

**City of Portage Common Council Meeting  
Council Chambers of City Municipal Building  
115 West Pleasant Street, Portage, WI  
Regular Meeting – 7:00 p.m.  
June 27, 2013  
Agenda**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Minutes of Previous Meeting
6. Consent Agenda
  - A. Reports of Sub-Committees, Boards, and Commissions
    1. Library Board, June 11, 2013
    2. Economic Development Loan Fund Committee, June 17, 2013
    3. Historic Preservation Commission, June 18, 2013
  - B. License Applications
    1. Operator
    2. Taxi Cab Operator
7. Committee Reports
  - A. Finance/Administration Committee, June 10, 2013
    1. Possible action on Mahlon Brasda insurance claim
  - B. Plan Commission, June 17, 2013
  - C. Legislative and Regulatory Committee, June 20, 2013
    1. Possible action on nonrenewal for Class A license of Pal and Simran LLC
8. Old Business
9. New Business
  - A. Resolutions
    1. Resolution No. 13-017 relative to Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers Under 66.0703 of the Wisconsin Statutes (Airport Road, West Slifer Street, Eastridge Drive and East Slifer Street Sidewalk Improvement Projects, and Selective Sidewalk Improvements)

- B. Resignation
  - 1. Richard Beebe – Historic Preservation
- C. Discussion and possible action on request from Janet Grotzke for waiver of Noise Ordinance for American Cancer Society Relay for Life event, July 12 – 13, 2013
- D. Discussion and possible action on request from Portage Rotary Club for waiver of double fence requirement for Temporary Class “B” License for July 20, 2013.
- E. Discussion and possible action on Memorandum of Understanding to secure, administer and allocate monies raised for purposes of constructing and maintaining a publicly owned skateboard facility.
- F. Mayor’s Comments
  - 1. Wisconsin LED Streetlight Pilot Project
  - 2. July 10th Tour
  - 3. June 29th Parade
  - 4. Vacant Lots
- G. City Administrator’s Report
  - 1. Projects update
- 10. Closed Session

The Common Council will go into closed session pursuant to Wisconsin State Statutes 19.85(1)(b) for reconsideration of an Operator License for Kimberly Kimberly A. Gavinski and pursuant to Wisconsin State Statutes 19.85(1)(e) to consider the purchase of property adjacent to the Industrial Park.
- 11. Adjournment

Common Council Proceedings  
City of Portage

Regular Meeting  
Council Chambers  
City Municipal Building

June 13, 2013  
7:00 p.m.

**1. Call to Order**

Mayor Tierney called the meeting to order at 7:00 p.m.

**2. Roll Call**

Present: Ald. Dodd, Ebnetter, Garetson, Hamre, Havlovic, Klapper,  
Maass, Miller, Oszman

Also Present: Mayor Tierney, City Clerk Moe, City Administrator Murphy,  
City Attorney Spankowski, Assistant Police Chief O'Neill, Director of Public  
Works Redelings, Police Chief Manthey

Media Present: Craig Sauer from Portage Daily Register, Bill Welsh from  
Cable TV

**3. Pledge of Allegiance**

The Pledge of Allegiance was said.

**4. Approval of Agenda**

Mayor Tierney asked for a moment of silence in remembrance of the  
passing of Blanche Murtagh.

**5. Minutes from Previous Meeting**

Motion by Klapper, second by Oszman to approve the minutes of the May  
30, 2013 Common Council meeting. Motion carried unanimously on call  
of roll.

**6. Service Award for Father Murphy**

Police Chief Manthey presented Father Murphy with a plaque recognizing  
his eight years of service as a Police Chaplin.

**7. Presentation on Storm Water Utility and Possible Action on  
Implementation**

Mark Shuback from Strand Associates gave a presentation on the  
feasibility study update. A flat fee is being proposed for residential  
property at approximately \$2.00 per month per ERU (equivalent runoff  
unit). The fee for businesses and tax exempt property will be based on  
the size of the property. It was discussed that by establishing a utility,  
projects addressing storm water would move to the utility, creating  
flexibility to reallocate funding in the general budget for a backlog of

projects and staff. Mayor Tierney asked Ald. Dodd to take over the Chair so he could address the council. Mayor Tierney told the council that the infrastructure needs to be addressed and he is not in favor of reducing the levy if a utility was created. Mayor Tierney took the Chair back. Ald. Miller and Maass expressed their support and favored a higher rate than the \$2.00 as there are many improvements that need to be done. Funds would not go towards the Canal Project; but funds could go for storm water discharge facilities in the Canal. According to Mr. Shuback, if council approves to proceed with implementation of a utility, adoption would most likely take place in September. There would also be a public informational meeting for property owners to answer questions regarding the utility. A brochure will be sent out showing where the dollars allocated to the utility are being spent.

Motion by Klapper, second by Oszman to proceed with implementation of a storm water utility. Motion carried unanimously on call of roll.

## **8. Consent Agenda**

### Reports of Sub-Committees, Boards and Commissions

Airport Commission, May 21, 2013

AdHoc Canal Committee, June 3, 2013

Motion by Dodd, second by Hamre to accept the reports on the consent agenda. Motion carried unanimously on call of roll.

### License Applications

Operator license applications for period ending June 30, 2014 for Anderson, April L.; Asch, Jessica R.; Asch, Matthew L.; Atkinson, Kim M.; Barton, Cheryl A.; Behnke, James D.; Bennett, Daniel H.; Benson, Dennis F.; Bigford, Nancy A.; Blum, Thomas E.; Braun, Jerry J.; Carstens-Ritter, Carrie M.; Charmley, Kyle R.; Clark, Michael R.; Curtis, Jessica L.; Daley, Christine A.; Daley, Erin E.; Daley, Laura J.; Denman, Kalynn M.; Donahue, Michael J.; Dugan II, Thomas J.; Duvall, David L.; Duvall, Matthew D.; Erickson, Eric J.; Fisher, Katlynn A.; Gaffney, Barbara A.; Gauer, Jolynne M.; George-Burton, Marilyn J.; Gorman, Thomas P.; Green, Arthur J.; Hamre, Carolyn M.; Hardt, Theresa M.; Harvestine, Lydia; Hayes, Kelsey; Henke, Susan M.; Hoover, Jeremy E.; Hull, Ronald A.; Jahn, Jesse E.; Janssen, Ann D.; Johnson, Jenifer A.; Johnson, Jennifer P.; Joyce, Kimberly A.; Kinney, Anastasia S.; Kitchen, Katherine M.; Knight-Howley, Sandra D.; Knowles, Serena A.; Koch, Lynette M.; Koch, Scott T.; Krall, Christopher R.; Lane, Alyssa M.; Lane, Hunter R.; Ledlow, Ashley M.; Littwiller, Dawn L.; Lythjohan, Tiffany C.; Madam, Manoucher; Mael, Michael G.; Mair, Jennifer L.; Malone, Cheryl L.; Malone, Evan S.G.; Manyen, Ashley M.; Martin, Laura J.; Mcfaul, Dency O.; Meeker, Shawna M.; Miller, Debra A.; Mohr, Amanda L.; Morris, Jason S.; Morris, Jolene S. ; Murphy, Pamela S.; Nelson, Dawn M.; Nelson, Lisa

M.; Petzke, James K.; Poulson, Krystle M.; Raimer, Brandon T.; Raimer, Brian L.; Reichhoff, Diana L.; Robson, Matt J.; Rogers, Barbara E.; Russell, Matthew P.; Schmidt, Christine C.; Schmidtke, Trisia D.; Schroeder, Mark A.; Schultz, Becky E.; Seely, Wendy L.; Seep, Marianne L.; Shutts, Lindsey D.; Slepicka, Sandra J.; Smith, Eric P.; Solterman, Jacob C.; Staffels, Phillip J.; Staveness, Kristal K.; Steele, Marlene J.; Steingraeber, Debra L.; Stensrud, Chadwick D.; Sweeney, Joanne P.; Tangney, Genevieve L.; Teuber, Julie A.; Theel, Christian J.; Tollison, Emelia L.; Van Ess, Vicki A.; Vick, Shawna M.; Vitale, Teresa H.; Voiss, Victoria A.; Wilcox, Chad J.; Wroten, Brett D.

Motion by Maass, second by Dodd to approve the operator license applications as presented. Motion carried 8 to 1 on call of roll with Hamre abstaining.

Taxi cab operator license applications for period ending June 30, 2014 to Albright, Tammy S.; Atkinson, Esther M.; Bagnall, Robert J.; Barker, Patrick A.; Brouette, Joseph A.; Coffman, John R.; Dittman, Steven M.; Elliott, Keith L.; Ferguson, Richard N.; Finzel, Robert J.; Guthrie, William A.; Kenas, Cindy M.; Kenas, Paul A.; Lochner, Aaron M.; Moore, Kari S.; Myhre, Lori A.; Pafford, Leanne D.; Poster, Mary K.; Rader, David L.; Ritter, Shelvy J.; Robinson, Sheryl M.; Schneller, Thomas R.; Schultz, Daniel L.; Swanson, Ronald L.; Sylvester, Rocco J.; Taylor, Devon M.; Winchester, Selena J.; Winter, Katherine L.; Woodard II, Joseph J.; Yonkie, James A.

Motion by Oszman, second by Klapper to approve the taxi operator license applications as presented. Motion carried 8 to 1 on call of roll with Maass abstaining.

## **9. Committee Reports**

### Legislative and Regulatory Committee, June 4, 2013

Motion by Oszman, second by Klapper to approve a Class B Combination License for The Ball Room LLC. Motion carried 8 to 1 on call of roll with Hamre abstaining.

Motion by Oszman, second by Miller to deny an operator's license for Kimberly A. Gavinski based on one conviction and pending charges for drug violations. Motion carried unanimously on call of roll.

Motion by Oszman, second by Hamre to deny an operator's license Kirpal Kaur based on one conviction and several pending charges for drug violations. Motion carried unanimously on call of roll.

### Human Resources Committee, June 4, 2013

Municipal Services and Utilities Committee, June 6, 2013

Motion by Garetson, second by Maass to approve the in-kind services request from Sand County Fine Arts Festival as presented. There was discussion regarding requiring groups requesting in-kind services to be in attendance at the committee meeting. There was consensus that a policy be created to require attendance at the committee meeting where the event is being considered. A late fee was also brought up for in-kind requests not made on time. Motion carried unanimously on call of roll.

Motion by Garetson, second by Miller to amend the Project Fund to include additional 2013 street improvement projects. Motion by Maass, second by Garetson to amend the motion to change the source of funding on the concrete crushing to TIF No. 7. The amendment carried unanimously on call of roll. It was noted that the projects are not additional projects, but projects scheduled for 2014 that are being moved into 2013. The motion, as amended, carried unanimously on call of roll.

Motion by Garetson, second by Maass to approve the street hazard mitigation plan as presented. There was some concern with Wood, Fairfield and Caledonia Streets being included on the plan. Director Redelings explained the reason they are on the plan is because they are in the 100 year floodplain. To be eligible for FEMA funding, streets need to be included on this list. Motion carried unanimously on call of roll.

Finance/Administration Committee, June 10, 2013 and June 13, 2013

Motion by Dodd, second by Klapper to approve claims in the amount of \$1,728,131.74. Motion carried unanimously on call of roll.

Motion by Dodd, second by Maass to award Contract No. 13-009 Concrete Crushing to Michel's Corp. in the amount of \$111,000.00. Motion carried unanimously on call of roll.

Motion by Dodd, second by Klapper to approve Phase 1 – Goodyear Park Improvements as recommended by the Finance Committee. Motion carried 8 to 1 on call of roll with Maass voting no.

**10. Old Business**

Ordinances

Motion by Oszman, second by Dodd to suspend the rules and have Ordinance No. 13-006 relative to Illegal Dumping and Ordinance No. 13-007 relative to Telephone and Electronic Harassment read by title only. Motion carried 6 to 3 on call of roll with Havlovic, Klapper and Maass voting no.

Ordinance No. 13-006 relative to Illegal Dumping received its third reading by title only and passed unanimously on motion by Oszman, second by Garetson and call of roll.

Ordinance No. 13-007 relative to Telephone and Electronic Harassment received its third reading by title only and passed unanimously on motion by Oszman, second by Ebnetter and call of roll.

## **11. New Business**

### Resolutions

Resolution No. 13-015 relative to Compliance Maintenance Annual Report was read and adopted unanimously on motion by Garetson, second by Maass and call of roll.

Resolution No. 13-016 relative to Establishing Parade Routes was read. Motion by Maass, second by Garetson to adopt Resolution No. 13-016 relative to Establishing Parade Routes with the following changes: second paragraph, replace the phrase “a new route be established for the Independence Day Parade” with “an additional parade route being established”; replace the phrase “West Conant Street from River Street” with “Summit Street from River Street to West Conant Street”. Third paragraph, replace “the official route for the Independence Day Parade” with “an official route for parades”. Motion carried unanimously on call of roll.

### Appointment

Motion by Klapper, second by Oszman to approve the appointment of Wade Udelhoven to the Historic Preservation Commission. Motion carried unanimously on call of roll.

### Mayor’s Comments

Police Chief Manthey provided information on the duties of the Community Service Officers.

Mayor Tierney discussed property maintenance issues and the lengthy process to get issues resolved. He requested that the Legislative Committee review the ordinances for possible revisions. Credits are available in TIF districts for improvements.

Mayor Tierney encouraged all to attend a Flag Day ceremony.

### City Administrator’s Report

The retaining wall at Silver Lake Beach from the parking lot south to the middle stairway has been completed. The wall to the south of the stairway was not completed with this contract due to an error, but will be considered this fall for completion.

The Visitor's Center cost estimate has increased substantially, but has been revised to fit with the budget. The design is completed and available for review.

The contractor will begin the demolition of the building on DeWitt Street on Sunday.

**12. Adjournment**

Motion by Oszman, second by Hamre to adjourn. Motion carried unanimously on call of roll at 9:02 p.m.

