D attached hereto and incorporated herein by this reference.

19. During the March Advice Call, City Attorney Adams stated that an extension by City Common Council was discretionary, but that opening for business to the public would not be subject to discretionary determination.

20. During the March Advice Call, City Attorney Adams recommended that the Business could simply open for business to the public for one day within the six months and used as an example the action by Curt Hinz, another holder of a City liquor license, to reopen for one day.

21. Bonelli viewed the information provided by City Attorney Adams as legal advice provided to him to assist Plaintiff in complying with Ordinance 10-46.

22. Bonelli secured the services of a licensed bartender and two additional servers to work at the Premises on April 1, 2022 (the "Continuous Business Day"), confirmed that the Premises would have sufficient inventory for operation of the Business, posted messages on Facebook confirming that the Premises was open for Business, posted photographs taken on the Continuous Business Day, and required the bartender and servers to use the cash register on the Continuous Business Day because the POS system was not programmed, as documented on the affidavits attached hereto as Exhibit E and incorporated herein by this reference.

23. Despite numerous calls by Bonelli to Office of the City Attorney for the City of Sheboygan and the Licensing Clerk of the City of Sheboygan starting on April 4, 2022 and continuing until June 7, 2022, the City refused to confirm whether or not Plaintiff was in compliance with Ordinance 10-46 as a result of the operations on the Continuous Business Day, until Bonelli

was served with the Summons and Complaint shortly before the Quasi-Judicial Hearing conducted on June 8, 2022 (the "Hearing") before the City of Sheboygan Licensing, Hearings and Public Safety Committee (the "Committee").

24. The Committee is a committee of the City Council of the City of Sheboygan, as described in Section 125.12(2)(b)3., Wis. Stats.

25. On the day before the Hearing, Bonelli attempted one more time to understand the basis for the claim by the City that the Plaintiff was not in compliance with Ordinance 10-46, and communicated by e-mail with City Attorney Adams, as documented in the e-mail to City Attorney Adams and his reply attached hereto as Exhibit F and incorporated herein by this reference.

26. City Attorney Adams regularly advises, and when required directs, the Committee as to legal options and alternatives, witness testimony, and procedure, and provides the Committee with recommendations on licensees, including when licensees appear before the Committee for regulatory or quasi-judicial action.

27. On the day before the Hearing, in the e-mail attached hereto as Exhibit F, City Attorney Adams informed Bonelli that rather than continue to advise the Committee or withdraw entirely from the matter, City Attorney Adams would be prosecuting the complaint against the Plaintiff.

28. In the e-mail attached hereto as Exhibit F, City Attorney Adams informed Bonelli that Attorney Joseph Voelkner, the partner of an attorney who represented and advised one of the two potential purchasers in the Potential Sales of the Premises, would be representing and advising the Committee at the Hearing.

29. During the Hearing, at the first available opportunity and prior to any witnesses, Bonelli attempted to object to City Attorney Adams' and Attorney Voelkner's involvement in the Hearing and request an adjournment in order to address his objection, but Attorney Voelkner prevented him from raising objections at that time because Attorney Voelkner had a specific order of procedure, and Bonelli later objected to City Attorney Adams' and Attorney Voelkner's involvement in the Hearing.

30. During the Hearing, Bonelli was sworn under oath and testified that the Plaintiff operated the Business at the Premises on the Continuous Business Day.

31. The complainant did not provide any evidence that the Plaintiff did not operate the Business at the Premises on the Continuous Business Day.

32. During the Hearing, City Attorney Adams provided testimony and evidence while at the same time acting as legal counsel for the complainant at the Hearing and without first being sworn under oath.

33. After the Hearing was closed, the Committee and Attorney Voelkner adjourned into closed session and after returning voted to recommend that the City Council revoke the License.

34. The Committee purportedly prepared a document intended to constitute the report described in Section 125.12(2)(b)3., Wis. Stats. (the "Purported Report"), a copy of which Purported Report initially prepared and sent to Plaintiff is attached hereto as Exhibit G and incorporated herein by this reference..

35. The Purported Report did not state whether the Committee found as a matter of fact that the Plaintiff did or did not operate the Business at the Premises on the Continuous Business Day.

36. The Purported Report did not state whether the Committee found as a matter of fact that the Plaintiff's operation of the Business at the Premises on the Continuous Business Day was or was not sufficient to comply with Ordinance 10-46.

37. The Purported Report was conclusory in nature and did not present statements of supporting facts, contrary to the requirements of Section 125.12(2)(b)3., Wis. Stats.

38. The Office of the City Attorney notified the Plaintiff and Bonelli in writing of the right to object to the Purported Report and to present arguments supporting the objection to the City Council on August 20, 2022 (the "Right to Object Notice").

39. Contrary to the requirements of Section 125.12(2)(b)3., Wis. Stats., the Right to Object Notice did not inform the Plaintiff whether the arguments supporting the objection shall be presented orally or in writing or both.

40. At no time did the City inform the Plaintiff, Bonelli, or legal counsel for them whether the arguments supporting the objection shall be presented to the City Council orally or in writing or both, despite repeated inquiries on this.

41. A few business days before the June 20, 2022 City Council meeting (the "City Council Review Meeting"), a secretary in the Office of the City Attorney notified the Plaintiff and Bonelli via e-mail that the Right to Object Notice incorrectly identified the date of the City Council

review of the Purported Report and informed the Plaintiff and Bonelli that the Purported Report would be confirmed at the City Council Review Meeting if no objection was made.

42. The Plaintiff, by its legal counsel, immediately notified various city officials via e-mail of objections to proceeding at the City Council Review Meeting due to the erroneous identification of the date of the City Council review in the Right to Object Notice, the inability to deliver necessary documents relating to the objection in time for the City Council Review Meeting, requested the immediate delivery of a transcript of the Hearing, objected to the continued involvement of City Attorney Adams except as a witness, objected to the Purported Report, and requested a de novo hearing based upon the involvement of the attorneys creating bias and preventing a fair hearing (the "Objection E-mail"), as documented on the Objection E-mail, a copy of which is attached hereto as Exhibit H and incorporated herein by this reference.

43. The Plaintiff, by its legal counsel, sent via e-mail and hand-delivered a letter dated June 17, 2022 to the City Clerk and various City officials, containing objections to proceeding at the City Council Review Meeting due to the erroneous identification of the date of the City Council review in the Right to Object Notice, the inability to deliver necessary documents relating to the objection in time for the City Council Review Meeting, requested the immediate delivery of a transcript of the Hearing, objected to the continued involvement of City Attorney Adams except as a witness, objected to the Purported Report, and requested a de novo hearing based upon the involvement of the attorneys creating bias and preventing a fair hearing (the "Objection Letter"), as documented on the Objection Letter and a subsequent e-mail, a copy of which is attached hereto as Exhibit I and incorporated herein by this reference, and which copy of the Objection Letter hand-delivered to the City Clerk also included the affidavits attached hereto as Exhibits D and E and incorporated herein by this reference.

44. The City Clerk informed the Plaintiff, through its legal counsel, that the City Council Review Meeting would proceed and that the only way Plaintiff could be assured that the City Council would hear its oral objection is if it was presented during the five minute citizen comment agenda item at the beginning of the City Council meeting, contrary to the requirements of Section 125.12(2)(b)3., Wis. Stats.

45. The Plaintiff, through its legal counsel, presented its objections to the City Council during the allotted five minute citizen comment section, objecting to the Purported Report and the

recommended revocation based upon the uncontroverted evidence presented at the Hearing that the Plaintiff operated the Business at the Premises on the Continuous Business Day and the other objections contained in the Objection E-Mail and the Objection Letter.

46. The Purported Report was attached to the agenda of the City Council for the City Council Review Meeting, without any signatures of the Committee members on the signature blanks evidencing adoption or approval of the Purported Report by the Committee, contrary to the requirements of Section 125.12(2)(b)3., Wis. Stats., as documented on the City agenda link <https://mccmeetings.blob.core.usgovcloudapi.net/sheboygnwi-pubu/MEET-Packet-59c9340e237d49c38fc75bfe4c2f7000.pdf> and on the Purported Report, a copy of which is attached hereto as Exhibit J and incorporated herein by this reference.

47. The City Council, without any discussion relating to the Plaintiff or the License and as a part of a block of other license approvals referred by the Committee, voted to revoke the License, as documented on the Minutes of the City Council Review Meeting, a copy of which is attached hereto as Exhibit J and incorporated herein by this reference.

48. The Plaintiff, by its legal counsel, sent via e-mail and hand-delivered a letter dated June 20, 2022 to the City Clerk, requesting the immediate delivery of a transcript of the Hearing (the "Transcript Request Letter"), as documented on the Transcript Request Letter, a copy of which is attached hereto as Exhibit J and incorporated herein by this reference, and City referred Plaintiff to YouTube link <https://www.youtube.com/watch?v=hXZu-YdI1Ds> rather than comply with Wisconsin Statutes.

#### CLAIMS FOR RELIEF

**FIRST CLAIM - THE CITY EXCEEDED ITS JURISDICTION BECAUSE ORDINANCE SIMPLY REQUIRES THAT A LICENSEE HAVE NO GAP IN OPERATIONS OF LONGER THAN SIX (6) MONTHS, WHICH GAP IN OPERATIONS DID NOT OCCUR AT THE PREMISES.**

As and for a first cause of action against City, Plaintiff alleges and shows to the Court as follows:

49. Plaintiff reiterates and realleges all of the allegations contained in paragraphs 1 through 48 with the same force and effect as though fully set forth herein.

50. Ordinance 10-46 provides that if a retail licensee shall suspend or cease doing business for six consecutive months or more, the retail license shall then be subject to revocation.

51. Ordinance 10-46 does not require a minimum number or amount of sales of alcohol by the licensee, minimum hours, or minimum days, but only provides jurisdiction if there is a suspension or cessation of business six months or longer.

52. Plaintiff operated the Business by being open for business and conducting sales of alcohol to general members of the public on at least October 3, 2021 and the Continuous Business Day, a period of less than six months.

53. Since Ordinance 10-46 consistently been interpreted by the Office of the City Attorney for the City of Sheboygan to require only operation of Business with the sale of alcohol to members of the public on a single day within not more than a six (6) month period, the City did not have jurisdiction or authority to revoke the License.

54. Therefore, this Court should reverse the decision of the Committee and the City Council and order the City Council to reissue the License to the Plaintiff for the Premises.

**SECOND CLAIM - THE CITY DEPRIVED THE PLAINTIFF OF ITS RIGHT OF DUE PROCESS IN THE MANNER OF REVOKING OF THE LICENSE.**

As and for a second cause of action against City, Plaintiff alleges and shows to the Court as follows:

55. Plaintiff reiterates and realleges all of the allegations contained in paragraphs 1 through 48 with the same force and effect as though fully set forth herein.

56. Foremost, among a multitude of substantive and procedural defects and errors preventing the Plaintiff from having a fair Hearing without bias was the multi-faceted roles of City Attorney Adams, acting on March 31, 2022, as legal advisor to the Plaintiff in informing Bonelli that he should open the Premises to Business for at least one day during the six month period, then City Attorney Adams left Bonelli without any reply or confirmation during an almost two month period, until City Attorney Adams took up the position of prosecutor of the complaint before the Committee, which was acting as a quasi-judicial body and accustomed to receiving the advice, direction, and recommendations from City Attorney Adams and for which he provided the introduction to the Hearing as if he was representing the Committee and was identified as such on his virtual meeting caption, City Attorney Adams then provided information and evidence by his testimony without first being sworn as a witness at the Hearing, which defects when combined prevented the Plaintiff from receiving a fair hearing, then City Attorney Adams' office gave a faulty Right to Object Notice, and



finally City Attorney Adams resumed his role before the City Council during the City Council Review Meeting as well.

57. The procedural defect of not informing Plaintiff of the proper date for the City Council Review Meeting, until the cusp of the meeting, or the manner in which the arguments in support of the objection could be presented deprived the Plaintiff of its right to Due Process.

58. The procedural defect of having attorneys with apparent conflicts of interest conducting the Hearing and prosecuting the complaint during the Hearing deprived the Plaintiff of its right to Due Process and prevented a fair Hearing.

59. The defect in the preparation and review of the Purported Report and Plaintiff's objections to the Purported Report, including the absence of signatures confirming approval when the Purported Report was submitted to the City Council, the absence of factual determinations in support of the conclusion found by the Committee in the Purported Report, the lack of direction on how arguments could be presented by Plaintiff to the City Council, the erroneous information on the date of the City Council Meeting Review in the Right of Objection Notice prevented reasonable preparation for and presentation of the objection to the Purported Report, the requirement that Plaintiff appear during the citizen comment section of the agenda rather than during the review of the objections to the Purported Report, and the consolidation of the Plaintiff's objections with batches of other licenses presented for renewal into a single enmeshed resolution prevented anything other than a cursory consideration of the objection by the City Council, and thus deprived the Plaintiff of its right to Due Process.

60. The affidavits attached as Exhibits D and E, and incorporated herein by this reference and supplement the record of the Hearing, were not part of the record at the Hearing but were provided to the City Clerk before the City Council Review Meeting, and provide additional irrefutable proof that the Plaintiff operated the Business at the Premises on the Continuous Business Day.

61. Therefore, this Court should reverse the decision of the Committee and the City Council and order the City Council to reissue the License to the Plaintiff for the Premises, or at a minimum, in the alternative, order a de novo hearing by the Committee.

**THIRD CLAIM - THE CITY DECISIONS ON THE LICENSE WERE ARBITRARY AND UNREASONABLE BECAUSE THEY REPRESENT THE WILL RATHER THAN THE JUDGMENT OF THE CITY.**

As and for a third cause of action against City, Plaintiff alleges and shows to the Court as follows:

62. Plaintiff reiterates and realleges all of the allegations contained in paragraphs 1 through 48 with the same force and effect as though fully set forth herein.

63. Ordinance 10-46 clearly provides that if a retail licensee shall suspend or cease doing business for six consecutive months or more, the retail license shall then and only then be subject to revocation.

64. The City acknowledged and agreed that Plaintiff conducted Business on October 3, 2022, and Plaintiff provided uncontroverted testimony at the Hearing that Plaintiff operated the Business at the Premises on the Continuous Business Day, thereby complying with Ordinance 10-46.

65. The Purported Report was unsigned and does not provide any determination of supporting facts relating to the issue on compliance with Ordinance 10-46, but merely concludes that the Plaintiff violated Ordinance 10-46, thus confirming the arbitrary and unreasonable nature of the Purported Report and the City Council adoption of the recommendation of the Committee.

66. Therefore, this Court should reverse the decision of the Committee and the City Council and order the City Council to reissue the License to the Plaintiff for the Premises.

**FOURTH CLAIM - THE CITY DECISIONS ON THE LICENSE TREAT THE PLAINTIFF IN AN UNEQUAL MANNER TO OTHER LICENSEES AND WERE ARBITRARY AND UNREASONABLE BECAUSE THEY REPRESENT THE WILL RATHER THAN THE JUDGMENT OF THE CITY.**

As and for a fourth cause of action against City, Plaintiff alleges and shows to the Court as follows:

67. Plaintiff reiterates and realleges all of the allegations contained in paragraphs 1 through 48 with the same force and effect as though fully set forth herein.

68. Ordinance 10-46 clearly provides that if a retail licensee shall suspend or cease doing business for six consecutive months or more, the retail license shall then and only then be subject to revocation.

69. The City acknowledged and agreed that Plaintiff conducted Business on October 3, 2022, and Plaintiff provided uncontroverted testimony at the Hearing that Plaintiff operated the Business at the Premises on the Continuous Business Day, thereby complying with Ordinance 10-46.

70. Ordinance 10-46 has in the past consistently been interpreted by the Office of the City Attorney for the City of Sheboygan to require only operation of Business with the sale of alcohol to members of the public on a single day within not more than a six (6) month period.

71. City Attorney Adams provided an example to the Plaintiff of how Ordinance 10-46 has been applied to other licensees who open for only one day to satisfy the requirement that a licensee not suspend or cease doing business for six months.

72. The Plaintiff has been treated differently from other licensees and such treatment is arbitrary and unreasonable.

73. Therefore, this Court should reverse the decision of the Committee and the City Council and order the City Council to reissue the License to the Plaintiff for the Premises.

**FIFTH CLAIM - CITY HAS FAILED TO ADHERE TO ITS ORDINANCE AND CHAPTER 125 OF THE WISCONSIN STATUTES.**

As and for a fourth cause of action against City, Plaintiff alleges and shows to the Court as follows:

74. Plaintiff reiterates and realleges all of the allegations contained in paragraphs 1 through 48 with the same force and effect as though fully set forth herein.

75. Plaintiff requested in writing on at least two occasions, the Objection Letter and the Transcript Request Letter, that City provide a transcript of the Hearing, as required by Section 125.12(2)(b)2., Wis. Stats., and City has failed and refused to provide the transcript.

76. Plaintiff is entitled to the re-issuance by the City of a License for the Premises pursuant to the four claims set forth above, but City may fail or refuse to issue the License to the Plaintiff, which prevents Plaintiff from conducting Business.

77. The preparation of a transcript of the Hearing and the issuance of the License are not discretionary actions.

78. A writ of mandamus requiring the City to provide a transcript of the Hearing to Plaintiff and to issue the License to the Plaintiff for the Premises provides the City with a clear and concise direction in a ministerial action.

