

CITY OF OCONOMOWOC
“SPECIAL” COMMON COUNCIL MEETING MINUTES
June 22, 2010

Mayor Daley called the “Special” Common Council meeting to order at 5:30 PM.

Pledge of Allegiance

Roll Call: Aldermen Slattery, Morgan, Nold, Larsen, Hall, Cochrane, Kohlenberg and Miller
Staff present: Mayor Daley, Gard, Beguhn, Lamp and Coenen
Others present: Atty. Herro

Consent Agenda:

A. Licenses - Motion by Cochrane to approve the Consent Agenda; second by Miller. Motion carried 8-0.

Old Business:

1. **Consider/act on Order Terminating Moratorium on Sewer Connections in the Town of Oconomowoc Utility District No. 1:** Gard reported that this item had been postponed by Council previously and that on 6/21/10 the City received the one document, a signed stipulation, we were waiting for. Motion by Slattery to approve the order terminating the moratorium on sewer connections in the Town of Oconomowoc Utility District No. 1; second by Cochrane. Council asked about enforcement measures if issues should arise. Gard stated that the Town will enforce the sewer ordinance and would also take measures of disconnecting service if issues were not resolved. Gard also noted that the Town Engineer has certified the measures already taken. Motion carried 8-0.

At this time, Kohlenberg made a “Point of Information” asking why this agenda did not have a Public Comment item. Coenen stated that past practice has not included Public Comments because Special Meetings are for specific issues.

Coenen stated that a “Revised” License Spreadsheet was placed at Council stations, providing the most current information for each licensee before Council this evening. Additionally, if the licensee makes payment arrangements with the Utility Department for past due utilities, the utilities will no longer be deemed delinquent because a mutual agreement has been made.

2. **Consider/act on Resolution to Deny or Grant Application for a New 2010-2011 “Class B” Alcohol Beverage License for Bootleggers, LLC:** Coenen reported that payments have been made by the owner of the current business, Landsharks, and the intention is to make full payment of all delinquencies by June 30th. Therefore, Coenen recommends granting the license on the condition that all taxes are paid in full by the close of business on June 30th and payment arrangements are made for the delinquent utilities. The licensee was present. Motion by Larsen to adopt the resolution to grant the new 2010 – 2011 Alcohol Beverage License for Bootlegger’s, LLC on the condition all taxes due to the City of Oconomowoc are paid in full and utility arrangements are made by the close of business on June 30, 2010; second by Cochrane. Motion carried 8-0.

Atty. Herro read State Statue 125.12(3) into the record and explained the procedures for conducting the hearings. Coenen was sworn in by Herro and remained sworn in for the duration. Herro also asked Coenen specific questions at the beginning of each hearing regarding the notice of non-renewal, summons to appear and complaint listing the respective delinquencies/issues that was served on each licensee. Coenen responded for each that the licensee had been properly served.

Hearings on Intent Not to Renew the following 2010 – 2011 Alcohol Beverage Licenses:

- A. **Consider/act on Resolution Renewing 2010 – 2011 Alcohol Beverage License for TKH, LLC. (Todd’s Grill):** Coenen reported that TKH, LLC had paid their delinquency in full therefore the recommendation is to renew the license. The licensee was not present. Motion by Cochrane to adopt the resolution renewing the 2010 – 2011 Alcohol Beverage License for TKH, LLC; second by Miller. Motion carried 8-0.
- B. **Consider/act on Resolution Renewing or Not to Renew the 2010 – 2011 Alcohol Beverage License for Kalsi, LLC (BP):** Coenen reported that Kalsi, LLC has delinquent taxes and recommends renewal on the condition that all taxes are paid in full by the close of business on June 30th. The licensee was present. Herro swore in Jasvir Kaur Lal Kalsi, owner of the BP at 1004 Summit Ave. Kalsi requested Council accept 3 tax installment payments on the 30th of each month, June, July and August. Herro stated that State Statutes and our City Code do not allow tax payment arrangements. Motion by Cochrane to adopt the resolution renewing the 2010 – 2011 Alcohol Beverage License for Kalsi, LLC on the condition that all delinquent taxes due to the City of Oconomowoc are paid in full by the close of business on June 30, 2010; second by Slattery. Coenen stated that if Kalsi, LLC is unable to pay by June 30th, the license would not renew and Kalsi could not sell alcohol products. However, once the taxes were paid, the license could be applied for again. The additional cost to reapply is \$15 for the publication fee. Coenen also noted that the City has no quotas on Class A licenses and the main business of BP is gas and convenience store sales. Motion carried 8-0.
- C. **Consider/act on Resolution Renewing or Not to Renew the 2010 – 2011 Alcohol Beverage License for APK, Inc. (Five O’s – Citgo):** Coenen reported that APK, Inc. has delinquent taxes and recommends renewal on the condition that all taxes are paid in full by the close of business on June 30th. She also noted that the main business of Five O’s - Citgo is gas and convenience store sales. The licensee was not present. Motion by Cochrane to adopt the resolution to grant the 2010 – 2011 Alcohol Beverage License for APK, Inc. on the condition that all delinquent taxes due to the City of Oconomowoc are paid in full by the close of business on June 30, 2010; second by Slattery. Motion carried 8-0.
- D. **Consider/act on Resolution Renewing or Not to Renew the 2010 – 2011 Alcohol Beverage License for The Cornerstone of Oconomowoc, LLC:** Coenen reported that The Cornerstone of Oconomowoc, LLC has made payment arrangements with the Utility Dept. and is working out their seller’s permit issues with the State; therefore the recommendation is to renew the license with conditions. The licensee was not present. Motion by Cochrane to adopt the resolution to grant the 2010 – 2011 Alcohol Beverage License for The CornerStone of Oconomowoc, LLC on the condition that utility payment arrangements are made and the licensee holds a valid Wisconsin seller’s permit by the close of business on June 30, 2010; second by Slattery. Motion carried 8-0.
- E. **Consider/act on Resolution Renewing or Not to Renew the 2010 – 2011 Alcohol Beverage License for KS Golf, LLC (Olde Highlander Golf Club):** Kohlenberg stated that he has a conflict of interest and removed himself from the room. Coenen reported that KS Golf, LLC indicated the taxes would be paid by June 30th and that payment arrangements have been made with the Utility Dept., therefore the recommendation is to renew the license with conditions. The licensee was not present. Motion by Cochrane to adopt the resolution renewing the 2010 – 2011 Alcohol Beverage License for KS Golf, LLC on the condition that all delinquent taxes due to the City of Oconomowoc are paid in full and utility payment arrangements are made by the close of business on June 30, 2010; second by Nold. Motion carried 7-0. Kohlenberg returned to his chair.
- F. **Consider/act on Resolution Renewing or Not to Renew the 2010 – 2011 Alcohol Beverage License for Porticello:** Coenen reported that Porticello, Inc. has delinquent taxes and utilities. Park Bank has notified the City that they are working with the owner, Pipito; therefore the recommendation is to renew the license with conditions. The licensee was not present. Motion by Cochrane to adopt the resolution to grant the 2010 – 2011 Alcohol Beverage License for Porticello, Inc. on the condition that all delinquent taxes due to the City of Oconomowoc are paid in full and utility payment arrangements are made by the close of business on June 30, 2010; second by Nold. Motion carried 8-0.

New Business:

- A. **Consider/act on Reserving Available Reserve “Class B” Alcohol License for the Building at 685 E. Valley Road:** Coenen reported that this license reservation is recommended in case Pipito is not able to meet the renewal license conditions by close of business on June 30th. If that happens, the license will

automatically non-renew and become available as of July 1st. Therefore, this reservation will allow time for Pipito to work with Park Bank to reopen his restaurant or allow Park Bank time to sell the business. Motion by Cochrane to reserve the available Reserve “Class B” alcohol license for the building at 685 E. Valley Road; second by Nold. Cochrane amended her motion to include July 1, 2010 available license; second by Nold. Council had discussion on the current owner and the money spent renovating the building, reserving another license rather than just leaving it available but not issued and the increased real estate value for that property with a reserved license and the fact that other properties do not get the same benefit.

At 6:35 pm Daley stepped down from his seat and Ald. Larsen, as Council President chaired the meeting. Daley pointed out that Council could redirect the license in the future and the issue is the highest and best use of the facility. He further stated that there is no other use for that building and it would need a liquor license whether Pipito reopened or someone else did. He returned to his seat at 6:40 pm. Motion carried 6-2. Morgan and Larsen voted no.

Motion by Nold to adjourn the “Special” Common Council meeting; second by Cochrane. Motion carried 8-0. The meeting adjourned at 6:47 PM.

Diane Coenen, City Clerk