Marie A. Moe, WCPC, MMC  
City Clerk

Portage Public Library  
253 W. Edgewater Street  
Portage WI 53901  
Phone: (608) 742-4959  
E-mail: [porill@scls.lib.wi.us](mailto:porill@scls.lib.wi.us)  
Web Site: [www.portagelibrary.us](http://www.portagelibrary.us)

## LIBRARY BOARD MEETING Minutes

June 11, 2013

Meeting called to order 12:02

Present: Davis, Tamboli, McLeish, Poches, Gregory, Varvil-Weld, Vehring, Voigt

Excused: Stevens

Visitor: Russell Owens, Plunkett Raysich Architects

- 1) Motion to approve May 14, 2013 regular meeting minutes. (AT/DV-W)
- 2) Financial Reports:
  - a) Motion to approve May 2013 Municipal funds claims and Library restricted funds claims for payment as presented. (AT/KV)
- 3) Director's Report: Shannon Schultz
  - a) The audit was completed on May 22. Everything went well.
  - b) Construction timeline is on target.
  - c) An Octoberfest-themed adult program series is being planned to gear up for the Library Foundation's Microbrew and Wine Event.
  - d) Registration for the Youth Summer Library Program began June 7.
- 4) Russell Owens of Plunkett Raysich Architects discussed the on-going construction.
- 5) Motion to approve the slate of officers as follows: Rich Davis, President; Addie Tamboli, Vice-President; Ellie McLeish, Secretary; and Ellie Voigt, Treasurer. (AT/DV-W)
- 6) Business:
  - a) Technology options for the Library were discussed.
  - b) Motion to approve the purchase of two AWE stations at approximately \$2,700.00 each and the yearly license fee of \$1,250.00. (DV-W/AT)
  - c) Director Schultz will write a US Bank grant for the purchase of an interactive whiteboard.
- 7) A tour of the impressive new Children's addition was conducted.
- 8) Meeting adjourned 12:40. (AT/EM)

Richard Davis – President  
Addie Tamboli – Vice President  
Eleanor McLeish – Secretary  
Charles Poches – School Superintendent  
Dr. David Gregory  
Chad Stevenson  
Dr. Douglas Varvil-Weld  
Klay Vehring  
Eleanor Voigt

**City of Portage**  
**Economic Development Loan Fund Committee Meeting**  
**Monday, June 17, 2013, 5:30 p.m.**  
**Municipal Building, Conference Room 1**

**Members:** Jean Mohr (Chair), Michael Decker, Dave Gunderson, Nita Bortz, Jeff Davis, and Addie Tamboli.

Excused/Absent: Todd Bennett & Mike Oszman

**Also present:** Mayor Tierney, City Attorney Spankowski and City Administrator Murphy.

**1. Roll Call**

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

**2. Approval of minutes of previous meeting**

Motion by Tamboli, second by Decker to approve the minutes of the meeting on March 7, 2013. Passed 6-0 on a call of the roll.

**3. Review Loan Policies and Procedures**

Mohr distributed and reviewed the under the current Revolving Loan Fund Policies and Procedures that were recently revised. In April, the City revised the Policy to include provisions requiring loan applicants to comply with the low to moderate income (LMI) program requirements. Specifically Item 3.6(4) states the LMI loan eligibility requirements. Additionally some discussion occurred with respect to requirements for follow up reporting, site visits, loan terms, security and evidence of expenditures. Mohr indicated that while the City receives on average 2-3 applications annually, 1 or 2 of those either don't complete the application process or are unable to comply with the application requirements. The applications that go to the Committee for consideration are generally approved.

**4. Review Status of Outstanding Loans and Funds Available.**

Mohr distributed a summary of outstanding loans. At this time only \$2,807 remains in the fund, with payments of approximately \$2000 monthly. Krista's Kitchen, Portage Café and Stacare are in default (\$71,219 total) and also in bankruptcy. Security collateral for Stacare loan is 4 vehicles and personal guarantees. The value of the 4 vehicles may be sufficient to pay off outstanding loan of \$20,160. Discussion occurred relative to interest rates on loan, state audits and consideration of writing off uncollectable loans.

Mayor Tierney thanked the Committee for participating and mentioned the City is moving toward filling the Economic Development position which intends to get more business for this Committee. Decker commented that it would be helpful to get a summary of loans issued and paid off to area businesses.

**5. Adjourn.**

Motion by Tamboli, second by Gunderson to adjourn at 6:16 p.m. Passed 6-0 on call of the roll.

Respectfully submitted,  
Shawn Murphy, City Administrator

**City of Portage  
Historic Preservation Commission  
Tuesday, June 18, 2013, 6:00 p.m.  
Municipal Building, 115 West Pleasant Street  
Conference Room One  
Minutes**

**Members Present:** Doug Klapper, Chairperson; Marlena Cavanaugh, Kristin Droste, Kyle Dumbleton, Erin Foley and Stephanie Miller-Lamb  
**Members Absent:** Todd Bennett  
**Guests Present:** Bill Tierney (Mayor), Wade Udelhoven (PHPC member not yet sworn in), Bill Wade (Cable TV)

**1. Roll call**

Klapper called the meeting to order at 6:03 pm.

**2. Letter of resignation**

Klapper noted that Richard Beebe has resigned from the commission. Klapper will speak with the new director at the Surgeon's Quarters to ascertain his interest. Members were encouraged to bring forward names of other interested parties to fill vacancies.

**3. Approval of previous meeting minutes**

Item 5, bullet 2, sub-bullet 2 should read "Owners of income producing properties may be able to deduct a higher percentage of their qualifying expenses as a tax credit than was previously allowed." Cavanaugh moved to approve the minutes with the above revised language. Dumbleton seconded the motion, which passed unanimously by voice vote.

**4. Discussion and possible action on claims**

No claims were presented.

**5. Discussion and possible action on Tax Credit Program**

Klapper reported that Mayor Tierney has asked Jen Davel of the WI Historical Society to speak with the members of the Commission of the Whole on Wednesday, September 11 at 7:00 pm regarding tax credits for both income producing and residential properties. PHPC will provide fliers to downtown businesses to advertise the talk. Klapper will inquire about getting the tax credit filing documents available through the City website. Other website that could include information about the talk could include the Chamber of Commerce, Main Street and the WI Historical Society.

**6. Discussion and possible action on 2014 budget**

Budgets for 2014 will be reduced by 3%, which is \$96 for the Historic Preservation Commission. Our total budget for 2014 will be \$3,104.00. Group reviewed the 2013 budget and anticipated expenses to get ideas on how to plan for the 2014 budget. Discussion

ensured about how we spend education dollars and how to open up the possibility of grants through public notice in the newspaper. Miller-Lamb will look at examples of calls for grant requests and bring to the next meeting for discussion. Group thought we needed to allocate more money to marketing needs for 2014. Next budget must be submitted following the August meeting.

**7. Discussion and possible action on 2013 budget**

Mayor Tierney suggested that any funds not allocated from the 2013 budget be encumbered so they can be rolled into the Commission's next fiscal year rather than returned to the general fund.

**8. Discussion and possible action on Municipal Register**

Group had lengthy discussion regarding what the Commission should be focusing on; discussion included fund raising, events in conjunction with other like groups (I.E. Main Street Portage), education, preservation, grants, etc. Also discussed was that in some communities contributing properties of a Historic District that is recognized by the State or National Register of Historic Places were automatically on the local or municipal register. That is not true in Portage. The group is pondering how to put more properties on the Municipal Register and how to bring the Historic Preservation ordinance into play in order to preserve Portage history. Discussion was frank, sometimes passionate and quite lively.

**9. Discussion and possible action on disposition of historic preservation books and booklets.**

No action was taken on this item. It will be discussed at the July meeting.

**10. Adjournment**

Chair Klapper adjourned the meeting at 7:23 pm.

Respectfully submitted,  
Stephanie Miller-Lamb  
Secretary

## OPERATOR LICENSE APPLICATIONS - BY LAST NAME

LICENSE YEAR: JULY 1, 2013-JUNE 30, 2014

Kurt C. Albright  
Carol M. Baron  
Kelly E. Bellmore  
Reid A. Bellmore  
Nathan C. Booth  
Christina L. Borden  
Matthew F. Bremer  
Thomas W. Brown  
Eric A. Carpenter  
Melanie J. Colen  
Shawn P. Crossen  
Cyndi L. Dieter  
Vanessa A. Drew  
Lori A. Elsner  
Kayla N. Eickhoff  
David W. Eulberg  
Laura L. Gordon  
John V. Gorsuch  
Jennifer A. Green  
Heather J. Hawley  
Heiskanen, Jeffery L.  
Tammy L. Hoepfner  
William P. Hornat Sr.  
Shawn A. Jensen  
Anthony L. Kornish IV  
Patricia A. Kottka  
Jenna M. Krenz  
Nicole R. Krintz  
Sharon S. Krueger  
Renee K. Kubinec  
Theodore J. Kuse  
Carrie M. Lindquist  
Lisa L. Lonski  
Eric S. Madsen  
Kenneth B. Moninski  
Antonio L. Naxi  
Jessica K. Okan  
Mark R. Otto  
Melody K. Pfitzenreuter  
Holly J. Potratz  
Sarah J. Ringelstetter  
Mary L. Rusch  
Daniel D. Schelvan  
Rachel D. Schmidt  
Cheyenne N. Stewart  
Sutfin, Janet E.  
Julie E. Sweeney  
Joseph F. Sweeney  
Addie A. Tamboli  
Tyler J. Teasdale  
Peri L. Thiede  
Candice L. Thome  
Ulferts, Gordon L.  
Kristy R. Wantroba

**TAXI CAB LICENSE RENEWALS**

**LICENSE PERIOD: JULY 1, 2013 - JUNE 30, 2014**

Kevin R.C. Connor

Chris A. Hixson

Matt J. Rathman

**City of Portage**  
**Finance/Administration Committee Meeting and Community Development Block**  
**Grant Committee**  
**Monday, June 10, 2013, 6:00 p.m.**  
**City Municipal Building, 115 West Pleasant Street**  
**Conference Room One**  
**Minutes**

Members: Rick Dodd, Chairperson; Jeff Garetson, Martin Havlovic, Doug Klapper, Rita Maass

Others Present: Administrator Murphy; Finance Director Mohr; Laurie Lindell Central Community Action; Craig Sauer Portage Daily Register; Mayor Bill Tierney (arriving late)

**1. Roll call**

Meeting called to order by Chairperson Dodd at 6:00 p.m. Present: Dodd, Garetson, Havlovic, Klapper, Maass  
Quorum was established and meeting was posted according to Wisconsin State Statutes regarding open meeting law.

**2. Approval of minutes from May 22, 2013 meeting**

Moved by Klapper to approve the minutes of the May 22, 2013 meeting, second by Maass. Motion passed 5-0 on a call of roll.

**3. Discussion and possible action on block grant application – Portage #11**

Laurie Lindell reviewed the grant application – Portage #11. The full amount requested including bathroom repairs of \$26,067 results in negative equity of \$15,539. The homeowner is requesting at a minimum to be able to fix the roof, soffit & fascia, gutter, and bat infestation which would result in a negative equity of \$10,700. Motion by Klapper to approve block grant application Portage #11 as submitted in the amount of \$26,067, second by Marty Havlovic. Motion passed 5-0 on a call of roll.

**4. Review and Possible Recommendation on Award of Contract No. 13-009 Concrete Crushing.**

Administrator Murphy reviewed the bids for crushing 25,000 tons of concrete recommending the low bid of \$111,000 from Michel's Corp. Motion by Havlovic to approve the bid from Michel's Corp for \$111,000 to crush 25,000 tons of concrete to be funded through TIF7, second by Garetson. Motion passed 5-0 on a call of roll.

**5. Review and Possible Recommendation on Approval of Claims.**

Motion by Havlovic to approve claims in the amount of \$1,728,131.74, second by Maass. Motion passed by 4-0 on a call of roll with Garetson abstaining

**6. Review and Possible Recommendation on Phase I – Goodyear Park Improvements.**

Chairperson Dodd indicated we are waiting on information and there will be a meeting 6:15 on Thursday to review. No action taken.

**7. Review and possible Recommendation on Purchase of Chairs for Conference Room.**

The committee reviewed options and recommended bringing in a sample of the Office Star Burgundy Traditional Guest Chair with Casters from Staples that sells for \$139.99. Committee members will be notified when it is here to stop by and if it meets expectations to order 8 chairs for Conference room 1. It will then be determined whether to replace the chairs in Conference room 2 and possibly the Council Chambers. Alderperson Maass recommended that the chairs in the Council Chambers have height adjustment feature. Motion Dodd to bring in sample chair as noted above and to order 8 chairs if it meets expectations, second by Maass. Motion passed 5-0 on a call of roll.

**8. Review Insurance Request for Proposal.**

The committee reviewed the Request for Proposal for Insurance and approved the solicitation. Chairperson Dodd indicated that the Proposal is for similar services to what we currently have.

**9. Discussion and possible recommendation for Mahlon Brasda insurance claim.**

Statewide Services, Inc. who administers the claims for the League of Wisconsin Municipalities Mutual Insurance who the City of Portage is insured recommended the City deny claim the above claim. This is based on the Wisconsin statute for disallowance of claim 893.80(1g). Motion by Maass to deny claim to Mahlon Brasda as recommended by insurance carrier second by Klapper. Motion carried 5-0 on a call of roll.

**10. Review of 2014 Budget Schedule and Expectations.**

The committee reviewed the 2014 Budget Schedule noting that the schedule allows for a draft of the budget to be to Council by the end of October. The committee would like Department Heads to again target a 3% reduction in operating accounts. Administrator Murphy indicated we will be showing a Program Generated Budget where the appropriate revenues will appear in the same section as the related expenses as has been discussed in previous meetings. Alderperson Maass pointed out that when departments perform work for Utilities the cost of that labor should be charged over to the Utilities. The committee also noted that it would like to have a list of potential 2013 carry overs in November in order to better plan for the year end encumbrances.

**11. Status of 2012 Audit.**

Finance Director Mohr indicated that the City received preliminary audit 5/30/13. We are currently reviewing a plan to have the final audit ready for the July 8<sup>th</sup> meeting. Administration will be extending an invite our auditors to attend the July Finance meeting to review the audit and update the previous year letter to the Council.

**12. Review of 2013 Capital Projects Fund.**

The committee reviewed the status of the current Capital Fund projects. The majority of the projects are just getting underway or are planned for fall. It was noted that the City Hall Kitchen renovation came in \$2,700 under budget and we would like to explore the possibility of retiling the rest of the basement area to match. The Fire Department Office Furniture Project also came in under budget \$500. There has been \$24.5K expended on the Splash Pad to date. The grant for the Grandstand Emergency Shelter is estimated to come in around \$80K the initial budget had \$10K estimated in revenue. Additional projects were discussed. Chairperson Dodd would like to discuss those as part of the budget process considering that Haertel Street may come in higher than planned. He would also like a column added to show anticipated 2014 projects and to indicate what borrowing the project fits under.

**13. Adjournment**

Moved by Klapper to adjourn; second by Garetson. Motion passed 5-0 on a roll call vote. Chairperson Dodd adjourned meeting at 7:34 p.m.

Jean Mohr  
City Finance Director

***Statewide Services, Inc.***

Claim Division

1241 John Q. Hammons Dr.  
P.O. Box 5555  
Madison, WI 53705-0555  
877-204-9712

May 22, 2013

City of Portage  
115 W Pleasant Street  
Portage, WI. 53901  
Attention: Rebecca Ness

Program: League of Wisconsin Municipalities Mutual Insurance  
Our Insured: City of Portage  
Date of loss: 5/16/2013  
Our Claim # WM000112710061  
Claimant: Mahlon Brasda  
329 N Lincoln Street  
Poynette, WI. 53955

Dear Ms. Ness,

Statewide Services, Inc. administers the claims for the League of Wisconsin Municipalities Mutual Insurance and through the City of Portage is insured. We are in receipt of the claim submitted by Mr. Brasda for damage to his vehicle.