79. Therefore, this Court should issue a writ of mandamus requiring the City to provide a transcript of the Hearing to the Plaintiff and to issue the License to the Plaintiff for the Premises, or in the alternative, retain jurisdiction in this matter to confirm that City has complied with its other orders.

WHEREFORE, One More Time, LLC respectfully requests the following relief:

- A. That a Writ of Certiorari be granted and issued by this Court directed to the City of Sheboygan Clerk, City of Sheboygan Licensing Clerk, and City of Sheboygan Common Council, the record and proceedings of the Quasi-Judicial Hearing conducted on June 8, 2022 before the City of Sheboygan Licensing, Hearings and Public Safety Committee and the June 20, 2022 City of Sheboygan Common Council at issue herein be certified and transmitted to this Court;
- B. Review and reversal of the decisions of the Quasi-Judicial Hearing conducted on June 8, 2022 before the City of Sheboygan Licensing, Hearings and Public Safety Committee and the June 20, 2022 City of Sheboygan Common Council at issue herein;
- C. That the City of Sheboygan Clerk, City of Sheboygan Licensing Clerk, and City of Sheboygan Common Council be ordered and directed to reissue to One More Time, LLC the City of Sheboygan Alcohol Beverage License No. 2301 previously held by Plaintiff;
- D. In the alternative and in the event that only the second claim of Plaintiff be found in favor of, that City of Sheboygan Licensing, Hearings and Public Safety Committee and the City of Sheboygan Common Council be ordered to conduct a de novo hearing without involvement of attorneys with conflicts;
- E. For the costs and disbursements of this action as provided by law; and
- F. For such other and further relief as the court deems just and proper.

Dated this 20th day of July, 2022.

MAYER LAW FIRM, S. C.



By

Peter R. Mayer  
State Bar No. 1009680  
Attorney for One More Time, LLC

Mayer Law Firm, S. C.  
502 North 6<sup>th</sup> Street  
Sheboygan, WI 53081  
Telephone (920) 980-8241  
Facsimile (920) 451-0500  
E-mail: peter@wisclawyer.com

**Fassbender, Melissa**

**From:** Adams, Charles  
**Sent:** Friday, March 11, 2022 10:05 AM  
**To:** Joseph Bonelli  
**Cc:** Fassbender, Melissa; Hoffman, Kathryn; DeBruin, Meredith  
**Subject:** RE: Mojo



Thank you. Can you provide confirmation that among the sales was the sale of alcohol? I would assume so, but we did just have an issue with someone who wanted to only serve food and that does not qualify as "business of the license."

Assuming the confirmation, the six-months would run out on April 3. The transfer would need to take place and the new business be opened by that day.

Chuck

**From:** Joseph Bonelli <mojobar@icloud.com>  
**Sent:** Friday, March 11, 2022 9:56 AM  
**To:** Adams, Charles <Charles.Adams@sheboyganwi.gov>  
**Subject:** Mojo

Good morning Attorney Adams,  
Thanks for taking the time to speak with me yesterday.

I have attached our daily log of October the 3rd 2021, of our point of sale system as per our conversation. Hopefully this will resolve the situation and eliminate the need for the hearing with the common council. In the meantime, I hope to have the transition for the business to be done in the next week or two. At that point I would surrender my license to the new owners. It is critical that we retain our license until that point as the deal we have in place is contingent on the license.

Thanks once again for your time and understanding. Please call with any questions or concerns. Otherwise, I will touch base with you later today.

Joe Bonelli  
920-254-0564

EXHIBIT A  
(4 pages)



# Sales Report



Oct 3, 2021

All Devices, vs Previous Sunday

1D

1W

1M

3M

1Y

## SALES SUMMARY: OVERVIEW



**\$247.00**

Gross Sales

-24%

**\$247.00**

Net Sales

-24%

**12**

Sales

-29%

**\$20.58**

Average Sale

+7%

**\$0.00**

Returns

**\$0.00**

Discounts & Comps

## GROSS SALES



Oct 3, 2021

**\$247.00**

Previous Sunday

**\$327.00**

\$200

\$150

\$100



Checkout



Transactions



Notifications



More

**Fassbender, Melissa**

---

**From:** Adams, Charles  
**Sent:** Friday, March 11, 2022 1:03 PM  
**To:** Joseph Bonelli  
**Cc:** Fassbender, Melissa; Hoffman, Kathryn  
**Subject:** RE: Mojo



Got it, thanks!

**From:** Joseph Bonelli <mojobar@icloud.com>  
**Sent:** Friday, March 11, 2022 12:54 PM  
**To:** Adams, Charles <Charles.Adams@sheboyganwi.gov>  
**Subject:** Mojo

Hello Attorney Adams,

I just received your email and that completely makes sense. I've attached another breakdown. The areas that are labeled open, mid, and top shelf will pertain to the sales of alcohol.

If you need anything else please let me know. Otherwise it is getting close to quitting time. Hope you have a great weekend.

Joe



### Sales Report



Oct 3, 2021

All Devices, vs Previous Sunday

1D

1W

1M

3M

1Y

> Food open

\$152.00

∨ Open

\$59.00

Regular

\$59.00

∨ Mid

\$22.00

Regular

\$22.00

> Soda

\$8.00

> Top Shelf

\$6.00

TOP CATEGORIES



Gross	Count
-------	-------



Checkout



Transactions



Notifications



More



Sec. 10-46. - Cessation of operations.

If any retail licensee shall fail to commence business within six months of granting of a license, or if any retail licensee shall suspend or cease doing business for six consecutive months or more, any or all of said retail licenses held by the licensee shall be subject to revocation by the council after a public hearing, pursuant to Sec. 10-39. The council may, for a good cause shown, extend such six-month period.

(Ord. No. 57-02-03, § 1, 11-18-02)

EXHIBIT B

JAMES O. CONWAY  
JOSEPH J. VOELKNER  
CORRADO CIRILLO  
JOSHUA D. MCKINLEY  
ALVIN R. KLOET (OF COUNSEL)  
JOHN N. GUNDERSON (OF COUNSEL)

OLSEN, KLOET,  
GUNDERSON &  
CONWAY

ATTORNEYS AT LAW

602 NORTH 6TH STREET  
SHEBOYGAN, WI 53081-4695

**EXHIBIT C**  
**(12 pages)**

June 9, 2022

VIA EMAIL

Mr. Joseph Bonelli  
One More Time, LLC  
2148 Allgood Road  
Marietta, GA 30062

RE: IN THE MATTER OF A QUASI-JUDICIAL HEARING TO DETERMINE  
WHETHER ALCOHOL BEVERAGE LICENSE NO. 2301 SHALL BE  
SUSPENDED OR REVOKED  
Joseph P. Bonelli et al

Dear Mr. Bonelli:

Pursuant to my representation at the Quasi-Judicial Hearing which took place on  
June 8, 2022, please find enclosed Exhibits:

1. Email dated March 11, 2022 with attachments;
2. Email dated March 11, 2022 with attachments;
3. Email dated April 22, 2022;
4. Email dated April 25, 2022 with attachments;
5. Email dated April 28, 2022; and
6. Email dated May 6, 2022 with attachments.

If there is any additional material from the existing record that you wish for the City of  
Sheboygan Common Council to provide, please advise and it will be provided immediately.

Thank you for your consideration.

Very truly yours,

OLSEN, KLOET, GUNDERSON & CONWAY

Joseph J. Voelkner

JJV/sar  
Enclosure  
cc: Attorney Adams

(via email)

**Fassbender, Melissa**

---

**From:** Adams, Charles  
**Sent:** Friday, March 11, 2022 10:05 AM  
**To:** Joseph Bonelli  
**Cc:** Fassbender, Melissa; Hoffman, Kathryn; DeBruin, Meredith  
**Subject:** RE: Mojo



Thank you. Can you provide confirmation that among the sales was the sale of alcohol? I would assume so, but we did just have an issue with someone who wanted to only serve food and that does not qualify as "business of the license."

Assuming the confirmation, the six-months would run out on April 3. The transfer would need to take place and the new business be opened by that day.

Chuck

**From:** Joseph Bonelli <mojobar@icloud.com>  
**Sent:** Friday, March 11, 2022 9:56 AM  
**To:** Adams, Charles <Charles.Adams@sheboyganwi.gov>  
**Subject:** Mojo

Good morning Attorney Adams,  
Thanks for taking the time to speak with me yesterday.

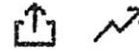
I have attached our daily log of October the 3rd 2021, of our point of sale system as per our conversation. Hopefully this will resolve the situation and eliminate the need for the hearing with the common council. In the meantime, I hope to have the transition for the business to be done in the next week or two. At that point I would surrender my license to the new owners. It is critical that we retain our license until that point as the deal we have in place is contingent on the license.

Thanks once again for your time and understanding. Please call with any questions or concerns. Otherwise, I will touch base with you later today.

Joe Bonelli  
920-254-0564



# Sales Report



Oct 3, 2021

All Devices, vs Previous Sunday

1D      1W      1M      3M      1Y

## SALES SUMMARY: OVERVIEW



### \$247.00

Gross Sales

-24%

### \$247.00

Net Sales

-24%

### 12

Sales

-29%

### \$20.58

Average Sale

+7%

### \$0.00

Returns

### \$0.00

Discounts & Comps

## GROSS SALES



Oct 3, 2021

### \$247.00

\$200

\$150

\$100

Previous Sunday

### \$327.00



Checkout



Transactions



Notifications



More

**Fassbender, Melissa**

---

**From:** Adams, Charles  
**Sent:** Friday, March 11, 2022 1:03 PM  
**To:** Joseph Bonelli  
**Cc:** Fassbender, Melissa; Hoffman, Kathryn  
**Subject:** RE: Mojo



Got it, thanks!

**From:** Joseph Bonelli <mojobar@icloud.com>  
**Sent:** Friday, March 11, 2022 12:54 PM  
**To:** Adams, Charles <Charles.Adams@sheboyganwi.gov>  
**Subject:** Mojo

Hello Attorney Adams,

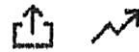
I just received your email and that completely makes sense. I've attached another breakdown. The areas that are labeled open, mid, and top shelf will pertain to the sales of alcohol.

If you need anything else please let me know. Otherwise it is getting close to quitting time. Hope you have a great weekend.

Joe



### Sales Report



Oct 3, 2021

All Devices, vs Previous Sunday

1D      1W      1M      3M      1Y

> Food open      \$152.00

▼ Open      \$59.00

Regular      \$59.00

▼ Mid      \$22.00

Regular      \$22.00

> Soda      \$8.00

> Top Shelf      \$6.00

TOP CATEGORIES      ...

Gross	Count
-------	-------



Checkout



Transactions



Notifications

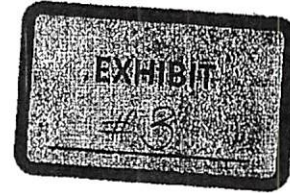


More

**Fassbender, Melissa**

---

**From:** Fassbender, Melissa  
**Sent:** Friday, April 22, 2022 1:50 PM  
**To:** 'joe bonelli'  
**Subject:** Receipts



Good Afternoon Joe,

I just wanted to follow-up with you regarding the day you were open earlier this month. Could you please forward screen shots of the posts you made on social media from that day? Our search options are limited due to security restrictions in place on the city's internet. We have also not yet received your receipts from that day. If you could please submit the receipts as soon as possible as well.

Thank you,

Melissa Fassbender  
Council/Licensing Clerk  
City of Sheboygan  
828 Center Ave Suite 103  
Sheboygan, WI 53081  
(920) 459-3405  
[melissa.fassbender@sheboyganwi.gov](mailto:melissa.fassbender@sheboyganwi.gov)



**Fassbender, Melissa**

---

**From:** Joseph Bonelli <mojobar@me.com>  
**Sent:** Monday, April 25, 2022 12:23 PM  
**To:** Fassbender, Melissa  
**Subject:** Mojo



Hi Melissa,

I got your email. I didn't think about the restrictions of your Internet.

But here are some pictures of my FB. Showing an ad and some customers enjoying themselves on Friday 4/1. I'll give you a shout a little later to make sure you received this.

Have a great day.


Joe



1:11

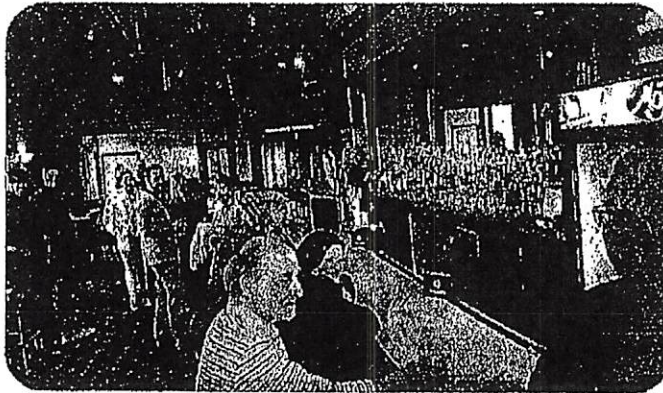


<  **Joe Bonelli**  
Apr 1 ·   ...

  **Stephen Irby and 61 others**

**View previous comments...**

 **Peter Mayer**



3w Like Reply 500

 **Peter Mayer**



Write a comment...



Home



News



Marketplace



Events



Notifications



Menu

1:12



< **Joe Bonelli** ...  
Apr 1 · 🧑

3w Like Reply 1 🗨️

**Peter Mayer**

3w Like Reply 2 🗨️

**Michelle Walters Perronne**  
That is not even funny to tease us 🙄  
3w Like Reply 1 🗨️

**Karen Cartwright**  
The little light flashing bottle from your open house. It is on my frig so I can think of you everyday. Miss you lots and love you more.  
3w Like Reply 2 🗨️

Write a comment...

- Home
- News
- Marketplace
- Events
- Notifications
- Menu

**Fassbender, Melissa**

---

**From:** Fassbender, Melissa  
**Sent:** Thursday, April 28, 2022 3:46 PM  
**To:** 'Joseph Bonelli'  
**Subject:** RE: Mojo



Hi Joe,

I received the pictures, however, there way to determine when the pictures were taken. Please submit the receipts from the sales that day as soon as possible.

Thank you,

**Melissa Fassbender**  
Council/Licensing Clerk  
City of Sheboygan  
828 Center Ave Suite 103  
Sheboygan, WI 53081  
(920) 459-3405  
[melissa.fassbender@sheboyganwi.gov](mailto:melissa.fassbender@sheboyganwi.gov)



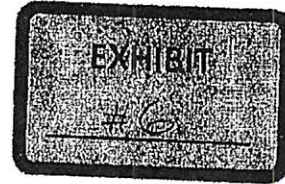
**From:** Joseph Bonelli <mojobar@me.com>  
**Sent:** Monday, April 25, 2022 12:23 PM  
**To:** Fassbender, Melissa <Melissa.Fassbender@sheboyganwi.gov>  
**Subject:** Mojo

Hi Melissa,  
I got your email. I didn't think about the restrictions of your internet.  
But here are some pictures of my FB. Showing an ad and some customers enjoying themselves on Friday 4/1. I'll give you a shout a little later to make sure you received this.  
Have a great day.  
Joe

**Fassbender, Melissa**

---

**From:** Joseph Bonelli <mojobar@me.com>  
**Sent:** Friday, May 6, 2022 11:42 AM  
**To:** Fassbender, Melissa  
**Subject:** 4/1/2022 sales  
**Attachments:** IMG\_0624.heic



Hey Melissa,

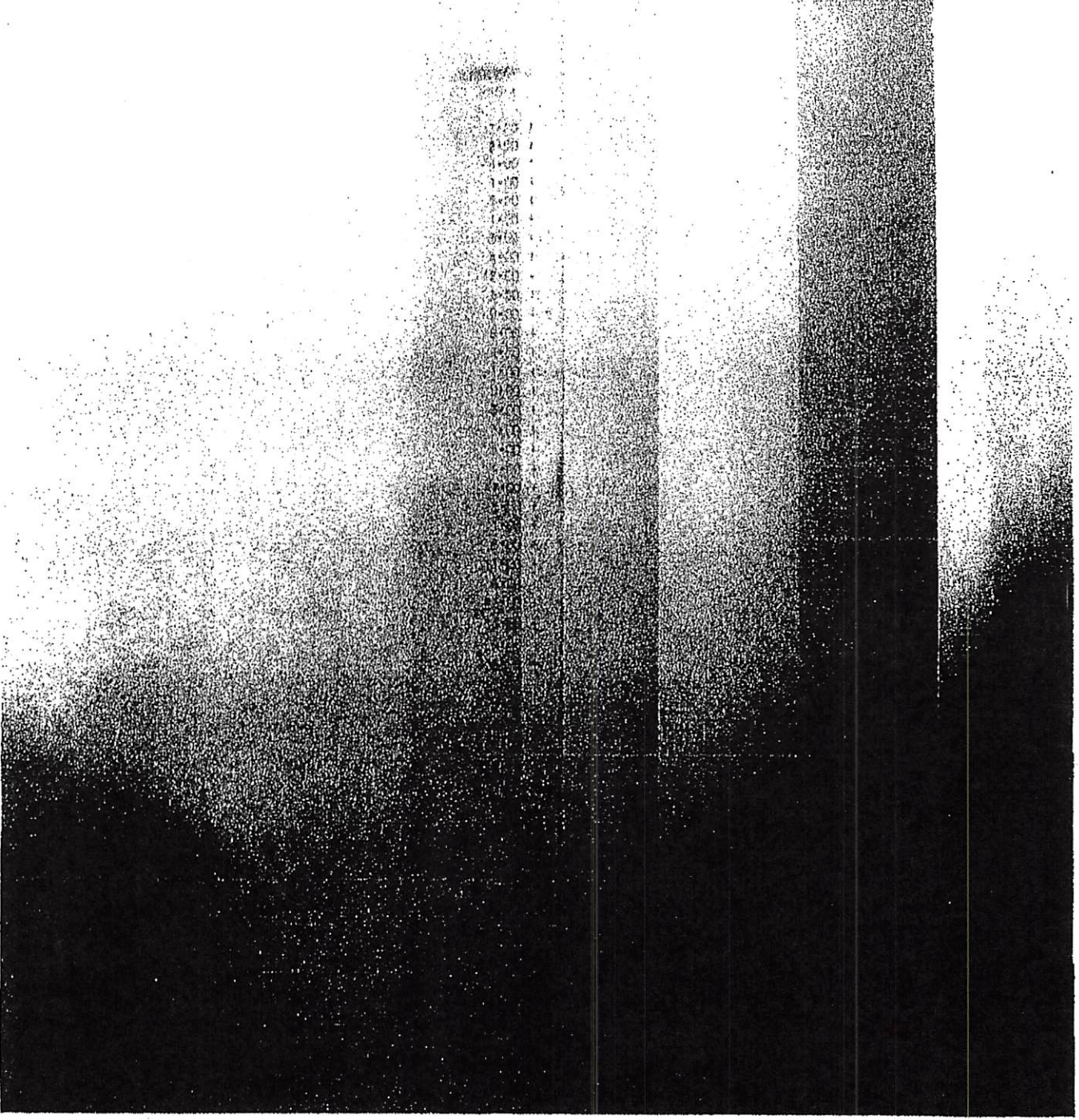
So sorry this didn't send for some reason. These are the sales from 4/1/2022. I sent over the pictures of our Facebook ad and the pictures of our customers on 4/1.