We have reviewed the matter and recommend that the City of Portage deny this claim pursuant to the Wisconsin statute for disallowance of claim 893.80(1g). The disallowance will shorten the statute of limitations period to six (6) months.

Our denial is based on the fact that the City of Portage had no prior knowledge of the dislodged manhole cover until police called after the incident. Further, the city employee barricaded the area on May 16th until the manhole cover could be replaced on May 20th. Therefore, the City of Portage should have governmental immunity for liability in this case based on the discretionary action taken, and should make no payments toward this claim.

Please submit the disallowance directly to the claimant at the above address. The disallowance should be sent certified or registered mail and must be received by the claimant within 120 days after you receive Notice of Claim. Please send a copy of the disallowance to Statewide Services Inc. Claims.

**City of Portage  
Plan Commission Meeting  
Monday, June 17, 2013, 6:30 p.m.  
City Municipal Building, 115 West Pleasant Street  
Conference Room Two**

Members present: Mayor Bill Tierney, Chairperson; Addie A. Tamboli, Vice-Chairperson; Robert Redelings, City Engineer, Jan Bauman and Peter Tofson

Members excused: Brian Zirbes, Mike Oszman

Others present: Dave Gunderson, Karen Wehrmann, Erin Salmon, Craig Sauer and Bill Welsh

1. **Roll call**  
Erin Salmon was introduced as the new City engineering technician.
2. **Approval of minutes from March 20, 2013**  
No action taken.
3. **Discussion and possible action on request to combine parcels 2952 & 2952.1 on Winnebago Avenue (David & Tammy Albright)**  
Redelings indicated he had a conversation with Ms. Albright and followed up with a letter. Though potential issues could arise from combining parcels without a CSM, they are unlikely. Motion by Tamboli, second by Tofson to approve the request to combine parcels. Tierney recommended a letter be sent to the Albrights. Motion passed 5 to 0 on call of the roll.
4. **Discussion and Possible action on request for renovating building at 666 Center St (Tom Bergeman)**  
Redelings had left a phone message with Mr. Bergeman, but didn't receive a response. This item will be placed on next month's agenda.
5. **Discussion and possible action on request by Dave Gunderson for a 3 lot CSM at Forest Hill Drive and Morning Star Drive**  
Mr. Gunderson presented his proposal, indicating that he perceived a better market for single family lots than expansion of the condominiums.

Redelings mentioned that the public currently use Marlyn Dr. to get thru the development and the CSM doesn't show an easement. Mr. Gunderson said it was his intention to provide an easement.

Tamboli suggested the Fire Chief provide his opinion as to the adequacy of Marlyn Drive for fire engines. She also suggested that there should be provisions to ensure stormwater runoff was addressed.

Redelings indicated that with the suggested changes he could support issuing building permits for lots 2 and 3. For a building permit to be issued for lot 1, Forest Hill Dr. needs to be constructed.

Tierney expressed concern about Marlyn Drive. Redelings to confer with Mr. Gunderson and Mr. Grothman regarding the concerns.

6. **Discussion and possible action regarding request by Wauona Trail Manor to vacate the east 350' of McPherson Street**  
Karen Wehrmann, manager of the trailer court appeared on behalf of Wauona Trail Manor. She mentioned that the owners supported the street vacation and were prepared to reconstruct the drive as soon as the vacation occurred. Redelings explained that a public hearing would be required and the council could take action at a regular meeting in July. Motion by Tamboli, second by Tofson to recommend the City vacate the east 350 feet of McPherson St. Motion passed 5 to 0 on call of the roll.
7. **Discussion on Comprehensive Plan 2008-202.**  
The members present presented their high priority projects. Redelings will solicit input from the other members and tabulate the results for the next meeting.
8. **Discussion and possible action on Sidewalk Master Plan**  
The proposed sidewalks in the southeast quadrant were reviewed and several suggestions made. Redelings and Salmon will edit the map and bring it back to the next meeting. The northeast area of the City will be reviewed at the next meeting.
9. **Adjournment**  
Motion by Tamboli, second by Bauman to adjourn. Motion carried 5 to 0 on call of the roll.

The meeting concluded at 7:58 p.m.

Respectfully submitted,

Robert G. Redelings, City Engineer

**City of Portage  
Legislative & Regulatory Committee Meeting  
Thursday, June 20, 2013, 6:00 p.m.  
City Municipal Building, 115 West Pleasant Street  
Council Chambers  
Minutes**

**Members present:** Michael G. Oszman, Chairperson; Kenneth A. Ebnetter, Carolyn Hamre, Martin Havlovic, Frank Miller

**Also present:** City Clerk Moe, Attorney Salna, City Attorney Spankowski, Police Chief Ken Manthey, Police Officer Klaude Thompson, Detective/Sergeant Michael Haverley, Attorney Paul Johnson, Court Reporter Lynn Schultz (Verbatim Reporting Ltd.), Bill Welsh from Cable TV, Shannon Green from Portage Daily Register

**1. Roll call**

The meeting was called to order at 6:00 pm by Chairperson Oszman.

**2. Hearing for Nonrenewal of Class “A” Fermented Malt Beverage License for Pal and Simran LLC, Sharam Singh, agent (403 DeWitt Street, Market Basket)**

The hearing was conducted with sworn testimony being taken.

**3. The Committee will convene into closed session pursuant to Wisconsin State Statutes 19.85(1)(b) to deliberate the nonrenewal of the Class “A” Fermented Malt Beverage License for Pal and Simran LLC, Sharam Singh, agent (403 DeWitt Street, Market Basket)**

Attorney Salna explained that the newspaper had concern with the closed session statutory reference. Attorney Salna explained that if the committee had concern they could hold the deliberations in open session; adjourn and post a meeting to deliberate at another time; or agree that the statutory reference may have a harmless error and go into closed session. The committee chose to deliberate in open session.

There was a short recess at 8:03 p.m. The committee reconvened at 8:10 p.m.

Sharam Singh joined the hearing at 8:15 p.m.

**4. Discussion and possible recommendation on nonrenewal of Class “A” Fermented Malt Beverage License for Pal and Simran LLC, Sharam Singh, agent (403 DeWitt Street, Market Basket)**

Motion by Miller, second by Hamre that the committee agrees that the events of June 20, 2012 and June 28, 2012 as stated in the four points

listed in Exhibit No. 1 did take place. Motion carried unanimously on call of roll.

Motion by Miller, second by Hamre that the points in Exhibit No. 4 are revised and entered into the record as presented:

Kirpal Kauer:

Employee selling/possessing controlled substance w/intent to sell	75
Employee possessing controlled substance	35
Employee distributing a hazardous substance not for human consumption	37.50

Sharam Singh

Owner/license holder selling/possessing controlled substance w/intent to sell	150
Owner/license holder possessing controlled substance	35
Owner/license holder distributing a hazardous substance not for not for human consumption	75
Owner/license holder selling/possessing controlled substance w/intent to sell-warning	0

Motion carried unanimously on call of roll.

Motion by Hamre, second by Miller to recommend to council nonrenewal of a Class "A" Fermented Malt Beverage License for Pal and Simran LLC, 403 DeWitt Street, Sharam Singh, Agent (Market Basket) based on the license holder exceeding 200 alcohol demerit points. Motion carried 4 to 1 on call of roll with Havlovic voting no. Havlovic explained that he understood the committee members' position, but it was his opinion that the nonrenewal was premature at this time. A report with the findings of fact, conclusions of law and recommendations concerning the license application is incorporated as part of the minutes. The licensee and complainant will be provided a copy of the report.

A transcript of hearing may be obtained through request directly through Verbatim Reporting Ltd. (800-255-7710)

**5. Adjournment**

Motion by Havlovic, second by Hamre to adjourn. Motion carried unanimously on call of roll at 9:03 p.m.

Marie A. Moe, WCPC, MMC  
City Clerk

June 3, 2013

Pal and Simran LLC  
Sharam Singh, Agent  
403 DeWitt Street  
Portage, WI 53901

CERTIFIED MAIL RETURN RECEIPT  
REQUEST & REGULAR MAIL

**RE: NOTICE OF NONRENEWAL OF CLASS A BEER LICENSE  
403 DEWITT STREET  
PORTAGE, WI 53901**

Dear Mr. Singh:

Pursuant to Wis. Stat. §125.12(3) the City of Portage hereby notifies you that it intends to not renew the Class A Beer License for the premises stated above. The reasons for this action include criminal charges against the owner and an employee as follows:

- 1) June 20, 2012 – Distribute Hazardous Substance (Class I Felony) (owner)
- 2) June 28, 2012 – Distribute Hazardous Substance (Class I Felony) (employee)
- 3) June 28, 2012 – Possession with Intent to Deliver Controlled Substances (Class H Felony) (owner and employee)
- 4) June 28, 2012 – Possession of Synthetic Cannabinoid (Misdemeanor Offense) (owner and employee)

In addition to the criminal charges, you failed to comply with a warning from the Portage police department on October 28, 2011, in which you were informed that the sale of synthetic cannabinoid was illegal.

Pursuant to Wis. Stat. §125.12(3) you as the licensee have an opportunity for a hearing upon request. If you wish to exercise your right to a hearing, you must send notification in writing to my attention and a hearing will be scheduled.

Sincerely,

*Marie A. Moe*

Marie A. Moe, WCPC, MMC  
City Clerk

EXHIBIT 1

**In the Matter of the Non-Renewal  
of the Class A Beer License of Pal  
and Simran, LLC**

**REPORT OF THE CITY OF  
PORTAGE LEGISLATIVE  
AND REGULATORY  
COMMITTEE**

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PURSUANT to Wisconsin Statute 125.12(2)(b)(3) the City of Portage Legislative and Regulatory Committee submits this report to the City of Portage Common Council:

1. The Legislative and Regulatory Committee (herein "Committee") met on Thursday, June 20, 2013 to consider the non renewal of the Class "A" Fermented Malt Beverage License of Pal and Simran, LLC (herein "Licensee").

2. The following members of the Committee were present: Michael G. Oszman, Chairperson; Kenneth A. Ebnetter, Carolyn Hamre, Martin Havlovic and Frank Miller.

3. The City of Portage was represented by City Attorney Jesse Spankowski. Licensee was not present but was represented by Attorney Paul Johnson.

4. During the Hearing, the following Exhibits were introduced and admitted into the records. Copies of the Exhibits are attached to this report as follows:

- Exhibit 1: Notice of Non renewal of Class A Beer License for Pal and Simran LLC from City of Portage.
- Exhibit 2: License application for Pal and Simran LLC for license year July 1, 2013 June 30, 2014.
- Exhibit 3: Section 14-60 of the City of Portage Code of Ordinances.
- Exhibit 4: Demerit points assigned by Police Chief Manthey.
- Exhibit 5: Portage Police Department Uniform Complaint/Summons dated 06/04/2010 for Kirpaul Kaur, alcohol offense – furnishing to minors.
- Exhibit 6: Portage Police Department Uniform Complaint/Summons dated 10/29/2010 for Kirpal Kaur, alcohol offense – furnishing to minors 2nd.
- Exhibit 7: Portage Police Department Uniform Complaint/Summons dated 05/14/2011 for Angela M. Schleicher, alcohol offense – furnishing to minors.

- Exhibit 8: Section 100.37(c) of Wisconsin State Statutes, hazardous substance.
- Exhibit 9: Portage Police Department Uniform Complaint/Summons dated 10/28/2011 for 403 DeWitt Street. Detective Thompson informing Sharam Singh that synthetic marijuana is an illegal product to possess or to sell in State of Wisconsin.
- Exhibit 10: Criminal Complaint dated May 28, 2013 for Kirpal Kaur court case no. 2013 CF243 and Sharam Singh Court Case No. 2013 CF 244.
- Exhibit 11: Report of findings from the State of Wisconsin Crime Laboratory dated April 12, 2013.

5. After the close of the Hearing, the Committee met in open session to deliberate and render its decision and recommendation to the Common Council. Attached to this report are Findings of Fact, Conclusions of Law and Recommendations to the Common Council of the City of Portage regarding the non renewal of the license of "Licensee".

6. Attached to the report are the Minutes of the June 20, 2013 meeting of the Committee.

Respectfully Submitted this  
25<sup>th</sup> day of June, 2013.



Michael G. Oszman, Chairperson  
Legislative & Regulatory Committee

**RENEWAL BEVERAGE LICENSE APPLICATION**

Submit to municipal clerk. Read instructions on reverse side.

For the license period beginning: July 1, 2013 ending: June 30, 2014  
(MM DD YYYY) (MM DD YYYY)

TO THE GOVERNING BODY of the:  Town of } PORTAGE  
 Village of }  
 City of }

County of Colombia Aldermanic Dist. No. \_\_\_\_\_ (if required by ordinance)

CHECK ONE  Individual  Partnership  Limited Liability Company  
 Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number: [REDACTED]	
Federal Employer Identification Number (FEIN): [REDACTED]	
LICENSE REQUESTED	
TYPE	FEE
<input checked="" type="checkbox"/> Class A beer	\$ 50-
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
Publication fee	\$ 25-
<b>TOTAL FEE</b>	<b>\$ 75-</b>

Complete A or B. All must complete C.

A. Individual or Partnership:  
 Full Name(s) (Last, First and Middle Name) \_\_\_\_\_ Home Address \_\_\_\_\_ Post Office & Zip Code \_\_\_\_\_

B. Full Name of Corporation/Nonprofit Organization/Limited Liability Company PAI AND SIMPAN-LLC  
 Address of Corporation/Limited Liability Company (if different from licensed premises) 403-DEWITT ST. PORTAGE  
 All Officer(s) Director(s) and Agent of Corporation and Members/Managers and Agent of Limited Liability Company:  
 Title Name (Inc. Middle Name) Home Address Post Office & Zip Code  
 President/Member SHARAM SINGH - 518. West 911ER ST. PORTAGE - WI 53901  
 Vice President/Member \_\_\_\_\_  
 Secretary/Member \_\_\_\_\_  
 Treasurer/Member \_\_\_\_\_  
 Agent SHARAM SINGH  
 Directors/Managers \_\_\_\_\_

C. 1. Trade Name MARKET BASKET Business Phone Number 608-742-5242  
 2. Address of Premises 403-DEWITT ST. PORTAGE Post Office & Zip Code WI- 53901

3. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs?  Yes  No
4. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) Coolers, shelves all in main store
5. Legal description (omit if street address is given above): \_\_\_\_\_
6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, corporation licensee, or nonprofit organization licensee been convicted of any offenses (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? If yes, complete reverse side  Yes  No
- b. Are charges for any offenses presently pending (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? If yes, explain fully on reverse side  Yes  No
7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? If yes, explain.  Yes  No
8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? If not, explain.  Yes  No
9. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown under Section A or B above? [phone (608) 266-2776]  Yes  No
10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement?  Yes  No
11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor?  Yes  No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.)