I know this is a pretty generic tally of our sales. But we cleared out our POS and couldn't get it going in a short turnaround and had to use our old school registers.

Hope all is well. Please let me know if you need anything else.

Thanks  
Joe

Sent from my iPhone



**AFFIDAVIT RELATING TO OPERATION OF TAVERN**

STATE OF WISCONSIN )  
 ) ss.  
COUNTY OF SHEBOYGAN )

**EXHIBIT D**  
**(9 pages)**

The undersigned, being first duly sworn on oath, deposes and states:

1. My name is Joseph P. Bonelli.
2. I currently reside at the following address: <sup>825</sup>~~253~~ Beachfront Drive, Sheboygan, WI 53081.
3. I make this Affidavit on the basis of my personal knowledge of the facts set forth herein.
4. I am the owner and sole member of the Wisconsin limited liability company One More Time, LLC, which holds the City of Sheboygan Alcohol Beverage License No. 2301 (the "License") relating to the tavern business enterprise known as MoJo Bar ("the "Business") operating at 1235 Pennsylvania Avenue (the "Premises").
5. After receipt of an inquiry relating to compliance with City of Sheboygan Ordinance Section 10-46 (the "Ordinance"), I contacted Attorney Charles Adams to inform him that I was attempting to sell the Business, wanted to maintain the License until a buyer obtained the transfer of the licenses for the Business, discuss compliance with the Ordinance, and asked him for his recommendation on how I could prove that I was in compliance with the Ordinance.
6. On March 31, 2022, commencing at 11:45 AM, I had a 20-minute telephone call with Attorney Adams (the "March Advice Call"), and during the March Advice Call Attorney Adams stated that I could either request an extension by the City Common Council or open for business to the public again within six (6) months of the last date of business.
7. During the March Advice Call, Attorney Adams stated that an extension by City Common Council was discretionary, but that opening for business to the public would not be subject to discretionary determination.
8. During the March Advice Call, Attorney Adams recommended that the Business could simply open for business to the public for one day within the six months and used as an example the action by Curt Hinz, another holder of a City liquor license, to reopen for one day.
9. I viewed the information provided by Attorney Adams as legal advice.
10. Attorney Adams did not inform me at any time during the March Advice Call that he was not my lawyer, that he was not giving me legal advice, or that I should consult with a lawyer.
11. I placed numerous additional calls to the office of the City Attorney and to the City Licensing Clerk after the Business was open on April 1, 2022, to verify that nothing further would be required to prove compliance with the Ordinance.

12. Attached hereto is a true and correct redacted call log from my cell phone provider (the "Call Log"), confirming the March Advice Call and the calls I placed to the office of the City Attorney and to the City Licensing Clerk after the Business was open on April 1, 2022, to verify that nothing further would be required to prove compliance with the Ordinance (the "Verification Calls").

13. During the Verification Calls, the Licensing Clerk informed me that I would have to talk to Attorney Adams, Attorney Adams assistant informed me that I would have to talk to Attorney Adams, and after the March Advice Call, Attorney Adams did not take my calls or return my calls.

14. Attorney Adams did not respond to the Verification Calls between April 4, 2022 and June 7, 2022, until he sent me an e-mail in reply the day before the Quasi-Judicial Hearing conducted on June 8, 2022 (the "Hearing") before the City of Sheboygan Licensing, Hearings and Public Safety Committee (the "Committee"), when he stated that he would now be representing the complainant in a complaint against me claiming that the Business was in violation of the Ordinance despite the Business being open for business to the public as he recommended and advised me to do.

15. I objected to the involvement of both Attorneys Adams and Voelkner at the Hearing at the first available opportunity due to their conflicts.

16. In addition to overturning the revocation, I requested and continue to desire that the License be renewed so that I can reopen the Business to operate on a regular basis.

This Affidavit was made by me to confirm the operation of the Tavern on the Business Date.

Further Affiant sayeth not

Subscribed and sworn to before me this 20th day of June, 2022

Peter R. Mayer  
Notary Public, State of Wisconsin  
My commission is permanent.



12 - 920-459-3917 \*

1 - 920-459-3919 \*

4 - 920-459-3405 \*\*

3 - 920-459-3917 \*

5/23, 6/7, 6/14

2 - 920-459-3369 \*\*\*

5/26, 5/27

\* Atty Adams

\*\* City Clerk

\*\*\* Meredith DeBruin









Page A 3 of 22  
Account Number: 853841650  
Bill Date: 05/24/22  
Invoice Number: 0510731006

Detail of Voice Usage - Unprinted Data Plan  
Joseph P. Borelli 920-254-0564

Line	Date	Time	Call To	Number	Feature	Per-iod	Min	Airtime	Toll	Addl	Charge	Amount
83	04/28	11:58AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
82	04/28	11:57AM	SHEROYAN	WI 920-488-3840			2	0.00			0.00	0.00
81	04/28	11:56AM	SHEROYAN	WI 920-488-3840			24	0.00			0.00	0.00
80	04/28	11:55AM	SHEROYAN	WI 920-488-3840			2	0.00			0.00	0.00
79	04/28	11:54AM	SHEROYAN	WI 920-488-3840			3	0.00			0.00	0.00
78	04/28	11:53AM	SHEROYAN	WI 920-488-3840			2	0.00			0.00	0.00
77	04/28	11:52AM	SHEROYAN	WI 920-488-3840			15	0.00			0.00	0.00
76	04/28	11:51AM	SHEROYAN	WI 920-488-3840			20	0.00			0.00	0.00
75	04/28	11:50AM	SHEROYAN	WI 920-488-3840			43	0.00			0.00	0.00
74	04/28	11:49AM	SHEROYAN	WI 920-488-3840			2	0.00			0.00	0.00
73	04/28	11:48AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
72	04/28	11:47AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
71	04/28	11:46AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
70	04/28	11:45AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
69	04/28	11:44AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
68	04/28	11:43AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
67	04/28	11:42AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
66	04/28	11:41AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
65	04/28	11:40AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
64	04/28	11:39AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
63	04/28	11:38AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
62	04/28	11:37AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
61	04/28	11:36AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
60	04/28	11:35AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
59	04/28	11:34AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
58	04/28	11:33AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
57	04/28	11:32AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
56	04/28	11:31AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00

Page A 4 of 22  
Account Number: 853841650  
Bill Date: 05/24/22  
Invoice Number: 0510731006

Detail of Voice Usage - Unprinted Data Plan (Continued)  
Joseph P. Borelli 920-254-0564

Line	Date	Time	Call To	Number	Feature	Per-iod	Min	Airtime	Toll	Addl	Charge	Amount
55	04/28	11:30AM	SHEROYAN	WI 920-488-3840			5	0.00			0.00	0.00
54	04/28	11:29AM	SHEROYAN	WI 920-488-3840			27	0.00			0.00	0.00
53	04/28	11:28AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
52	04/28	11:27AM	SHEROYAN	WI 920-488-3840			6	0.00			0.00	0.00
51	04/28	11:26AM	SHEROYAN	WI 920-488-3840			2	0.00			0.00	0.00
50	04/28	11:25AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
49	04/28	11:24AM	SHEROYAN	WI 920-488-3840			3	0.00			0.00	0.00
48	04/28	11:23AM	SHEROYAN	WI 920-488-3840			2	0.00			0.00	0.00
47	04/28	11:22AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
46	04/28	11:21AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
45	04/28	11:20AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
44	04/28	11:19AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
43	04/28	11:18AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
42	04/28	11:17AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
41	04/28	11:16AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
40	04/28	11:15AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
39	04/28	11:14AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
38	04/28	11:13AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
37	04/28	11:12AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
36	04/28	11:11AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
35	04/28	11:10AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
34	04/28	11:09AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
33	04/28	11:08AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
32	04/28	11:07AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
31	04/28	11:06AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
30	04/28	11:05AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
29	04/28	11:04AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
28	04/28	11:03AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
27	04/28	11:02AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
26	04/28	11:01AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
25	04/28	11:00AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
24	04/28	10:59AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
23	04/28	10:58AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
22	04/28	10:57AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
21	04/28	10:56AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
20	04/28	10:55AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
19	04/28	10:54AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
18	04/28	10:53AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
17	04/28	10:52AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
16	04/28	10:51AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
15	04/28	10:50AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
14	04/28	10:49AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
13	04/28	10:48AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
12	04/28	10:47AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
11	04/28	10:46AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00
10	04/28	10:45AM	SHEROYAN	WI 920-488-3840			1	0.00			0.00	0.00





**AFFIDAVIT OF LAURA K. SCHULTZ RELATING TO OPERATION OF TAVERN**

STATE OF WISCONSIN            )  
  ) ss.  
COUNTY OF SHEBOYGAN        )

**EXHIBIT E**  
**(22 pages)**

The undersigned, being first duly sworn on oath, deposes and states:

1. My name is Laura K. Schultz.
2. I reside at the following address: 7415 Scheffler Rd. Newton, WI 53006
3. I make this Affidavit on the basis of my personal knowledge of the facts set forth herein.
4. On the 1<sup>st</sup> day of April, 2022 (the "Business Date"), I was present at the tavern known to me as "MoJo" and located at 1235 Pennsylvania Avenue, Sheboygan, Wisconsin (the "Tavern").
5. I am a licensed bartender holding a current, valid server's license in the City of Sheboygan.
6. On the Business Date, the Tavern was open for business to the public and drinks with alcohol were prepared, served and sold to members of the public.
7. Payment for the drinks was received by the Tavern.
8. Attached to this Affidavit are photographs of me and customers physically present on the Business Date in the interior of the Tavern when it was open to the public on the Business Date.

This Affidavit was made by me to confirm the operation of the Tavern on the Business Date.

Further Affiant sayeth not

*Laura K. Schultz*

Subscribed and sworn to before me this 19th day of June, 2022

*Peter R. Mayer*

Peter R. Mayer  
Notary Public, State of Wisconsin  
My commission is permanent.



Exhibit to  
Affidavit Relating to Operation of Tavern

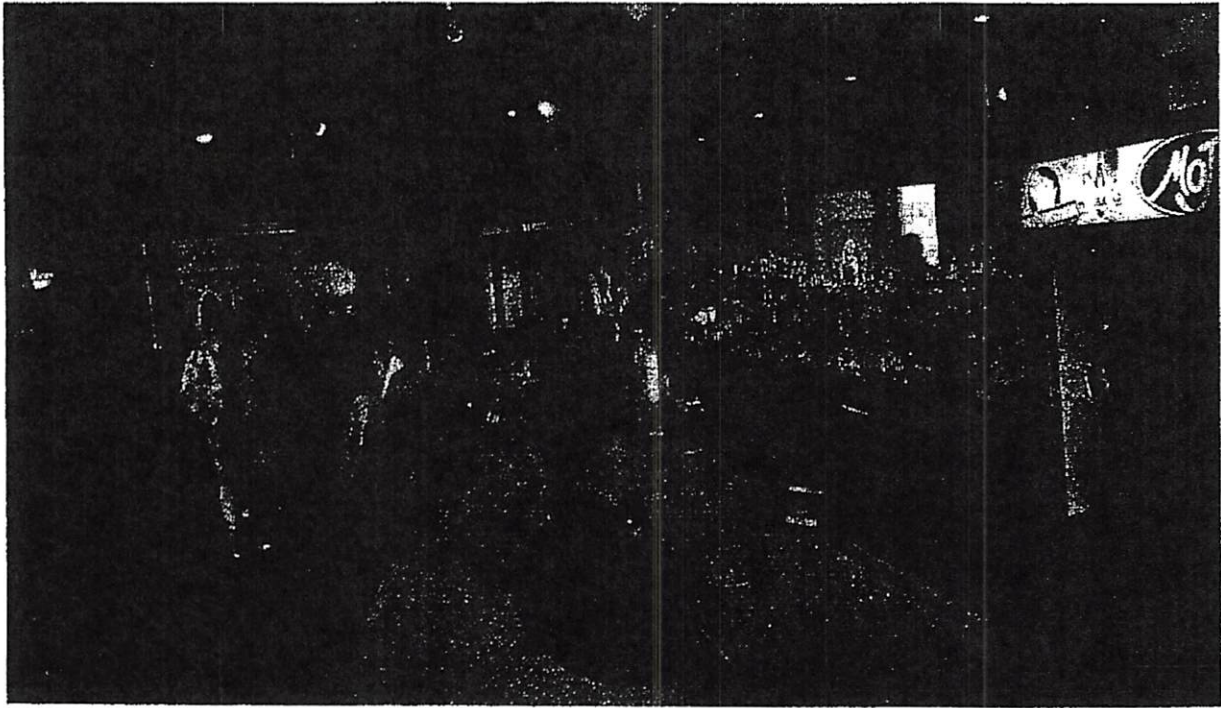




Exhibit to  
Affidavit Relating to Operation of Tavern



Exhibit to  
Affidavit Relating to Operation of Tavern

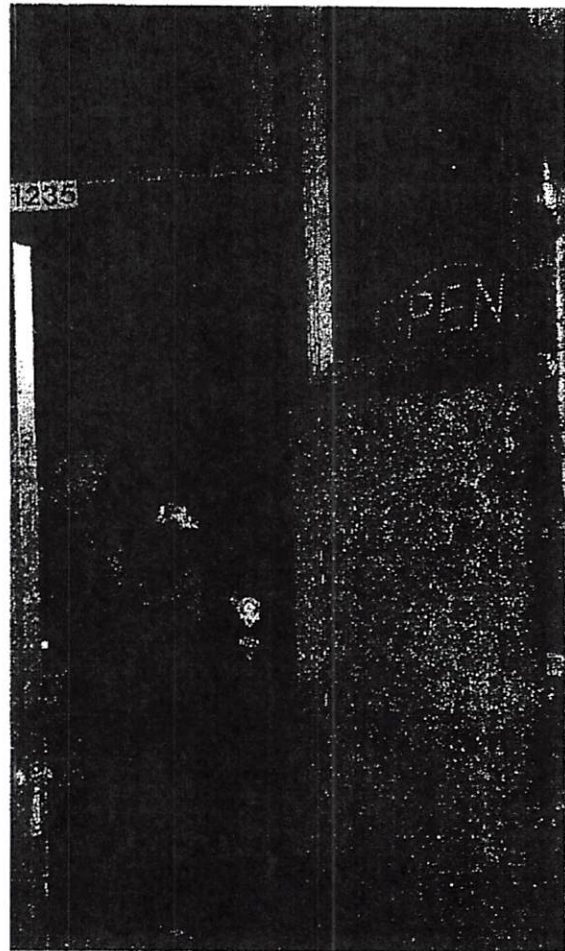
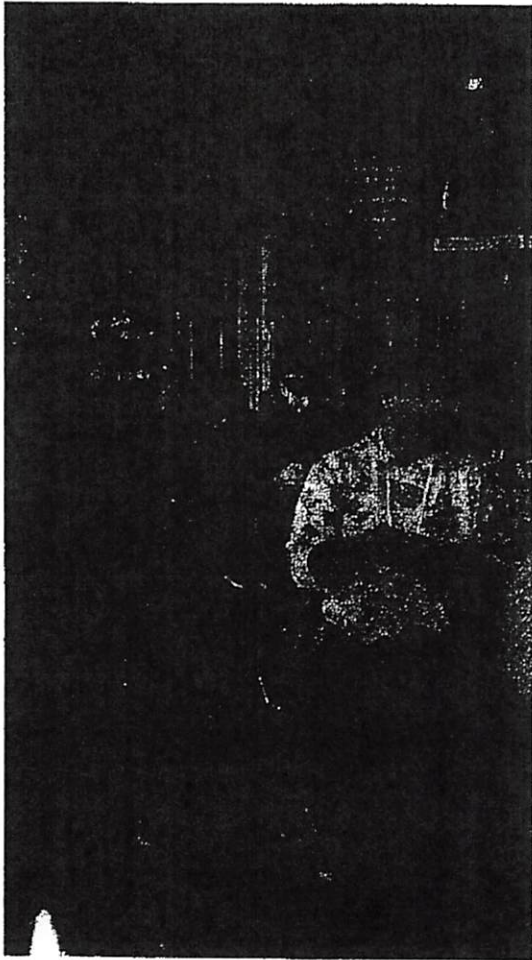


Exhibit to  
Affidavit Relating to Operation of Tavern

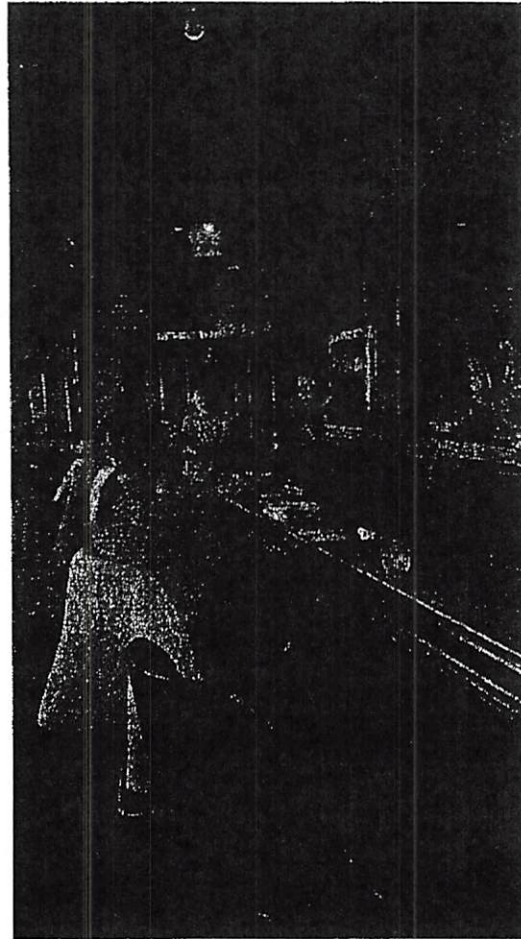
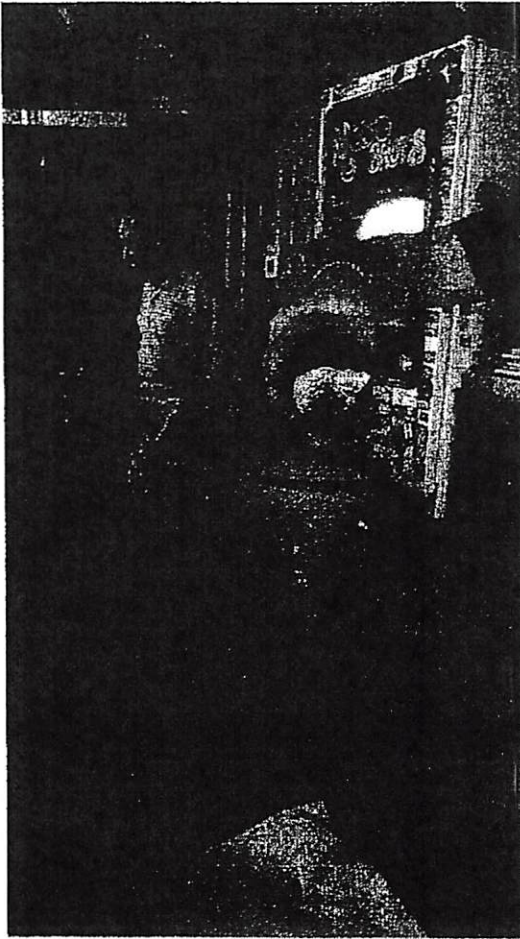




Exhibit to  
Affidavit Relating to Operation of Tavern

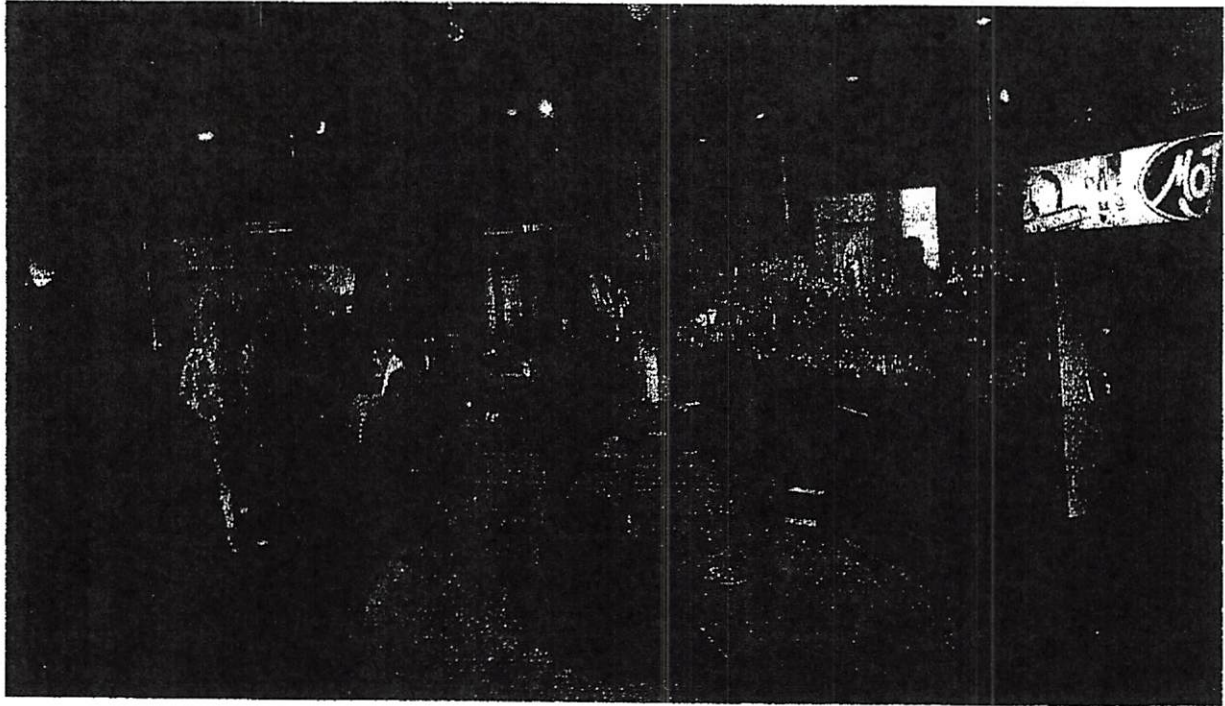


Exhibit to  
Affidavit Relating to Operation of Tavern

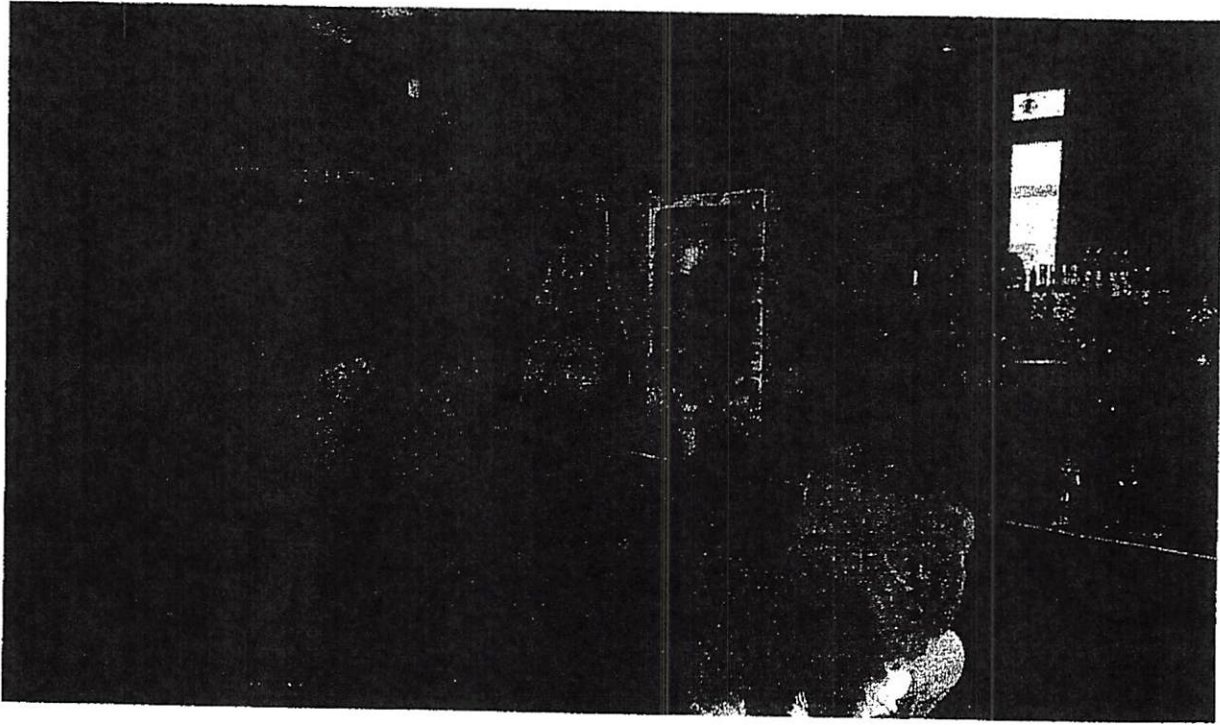


Exhibit to  
Affidavit Relating to Operation of Tavern

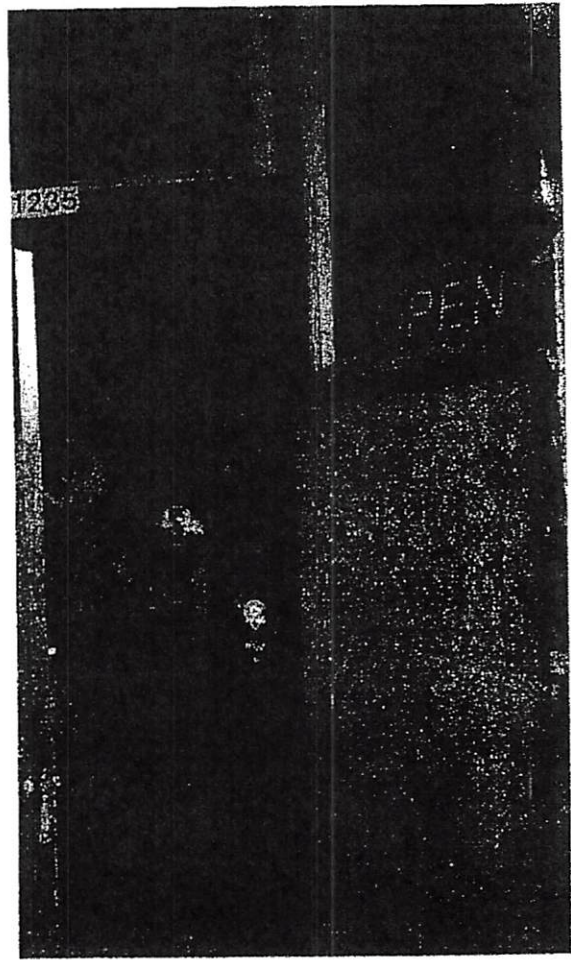
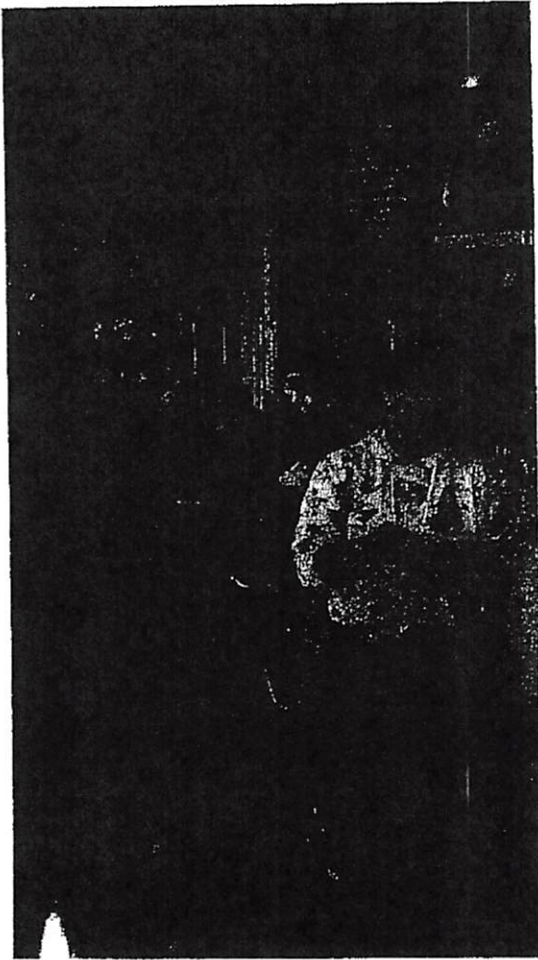


Exhibit to  
Affidavit Relating to Operation of Tavern

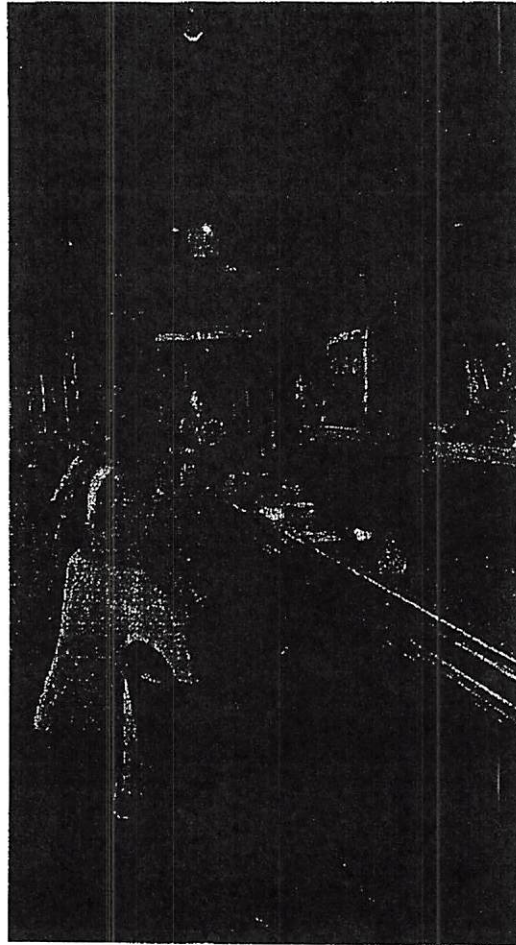
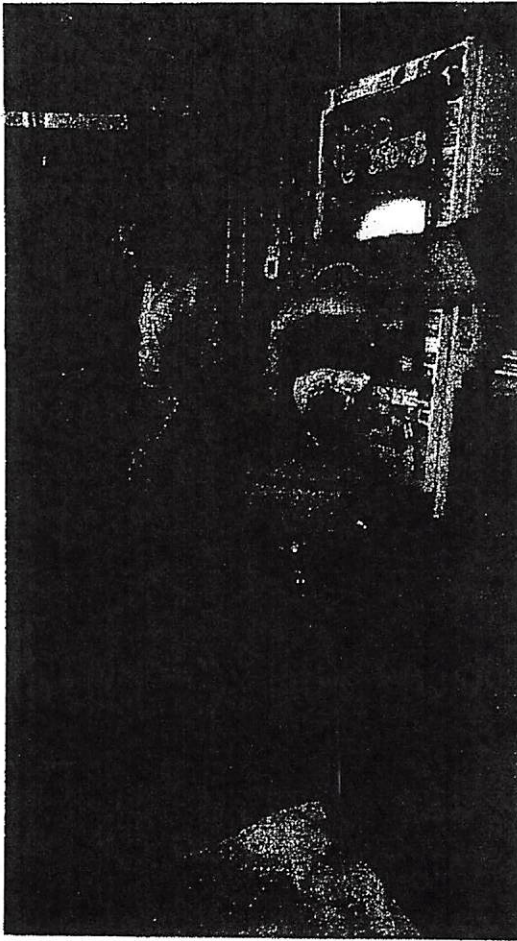