SUBSCRIBED AND SWORN TO BEFORE ME  
 this 2 day of May, 2013  
Rebecca C. Nest  
(Clerk/Notary Public)  
 My commission expires Deputy Clerk

Sharam Singh  
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner/Individual)  
 \_\_\_\_\_  
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner)  
 \_\_\_\_\_  
(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

Date received and filed with municipal clerk <u>5-2-13</u>	Date reported to council/board	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk

3-C130502

**Sec. 14-60. - Revocation and suspension of licenses; nonrenewal.**

- (a) *Procedure.* Whenever the holder of any license under this article violates any portion of this article or chapter 46, article IV, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by this section.
- (b) *Abandonment of premises.* Any licensee holding a license to sell alcohol beverages who abandons such business shall forfeit any right or preference the licensee may have to the holding of or renewal of such license. Abandonment shall be sufficient grounds for revocation of any alcohol beverage license. The closing of the licensed premises for at least 30 days shall be prima facie evidence of the abandonment, unless extended by the common council for good cause shown. However, any extension for good cause shall not be greater than 60 days.
- (c) *Minimum opening periods for Class A and Class B businesses.*
  - (1) Each Class A and Class B business shall be required to operate their business in the city for at least 150 days during the term of such license, except for licenses issued for a term of less than 180 days. If any business does not operate for the amount of time set forth herein or if any license which is duly issued is not used for 90 consecutive days at any time during the license year or if a license which is duly granted is not issued within 90 days, then the license is subject to review and possible revocation by the common council.
  - (2) These requirements do not apply to not-for-profit corporations that hold Class B licenses. Any Class A or Class B licensee that operates a premises for less than three days per week for a minimum of six hours per day shall file an annual calendar of their operating times for the current year with their application for renewal of their Class A or Class B license.
- (d) *Termination or abandonment of premises.* Any licensee who terminates its business or abandons its premises shall immediately surrender its Class A or Class B license to the city clerk.
- (e) *Alcohol license demerit point system.*
  - (1) *Purpose.* In addition to the regulations found in Chapter 125 of the Wisconsin Statutes and this chapter of the City of Portage Ordinances, the following point system is hereby established to provide a guide for the legislative and regulatory committee of the common council in the suspension or revocation of alcohol licenses. This system is intended to identify habitually troublesome alcohol license holders who repeatedly violate Wisconsin Statutes and/or city ordinances or those license holders who repeatedly permit such violations and to assist the Legislative and Regulatory Committee and the common council in taking consistent action in matters involving alcohol licenses.
  - (2) *Point schedule.* The following is a list of demerit points for each type of listed violation.
 

<i>Type of Violation</i>	<i>Point Value</i>
Sale of alcohol beverages without license or permit .....	100
Unauthorized transfer/use of license .....	75
Sale of alcohol beverages to under aged person .....	50
Sale of alcohol beverages to intoxicated person .....	35
Under aged person on premises .....	35
Intoxicated bartender .....	50



After hours consumption .....	35
Refusal to allow police to search premises or refusal to cooperate with lawful police investigation .....	75
Licensee, agent or licensed operator to be on premises at all times .....	35
Agent responsibility violations—for example, lack of control of business holding the license, lack of control of premises, etc. ....	35
Person(s) on premises after closing hours .....	25
No carry-out, restricted to appropriate hours .....	10
Permit person to leave licensed premises with open alcohol beverage .....	10
Failure to post license .....	50
Employee selling/possessing controlled substance with intent to sell .....	75
Employee possessing controlled substance .....	35
Owner/License holder selling/possessing controlled substance with intent to sell .....	150
Owner/License holder possessing controlled substance .....	75
Exceeding posted occupancy by more than 30% .....	25
Orderly conduct required .....	35
All Other Violations of Wisconsin Statutes Section 125 or ordinances of the City of Portage .....	10—75

Any points assessed for the above violations shall double if the violation results in serious bodily injury to or the death of any person.

Any warning issued by the Portage Police Department for any of the above violations shall be counted as onehalf the points specified for that violation.

- (3) *Calculating Violations.* In determining the accumulated demerit points against a license, the city shall use the date each violation was committed as the basis for the determination. In addition, the violation must occur on the licensed premises or be directly related to the use of the licensed premises.
- Demerit points shall be assessed after entry of a judgment of conviction in a federal, state or municipal court for violation of any statute or ordinance provision listed under the types of violations in subsection (e)(2) above. The legislative and regulatory committee may take notice of any such convictions without the need for further evidence to establish the violation.
  - Alternatively, demerit points may be assessed by the legislative and regulatory committee upon proof of a violation or violations set forth in subsection (e)(2) above at a hearing before that body. At that hearing, the city shall have the burden of proving any violation by clear, satisfactory and convincing evidence.
  - The Legislative and regulatory committee shall have the exclusive authority to assign a point value for any violation for which the point value is not specified above.

The designation of a point value for a particular violation shall be made at the same hearing that the committee takes up the possible suspension, revocation or nonrenewal of an alcohol license.

- (4) *Notice and hearing.* The legislative and regulatory committee shall provide notice of and conduct any hearing which could result in the suspension, revocation or nonrenewal of any alcohol license pursuant to Wisconsin Statute Section 125.12 or its' successors and shall use subsections (a) through (c) below as a guide to determine the appropriate sanction, if any, for the license holder following such

hearing.

- a. For demerit points accumulated in the current and most recently completed license year of at least 100, but less than 150, suspension of the license for a period of three to ten days.
  - b. For demerit points accumulated in the current and most recently completed license year of at least 150, but less than 200, suspension of the license for a period of 10 to 90 days.
  - c. For demerit points accumulated in the current and most recently completed license year of 200 or more, revocation or nonrenewal of the license.
- (5) *Scope of subsection 14-60(e).* Nothing in this subsection shall be construed to conflict with, abridge or modify the rights or procedures established for the suspension, revocation or nonrenewal of alcohol licenses established by the Wisconsin Statutes and does not restrict the city, or any other party, from seeking suspension, revocation or nonrenewal of an alcohol license regardless of the total number of demerit points assessed against a license.
- (6) *Transfer/sale of licensed business.* Upon transfer or sale of any licensed business, all accumulated demerit points shall be cancelled unless any of the following apply:
- a. The new licensee is related to the former licensee by blood, adoption, marriage or is his/her domestic partner.
  - b. The new licensee held an ownership interest in the previous licensed business, real estate or equipment.
  - c. The former licensee retains an ownership interest in the business, real estate or equipment used by the business.

For the purposes of this section, an "ownership interest" is defined to mean that a person, partnership, corporation, limited liability company, or other legal entity either owns all or part of or controls directly or indirectly, the licensed business. This is not intended to include a relationship that is strictly related to a security interest or a vendor's interest under a land contract unless otherwise maintaining an ownership interest. It is presumed that control of or ownership of any part of a legal entity that has an ownership interest in a business is an "ownership interest" under this subsection.

If any of the subsections 14-60(e)(6)a.—c. apply, the new licensee will inherit the demerit points previously assessed and be subject to all of the applicable provisions of this section.

(Code 1990, § 7-2-17; Ord. No. 09-004, 4-13-2009)

**State law reference**— *Revocations or suspension of licenses, Wis. Stats. §§ 125.12, 125.13.*

Point system was started in 2009; revised in 2012

Kirpal Kaur

Employee selling/possessing controlled substance w/intent to sell	75
Employee possessing controlled substance	35
Employee distributing a hazardous substance not for human consumption	75

Sharam Singh

Owner/license holder selling/possessing controlled substance w/intent to sell	150
Owner/license holder possessing controlled substance	35
Owner/license holder distributing a hazardous substance not for human consumption	150
Owner/license holder selling/possessing controlled substance w/intent to sell-warning	75

Total points 595

# Portage Police Department

117 W Pleasant St., Portage, WI 53901

## Uniform Complaint / Summons

Summons No. **N1170871** Issue Date/Time **06/04/2010 2000** Complaint No. **2010-05262**

### Driver Information

Last, First **KAUR, KIRPAUL** Sex **F** Race **ASIAN PACI** DOB **[REDACTED]** Age **[REDACTED]** Height **[REDACTED]** Weight **[REDACTED]**  
Street Address **518 W SLIFER ST** City **PORTAGE** State **WI** ZipCode **53901**  
Driver License **[REDACTED]** State **WI** SSN **[REDACTED]**

### Offense / Vehicle Information

Issue Date/Time **06/04/2010 2000** A C.M.V.  With Haz Mat  Did Unlawfully   
Veh. Year **[REDACTED]** Vehicle Make **[REDACTED]** Vehicle Model **[REDACTED]** Style **[REDACTED]** Vehicle Color **[REDACTED]** Weight **[REDACTED]**  
Vehicle License # **[REDACTED]** License Year **[REDACTED]** VIN **[REDACTED]**  
Block **403** Location / Street **DEWITT ST** Apt. Suite **[REDACTED]**  
City **PORTAGE** State **WI** ZipCode **53901** At Or Near **[REDACTED]** Geo **[REDACTED]** Sector **SOUTH** Ward **[REDACTED]**  
Description of Violation **ALCOHOL OFFENSE -FURNISHING TO MINORS** Seat Belt Violation  Driver License Held  License Returned   
Driving **[REDACTED]** MPH **[REDACTED]** When Limited To **[REDACTED]** MPH **[REDACTED]**  
Amended Charges **[REDACTED]** Accident / DWI **[REDACTED]**  
State Statute **46-1** Local Code **524090** State Code **ORDINANCE**

### Court Information

Court Date/Time **07/26/2010 0900**  
Court **PORTAGE MUNICIPAL COURT** Court Division **[REDACTED]**  
Street Address **115 W PLEASANT ST** City **PORTAGE** State **WI** ZipCode **53901**  
Court Disposition **08-24-10 FINED-AMEND TO LICENSE NOT ON PREMISIS** Fine Amount **\$177.00**

### Notes

Reporting Officer **10 YOUNG, BLAINE**

Officer **[REDACTED]**

# Portage Police Department

117 W Pleasant St., Portage, WI 53901

## Offense / Incident Report

Report Date <b>06/04/2010 2020</b>	Type of Incident <b>ALCOHOL OFFENSE - FURNISHING TO MINORS</b>	Complaint No. <b>2010-05262</b>	Case Status <b>CITATION</b>
---------------------------------------	---	------------------------------------	--------------------------------

Occurred on **06/04/2010 2134** to **06/04/2010 2134**

### Incident Location

Street Address <b>403 DEWITT ST</b>	City <b>PORTAGE</b>	State <b>WI</b>	Zip Code <b>53901</b>
Sector <b>SOUTH</b>	Longitude	Latitude	Primary Location

### Dispatch Information

Received Date / Time <b>06/04/2010 2020</b>	Call Received Via <b>OTHER AGENCY</b>	Dispatched Date / Time <b>06/04/2010 2021</b>	Call Dispatched As <b>IVM INVESTIGATION MISC</b>
Arrived Date / Time <b>06/04/2010 2021</b>	Departed Date / Time <b>06/04/2010 2021</b>	Offense Category <b>LIQUOR LAWS</b>	TTY Ref.# TeleType Operator

### Officers

ID	Name	Role	Primary	Arrived Scene	Departed Scene
10	YOUNG, BLAINE	REPORTING	<input checked="" type="checkbox"/>		
10	YOUNG, BLAINE	ARRESTING	<input type="checkbox"/>		

### Offenses

Charge	Cause Number	Local Code	Jurisdiction	State Statute Type/Class	State Charge Code	Category
ALCOHOL OFFENSE - FURNISHING TO MINORS		524090		46-1 ORD	ORDINANCE	LIQUOR LAWS

### Witness

Name (Last, First Middle Suffix)	Race	Sex	DOB	Age	Juvenile	SSN	Moniker
POLK, MORGAN E	WHITE	F	[REDACTED]		N		

### Addresses

Type	Street Address	City	State	Zip Code	Country
HOME	W2447 16TH RD	MONTELLO	WI	53949	USA
	W2115 HWY 23	MONTELLO	WI	53749	USA

### Phone Numbers

Type	Phone	Ext/PIN
HOME	[REDACTED]	

### Email Addresses

Type	Email Address

### Witness

Name (Last, First Middle Suffix)	Race	Sex	DOB	Age	Juvenile	SSN	Moniker
KREISER, EMILY R	WHITE	F	[REDACTED]		N		

### Addresses

Type	Street Address	City	State	Zip Code	Country
	W3749 CTY RD O	MONTELLO	WI	53949	USA

Reporting Officer **10 YOUNG, BLAINE**

Approving Officer ( 1 ) **10 YOUNG, BLAINE**  
( Cover Pages Only )

# Portage Police Department

117 W Pleasant St., Portage, WI 53901

## Offense / Incident Report

Report Date  
06/04/2010 2020

Type of Incident  
**ALCOHOL OFFENSE -FURNISHING TO MINORS**

Complaint No.  
2010-05262

Case Status  
CITATION

Phone Numbers			Email Addresses	
Type	Phone	Ext/PIN	Type	Email Address
HOME	(608) 697-4034			

Witness							
Name (Last, First Middle Suffix)	Race	Sex	DOB	Age	Juvenile	SSN	Moniker
STREETER, KRISTINA	WHITE				N		

Addresses						
Type	Street Address	City	State	Zip Code	Country	
	301 B.N. HILL ST	LODI	WI	53555	USA	

Phone Numbers			Email Addresses	
Type	Phone	Ext/PIN	Type	Email Address
HOME				

Arrestee							
Name (Last, First Middle Suffix)	Race	Sex	DOB	Age	Juvenile	SSN	Moniker
KAUR, KIRPAUL	ASIAN PACI	F			N		

Addresses						
Type	Street Address	City	State	Zip Code	Country	
	518 W SLIFER ST	PORTAGE	WI	53901	USA	

Drivers License	Type	State	Expires	Restrictions	Marital Status	Resident Status	Ethnicity	Language
		WI						

Physical Description								Place of Birth	
Height	Weight	Build	Skin Color	Complexion	Eyes	Type of Eyewear		City	State
					BROWN				
Hair	Hair Length	Hair Style	Beard	Mustache	Side Burns	Mannerisms		Country	
BLACK									

Charges		
Charge	Type Class	Jurisdiction
ALCOHOL OFFENSE -FURNISHING TO MINORS	CITY ORD	

Arrest Information				
Arrest No.	Arrest Date / Time	Arresting Officer ID - Name	Booking Date / Time	Booking Officer ID - Name
		10 - YOUNG, BLAINE		-
Agency Held For	Department	Arrest Classification	Reference Number	
	PORTAGE PD			
CCH Record	Hold Order			
N	<input type="checkbox"/>			

Reporting Officer	10 YOUNG, BLAINE	Approving Officer ( I )	10 YOUNG, BLAINE
		( Cover Pages Only )	

# Portage Police Department

117 W Pleasant St., Portage, WI 53901

## Offense / Incident Report

Report Date <b>06/04/2010 2020</b>	Type of Incident <b>ALCOHOL OFFENSE -FURNISHING TO MINORS</b>	Complaint No. <b>2010-05262</b>	Case Status <b>CITATION</b>
---------------------------------------	--	------------------------------------	--------------------------------

### Alerts

Caution	Under Watch <input type="checkbox"/>	Reason for Watch	Under Medication <input type="checkbox"/>	Type of Medication
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### Arrest Location

Street	City	State	Zip Code	Sector
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### Transported

Transported By	Transported To
-	

### Offense / Incident Narrative

#### CITATION SUMMARY:

On 6/4/10 at approximately 18:31p.m., Kirpal Kaur was issued a citation for FURNISHING ALCOHOL TO A MINOR in violation of City Ordinance 46-1. A non-mandatory court date is scheduled for 7/26/10 at 9:00a.m. with a bond amount of \$177.00.