Exhibit to  
Affidavit Relating to Operation of Tavern

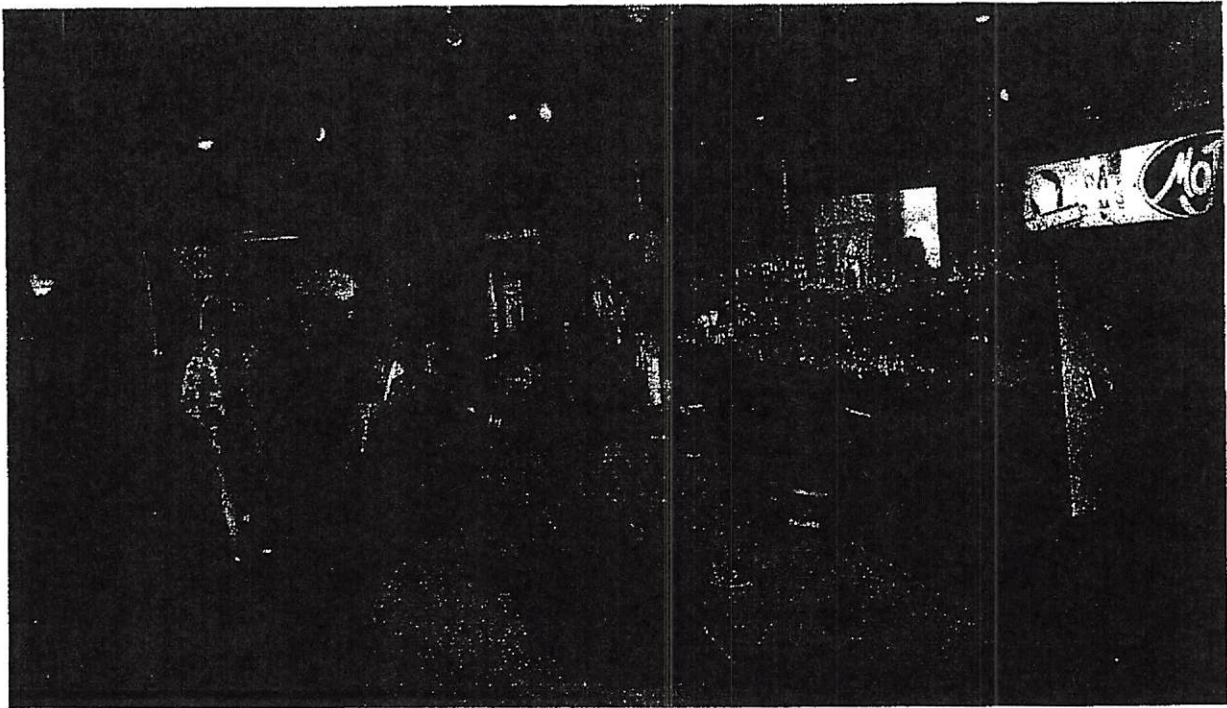


Exhibit to  
Affidavit Relating to Operation of Tavern

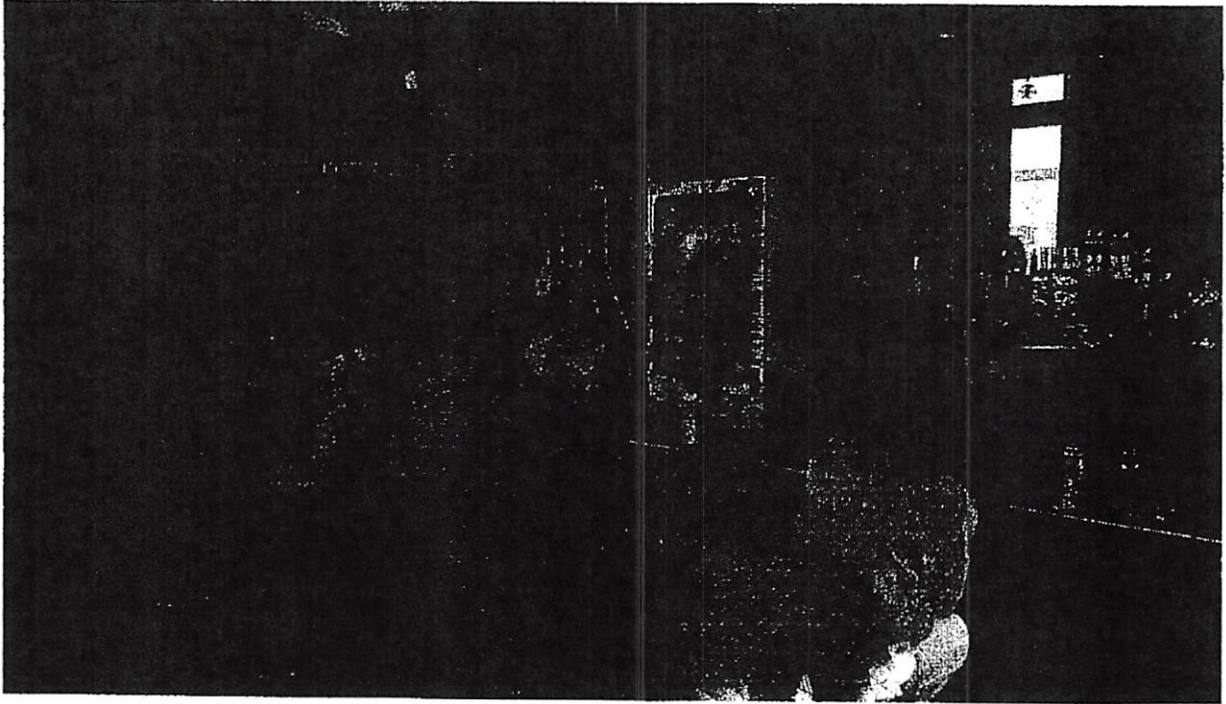


Exhibit to  
Affidavit Relating to Operation of Tavern

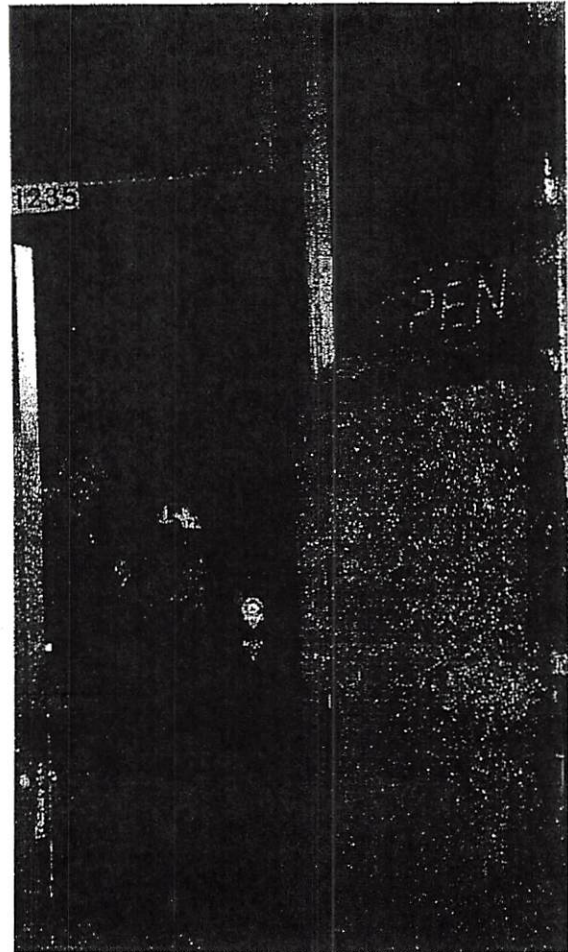


Exhibit to  
Affidavit Relating to Operation of Tavern

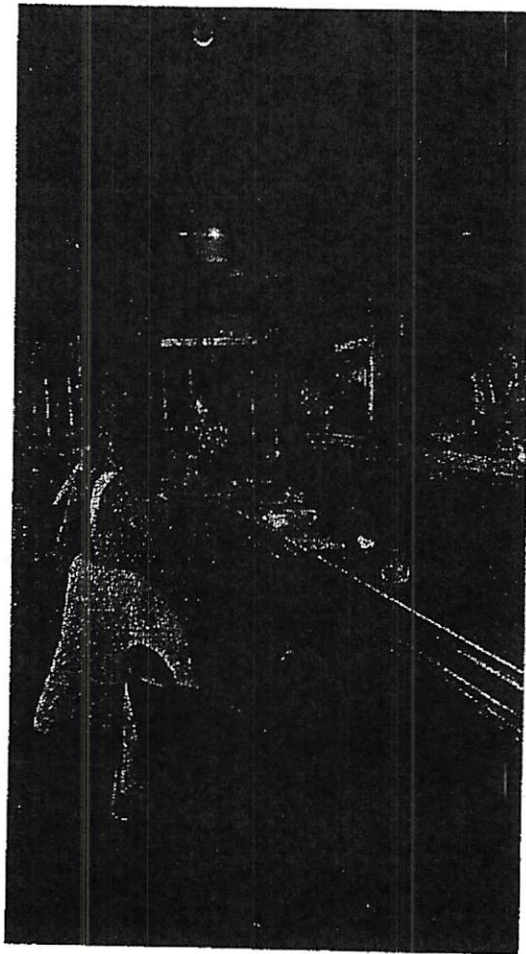
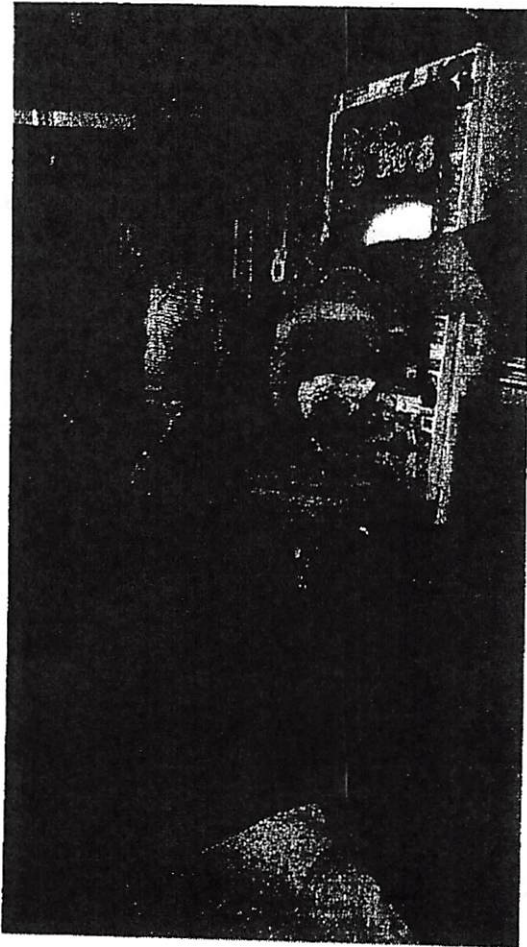
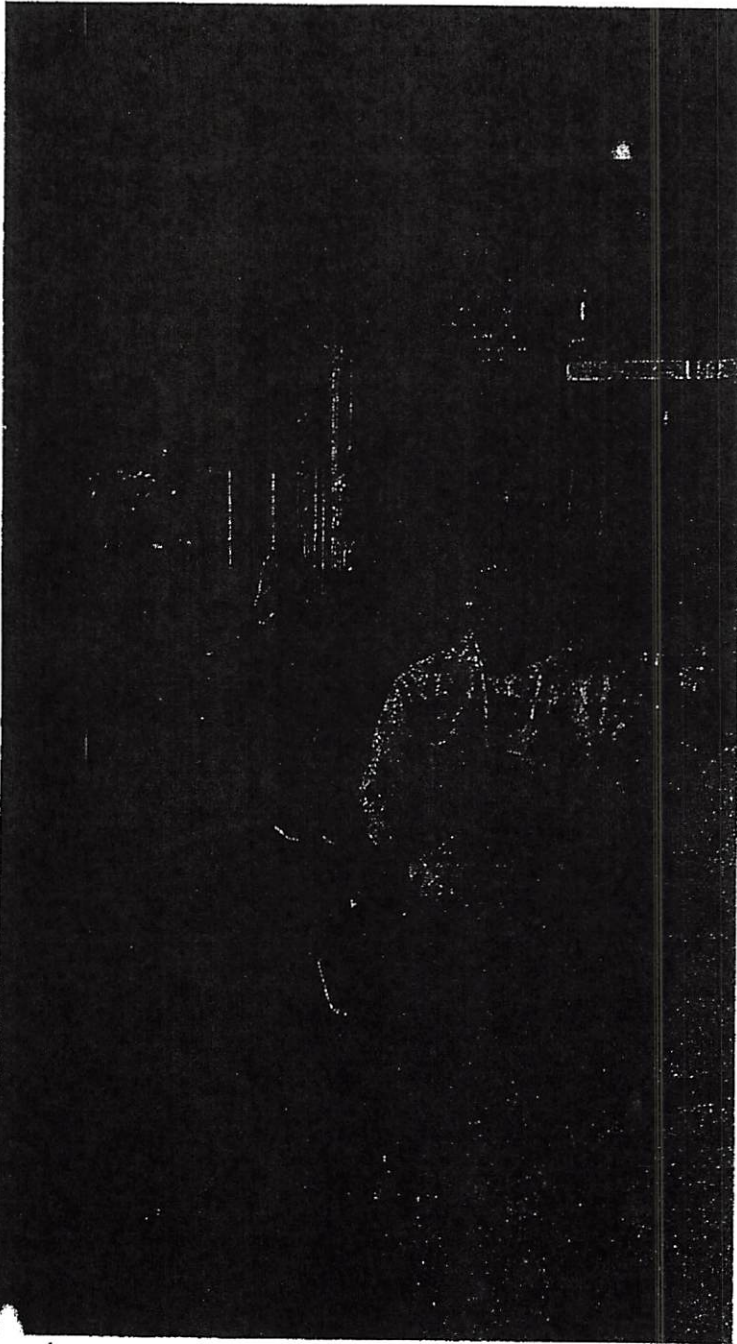




Exhibit to  
Affidavit Relating to Operation of Tavern



Handwritten signature of Charlie VanBintzle.

Charlie VanBintzle

**AFFIDAVIT RELATING TO OPERATION OF TAVERN**

STATE OF WISCONSIN            )  
  ) ss  
COUNTY OF SHEBOYGAN        )

The undersigned, being first duly sworn on oath, deposes and states:

1. My name is Nicoll VanGinkel

2. I reside at the following address:

2401 Mayflower Ave, Sheboygan, WI 53083

3. I make this Affidavit on the basis of my personal knowledge of the facts set forth herein.

4. On the 1<sup>st</sup> day of April, 2022 (the "Business Date"), I was a customer at the tavern known to me as "MoJo" and located at 1235 Pennsylvania Avenue, Sheboygan, Wisconsin (the "Tavern").

5. At the time I attended the Tavern on the Business Date, it was open to the public and I was not attending a private event.

6. Attached to this Affidavit is a photograph of me as a customer physically present on the Business Date in the interior of the Tavern.

This Affidavit was made by me to confirm the operation of the Tavern on the Business Date.

Further Affiant sayeth not

Nicoll VanGinkel

Subscribed and sworn to before me this 19th day of June, 2022

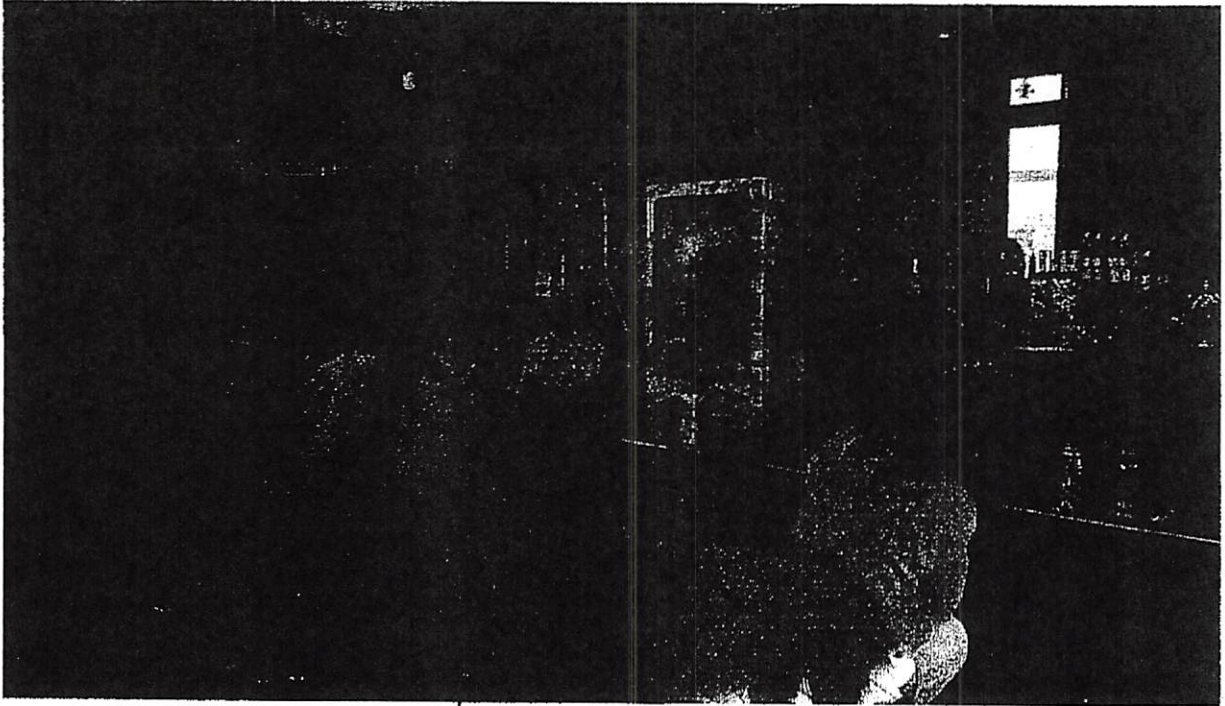
Peter R. Mayer

Peter R. Mayer  
Notary Public, State of Wisconsin  
My commission is permanent.