A copy of the citation, letter and pamphlet explaining the citation was mailed to Kirpal.

#### ASSIGNMENT:

On 6/4/10, I, Officer Young assisted Columbia County Connects in performing alcohol compliance checks at establishments that serve/sell alcohol in the City of Portage. Among the establishments that were checked were Dailey's Liquor, Dino's, Latolteca, Hwy. 51 Liquor and Bait, Wisconsin Street Liquor, Hitching Post, Sarbackers, Cathay Gardens, Billy's Place, The Green Door, Tolley's Alley, Discount Liquor, Pierce's Supermarket and Market Basket. Market Basket did not pass the compliance check and did sell alcohol to minors who were under the age of 21.

The two under age subjects who purchased alcohol from the Market Basket were Morgan E. Polk who is 19 years old and Emily R. Kreiser who is 18 years old. Before and after the compliance check, I did check these subjects and verified that the only identification that they had on them was their State issued Wisconsin drivers license. These ID's were not altered in any way and did accurately depict the age of the subjects. Also present was Kristina Streeter, who acted as the supervisor during this buy.

Morgan and Emily entered the Market Basket shortly after Kristina. Morgan and Emily obtained a four pack of Natural Ice 16oz. cans from the cooler area. They then proceeded to the

Reporting Officer	<b>10 YOUNG, BLAINE</b>	Approving Officer ( 1 )	<b>10 YOUNG, BLAINE</b>
		( Cover Pages Only )	

# Portage Police Department

117 W Pleasant St., Portage, WI 53901

## Offense / Incident Report

Report Date	Type of Incident	Complaint No.	Case Status
06/04/2010 2020	ALCOHOL OFFENSE -FURNISHING TO MINORS	2010-05262	CITATION

---

check out counter and purchased the alcohol. Morgan and Emily then exited the store and came to the car that I was waiting in in the parking lot with the alcohol. Morgan and Emily explained to me that it was a female, believed to be of middle eastern decent that had sold them the alcohol. They stated that she was wearing a bright blue t-shirt and had long dark hair and was short in stature.

Approximately 30-45 minutes later, I responded back to the Market Basket in an attempt to ID the clerk that had sold the alcohol. Upon arrival, I made contact with the owner, Sharom Singh, and explained to him what had taken place. Sharom stated that the only other person that had been working during the evening, was his wife Kirpal Kaur. I explained to Sharom that the description provided to me was consistent with his wife. Sharom was quite upset about the incident, and did not seem to believe that it had actually taken place. I did request Sharom allow me to return the beer that had been purchased, however he stated he would not do so without a receipt. I explained to Sharom that a receipt was not provided by Kirpal, and he stated that I would need a receipt to return the alcohol. I explained to Sharom that Kirpal would be receiving a citation in the mail for furnishing alcohol to a minor. This ended my contact with Sharom.

The buyers also completed reports that can be obtained by contacting Paula Enger of Columbia County connects.

End of report

Officer Young #10  
typed 6/8/10;jm

# Portage Police Department

117 W Pleasant St., Portage, WI 53901

## CAD Notes

Report Date:	Type of Incident	Complaint No:	Case Status
06/04/2010	ALCOHOL OFFENSE -FURNISHING TO MINORS	2010-05262	CITATION

---

Open: 6/4/2010 8:20:40 PM 10  
Arrival: 6/4/2010 8:21:15 PM  
Departure: 6/4/2010 8:21:17 PM  
Closed: 10

06/04/2010 20:21:01 SENDINC  
Incident Open by sending Work Area

06/04/2010 20:21:04 COMPLNUMB  
Complaint Number 2010-05262 Assigned

06/04/2010 20:21:11 10 10 DSP  
Dispatched on Incident

06/04/2010 20:21:15 10 10 23  
Arrived on Scene

06/04/2010 20:21:17 10 10 8  
Clear From Incident

Disp Code: REPORT  
Disposition Notes: ivm

---

Reporting Officer 10 YOUNG, BLAINE

//

Approving Officer 10 YOUNG, BLAINE

//

2010-05262

STATE OF WISCONSIN

MUNICIPAL COURT

CITY OF PORTAGE

City of Portage,

Plaintiff,

STIPULATION

vs.

Kirpaal Kaur,  
Defendant.

Case No. N1170871

The following disposition is agreed to:

1. The charge is furnish alcohol to minors.
2. The defendant pleads guilty no contest to license not on premises (14-91).
3. The defendant shall pay: Forfeiture & Costs \$ 177.00
4. Other penalties: N/A
5. Failure to pay the forfeiture and costs by November 23, 2010 will result in incarceration for up to ninety (90) days.
6. Effective Date: September 24, 2010

Dated: SEPTEMBER 21, 2010

Kirpaal Kaur  
Defendant

W. Andrew Vory  
Prosecuting Attorney

[Signature]  
Defendant's Attorney

**ORDER**

The above stipulation is hereby adopted as the order of the Court.

Dated: \_\_\_\_\_

BY THE COURT:

\_\_\_\_\_  
Municipal Court Judge, City of Portage,  
Wisconsin

N 1170871

WISCONSIN UNIFORM MUNICIPAL COURT CITATION AND COMPLAINT

\*Deposit Permitted \$ 11/100  Cash  Card (For Court Use only) /

You Are Notified To Appear  
Is this a mandatory appearance?  yes  no  
(Read the reverse side of this citation for court information.)  
Date: July 26 2010  
Time: 9:30 AM  
Municipal Court  
115 W. Pleasant St.  
Bortage rd 5722

Defendant Name - Last: Kaur First: Kirpal MI  
Street Address: 518 W. Siles St. Post Office: Bortage State: WI Zip Code: 53901  
Driver License Number or Other I.D. (specify): [Redacted] State: WI Exp. Yr.: 18  
Date of Birth: [Redacted] Sex: F Race: O Height: [Redacted] Weight: [Redacted]  
License Plate Number: [Redacted] Plate Type: [Redacted] State: WI Exp. Yr.: [Redacted]

Plaintiff:  City  Village  Town  
OF: Bortage

Defendant Violated: 96-1  
Ordinance No. 46-1  
Adopting State Statute No. 175.07(1)(a)

Description of Violation: Furnish Alcohol to a Minor

Week Day: Fri Month - Day - Year: 6/4/10 Time: 7:00 AM At: 403 Dewitt St County: Columbia

Name & Address of Parent/Guardian/Legal Custodian (if minor defendant)

Citation Served:  Personally  Mailed to defendant's last known address  
 Left with person residing at defendant's residence: Name: Age:

Print Officer Name: Young Department: PBD I.D. No.: 10 Date Citation Issued: 6/5/10

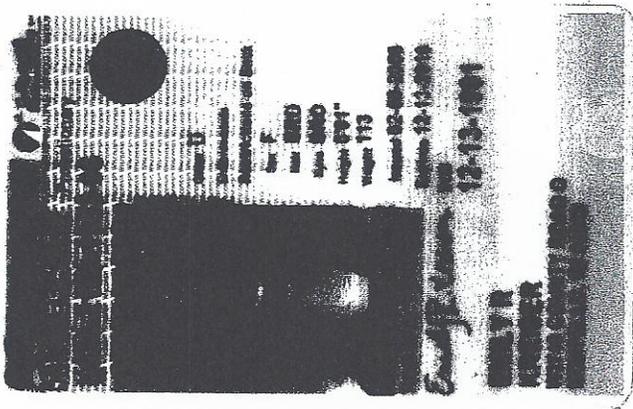
Telephone Number of Parent/Guardian/Legal Custodian

MC-2000, 10/01 INTAKE WORKER/PARENT NOTICE

=====>>> EXPANDED FORMAT / DETAILED VIEW <<=====>>>

ADDRESS UPDATED=02/19/2010  
MOVED FROM MISSOURI 11/17/2006

Regular License Classes=D-VAL Issued=02/19/2010 Expires=02/14/2018  
FedMedical=N Primary=Y RealId=N Application Type=RENEWAL



# Portage Police Department

117 W Pleasant St., Portage, WI 53901

## Uniform Complaint / Summons

Summons No. <b>N1205319</b>	Issue Date/Time <b>10/29/2010 1920</b>	Complaint No. <b>2010-10343</b>
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### Driver Information

Last, First <b>KAUR, KIRPAL</b>	Sex <b>F</b>	Race <b>ASIAN PACI</b>	DOB [REDACTED]	Age	Height	Weight
Street Address <b>518 W SLIFER ST</b>		City <b>PORTAGE</b>	State <b>WI</b>	ZipCode <b>53901</b>		
Driver License [REDACTED]	State <b>WI</b>	SSN				

### Offense / Vehicle Information

Issue Date/Time <b>10/29/2010 1920</b>	A C.M.V. <input type="checkbox"/>	With Haz Mat <input type="checkbox"/>	Did Unlawfully			
Veh. Year	Vehicle Make	Vehicle Model	Style	Vehicle Color	Weight	
Vehicle License #	License Year	VIN				
Block <b>403</b>	Location / Street <b>DEWITT ST</b>					Apt. Suite
City <b>PORTAGE</b>	State <b>WI</b>	ZipCode <b>53901</b>	At Or Near	Geo	Sector <b>SOUTH</b>	Ward
Description of Violation <b>ALCOHOL OFFENSE -FURNISHING TO MINORS 2ND</b>			Seat Belt Violation <input type="checkbox"/>	Driver License Held <input type="checkbox"/>	License Returned	
Driving MPH	When Limited To MPH					
Amended Charges			Accident / DWI			
State Statute <b>46-1</b>	Local Code <b>524120</b>	State Code <b>ORDINANCE</b>				

### Court Information

Court Date/Time <b>12/13/2010 0900</b>						
Court <b>PORTAGE MUNICIPAL COURT</b>			Court Division			
Street Address <b>115 W PLEASANT ST</b>		City <b>PORTAGE</b>	State <b>WI</b>	ZipCode <b>53901</b>		
Court Disposition <b>12/13/10 FINE LOWERED</b>		Fine Amount <b>\$240.00</b>				

### Notes

Reporting Officer <b>10 YOUNG, BLAINE</b>	Officer
/ /	/ /



# Portage Police Department

117 W Pleasant St., Portage, WI 53901

## CAD Notes

Report Date:	Type of Incident	Complaint No:	Case Status
10/29/2010	ALCOHOL OFFENSE -FURNISHING TO MINORS 2ND	2010-10343	CITATION

---

Open: 10/29/2010 7:23:58 PM 41  
Arrival: 10/29/2010 7:24:24 PM  
Departure: 10/29/2010 7:24:31 PM  
Closed: 10

10/29/2010 19:24:22 SENDINC  
Incident Open by sending Work Area

10/29/2010 19:24:24 10 10 23  
Arrived on Scene

10/29/2010 19:24:31 10 10 8  
Clear From Incident

10/29/2010 19:24:58 10 10 COMPLNUMB  
Complaint Number 2010-10343 Assigned

Disp Code: REPORT

Disposition Notes: Case number for alcohol complaine violation at Market Basket.

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Reporting Officer 10 YOUNG, BLAINE

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Approving Officer 10 YOUNG, BLAINE

//

# Portage Police Department

117 W Pleasant St., Portage, WI 53901

## Offense / Incident Report

Report Date **10/29/2010 1923** Type of Incident **ALCOHOL OFFENSE -FURNISHING TO MINORS 2ND** Complaint No. **2010-10343** Case Status **CITATION**

Occurred on **10/29/2010 1923** to **10/29/2010 1923**

### Incident Location

Street Address **403 DEWITT ST** City **PORTAGE** State **WI** Zip Code **53901**  
Sector **SOUTH** Longitude Latitude Primary Location

### Dispatch Information

Received Date / Time **10/29/2010 1923** Call Received Via **OTHER AGENCY** Dispatched Date / Time **10/29/2010 1924** Call Dispatched As **IVM INVESTIGATION MISC**  
Arrived Date / Time **10/29/2010 1924** Departed Date / Time **10/29/2010 1924** Offense Category TTY Ref.# TeleType Operator

### Officers

ID	Name	Role	Primary	Arrived Scene	Departed Scene
10	YOUNG, BLAINE	REPORTING	<input checked="" type="checkbox"/>		
10	YOUNG, BLAINE	ARRESTING	<input type="checkbox"/>		

### Offenses

Charge	Cause Number	Local Code	Jurisdiction	State Statute Type/Class	State Charge Code	Category
ALCOHOL OFFENSE -FURNISHING TO MINORS 2ND		524120		46-1	ORDINANCE	ORD

### Witness

Name (Last, First Middle Suffix) **MAY, JESSICA L** Race **WHITE** Sex **F** DOB **[REDACTED]** Age **[REDACTED]** Juvenile **[REDACTED]** SSN **[REDACTED]** Moniker

### Addresses

Type	Street Address	City	State	Zip Code	Country
	513 W COOK ST	PORTAGE	WI	53901	USA

### Phone Numbers

Type	Phone	Ext/PIN
CELL	(608) 617-9094	
HOME	(608) 742-2072	

### Email Addresses

Type	Email Address
------	---------------

Drivers License **[REDACTED]** Type State **WI** Expires Restrictions Marital Status Ethnicity **NON HISPANIC** Language

### Witness

Name (Last, First Middle Suffix) **DREDSKE, JESSICA R** Race **WHITE** Sex **F** DOB **[REDACTED]** Age **[REDACTED]** Juvenile **[REDACTED]** SSN **[REDACTED]** Moniker

Reporting Officer **10 YOUNG, BLAINE**

Approving Officer ( I ) **10 YOUNG, BLAINE**  
( Cover Pages Only )

# Portage Police Department

117 W Pleasant St., Portage, WI 53901

## Offense / Incident Report

Report Date **10/29/2010 1923** Type of Incident **ALCOHOL OFFENSE -FURNISHING TO MINORS 2ND** Complaint No. **2010-10343** Case Status **CITATION**

Addresses					
Type	Street Address	City	State	Zip Code	Country
	W7966 MARIAH RAE DR	PARDEEVILLE	WI	53954	USA

Phone Numbers			Email Addresses	
Type	Phone	Ext/PIN	Type	Email Address
CELL				

Drivers License	Type	State	Expires	Restrictions	Marital Status	Ethnicity	Language
		WI					

### Witness

Name (Last, First Middle Suffix)	Race	Sex	DOB	Age	Juvenile	SSN	Moniker
ENGER, PAULA	WHITE	F					

Addresses					
Type	Street Address	City	State	Zip Code	Country
	W6411 PATCHIN RD	PARDEEVILLE	WI	53954	USA

Phone Numbers			Email Addresses	
Type	Phone	Ext/PIN	Type	Email Address
HOME				

### Witness

Name (Last, First Middle Suffix)	Race	Sex	DOB	Age	Juvenile	SSN	Moniker
STEINGRAEBER, JENNIFER L	WHITE	F	08/31/1987	23	N		

Addresses					
Type	Street Address	City	State	Zip Code	Country
	W6411 PATCHIN RD	PARDEEVILLE	WI	53954	USA

Phone Numbers			Email Addresses	
Type	Phone	Ext/PIN	Type	Email Address
CELL	(608) 469-7727			

### Arrestee

Name (Last, First Middle Suffix)	Race	Sex	DOB	Age	Juvenile	SSN	Moniker
KAUR, KIRPAL	ASIAN PACI	F			N		

Addresses					
Type	Street Address	City	State	Zip Code	Country
	518 W SLIFER ST	PORTAGE	WI	53901	USA

Drivers License	Type	State	Expires	Restrictions	Marital Status	Resident Status	Ethnicity	Language
		WI						

### Physical Description

Place of Birth

Reporting Officer	10 YOUNG, BLAINE	Approving Officer (1)	10 YOUNG, BLAINE
		( Cover Pages Only )	

# Portage Police Department

117 W Pleasant St., Portage, WI 53901

## Offense / Incident Report

Report Date **10/29/2010 1923** Type of Incident **ALCOHOL OFFENSE -FURNISHING TO MINORS 2ND** Complaint No. **2010-10343** Case Status **CITATION**

Height	Weight	Build	Skin Color	Complexion	Eyes	Type of Eyewear	City	State
					<b>BROWN</b>			
Hair	Hair Length	Hair Style	Beard	Mustache	Side Burns	Mannerisms	Country	
<b>BLACK</b>								

### Charges

Charge	Type Class	Jurisdiction
<b>ALCOHOL OFFENSE -FURNISHING TO MINORS 2ND</b>	<b>CITY ORD</b>	

### Arrest Information

Arrest No.	Arrest Date / Time	Arresting Officer ID - Name	Booking Date / Time	Booking Officer ID - Name
	<b>10/29/2010 1920</b>	<b>10 - YOUNG, BLAINE</b>		-
Agency Held For	Department	Arrest Classification	Reference Number	
	<b>PORTAGE PD</b>			
CCH Record	Hold Order			
<b>N</b>	<input type="checkbox"/>			

### Alerts

Caution	Under Watch	Reason for Watch	Under Medication	Type of Medication
	<input type="checkbox"/>		<input type="checkbox"/>	

### Arrest Location

Street	City	State	Zip Code	Sector

### Transported

Transported By	Transported To
-	

### Offense / Incident Narrative

#### CITATION SUMMARY:

On 10/28/10 at approximately 17:40p.m., Kirpal Kaur was issued a citation for FURNISHING ALCOHOL TO MINORS 2ND OFFENSE in violation of City Ordinance 46-1. A non-mandatory court date is scheduled for 12/13/10 at 9:00a.m. with a bond amount of \$303.00.

#### INTRODUCTION:

On Friday, 10/29/10, I, officer Young assisted Columbia County Connects in performing alcohol compliance checks. Supervising this operation was Paula Enger of the Columbia County Connects. Assisting Paula as the two underage buyers were Jessica L. May and Jessica R. Dredske. Both of these subjects were 19 years of age. I did photograph both subjects and the photographs are attached to this report.

Reporting Officer	<b>10 YOUNG, BLAINE</b>	Approving Officer (1)	<b>10 YOUNG, BLAINE</b>
		(Cover Pages Only)	

# Portage Police Department

117 W Pleasant St., Portage, WI 53901

## Offense / Incident Report

Report Date <b>10/29/2010 1923</b>	Type of Incident <b>ALCOHOL OFFENSE -FURNISHING TO MINORS 2ND</b>	Complaint No. <b>2010-10343</b>	Case Status <b>CITATION</b>
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I also inspected Dredske's and May's drivers licenses. Both subjects had the drivers licenses that were issued to them by the State of Wisconsin that indicated that they were 19 years of age. Neither of these drivers licenses were altered in any way. I did request that they both leave their purses at the police department and take only their wallets. I did search their wallets to ensure that there were no other Wisconsin ID's in their wallets.

Also assisting was Jennifer L. Steingraeber, who acted as a chaperon with Paula.

There was a total of 14 businesses that were checked. These businesses included: Daley's Liquor, Hwy. 51 Liquor and Bait, Pierce's Market, Shooters, Wisconsin Street Liquor and Wine, Riley's, Cathay Gardens, The Blarney Stone, Cottonwood Tavern, Cactus Club, The Market Basket, Discount Liquor, The Tamarack, and Trails Lounge. Five of the establishments checked did not pass the compliance checks. The businesses that did not pass were: Hwy. 51 Liquor and Bait, Wisconsin Street Liquor and Wine, The Blarney Stone, The Market Basket and The Tamarack. There are written statements that were completed by the buyers attached to this report. Also attached to the report is photocopies of the buyer's drivers licenses that they used throughout the compliance checks.

### COMPLIANCE CHECK:

On Friday, 10/29/10 at approximately 19:20p.m., Jessica Dredske and Jennifer Steingraeber entered the Market Basket convenience store. Jennifer entered a short while before Jessica. Jessica entered the store and proceeded to the alcohol section. Jessica proceeded to pick out a 23 1/2oz green apple Joose malt liquor beverage and proceeded to the check out counter. Jessica stated that she placed the item on the counter and the clerk rang it up. Jessica stated that the clerk asked for ID and she did provide her Wisconsin drivers license indicating that she was only 19 years of age. Jessica stated that the clerk briefly looked at it, and then proceeded to check her out. Jessica stated that she paid for the item and left. Jessica did provide a physical description of the suspect.

### CONTACT AT MARKET BASKET:

I did respond to Market Basket in attempt to locate the suspect. Through the description provided by Jessica, I suspected the suspect to be Kirpal Kaur as I had been in the store earlier in the evening and observed her, matching the clothing description. Upon arrival, Kirpal had left already, however her husband, Mr. Singh, was still at the store. I explained the situation to Mr.

---

Reporting Officer      **10 YOUNG, BLAINE**

Approving Officer (1)      **10 YOUNG, BLAINE**  
( Cover Pages Only )

# Portage Police Department

117 W Pleasant St., Portage, WI 53901

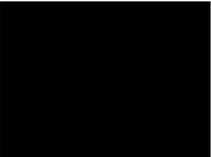
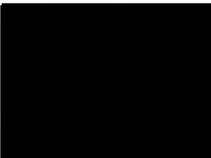
## Offense / Incident Report

Report Date <b>10/29/2010 1923</b>	Type of Incident <b>ALCOHOL OFFENSE -FURNISHING TO MINORS 2ND</b>	Complaint No. <b>2010-10343</b>	Case Status <b>CITATION</b>
---------------------------------------	--	------------------------------------	--------------------------------

Singh, and issued the citation to him. Mr. Singh stated that he would speak to Kirpal about it.

End of report

Officer Young #10  
typed 11/1/10;jm

Images					
	ID Number	Date / Time	Subject Type	Image / Attachment Type	Sealed
	Name	11/01/2010 0929	OFFENSE / INCIDENT Description		<input type="checkbox"/>
	Taken Date / Time	Agency	Image Captured By	Original File Name	
	10/29/2010 0000	DEPARTMENT PHO]	10 - YOUNG, BLAINE	G:\DCIM\114CANON\IMG_0473.JPG	
	ID Number	Date / Time	Subject Type	Image / Attachment Type	Sealed
	Name	11/01/2010 0929	OFFENSE / INCIDENT Description		<input type="checkbox"/>
	Taken Date / Time	Agency	Image Captured By	Original File Name	
	10/29/2010 0000	DEPARTMENT PHO]	10 - YOUNG, BLAINE	G:\DCIM\114CANON\IMG_0474.JPG	

# Portage Police Department

117 W Pleasant St., Portage, WI 53901

## Uniform Complaint / Summons

Summons No. <b>N1205737</b>	Issue Date/Time <b>05/14/2011 2051</b>	Complaint No. <b>2011-03884</b>
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### Driver Information

Last, First <b>SCHLEICHER, ANGELA M</b>	Sex <b>M</b>	Race <b>WHITE</b>	DOB [REDACTED]	Age [REDACTED]	Height [REDACTED]	Weight [REDACTED]
Street Address <b>217 E HOWARD ST</b>	City <b>PORTAGE</b>	State <b>WI</b>	ZipCode <b>53901</b>			
Driver License [REDACTED]	State <b>WI</b>	SSN [REDACTED]				

### Offense / Vehicle Information

Issue Date/Time <b>05/14/2011 2051</b>	A C.M.V. <input type="checkbox"/>	With Haz Mat <input type="checkbox"/>	Did Unlawfully			
Veh. Year	Vehicle Make	Vehicle Model	Style	Vehicle Color	Weight	
Vehicle License #	License Year	VIN				
Block <b>403</b>	Location / Street <b>DEWITT ST</b>			Apt. Suite		
City <b>PORTAGE</b>	State <b>WI</b>	ZipCode <b>53901</b>	At Or Near	Geo	Sector <b>SOUTH</b>	Ward
Description of Violation <b>ALCOHOL OFFENSE -FURNISHING TO MINORS</b>	Seat Belt Violation <input type="checkbox"/>	Driver License Held <input type="checkbox"/>	License Returned			
Driving MPH	When Limited To MPH	Amended Charges				
State Statute <b>46-1</b>	Local Code <b>524090</b>	State Code <b>ORDINANCE</b>	Accident / DWI			

### Court Information

Court Date/Time <b>06/27/2011 0900</b>					
Court <b>PORTAGE MUNICIPAL COURT</b>	Court Division				
Street Address <b>115 W PLEASANT ST</b>	City <b>PORTAGE</b>	State <b>WI</b>	ZipCode <b>53901</b>		
Court Disposition <b>06-27-11 FINED</b>	Fine Amount <b>\$177.00</b>				

### Notes

Reporting Officer 10 **YOUNG, BLAINE**

Officer

/ /

/ /

# Portage Police Department

117 W Pleasant St., Portage, WI 53901

## Offense / Incident Report

Report Date **05/14/2011 1807** Type of Incident **ALCOHOL OFFENSE -FURNISHING TO MINORS** Complaint No. **2011-03884** Case Status **CITATION**

Occurred on **05/14/2011 1807** to **05/14/2011 1807**

### Incident Location

Street Address **403 DEWITT ST** City **PORTAGE** State **WI** Zip Code **53901**  
Sector **SOUTH** Longitude Latitude Primary Location

### Dispatch Information

Received Date / Time **05/14/2011 1807** Call Received Via **OFFICER** Dispatched Date / Time Call Dispatched As **IVM INVESTIGATION MISC**  
Arrived Date / Time Departed Date / Time Offense Category **LIQUOR LAWS** TTY Ref.# TeleType Operator

### Officers

ID	Name	Role	Primary	Arrived Scene	Departed Scene
10	YOUNG, BLAINE	REPORTING	<input checked="" type="checkbox"/>		
10	YOUNG, BLAINE	ARRESTING	<input type="checkbox"/>		

### Offenses

Charge	Cause Number	Local Code	Jurisdiction	State Statute	State Charge Code	Category
ALCOHOL OFFENSE -FURNISHING TO MINORS		524090		46-1	ORDINANCE	LIQUOR LAWS
				ORD		

### Witness

Name (Last, First Middle Suffix)	Race	Sex	DOB	Age	Juvenile	SSN	Moniker
ENGER, PAULA A	WHITE	F			N		

### Addresses

Type	Street Address	City	State	Zip Code	Country
	W6411 PATCHIN RD	PARDEEVILLE	WI	53954	USA

### Phone Numbers

Type	Phone	Ext/PIN
HOME		

### Email Addresses

Type	Email Address
------	---------------

### Witness

Name (Last, First Middle Suffix)	Race	Sex	DOB	Age	Juvenile	SSN	Moniker
STEINGRAEBER, JENNIFER L	WHITE				N		

### Addresses

Type	Street Address	City	State	Zip Code	Country
HOME	W6411 PATCHIN RD	PARDEEVILLE	WI	53954	USA
	W6411 PATCHIN RD	PARDEEVILLE	WI	53954	USA

Reporting Officer **10 YOUNG, BLAINE**

Approving Officer ( I ) **10 YOUNG, BLAINE**

( Cover Pages Only )

# Portage Police Department

117 W Pleasant St., Portage, WI 53901

## Offense / Incident Report

Report Date  
**05/14/2011 1807**

Type of Incident  
**ALCOHOL OFFENSE -FURNISHING TO MINORS**

Complaint No.  
**2011-03884**

Case Status  
**CITATION**

### Phone Numbers

Type	Phone	Ext/PIN
CELL	(608) 469-7727	

### Email Addresses

Type	Email Address
------	---------------

### Witness

Name (Last, First Middle Suffix)	Race	Sex	DOB	Age	Juvenile	SSN	Moniker
MAY, JESSICA L	WHITE	F	[REDACTED]		N		

### Addresses

Type	Street Address	City	State	Zip Code	Country
	113 SANBORN ST	PARDEEVILLE	WI	53954	USA

### Phone Numbers

Type	Phone	Ext/PIN
CELL	[REDACTED]	
HOME	[REDACTED]	

### Email Addresses

Type	Email Address
------	---------------

Drivers License	Type	State	Expires	Restrictions	Marital Status	Ethnicity	Language
[REDACTED]		WI				NON HISPANIC	

### Witness

Name (Last, First Middle Suffix)	Race	Sex	DOB	Age	Juvenile	SSN	Moniker
DREDSKE, JESSICA R	WHITE	F	[REDACTED]		N		

### Addresses

Type	Street Address	City	State	Zip Code	Country
	W7966 MARIAH RAE DR	PARDEEVILLE	WI	53954	USA