Exhibit to  
Affidavit Relating to Operation of Tavern



Nicole Van Ginkel (Nicole Van Ginkel)



Exhibit to  
Affidavit Relating to Operation of Tavern

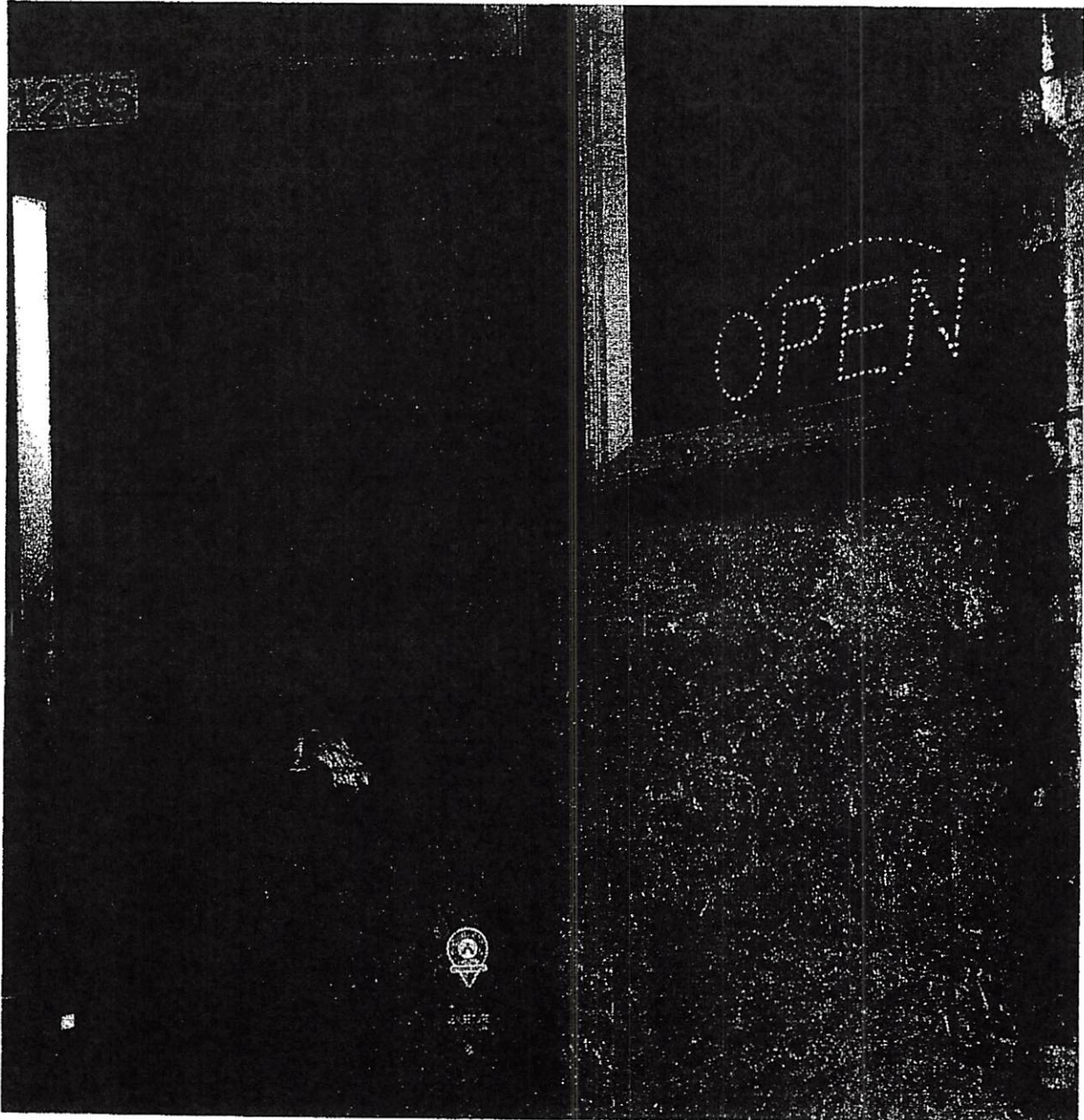
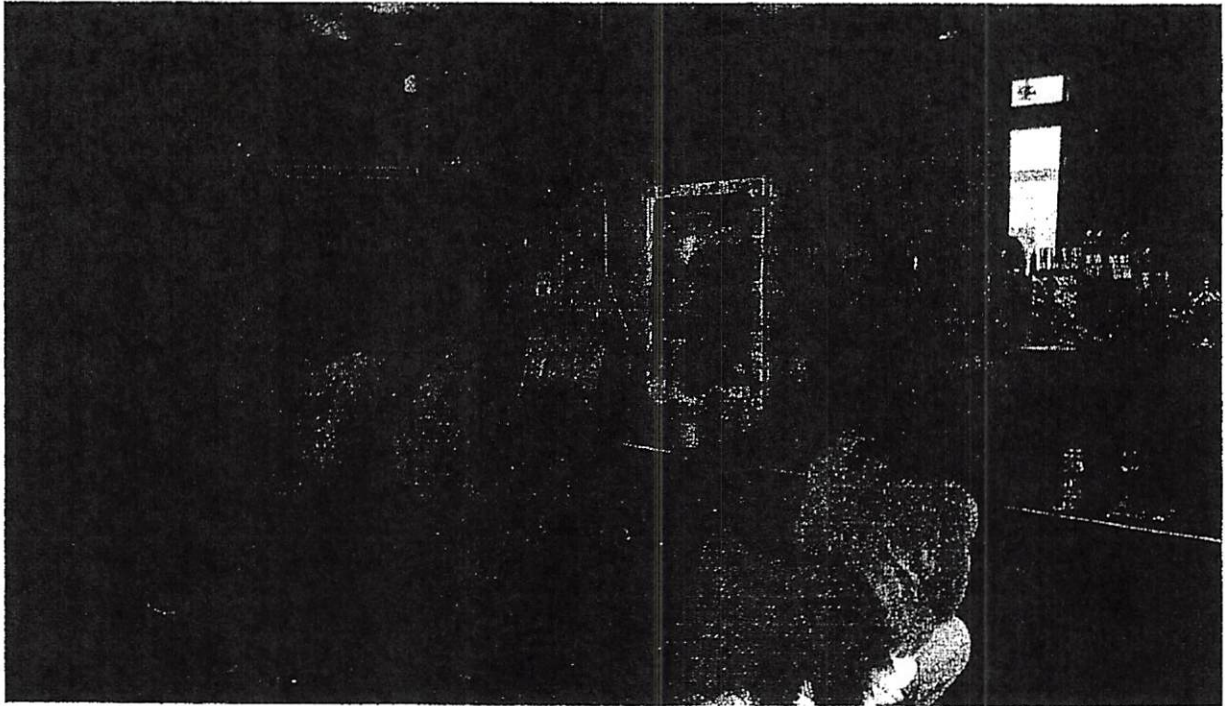


Exhibit to  
Affidavit Relating to Operation of Tavern



**From:** Adams, Charles <Charles.Adams@sheboyganwi.gov>  
**Sent:** Tuesday, June 7, 2022 2:22 PM  
**To:** Munnik, Jennifer <Jennifer.Munnik@dentaquest.com>  
**Cc:** 'josephvoelkner@olsenkloetlaw.com' <josephvoelkner@olsenkloetlaw.com>  
**Subject:** RE: Joe Bonelli - Mojo Hearing 6/8/2022

**EXHIBIT F**

This message was sent securely using Zix

**INFORMATION SECURITY NOTICE - THIS EMAIL IS FROM AN EXTERNAL EMAIL SENDER**

Do not click on links or attachments if the sender is unknown or if the email is unexpected from someone you know. Never provide your username and password. Report suspicious emails by selecting the "REPORT PHISH" button. If you have any questions, contact the Information Security team at [ITSecurity@greatdentalplans.com](mailto:ITSecurity@greatdentalplans.com).

Good afternoon, Mr. Bonelli—

At tomorrow's hearing the process will be as follows:

I will present evidence in support of the staff recommendation that the license be non-renewed under the continuation of business ordinance. You will have the opportunity to ask questions of those witnesses on cross-examination. The entire matter will be based on the complaint we served on you.

Once I have presented my case, you will present your evidence opposing the staff recommendation. Be prepared to present any relevant evidence of whether or not you are in violation of the ordinance.

In addition, there is also often the opportunity for a brief opening statement before the evidence is presented, and brief closing statement afterward before the committee deliberates.

I will be representing the Clerk's Office and not the LHPS committee on this matter, since by assisting and advising the Clerk and the SPD, I would have a potential conflict were I also to advise the committee on this matter. As such, Attorney Joe Voelkner will be representing the council during the portion of the meeting related to your hearing. I have copied him on this email so that he is aware of our communication.

While this is a fairly formal hearing, and you should be prepared to present your evidence, I do also expect it to be simple and quick, as the only allegation is that you do not meet the requirements of the ordinance. The committee will either decline to renew the license (in which case you would still be eligible to make a presentation at a future meeting along with any other potential applicants to obtain any available license, including this one), or will renew the license. If they renew, the six months would be considered to have restarted on whatever date they determine you were in business.

Your matter is fairly early in the meeting, so please be there by 4:15, when the meeting is to start. Be advised I may be appearing remotely as I have been out with COVID. I am hoping to return tomorrow, as I have recovered, but I need a negative test to do so. If you need to appear remotely, we will need to know ASAP so we can get you that link.

Thanks,

Chuck Adams

City Attorney

---

**From:** Munnik, Jennifer <Jennifer.Munnik@dentaquest.com>  
**Sent:** Tuesday, June 7, 2022 1:56 PM  
**To:** Adams, Charles <Charles.Adams@sheboyganwi.gov>  
**Cc:** [mojobar@sbcglobal.net](mailto:mojobar@sbcglobal.net)  
**Subject:** Joe Bonelli - Mojo Hearing 6/8/2022

Hi Chuck,

Reaching out in advance of tomorrows hearing to request the following:

- Information that I would need to present tomorrow to continue our license
- Still unclear why we didn't pass last meeting as the letter I received did not include any detail
- I would like to be prepared to address pertinent details tomorrow and am yet unclear as to what might be needed

I have reached out to your office numerous times and have also left multiple voicemails and I've yet to receive direction. If you could please respond to this email or call me directly, I would greatly appreciate it.

Thanks in advance,  
Joe Bonelli  
920-254-0564

---

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# EXHIBIT H

**Peter Mayer**

**From:** Peter Mayer <peter@wisclawyer.com>  
**Sent:** Thursday, June 16, 2022 3:30 PM  
**To:** 'Kathryn.Hoffman@sheboyganwi.gov'; 'DeBruin, Meredith'  
**Cc:** 'Joseph Bonelli'; Joe Voelkner (josephvoelkner@olsenkloetlaw.com); 'Adams, Charles'; 'ryan.sorenson@sheboyganwi.gov'; 'todd.wolf@sheboyganwi.gov'  
**Subject:** Common Council meeting; City of Sheboygan Alcohol Beverage License No. 2301; One More Time, LLC and Joseph P. Bonelli

**Importance:** High

Dear Madam Clerk and Ms. Hoffman,

I represent One More Time, LLC and Joseph P. Bonelli ("Bonelli") and am writing to you in connection with the City of Sheboygan Licensing, Hearings and Public Safety Committee (the "Committee") Quasi-Judicial Hearing conducted on June 8, 2022 (the "Hearing"). The Hearing related to a determination of whether the tavern business enterprise known as MoJo Bar ("the "Business") operating at 1235 Pennsylvania Avenue (the "Premises") under City of Sheboygan Alcohol Beverage License No. 2301 (the "License") was in compliance with City of Sheboygan Ordinance Section 10-46 (the "Ordinance").

First, the letter from your office directing Bonelli to appear on August 20, 2022, for purposes of his appeal was read by him exactly as you stated. Specifically, that the review of the Hearing and the License would take place on August 20, 2022. Therefore, we strenuously object at this late date to a change in the time of the appeal by the City Common Council. We find this conduct reprehensible by your office. Furthermore, it is impossible at this late date to provide the materials to the Common Council for proper review.

Second, we request an immediate preparation of a transcript of the Hearing, as allowed by Section 125.12(2)(b)2., Wis. Stats., and a delivery of that transcript within a prudently reasonable number of days prior to the City Common Council appeal meeting to allow for proper review and preparation in advance of the appeal. It is meaningless for the Committee to deliver a copy of the transcript after the appeal is heard by the Common Council.

Third, we strenuously object to the report prepared by the Committee, as required by Section 125.12(2)(b)3., Wis. Stats. The "report" delivered is not complete and states the will and not the judgment of the Committee in that the facts are not laid out but given as a mere recital of the Committee's desired result. It is my understanding that Bonelli presented to the Committee uncontroverted testimony of the Business sale of alcohol from the Premises under the License on April 1, 2022, within six months and proving compliance with City of Sheboygan Ordinance Section 10-46 (the "Ordinance"). The "facts" of the "report" are conclusory and without any evidence.

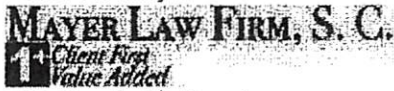
Lastly, we hereby request a de novo hearing before the City Common Council and a removal of both Attorney Adams and Attorney Voelkner from any involvement in this matter, except for Attorney Adams continued role as a witness. It is my understanding that at the time of the Hearing at the first available opportunity, Bonelli informed and advised the Committee that he objected to those individuals as legal counsel present at the Hearing due to conflict and other ethics breaches, requested that they not participate, and requested an adjournment of the Hearing to address the issue of bias and impartiality of the Committee conducting the Hearing. Additional information will forthcoming and be presented to those attorneys directly. Needless to say, their involvement in this matter has so tainted the legitimacy of the Hearing as to require a de novo hearing.

This communication is being sent via e-mail due to the urgency of the matter and will be hand-delivered in letter format tomorrow as well.



Sincerely,  
Peter R. Mayer  
State Bar No. 1009680

Peter R. Mayer



502 North 6<sup>th</sup> Street  
Sheboygan, WI 53081-4611  
(920) 980-8241  
[peter@wisclawyer.com](mailto:peter@wisclawyer.com)

---

**From:** Joseph Bonelli <[mojobar@me.com](mailto:mojobar@me.com)>  
**Sent:** Thursday, June 16, 2022 2:03 PM  
**To:** Peter Mayer <[peter@wisclawyer.com](mailto:peter@wisclawyer.com)>  
**Subject:** Fwd: Correct date of Common Council meeting

Sent from my iPhone

Begin forwarded message:

**From:** "Hoffman, Kathryn" <[Kathryn.Hoffman@sheboyganwi.gov](mailto:Kathryn.Hoffman@sheboyganwi.gov)>  
**Date:** June 15, 2022 at 10:54:37 AM CDT  
**To:** [mojobar@me.com](mailto:mojobar@me.com)  
**Cc:** Joseph Voelkner <[josephvoelkner@olsenkloetlaw.com](mailto:josephvoelkner@olsenkloetlaw.com)>  
**Subject:** Correct date of Common Council meeting

Mr. Bonelli,

I just noticed that there was a typo in the letter our office sent to you dated June 10<sup>th</sup>. The next regularly scheduled council meeting is on Monday, June 20, 2022 at 6:00 p.m., NOT August 20<sup>th</sup> as indicated in the letter. I apologize for any confusion this may have caused.

Kathy

**Kathy Hoffman**  
State Bar of Wisconsin Certified Paralegal  
City Attorney's Office  
828 Center Ave., Suite 210  
Sheboygan, WI 53081  
Ph. 920-459-6453 / Fax 920-459-3919  
e-mail: [kathryn.hoffman@sheboyganwi.gov](mailto:kathryn.hoffman@sheboyganwi.gov)

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**MAYER LAW FIRM, S. C.**  
**1+** Client First  
Value Added

502 North 6<sup>th</sup> Street  
Sheboygan, WI 53081-4611

**EXHIBIT I**

(920) 980-8241

e-mail: peter@wisclawyer.com

Firm web site: wisclawyer.com

June 17, 2022

**(6 pages)**

VIA HAND-DELIVERY

City of Sheboygan  
c/o Meredith DeBruin,  
City of Sheboygan City Clerk  
828 Center Avenue  
Sheboygan, WI 53081

City Attorneys Office  
City Hall  
828 Center Avenue  
Sheboygan, WI 53081  
Attn. Kathryn Hoffman

Re: City of Sheboygan; One More Time, LLC and Joseph P. Bonelli;  
Alcohol Beverage License No. 2301; City of Sheboygan Ordinance Section 10-46

Dear Madam Clerk and Ms. Hoffman:

I represent One More Time, LLC and Joseph P. Bonelli ("Bonelli") and am writing to you in connection with the City of Sheboygan Licensing, Hearings and Public Safety Committee (the "Committee") Quasi-Judicial Hearing conducted on June 8, 2022 (the "Hearing"). The Hearing related to a determination of whether the tavern business enterprise known as MoJo Bar ("the Business") operating at 1235 Pennsylvania Avenue (the "Premises") under City of Sheboygan Alcohol Beverage License No. 2301 (the "License") was in compliance with City of Sheboygan Ordinance Section 10-46 (the "Ordinance").

First, the letter from your office directing Bonelli to appear on August 20, 2022, for purposes of his appeal was read by him exactly as you stated. Specifically, that the review of the Hearing and the License would take place on August 20, 2022. Therefore, we strenuously object at this late date to a change in the time of the appeal by the City Common Council. We find this conduct reprehensible by your office. Furthermore, it is impossible at this late date to provide the materials to the Common Council for proper review.

Second, we request an immediate preparation of a transcript of the Hearing, as allowed by Section 125.12(2)(b)2., Wis. Stats., and a delivery of that transcript within a prudently reasonable number of days prior to the City Common Council appeal meeting to allow for proper review and preparation in advance of the appeal. It is meaningless for the Committee to deliver a copy of the transcript after the appeal is heard by the Common Council.

**MAYER LAW FIRM, S. C.**  
**1+** *Client First*  
*Value Added*

Third, we strenuously object to the report prepared by the Committee, as required by Section 125.12(2)(b)3., Wis. Stats. The "report" delivered is not complete and states the will and not the judgment of the Committee in that the facts are not laid out but given as a mere recital of the Committee's desired result. It is my understanding that Bonelli presented to the Committee uncontroverted testimony of the Business sale of alcohol from the Premises under the License on April 1, 2022, within six months and proving compliance with City of Sheboygan Ordinance Section 10-46 (the "Ordinance"). The "facts" of the "report" are conclusory and without any evidence.

Lastly, we hereby request a de novo hearing before the City Common Council and a removal of both Attorney Adams and Attorney Voelkner from any involvement in this matter, except for Attorney Adams continued role as a witness. It is my understanding that at the time of the Hearing at the first available opportunity, Bonelli informed and advised the Committee that he objected to those individuals as legal counsel present at the Hearing due to conflict and other ethics breaches, requested that they not participate, and requested an adjournment of the Hearing to address the issue of bias and impartiality of the Committee conducting the Hearing. Additional information will forthcoming and be presented to those attorneys directly. Needless to say, their involvement in this matter has so tainted the legitimacy of the Hearing as to require a de novo hearing.

This letter is being hand-delivered to follow on an e-mail sent the day prior due to the urgency of the matter. Please advise me at your earliest convenience of your intentions with respect to this matter.

Sincerely yours,



Peter R. Mayer

PRM/s

pc. Mayor Ryan Sorenson  
City Licensing Clerk  
City Administrator Todd Wolf  
City Attorney Charles Adams  
Joseph Voelkner, Esq.  
Joseph P. Bonelli

**Peter Mayer**

---

**From:** Peter Mayer <peter@wisclawyer.com>  
**Sent:** Monday, June 20, 2022 1:00 PM  
**To:** 'DeBruin, Meredith'  
**Subject:** Common Council meeting; City of Sheboygan Alcohol Beverage License No. 2301; One More Time, LLC and Joseph P. Bonelli

Meredith,

I will be bringing the packet to you within the hour. My letter constitutes objection to the report of the Committee and request for reversal of the Committee decision and renewal of the license, but not the detailed arguments for that objection and request. My letter also constitutes objection to other components of this review.

I would like to talk to you about this. Mr. Bonelli received written direction from the City Attorney's office that the City Common Council review would occur in August. That was corrected, but not until late last week. We also requested a transcript of the hearing, which has not yet been provided to us. We were also not informed under Section 125.12(2)(b)3., Wis. Stats., whether our arguments "shall be presented orally, in writing, or both." It is our request that the City abide by the statutory procedures and adjourn this matter until it can do so properly. Failing that, I would like to appear and be heard and be allowed to present oral arguments on this matter this evening. (Mr. Bonelli was also planning to be present, but since he is sick, I have instructed him that he may NOT attend in order to prevent any spread of disease.)

If the City Common Council proceeds this evening and does not reverse the Committee decision and renew the license, we do intend to appeal to Sheboygan County Circuit Court under Section 125.12(2)(d), Wis. Stats. The misdirection by the City Attorney's office on date of the City Council review, the failure to provide a transcript, and the absence of direction of how to present arguments should alone be sufficient to overturn the decision. Therefore, it seems prudent in the efficient administration of justice to at least adjourn this and avoid those procedural defects.

Sincerely,  
Peter Mayer

Peter R. Mayer



502 North 6<sup>th</sup> Street  
Sheboygan, WI 53081-4611  
(920) 980-8241  
[peter@wisclawyer.com](mailto:peter@wisclawyer.com)

---

**From:** DeBruin, Meredith <Meredith.DeBruin@sheboyganwi.gov>  
**Sent:** Monday, June 20, 2022 11:36 AM  
**To:** 'peter@wisclawyer.com' <peter@wisclawyer.com>  
**Subject:** RE: SPAM RE: Common Council meeting; City of Sheboygan Alcohol Beverage License No. 2301; One More Time, LLC and Joseph P. Bonelli

Good morning,

We have not yet received the hand-delivered letter, but I would like to clarify if this is your "written arguments in response presented by the licensee"? This is the language that is included in the Report of Committee that is on the agenda for this evening.

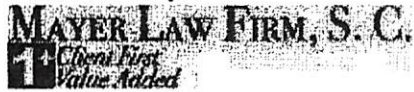
Thank you,  
Meredith

---

**From:** Peter Mayer <[peter@wisclawyer.com](mailto:peter@wisclawyer.com)>  
**Sent:** Friday, June 17, 2022 4:21 PM  
**To:** Hoffman, Kathryn <[Kathryn.Hoffman@sheboyganwi.gov](mailto:Kathryn.Hoffman@sheboyganwi.gov)>; DeBruin, Meredith <[Meredith.DeBruin@sheboyganwi.gov](mailto:Meredith.DeBruin@sheboyganwi.gov)>  
**Cc:** 'Joseph Bonelli' <[mojobar@me.com](mailto:mojobar@me.com)>; Joe Voelkner <[josephvoelkner@olsenkloetlaw.com](mailto:josephvoelkner@olsenkloetlaw.com)>; Adams, Charles <[Charles.Adams@sheboyganwi.gov](mailto:Charles.Adams@sheboyganwi.gov)>; Sorenson, Ryan <[Ryan.Sorenson@sheboyganwi.gov](mailto:Ryan.Sorenson@sheboyganwi.gov)>; Wolf, Todd <[Todd.Wolf@sheboyganwi.gov](mailto:Todd.Wolf@sheboyganwi.gov)>  
**Subject:** SPAM RE: Common Council meeting; City of Sheboygan Alcohol Beverage License No. 2301; One More Time, LLC and Joseph P. Bonelli

Please see the attached letter which will be hand-delivered this afternoon.

Peter R. Mayer



502 North 6<sup>th</sup> Street  
Sheboygan, WI 53081-4611  
(920) 980-8241  
[peter@wisclawyer.com](mailto:peter@wisclawyer.com)

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**From:** Peter Mayer <[peter@wisclawyer.com](mailto:peter@wisclawyer.com)>  
**Sent:** Thursday, June 16, 2022 3:30 PM  
**To:** 'Kathryn.Hoffman@sheboyganwi.gov' <[Kathryn.Hoffman@sheboyganwi.gov](mailto:Kathryn.Hoffman@sheboyganwi.gov)>; 'DeBruin, Meredith' <[Meredith.DeBruin@sheboyganwi.gov](mailto:Meredith.DeBruin@sheboyganwi.gov)>  
**Cc:** 'Joseph Bonelli' <[mojobar@me.com](mailto:mojobar@me.com)>; Joe Voelkner (<[josephvoelkner@olsenkloetlaw.com](mailto:josephvoelkner@olsenkloetlaw.com)> <[josephvoelkner@olsenkloetlaw.com](mailto:josephvoelkner@olsenkloetlaw.com)>); 'Adams, Charles' <[Charles.Adams@sheboyganwi.gov](mailto:Charles.Adams@sheboyganwi.gov)>; 'ryan.sorenson@sheboyganwi.gov' <[ryan.sorenson@sheboyganwi.gov](mailto:ryan.sorenson@sheboyganwi.gov)>; 'todd.wolf@sheboyganwi.gov' <[todd.wolf@sheboyganwi.gov](mailto:todd.wolf@sheboyganwi.gov)>  
**Subject:** Common Council meeting; City of Sheboygan Alcohol Beverage License No. 2301; One More Time, LLC and Joseph P. Bonelli  
**Importance:** High

Dear Madam Clerk and Ms. Hoffman,

I represent One More Time, LLC and Joseph P. Bonelli ("Bonelli") and am writing to you in connection with the City of Sheboygan Licensing, Hearings and Public Safety Committee (the "Committee") Quasi-Judicial Hearing conducted on June 8, 2022 (the "Hearing"). The Hearing related to a determination of whether the tavern business enterprise known as MoJo Bar ("the "Business") operating at 1235 Pennsylvania Avenue (the "Premises") under City of Sheboygan Alcohol Beverage License No. 2301 (the "License") was in compliance with City of Sheboygan Ordinance Section 10-46 (the "Ordinance").

First, the letter from your office directing Bonelli to appear on August 20, 2022, for purposes of his appeal was read by him exactly as you stated. Specifically, that the review of the Hearing and the License would take place on August 20,

2022. Therefore, we strenuously object at this late date to a change in the time of the appeal by the City Common Council. We find this conduct reprehensible by your office. Furthermore, it is impossible at this late date to provide the materials to the Common Council for proper review.

Second, we request an immediate preparation of a transcript of the Hearing, as allowed by Section 125.12(2)(b)2., Wis. Stats., and a delivery of that transcript within a prudently reasonable number of days prior to the City Common Council appeal meeting to allow for proper review and preparation in advance of the appeal. It is meaningless for the Committee to deliver a copy of the transcript after the appeal is heard by the Common Council.

Third, we strenuously object to the report prepared by the Committee, as required by Section 125.12(2)(b)3., Wis. Stats. The "report" delivered is not complete and states the will and not the judgment of the Committee in that the facts are not laid out but given as a mere recital of the Committee's desired result. It is my understanding that Bonelli presented to the Committee uncontroverted testimony of the Business sale of alcohol from the Premises under the License on April 1, 2022, within six months and proving compliance with City of Sheboygan Ordinance Section 10-46 (the "Ordinance"). The "facts" of the "report" are conclusory and without any evidence.

Lastly, we hereby request a de novo hearing before the City Common Council and a removal of both Attorney Adams and Attorney Voelkner from any involvement in this matter, except for Attorney Adams continued role as a witness. It is my understanding that at the time of the Hearing at the first available opportunity, Bonelli informed and advised the Committee that he objected to those individuals as legal counsel present at the Hearing due to conflict and other ethics breaches, requested that they not participate, and requested an adjournment of the Hearing to address the issue of bias and impartiality of the Committee conducting the Hearing. Additional information will forthcoming and be presented to those attorneys directly. Needless to say, their involvement in this matter has so tainted the legitimacy of the Hearing as to require a de novo hearing.

This communication is being sent via e-mail due to the urgency of the matter and will be hand-delivered in letter format tomorrow as well.

Sincerely,  
Peter R. Mayer  
State Bar No. 1009680

Peter R. Mayer  
**MAYER LAW FIRM, S.C.**  
*Client First  
Value Added*  
502 North 6<sup>th</sup> Street  
Sheboygan, WI 53081-4611  
(920) 980-8241  
[peter@wisclawyer.com](mailto:peter@wisclawyer.com)

---

**From:** Joseph Bonelli <[mojobar@me.com](mailto:mojobar@me.com)>  
**Sent:** Thursday, June 16, 2022 2:03 PM  
**To:** Peter Mayer <[peter@wisclawyer.com](mailto:peter@wisclawyer.com)>  
**Subject:** Fwd: Correct date of Common Council meeting

Sent from my iPhone

Begin forwarded message:

**From:** "Hoffman, Kathryn" <Kathryn.Hoffman@sheboyganwi.gov>  
**Date:** June 15, 2022 at 10:54:37 AM CDT  
**To:** [mojobar@me.com](mailto:mojobar@me.com)  
**Cc:** Joseph Voelkner <[josephvoelkner@olsenkloetlaw.com](mailto:josephvoelkner@olsenkloetlaw.com)>  
**Subject:** Correct date of Common Council meeting

Mr. Bonelli,

I just noticed that there was a typo in the letter our office sent to you dated June 10<sup>th</sup>. The next regularly scheduled council meeting is on Monday, June 20, 2022 at 6:00 p.m., NOT August 20<sup>th</sup> as indicated in the letter. I apologize for any confusion this may have caused.

Kathy

**Kathy Hoffman**

*State Bar of Wisconsin Certified Paralegal*

City Attorney's Office

828 Center Ave., Suite 210

Sheboygan, WI 53081

Ph. 920-459-6453 / Fax 920-459-3919

e-mail: [kathryn.hoffman@sheboyganwi.gov](mailto:kathryn.hoffman@sheboyganwi.gov)

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R. C. No. 31 - 22 - 23. By LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE. June 20, 2022.

Your Committee to whom was referred R. O. No. 14-22-23 by City Clerk submitting various license applications, hereby reports as follows:

On May 18, 2022, your Committee, via the authority delegated to a staff task force to review such matters, recommended that the Common Council not renew the "Class B" Alcohol Beverage License No. 2301 held by One More Time, LLC (Joseph P. Bonelli, Agent).

Pursuant to its right provided by state statute, One More Time, LLC requested a hearing to review the decision not to renew the license. Your committee held that hearing at its meeting on June 8, 2022.

At the time scheduled for the hearing, One More Time, LLC and its agent, Joseph P. Bonelli, appeared before the committee. The City appeared by City Attorney Charles Adams. The Committee was advised by special counsel, Joseph Voelkner of Olsen, Kloet, Gunderson & Conway.

After hearing from the parties, the committee found the following fact:

One More Time, LLC has violated municipal regulations adopted under Wis. Stat. § 125.10; to wit, § 10-46, Sheboygan Municipal Code, in that, as a retail licensee, One More Time, LLC suspended or ceased doing business for six consecutive months or more, beginning October 3, 2021, without good cause shown.

EXHIBIT J  
(2 pages)

Item 6.  
Item 26.

Based on these findings of facts, your committee recommends that, pursuant to Wis. Stat. § 125.12 (2)(b)3, the common council receive the findings of fact stated above and any written arguments in response presented by the licensee, and uphold the decision to deny renewal of the "Class B" Alcohol Beverage License No. 2301 held by One More Time, LLC (Joseph P. Bonelli, Agent).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Committee

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Dated \_\_\_\_\_ 20\_\_\_\_\_, \_\_\_\_\_, City Clerk

Approved \_\_\_\_\_ 20\_\_\_\_\_, \_\_\_\_\_, Mayor

**CITY OF SHEBOYGAN****SIXTH REGULAR COMMON COUNCIL MEETING MINUTES****Monday, June 20, 2022****OPENING OF MEETING****EXHIBIT K****1. Roll Call**

Alders present: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Ramey, Rust, and Salazar – 10.

**2. Pledge of Allegiance****3. Approval of Minutes**

MOTION TO APPROVE MINUTES FROM THE JUNE 6, 2022 MEETING

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Salazar, Rust, Ramey – 10.

**4. Confirmation of Mayoral Appointments**

Angela Ramey to Public Works Committee, Zach Rust to Architectural Review Board, Christine Campe to Library Board, Andy Ross to Board of Review, Stephanie Goetz to Senior Service Commission, and James VanAkkeren, Geralyn Leannah, Rebecca Clarke and Lora Hagen to Sustainable Task Force

MOTION TO CONFIRM APPOINTMENTS

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Salazar, Rust, Ramey – 10.

**5. Presentation**

Citizens Fire Academy (CFA) by Eric Montellano Fire Chief

**6. Presentation**

Affordable Housing Market Study Update on Progress by Chad Pelishek, Director of Planning and Development

**7. Public Forum**

Limit of five people having five minutes each with comments limited to items on this agenda. Maeve Quinn and Peter Mayer spoke.

**8. Mayor's Announcements**

Upcoming Community Events, Proclamations, Employee Recognitions

**CONSENT****9. Motion to Receive and File all R.O.'s, Receive all R.C.'s and Adopt all Resolutions and Ordinances**

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Salazar,

Rust, Ramey – 10.

10. R. O. No. 22-22-23 by Board of License Examiners submitting applications for Building Contractor Licenses already granted.

MOTION TO RECEIVE AND FILE THE R. O.

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Salazar, Rust, Ramey – 10.

11. R. C. No. 30-22-23 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 9-22-23 by City Clerk submitting various license applications; recommends denying License #3539 Reynoso Properties, LLC.

MOTION TO RECEIVE THE R. C. AND DENY THE LICENSE

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Salazar, Rust, Ramey – 10.

12. R. C. No. 32-22-23 by Licensing, Hearings, and Public Safety Committee to whom was referred pursuant to R. O. No. 14-22-23 by City Clerk submitting various license applications; recommends granting the extension of open for Business to License No. 3333 (Kohler Company) and approving the renewal of the alcohol license.