### Phone Numbers

Type	Phone	Ext/PIN
CELL	[REDACTED]	

### Email Addresses

Type	Email Address
------	---------------

Drivers License	Type	State	Expires	Restrictions	Marital Status	Ethnicity	Language
[REDACTED]		WI					

### Arrestee

Name (Last, First Middle Suffix)	Race	Sex	DOB	Age	Juvenile	SSN	Moniker
SCHLEICHER, ANGELA M	WHITE	M	[REDACTED]				

### Addresses

Type	Street Address	City	State	Zip Code	Country
	217 E HOWARD ST	PORTAGE	WI	53901	USA

### Phone Numbers

Type	Phone	Ext/PIN
CELL	[REDACTED]	

### Email Addresses

Type	Email Address
------	---------------

Reporting Officer **10 YOUNG, BLAINE**

Approving Officer (1) **10 YOUNG, BLAINE**

(Cover Pages Only)

# Portage Police Department

117 W Pleasant St., Portage, WI 53901

## Offense / Incident Report

Report Date **05/14/2011 1807** Type of Incident **ALCOHOL OFFENSE -FURNISHING TO MINORS** Complaint No. **2011-03884** Case Status **CITATION**

Drivers License Type State Expires Restrictions Marital Status Resident Status Ethnicity Language  
[REDACTED] WI 01/22/2011 NON HISPANIC

### Physical Description

Height Weight Build Skin Color Complexion Eyes Type of Eyewear  
[REDACTED] GREEN  
Hair Hair Length Hair Style Beard Mustache Side Burns Mannerisms  
BLONDE

### Place of Birth

City State  
Country

### Charges

Charge Type Class Jurisdiction  
ALCOHOL OFFENSE -FURNISHING TO MINORS ORD

### Arrest Information

Arrest No. 2011-03884 Arrest Date / Time Arresting Officer ID - Name 10 - YOUNG, BLAINE Booking Date / Time Booking Officer ID - Name  
Agency Held For Department PORTAGE PD Arrest Classification Reference Number  
CCH Record N Hold Order

### Alerts

Caution Under Watch Reason for Watch Under Medication Type of Medication

### Arrest Location

Street 403 DEWITT ST City PORTAGE State WI Zip Code 53901 Sector SOUTH

### Transported

Transported By Transported To  
-

### Offense / Incident Narrative

#### CITATION SUMMARY:

On 5/14/11 at approximately 18:05p.m., Angela M. Schleicher was issued a citation for FURNISHING ALCOHOL TO MINORS in violation of City Ordinance 46-1. A non-mandatory court date is scheduled for 6/27/11 at 9:00a.m. with a bond amount of \$177.00.

#### SUMMARY

On May 14, 2011, I Officer Young, assisted Columbia County Connects in performing alcohol

Reporting Officer 10 YOUNG, BLAINE

Approving Officer ( I ) 10 YOUNG, BLAINE

( Cover Pages Only )

# Portage Police Department

117 W Pleasant St., Portage, WI 53901

## Offense / Incident Report

Report Date <b>05/14/2011 1807</b>	Type of Incident <b>ALCOHOL OFFENSE -FURNISHING TO MINORS</b>	Complaint No. <b>2011-03884</b>	Case Status <b>CITATION</b>
---------------------------------------	--	------------------------------------	--------------------------------

compliance checks at establishments in the City of Portage. The two supervisors that assisted in the compliance checks were Paula A. Enger and Jennifer L. Steingraeber. The two underage buyers were Jessica R. Dredske and Jessica L. May. Prior to performing the checks I did photograph Dredske and May. These photographs accurately depicted the way Dredske and May appeared when they performed the compliance checks. They were wearing the same clothing and did not alter their appearance in any way. I also photographed Dredske and May's Wisconsin identification cards that they would be using while performing the compliance checks. Both of these identification cards were state issued ID's and had not been altered in any way. The ID's were both printed in a vertical fashion indicating they were under the age of 21 years old. I also checked Dredske and May's wallets to ensure they did not have any other forms of identification and they did not. The identification cards that they had, accurately depicted their physical characteristics and age. Both ID cards indicated that Dredske and May were only 19 years of age. The ID cards also indicated underneath the photo the day that they would turn 21. This day had obviously not yet arrived. There were a total of 14 establishments checked. These establishments included The Fort BP, Market Basket, Dalys Liquor, La Tolteca, HWY 51 Liquor and Bait, Pierce's Supermarket, The Hitching Post, The Wisconsin Street Liquor, Sarbackers Bar, Cathay Gardens, Tolley's Alley, The Tamarack, Full Throttle, and the Cottonwood. Of the establishments checked, five of them did not pass and did serve alcohol to a minor.

### MARKET BASKET:

On 5/14/11 at approximately 6:05p.m., Jessica Dredske entered the Market Basket and proceeded to the area of where the alcohol was displayed. Jessica retrieved an alcoholic beverage which is referred to as Four Loko, which is a malt liquor beverage, and contains 12% alcohol. Jessica stated that she proceeded to the checkout counter where the clerk did request her identification. Jessica stated that she provided the clerk with identification, the clerk looked at it briefly, and handed the ID back to her and rung up the alcohol, selling it to her. Jessica Dredske then left the establishment and returned to the vehicle that myself and the other participants with the compliant checks were waiting. Jessica did turn over the alcohol to me and provided a description of the clerk that had sold her the alcohol.

I did return to the Market Basket later that evening after compliance checks had been completed. I was able to identify the clerk that Jessica had described as Angela Schleicher. Angela was standing outside of the store having a cigarette when I arrived. Angela knew immediately why I was there, and stated that she figured it out after the subject had left. I did complete a citation for furnishing alcohol to minor's in violation of City Ordinance 46-1 and State Statute 125.07(1)(A)1 with a deposit amount of \$177.00 and a non-mandatory court date of 6/27/11. This citation was issued

Reporting Officer 10 YOUNG, BLAINE

Approving Officer ( I ) 10 YOUNG, BLAINE

( Cover Pages Only )

# Portage Police Department

117 W Pleasant St., Portage, WI 53901

## Offense / Incident Report

Report Date  
05/14/2011 1807

Type of Incident  
ALCOHOL OFFENSE -FURNISHING TO  
MINORS

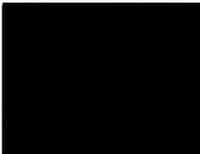
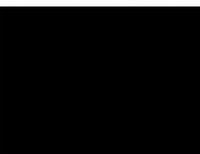
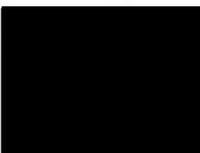
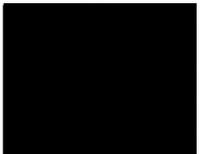
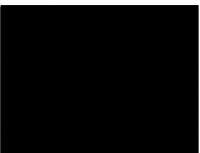
Complaint No.  
2011-03884

Case Status  
CITATION

and explained to Angela and she advised that she would not be contesting the citation because she was in the wrong and had made a mistake.

End of report

Officer Young #10  
typed 5/16/11;jm

Images					
	ID Number	Date / Time	Subject Type	Image / Attachment Type	Sealed
	Name	05/16/2011 1036	OFFENSE / INCIDENT Description		<input type="checkbox"/>
	Taken Date / Time	Agency	Image Captured By	Original File Name	
05/14/2011 0000	DEPARTMENT PHO1	10 - YOUNG, BLAINE	G:\DCIM\100KC653\100_2250.JPG		
	ID Number	Date / Time	Subject Type	Image / Attachment Type	Sealed
	Name	05/16/2011 1036	OFFENSE / INCIDENT Description		<input type="checkbox"/>
	Taken Date / Time	Agency	Image Captured By	Original File Name	
05/14/2011 0000	DEPARTMENT PHO1	10 - YOUNG, BLAINE	G:\DCIM\100KC653\100_2251.JPG		
	ID Number	Date / Time	Subject Type	Image / Attachment Type	Sealed
	Name	05/16/2011 1036	OFFENSE / INCIDENT Description		<input type="checkbox"/>
	Taken Date / Time	Agency	Image Captured By	Original File Name	
05/14/2011 0000	DEPARTMENT PHO1	10 - YOUNG, BLAINE	G:\DCIM\100KC653\100_2252.JPG		
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	Taken Date / Time	Agency	Image Captured By	Original File Name	
05/14/2011 0000	DEPARTMENT PHO1	10 - YOUNG, BLAINE	G:\DCIM\100KC653\100_2253.JPG		
	ID Number	Date / Time	Subject Type	Image / Attachment Type	Sealed
	Name	05/16/2011 1036	OFFENSE / INCIDENT Description		<input type="checkbox"/>
	Taken Date / Time	Agency	Image Captured By	Original File Name	
05/14/2011 0000	DEPARTMENT PHO1	10 - YOUNG, BLAINE	G:\DCIM\100KC653\100_2254.JPG		



ID Number

Date / Time

Subject Type

Image / Attachment Type

Sealed

05/16/2011 1036

OFFENSE / INCIDENT



Name

Description

Taken Date / Time

Agency

Image Captured By

Original File Name

05/14/2011 0000

DEPARTMENT PHO1

10 - YOUNG, BLAINE

G:\DCIM\100KC653\100\_2255.JPG

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# Portage Police Department

117 W Pleasant St., Portage, WI 53901

## CAD Notes

Report Date:	Type of Incident	Complaint No:	Case Status
05/14/2011	ALCOHOL OFFENSE -FURNISHING TO MINORS	2011-03884	CITATION

---

Open: 5/14/2011 6:07:25 PM 33  
Arrival:  
Departure:  
Closed: 10

05/14/2011 18:07:39 SENDINC  
Incident Open by sending Work Area

05/14/2011 18:07:40 COMPLNUMB  
Complaint Number 2011-03884 Assigned

05/14/2011 18:07:46 10 10 REPORTDSN  
Reporting DSN changed from 33 to 10

Disp Code: CIT  
Disposition Notes:

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Reporting Officer 10 YOUNG, BLAINE

Approving Officer 10 YOUNG, BLAINE

//

//

N 1205737

WISCONSIN UNIFORM MUNICIPAL COURT CITATION AND COMPLAINT

Juvenile

Deposit Permitted

\$ 177.00

Cash  
 Card

11-3884 /  
(For Court Use only)

You Are Notified To Appear

Is this a mandatory appearance?  yes  no

(Read the reverse side of this citation for court information.)

Date 5/27/11

Time 9:00  AM  PM

Municipal Court

115 W. Pleasant St

Portage WI 53921

Defendant Name - Last First MI

Schlesinger AN Angela M

Street Address Post Office State Zip Code

211 E. Howard St Portage WI 53921

Driver License Number or Other I.D. (specify) State Exp. Yr.

[Redacted] WI 18

Date of Birth Sex Race Height Weight Hair Eyes

[Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted]

License Plate Number Plate Type State Exp. Yr.

[Redacted] [Redacted] [Redacted] [Redacted]

Plaintiff:  City  Village  Town

OF: Portage

Defendant Violated: 46-1

Ordinance No.

Adopting State

Statute No.

125.07(1)(a)1

Description of Violation

Furnishing Alcohol to Minors

Week Day Month - Day - Year Time

SAT 5/14/11 6:05  AM  PM

At: 403 Deloitte St.

County: Columbia

Name & Address of Parent/Guardian/Legal Custodian (if minor defendant)

Citation Served:  Personally  Mailed to defendant's last known address.

Left with person residing at defendant's residence: Name Age

Print Officer Name

Department

I.D. No.

Date Citation Issued

Telephone Number of Parent/Guardian/Legal Custodian

Young

(M)

10

5/14/11

MC-2000, 10/01

AGENCY COPY

(a) Ensure that the container is conspicuously labeled as not containing bisphenol A.

(b) Confirm to the buyer that the container does not contain bisphenol A.

(3) No person may sell, or offer for sale, at retail in this state a child's container that contains bisphenol A. A person who sells or offers for sale at retail in this state a child's container shall ensure the container is conspicuously labeled as not containing bisphenol A.

(4) (a) The department may commence an action in the name of the state to restrain by temporary or permanent injunction a violation of this section.

(b) The department or a district attorney may commence an action in the name of the state to recover a forfeiture to the state of not less than \$100 nor more than \$10,000 for each violation of sub. (2). A person who violates sub. (2) may be fined not more than \$5,000 or imprisoned for not more than one year in the county jail or both.

(c) The department or a district attorney may commence an action in the name of the state to recover a forfeiture to the state of not less than \$50 nor more than \$200 for each violation of sub. (3).

(d) For purposes of this subsection, each child's container manufactured, sold, or offered for sale in violation of this section constitutes a separate violation.

(5) The department may, after notice and opportunity for hearing under s. 93.18, order a manufacturer or seller of a child's container in violation of this section to recall the container or to repair any defects in a container that has been sold. No person may refuse to comply with an order under this subsection.

(6) This section does not apply to the sale of a used child's container.

(7) If a court imposes a fine or forfeiture for a violation of this section, the court shall impose a bisphenol A surcharge under ch. 814 equal to 50 percent of the amount of the fine or forfeiture.

History: 2009 a. 145.

**100.35 Furs to be labeled.** (1) No person shall sell or offer or display for sale any coat, jacket or other garment made wholly or partially of fur without having attached thereto and conspicuously displayed a tag or label bearing in plain print in English the species of fur or pelt used therein. This section shall not apply to such garments as are displayed or offered for sale or sold at a price of less than \$50.

(2) Any person violating this section shall be punished as in s. 100.26 (1).

**100.36 Frauds; substitute for butter; advertisement.**

No person may use the word "butter" in any way in connection or association with the sale or exposure for sale or advertisement of any substance designed to be used as a substitute for butter. No person may use terms such as "cream", "creamery" or "dairy", or the name or representation of any breed of dairy cattle, or any combination of such words and representation, or any other words or symbols or combinations thereof commonly used in the sale of butter unless at least 40% of the substitute is butterfat. If the term "butter" is used in connection with the name of any such product, it shall be qualified so as to distinguish it from butter as defined in s. 97.01 (1). Nothing in this section prohibits a person from using the term "light butter" or "lite butter" in the manner provided in s. 97.03 (3) (b).

History: 1983 a. 189 s. 329 (20); 1991 a. 111.

**100.37 Hazardous substances act.** (1) In this section:

(a) "Corrosive" means any substance which in contact with living tissue will cause destruction of tissue by chemical action, but does not refer to action on inanimate surfaces.

(b) "Extremely flammable" applies to any substance which has a flash point at or below 20 degrees Fahrenheit as determined by the Tagliabue open cup tester, and "flammable" applies to any

substance which has a flash point of above 20 degrees to 80 degrees Fahrenheit, as determined by the Tagliabue open cup tester; "combustible" applies to any substance which has a flash point above 80 degrees Fahrenheit to 150 degrees as determined by the Tagliabue open cup tester, except that flammability or combustibility of solids and of the contents of self-pressurized containers shall be determined by methods as prescribed under the federal hazardous substances act (15 USC 1261 et seq) or found by the department to be generally applicable to such materials or containers, and established by rules adopted by the department, which shall also define "flammable", "combustible" and "extremely flammable" in accordance with such methods.