MOTION TO RECEIVE THE R. C. AND GRANT THE EXTENSION AND RENEWAL

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Salazar, Rust, Ramey – 10.

13. R. C. No. 29-22-23 by Licensing, Hearings, and Public Safety Committee to whom was referred R.O. No. 21-22-23 by City Clerk submitting various license applications; recommends amending the R. O. to include license #2207 and granting the license applications with caveats.

MOTION TO RECEIVE THE R. C. AND GRANT THE APPLICATIONS WITH CAVEATS

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Salazar, Rust, Ramey – 10.

14. R. C. No. 34-22-23 by Public Works Committee to whom was referred Res. No. 22-22-23 by Alderpersons Dekker and Perrella authorizing the appropriate City officials to enter into a contract with Buteyn-Peterson Construction Company, Inc. for the construction of the Evergreen Park – Area 5 Pedestrian Bridge; recommends adopting the Resolution.

MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Salazar, Rust, Ramey – 10.

15. R. C. No. 28-22-23 by Licensing, Hearings, and Public Safety Committee to whom was referred Res. No. 23-22-23 by Alderpersons Felde and Ackley authorizing acceptance of the 2022 Wisconsin Bureau of Transportation Safety, Bicycle and Pedestrian Enforcement Grant; recommends adopting the Resolution.

**MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION**

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Salazar, Rust, Ramey – 10.

16. R. C. No. 37-22-23 by Finance and Personnel Committee to whom was referred Res. No. 26-22-23 by Alderpersons Mitchell and Filicky-Peneski approving an amendment to the Project Plan and Boundaries of Tax Incremental District No. 16, City of Sheboygan, Wisconsin; recommends adopting the Resolution.

**MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION**

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Salazar, Rust, Ramey – 10.

17. R. C. No. 35-22-23 by Public Works Committee to whom was referred Res. No. 27-22-23 by Alderpersons Dekker and Perrella authorizing the appropriate City officials to enter into a contract with K-W Electric, Inc. for the replacement of the emergency electrical generator at Sheboygan Fire Department Fire Station #2; recommends adopting the Resolution.

**MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION**

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Salazar, Rust, Ramey – 10.

18. R. C. No. 36-22-23 by Public Works Committee to whom was referred Res. No. 28-22-23 by Alderpersons Dekker and Perrella authorizing the appropriate City officials to enter into an Addendum dated April 18, 2022 to the contract with Foth Infrastructure and Environment, LLC for design services related to the South Side Interceptor System (SIS) Rehab/Access Road/Shoreline Protection Program; recommends adopting the Resolution.

**MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION**

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Salazar, Rust, Ramey – 10.

**REPORT OF OFFICERS**

19. R. O. No. 23-22-23 by City Clerk submitting a communication from Grateful Properties, LLC requesting an encroachment on their property located at 340/342 South Pier Drive for the purpose of adding an outdoor seating deck. REFER TO CITY PLAN COMMISSION
20. R. O. No. 24-22-23 by City Clerk submitting a communication from M. Squared Properties requesting an encroachment on their property located at 1444 Pershing avenue for the purpose of creating an asphalt driveway and parking lot. REFER TO CITY PLAN COMMISSION

**RESOLUTIONS**

21. Res. No. 29-22-23 by Alderpersons Felde and Ackley authorizing the City Attorney to engage the services of special outside legal counsel to represent the Licensing, Hearings, and Public Safety Committee and Common Council with regard to a hearing regarding the denial of "Class B" Alcohol Beverage License No. 3539-Reynoso Properties LLC (Pedro Reynoso, Jr., Agent) and authorizing payment for said services.

**MOTION TO SUSPEND THE RULES AND ADOPT THE RESOLUTION**

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Salazar, Rust, Ramey – 10.

22. Res. No. 30-22-23 by Alderpersons Felde and Ackley authorizing the City Attorney to engage the services of special outside legal counsel to represent the Licensing, Hearings, and Public Safety Committee and Common Council with regard to a quasi-judicial hearing regarding the non-renewal of "Class B" Alcohol Beverage License No. 2301-One More Time, LLC (Joseph P. Bonelli, Agent) and authorizing payment for said services.

**MOTION TO SUSPEND THE RULES AND ADOPT THE RESOLUTION**

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Salazar, Rust, Ramey – 10.

23. Res. No. 31-22-23 by Alderpersons Felde and Ackley authorizing entering into an Agreement for Urban Search and Rescue Emergency Response Services with the State of Wisconsin Department of Military Affairs Division of Emergency Management with regard to providing City of Sheboygan personnel to a statewide urban search and rescue team. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE
24. Res. No. 32-22-23 by Alderperson Mitchell pursuant to the extraterritorial plat approval jurisdiction of the City of Sheboygan approving the final plat of Maywood Estates subdivision in the Town of Sheboygan. REFER TO CITY PLAN COMMISSION

**REPORT OF COMMITTEES**

25. R. C. No. 38-22-23 by Finance and Personnel Committee to whom was referred Res. No. 25-22-23 by Alderpersons Mitchell and Filicky-Peneski authorizing an appropriation in the 2022 budget for grant funds received under the 2022 Wisconsin Bureau of Transportation Safety, Bicycle and Pedestrian Enforcement Grant; recommends adopting the Resolution.

**MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION**

Motion made by Mitchell, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Salazar, Rust, Ramey – 10.

26. R. C. No. 31-22-23 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 14-22-23 by City Clerk submitting various license applications; recommends denying the renewal of the "Class B" Alcohol Beverage License No. 2301 held by One More Time, LLC (Joseph P. Bonelli, Agent).

**MOTION TO RECEIVE THE R. C. AND DENY THE RENEWAL**

Motion made by Felde, Seconded by Dekker.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Salazar, Rust, Ramey – 10.

27. R. C. No. 33-22-23 by Finance and Personnel Committee to whom was referred Res. No. 24-22-23 by Alderpersons Mitchell and Filicky-Peneski adopting updated wage classifications and steps as part of the 2022 City of Sheboygan Compensation Program for Non-Represented Employees; recommends adopting the Resolution.

**MOTION TO RECEIVE THE R. C. AND REFER THE RESOLUTION TO THE FINANCE AND PERSONNEL COMMITTEE**

Motion made by Mitchell, Seconded by Heidemann.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Salazar, Rust, Ramey – 9.

Voting Nay: Perrella – 1.

**GENERAL ORDINANCES**

28. Gen. Ord. No. 3-22-23 by Alderperson Perrella repealing Gen. Ord. No. 39-21-22 granting Harbor Cafe, LLC, its successors and assigns, the privilege of encroaching upon certain portions of 340/342 South Pier Drive in the City of Sheboygan and granting Grateful Properties, LLC, its successors and assigns, the privilege of encroaching upon expanded portions of 340/342 South Pier Drive, as described in the City of Sheboygan for the purpose of adding an outdoor seating deck. REFER TO CITY PLAN COMMISSION
29. Gen. Ord. No. 4-22-23 by Alderperson Felde granting M Squared Properties, its successors and assigns, the privilege of encroaching upon described portions of 1444 Pershing Avenue in the City of Sheboygan for the purpose of creating an asphalt driveway and parking lot. REFER TO CITY PLAN COMMISSION
30. Gen. Ord. No. 5-22-23 by Alderpersons Dekker and Perrella creating a 30 Minute Parking zone on the west side of N. 15th Street north of Wisconsin Avenue. REFER TO PUBLIC WORKS COMMITTEE

**OTHER MATTERS AUTHORIZED BY LAW**

31. R. O. No. 25-22-23 by City Clerk submitting various license applications. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

**ADJOURN MEETING**

32. Motion to Adjourn

**MOTION TO ADJOURN AT 7:10 PM**

Motion made by Felde, Seconded by Filicky-Peneski.

Voting Yea: Ackley, Dekker, Felde, Filicky-Peneski, Heidemann, Mitchell, Perrella, Salazar, Rust, Ramey – 10.

**MAYER LAW FIRM, S. C.****1+** Client First  
Value Added502 North 6<sup>th</sup> Street  
Sheboygan, WI 53081-4611

(920) 980-8241

e-mail: peter@wisclawyer.com

Firm web site: wisclawyer.com

June 20, 2022

VIA HAND-DELIVERY

City of Sheboygan  
c/o Meredith DeBruin,  
City of Sheboygan City Clerk  
828 Center Avenue  
Sheboygan, WI 53081**EXHIBIT L**

Re: City of Sheboygan; One More Time, LLC and Joseph P. Bonelli;  
Alcohol Beverage License No. 2301; City of Sheboygan Ordinance Section 10-46

Dear Madam Clerk:

As you know, I represent One More Time, LLC and Joseph P. Bonelli ("Bonelli") and am writing to you in connection with the City of Sheboygan Licensing, Hearings and Public Safety Committee (the "Committee") Quasi-Judicial Hearing conducted on June 8, 2022 (the "Hearing"), which related to a determination of whether the tavern business enterprise known as MoJo Bar ("the "Business") operating at 1235 Pennsylvania Avenue (the "Premises") under City of Sheboygan Alcohol Beverage License No. 2301 (the "License") was in compliance with City of Sheboygan Ordinance Section 10-46 (the "Ordinance").

In my letter to you dated June 17, 2022, I stated ". . . **we request an immediate preparation of a transcript of the Hearing, as allowed by Section 125.12(2)(b)2., Wis. Stats. . .**" A copy of my letter is enclosed for your convenience. Attorney Voelkner sent a letter dated June 20, 2022, to you confirming our right to a transcript. However, he also redirected you to provide a video link. Although I appreciate a video link, our first concern is the delivery of a written transcript. Since we have a deadline for filing a summons and complaint for review by certiorari, it is necessary to obtain the transcript promptly. Although Attorney Voelkner may address his matters differently, it is my practice to have the statements made at the Hearing referenced in the complaint. Please inform me of the approximate date by which the transcript will be ready and if you require payment or a deposit in advance.

Please note that a copy of this letter has been sent to Attorney Voelkner, but we continue to object to his representation in this matter and do not waive our objection by complying with professional requirements.

Sincerely yours,



Peter R. Mayer

PRM/s

pc. Joseph Voelkner, Esq.  
Joseph P. Bonelli



**CITY OF SHEBOYGAN  
R. O. 57-23-24**

**BY DIRECTOR OF PARKING AND TRANSIT.**

**OCTOBER 16, 2023.**

Submitting the 2024 Business Improvement District (BID) Statement of Purpose, dated September 26, 2023, and the BID's 2024 Operating Budget.



# 2024 Statement of Purpose & Budget

Presented to the Executive Committee  
September 15, 2023

Approved by the Board of Directors  
September 19, 2023

Submitted to the City of Sheboygan  
September 26, 2023

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# BID STATEMENT OF PURPOSE

Wisconsin State Statute 66.1109 creates a financial tool that allows a municipality to levy a special assessment on property owners within a defined Business Improvement District (BID) upon petition of those property owners. The property owners in the BID district then use the assessment resources to maintain and enhance their business environment.

Property owners join with a municipality to create a BID in order to establish a strong organizational structure where individual concerns, as well as group goals can be addressed. Property owners maintain a direct role within the district, coordinating the use of funds from the pooled assessment, and implementing plans for the development, operation, maintenance and promotion of the BID area.

The Harbor Centre concept formed in 1990 was developed to utilize the historic strengths of the City - the lakefront, riverfront, and downtown. The concept recognizes the need for a coordinated development and marketing approach for the central part of Sheboygan. The concept coordinates and integrates public and private development, traffic and pedestrian circulation, parking, signage, lighting, and landscaping.

The Harbor Centre concept recognizes the individual identity of the downtown, riverfront, and lakefront and builds on the assets of each area. The BID is an important tool that will assist in the implementation of the Harbor Centre Master Plan, Sheboygan's Downtown Districts Plan, and any subsequent plans that impact or include the BID. Further, the BID will foster a positive image for the businesses within Harbor Centre and for the businesses within Harbor Centre and for the community as a whole. A prosperous central area (Harbor Centre) is as important as good schools, good parks, and good roads.

The BID funds will be used to support community and member-driven events and activities taking place in the district, provide streetscape beautification and enhancement, and support investments in the infrastructure and functionality of the district.

# BID BENEFICIARIES

The BID program is designed so that it benefits all business interests within the district.

**RETAILERS:** Money generated through the BID assessment is used to support programs that enhance the business climate in the Harbor Centre.

A comprehensive support program reinforces the existing promotional programs and supports members in creating new programs. Retailers benefit from promotions, traffic and a feeling of vitality created in the central area.

Retail establishments located in the Harbor Centre benefit from the improvements to the physical environment made possible through the organization of the BID. The overall effect of an attractive, clean, active district reflects positively on the businesses and improves each customer's experience.

**SERVICES PROVIDERS:** Service providers benefit from the proposed promotional activities as some of these events enhance the service industry as well.

Service providers located in the Harbor Centre benefit from the improvements to the physical environment made possible through the organization of the BID. The overall effect of an attractive, clean, active district reflects positively on the businesses and improves each customer's experience.

**INDUSTRIAL FIRMS:** Industrial firms located in the Harbor Centre benefit from the improvements to the physical environment made possible through the organization of the BID. The overall effect of an attractive, clean, active business reflects positively on a corporate image.

In addition, BID promotional events will provide a source of recreation and entertainment for employees before and after work and during lunch breaks.

**PROPERTY OWNERS:** Property owners benefit from the BID. Promotional and design programs increase the vitality in the area which, in turn, results in increased property values. Programs that bring increased interest and traffic to the area that are created and supported by the BID impact owners of vacant properties by increasing desirability of the district and exposing the public to available properties.

# BID BOARD OF DIRECTORS

The Board of Directors will manage the Business Improvement District. The Board will meet on a regular basis and will establish an executive committee to oversee the day-to-day activities of the BID. The Board will implement the operating plan and prepare annual reports on the district. The Board will also conduct an annual review and make necessary changes.

The Board shall consist of 12 members in size for two year staggered terms and are composed of five business agents, representing owners of commercial businesses in the district; six property owners, one at large member and one government member, representing the City of Sheboygan, all of whom are appointed by the Mayor and confirmed by the Common Council of the City of Sheboygan.

Board members should be representative of different areas within the district, including representation from a mix of business types. In addition, the Board may choose to have non-voting members representing co-beneficial partner organizations such as the Visit Sheboygan and Sheboygan County Economic Development Corporation.

# BID GOALS AND OBJECTIVES

1. **MARKETING.** The BID will continue marketing efforts through social media, promotional assistance for key events, and the creation of promotional assets (i.e. destination itineraries, maps, photography). These elements will assist with marketing the BID to Sheboygan residents and visitors throughout the year.
2. **EVENTS.** The BID will support key, collaborative, seasonal events to assist with coordination. Coordination includes working with BID business and other resources such as the City of Sheboygan Department of Public Works to plan for and execute events. Opportunities to connect with or expand existing events will be explored to leverage foot traffic and impact throughout the BID.
3. **COMMUNICATION.** The BID will continue creating transparent operations and communication with BID members to expand awareness, increase member engagement, and improve two-way communication between BID members and the Board of Directors and its committees.
4. **PARTNERSHIPS.** The BID aims to create synergy and efficiency through the enhancement of mutually beneficial connections with key local organizations, such as Visit Sheboygan, the City of Sheboygan, the Sheboygan County Chamber of Commerce, Sheboygan County Economic Development Corporation and others. These partnerships will help maximize resources, support the efficiency and effectiveness of these organizations, and will connect BID members to external opportunities to learn and grow.
5. **PLACEMAKING.** The BID will work to create a beautiful and enticing business district through supporting infrastructure and beautification efforts, and continuing to develop plans to improve the physical appearance and connectivity of the BID. Placemaking efforts will increase vibrancy by creating a welcoming atmosphere that connects locals and visitors to the BID.
6. **ADVOCACY.** The BID will connect with members to identify opportunities for processes or policies (e.g. outdoor seating). The BID will advocate for its members with partners such as the City of Sheboygan to advance or implement these processes or policies. Accountability will be part of committee and Board meetings to ensure progress.

# BID SPECIAL ASSESSMENT AND EXEMPTIONS

The activities proposed in this operating plan will be funded through annual special assessments. Assessments to meet the BID budget will be levied against each property within the district based on its most recent assessed value. Those properties which are used for commercial purposes and those used exclusively for manufacturing will be eligible for assessment.

The proposed BID assessment is \$2.78 per \$1,000 of assessed valuation. The property owners on leased City land will be assessed on the basis of the assessed value of their improvements on the property. In addition, the following minimums and maximums will apply

- a.) BID fee would be a minimum of \$250.00
- b.) BID fee would be a maximum of \$8,000.00

Real property used exclusively for residential purposes will not be assessed as required by Wisconsin Statute 66.1109. Properties which are exempt for paying property taxes such as public utilities, non-profit organizations, religious institutions, and governmental bodies are also exempt from the special assessment.



# BID OPERATING BUDGET

January - December 2024		
Income		
Income	Special Assessments	\$180,000
Total Income		\$180,000
Expenses		
Operations	Staff; Rent; Accounting; Website; Printing	\$72,000
Event/Marketing Support	Event Marketing; General Marketing; Social media; Promotions	\$42,000
Miscellaneous	Miscellaneous	\$1,000
Major District Investments/ Enhancements	Major District Projects; Summer Decorations; Winter Decorations	\$65,000
Total Expenses		\$180,000