(c) "Hazardous substance" means:

1. Any substance or mixture of substances, including a toy or other article intended for use by children, which is toxic, is corrosive, is an irritant, is a strong sensitizer, is flammable or combustible, or generates pressure through decomposition, heat or other means, if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children.

2. Any substances which the department by rule finds, pursuant to sub. (2) (a), meet the requirements of subd. 1.

2m. Any substance included under sub. (2) (e) 2.

3. Any radioactive substance, if, with respect to such substance as used in a particular class of article or as packaged, the department determines by rule that the substance is sufficiently hazardous to require labeling in accordance with this section in order to protect the public health.

4. Any toy or other article intended for use by children which the department by rule determines in accordance with this section to present an electrical, mechanical or thermal hazard or to contain a toxic substance either in or on the toy or other article.

5. Except as otherwise provided in this section, "hazardous substance" does not apply to pesticides subject to ss. 94.67 to 94.71, to foods, drugs and cosmetics, to bullets or other ammunition, or gun powder for reloading ammunition, nor to substances intended for use as fuels when stored in containers and used in the heating, cooking or refrigeration system of a house, nor does it include any source material, special nuclear material or by-product material as defined in the atomic energy act of 1954, as amended, and regulations of the nuclear regulatory commission under such act.

(d) "Highly toxic" means any substance which falls within any of the following categories: Produces death within 14 days in half or more of a group of 10 or more laboratory white rats each weighing between 200 and 300 grams, at a single dose of 50 milligrams or less per kilogram of body weight, when orally administered; or produces death within 14 days in half or more of a group of 10 or more laboratory white rats each weighing between 200 and 300 grams, when inhaled continuously for a period of one hour or less at an atmosphere concentration of 200 parts per million by volume or less of gas or vapor or 2 milligrams per liter by volume or less of mist or dust, provided such concentration is likely to be encountered by persons when the substance is used in any reasonably foreseeable manner; or produces death within 14 days in half or more of a group of 10 or more rabbits tested in a dosage of 200 milligrams or less per kilogram of body weight, when administered by continuous contact with the bare skin for 24 hours or less. If the department finds that available data on human experience with any substance indicate results different from those obtained on animals in the above named dosages or concentrations, the human data shall take precedence.

(e) "Immediate container" does not include package liners.

(f) "Irritant" means any substance not corrosive which on immediate, prolonged or repeated contact with normal living tissue will induce a local inflammatory reaction.

# Portage Police Department

117 W Pleasant St., Portage, WI 53901

## Offense / Incident Report

Report Date **10/28/2011 1453** Type of Incident **SUSPICIOUS ACTIVITY** Complaint No. **2011-09358** Case Status **CLOSED**

Occurred on **10/28/2011 1454** to **10/28/2011 1454**

### Incident Location

Street Address **403 DEWITT ST** City **PORTAGE** State **WI** Zip Code **53901**  
Sector **SOUTH** Longitude Latitude Primary Location

### Dispatch Information

Received Date / Time **10/28/2011 1453** Call Received Via **10/28/2011 1453** Dispatched Date / Time **10/28/2011 1453** Call Dispatched As **IVM INVESTIGATION MISC**  
Arrived Date / Time **10/28/2011 1453** Departed Date / Time **10/28/2011 1453** Offense Category **INCIDENT** TTY Ref.# TeleType Operator

### Officers

ID	Name	Role	Primary	Arrived Scene	Departed Scene
3	THOMPSON, KLAUDE	REPORTING	<input checked="" type="checkbox"/>		

### Offenses

Charge	Cause Number	Local Code	Jurisdiction	State Statute Type/Class	State Charge Code	Category
SUSPICIOUS ACTIVITY						INCIDENT

### Reporting Party / Complainant

Name (Last, First Middle Suffix) **BARRON, JASON P** Race **WHITE** Sex **M** DOB **[REDACTED]** Age **[REDACTED]** Juvenile **N** SSN **[REDACTED]** Moniker

### Addresses

Type	Street Address	City	State	Zip Code	Country
	420 W PLEASANT ST #1/2	PORTAGE	WI	53901	USA

### Phone Numbers

Type	Phone	Ext/PIN
CELL	(608) 566-0279	
HOME	(608) 408-7729	
BUSINESS		

### Email Addresses

Type	Email Address
------	---------------

Drivers License	Type	State	Expires	Restrictions	Ethnicity	Language
[REDACTED]		WI	08/05/2016			

### Suspect Information

Name (Last, First Middle Suffix) **SINGH, SHARAM** Race **ASIAN PACIFIC ISLAND** Sex **M** DOB **[REDACTED]** Age **[REDACTED]** Juvenile **N** SSN **[REDACTED]** Moniker

Reporting Officer **3 THOMPSON, KLAUDE**

Approving Officer (1)  
(Cover Pages Only)

# Portage Police Department

117 W Pleasant St., Portage, WI 53901

## Offense / Incident Report

Report Date <b>10/28/2011 1453</b>	Type of Incident <b>SUSPICIOUS ACTIVITY</b>	Complaint No. <b>2011-09358</b>	Case Status <b>CLOSED</b>
---------------------------------------	--	------------------------------------	------------------------------

### Addresses

Type	Street Address	City	State	Zip Code	Country
	<b>518 W SLIFER ST</b>	<b>PORTAGE</b>	<b>WI</b>	<b>53901</b>	<b>USA</b>

### Phone Numbers

Type	Phone	Ext/PIN
<b>HOME</b>	<b>(608) 745-6828</b>	

### Email Addresses

Type	Email Address
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### Offense / Incident Narrative

#### NARRATIVE:

On 10/28/11, I received a phone call from Jason Barron, phone no. 617-2890. Jason advised the previous night, 10/27/11, he went to the Market Basket in the City of Portage. He spoke with the owner Sharam Singh. Jason stated he is a regular customer at the Market Basket and it is not uncommon for him to go in there 3-4 times a day. Jason stated Sharam pulled a bottle out from a cardboard box from underneath the cash register and showed it to him and asked if he wanted to buy some good smoke for \$20.00 a bottle. The bottle was labeled as "Crush." Jason stated it was obvious that Sharam did not want everyone else to see what it was. Jason did not purchase the bottle. He stated after he left the Market Basket at approximately 5:00 p.m., he made some phone calls. He learned "Crush" is a synthetic marijuana and it is illegal to buy or sell this. Jason contacted the police department at approximately 7:00 p.m. After talking to dispatch, he advised he would contact me in the morning. Jason stated he heard this is a dangerous drug and he wanted to make sure no kids or anyone else gets this.

On this same date, 10/28/11, I made contact with Sharam Singh at the Market Basket. I informed Sharam that I had a parent complain about something called "Crush." Sharam immediately told me that he just got in some bottles of "Crush" yesterday. He stated he tried to sell some and he was told by a customer this was an illegal product to possess or to sell in the State of Wisconsin and this was a new and recent law. Sharam stated he immediately got rid of it and he no longer has possession of it in the store and he will never have it again. I advised Sharam that he needs to read over products better and talk to all distributors that he gets to make sure he is not selling an illegal product. Sharam stated he would be more careful about this in the future.

Det. Thompson #3  
typed 10/31/11;jb

STATE OF WISCONSIN

Plaintiff,

**CRIMINAL COMPLAINT**

-VS-

Court Case No. 2013 CF 243

Kirpal Kaur  
518 W. Slifer Street, #16  
Portage, WI 53901  
DOB: 02/14/1972  
Sex/Race: F/

DA Case No. 2013CO001283  
Agency No. 12-35789; 12-38011  
12-37977

and

**FILED**  
**MAY 28 2013**  
**CIRCUIT COURT**  
**COLUMBIA COUNTY**

Court Case No. 2013 CF 244

Sharam Singh  
518 W. Slifer Street, #16  
Portage, WI 53901  
DOB: 04/15/1967  
Sex/Race: M/W

DA Case No. 2013CO001283  
Agency No. 12-35789; 12-38011  
12-37977

Defendant.

Dep. Scott Oelke, of the Columbia County Sheriff's Department, being first duly sworn, states that:

**Count 1: DISTRIBUTE HAZARDOUS SUBSTANCE (As to defendant Sharam Singh)**

The above-named defendant, on or about Wednesday, June 20, 2012, in the City of Portage, Columbia County, Wisconsin, did knowingly possess a hazardous substance with the intent to distribute the substance while knowing or having reason to know that the hazardous substance would be abused, contrary to sec. 941.316(3) Wis. Stats., a Class I Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

**Count 2: DISTRIBUTE HAZARDOUS SUBSTANCE (As to defendant Kirpal Kaur)**

The above-named defendant, on or about Thursday, June 28, 2012, in the City of Portage, Columbia County, Wisconsin, did knowingly possess a hazardous substance with the intent to distribute the substance while knowing or having reason to know that the hazardous substance would be abused, contrary to sec. 941.316(3) Wis. Stats., a Class I Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

**Count 3: POSSESSION WITH INTENT TO DELIVER CONTROLLED SUBSTANCES (As to both defendants)**

The above-named defendants, on or about Thursday, June 28, 2012, in the City of Portage, Columbia County, Wisconsin, did possess with intent to deliver a controlled substance, to-wit: synthetic cannabinoids, contrary to sec. 961.41(1m)(b) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

**Count 4: POSSESSION OF SYNTHETIC CANNABINOID (As to both defendants)**

The above-named defendants, on Thursday, June 28, 2012, in the City of Portage, Columbia County, Wisconsin, did knowingly possess a controlled substance analog of a controlled substance specified in s. 961.14(4)(tb) to (ty), a synthetic cannabinoid, contrary to sec. 961.41(3g)(em) Wis. Stats., a Misdemeanor, and upon conviction may be fined not more than \$1,000 or imprisoned for not more than 6 months or both.

**PROBABLE CAUSE:**

Your complainant is informed by the written reports of Deputy Miller, Detective Sgt. Haverley and Detective Lt. Brandner, of the Columbia County Sheriff's Department. Deputy Miller reports the following: On June 19, 2012, Deputy Miller was investigating the possible sales of synthetic marijuana at the Market Basket store, located in the City of Portage, Columbia County, Wisconsin. The Market Basket is owned by KIRPAL KAUR and SHARAM SINGH. On June 19, 2012, Deputy Miller made contact with CI-471. Deputy Miller had arranged for CI-471 to attempt to buy synthetic marijuana from the above-located store. CI-471 entered the above-located store at approximately 4:03 p.m. and exited at approximately 4:06 p.m. CI-471 told Deputy Miller the following: CI-471 entered the store and made contact with the female clerk, later identified as KIRPAL KAUR. KAUR told CI-471 that they do not sell synthetic marijuana anymore. KAUR then told CI-471 to return to the store tomorrow and meet with the owner. On June 20, 2012, Deputy Miller again arranged for CI-471 to attempt to purchase synthetic marijuana from the Market Basket store. CI-471 entered the store and returned to Deputy Miller a short time later. CI-471 told Deputy Miller the following: CI-471 again made contact with KAUR and asked her for some "smoke" that CI-471 had gotten there a couple of months prior. KAUR then made a phone call and told CI-471 to come back in half an hour. Approximately forty-five minutes later, Deputy Miller brought CI-471 back to the Market Basket. CI-471 was given \$30.00 in controlled buy money. CI-471 went inside the Market Basket and returned a short time later. CI-471 gave Deputy Miller a package labeled Mad Hatter. CI-471 told Deputy Miller the following: CI-471 made contact with KAUR upon

entering the Market Basket store. KAUR then called a male subject, later identified as SHARAM SINGH, over to the counter. CI-471 asked SINGH for some herbal incense. SINGH asked CI-471 several questions including when CI-471 had last done incense, how much CI-471 smokes a day and how much CI-471 buys. SINGH told CI-471 that it was \$30.00 but CI-471 told SINGH that CI-471 only had \$25.00. CI-471 gave SINGH \$25.00 and SINGH reached behind the counter and handed CI-471 the package of Mad Hatter. SINGH told CI-471 to "keep it on the low". SINGH did not ring the purchase through the cash register and put the money in his pocket.

Deputy Miller also reports the following: On June 28, 2012, Deputy Miller made contact with CI-471. CI-471 was given \$30.00 in controlled buy money and taken to the Market Basket store, in the City of Portage, Columbia County, Wisconsin. CI-471 entered the Market Basket store at approximately 1:53 p.m. and returned to Deputy Miller's vehicle a short time later. CI-471 gave Deputy Miller another package of Mad Hatter incense. CI-471 told Deputy Miller the following: CI-471 bought the Mad Hatter from the female clerk, later identified as KIRPAL KAUR. When CI-471 asked for the product, KAUR asked for CI-471's name. KAUR then appeared to be checking a list under the counter. CI-471 gave KAUR the \$30.00 in buy money which KAUR did not put into the cash register.

Detective Lt. Brandner reports the following: On June 28, 2012, Detective Lt. Brandner responded to the Market Basket store, in the City of Portage, Columbia County, Wisconsin regarding the sale of synthetic marijuana. At that location, Detective Lt. Brandner made contact with KIRPAL KAUR. KAUR told Detective Lt. Brandner the following: KAUR and her husband, SHARAM SINGH, own the above located store. KAUR initially denied having any synthetic marijuana in the store. After being told that the Sheriff's Department had recently conducted controlled buys from the store, KAUR admitted that there were some synthetic drugs in the store. KAUR retrieved a cigarette carton from under the cash register and handed it to Detective Lt. Brandner. Detective Lt. Brandner observed that the carton contained three packages of suspected synthetic marijuana. One of the packages was Mad Hatter brand. KAUR admitted that she had sold a package of synthetic drugs earlier and that she had not rung the sale through the cash register. KAUR still had the controlled buy money in her pants pocket. KAUR initially denied that there were any other synthetic drugs in the store but eventually KAUR retrieved a gallon-sized plastic mayonnaise container from the storage room and gave it to law enforcement. KAUR stated that it was the rest of the synthetic drugs. KAUR acknowledged that she was wrong for selling it. KAUR stated that she was not sure if it was legal or illegal to sell the substances but then agreed that she should not have sold it. KAUR acknowledged that Detective Thompson had previously warned them that it was illegal to sell synthetic drugs.

Detective Lt. Brandner also reports the following: On June 28, 2012, Detective Lt. Brandner also made contact with SHARAM SINGH at the above-located store. SINGH told Detective Lt. Brandner the following: SINGH has sold synthetic drugs in the past and he does so to make a little extra money. SINGH knew it was illegal to sell synthetic drugs. Detective Thompson had previously told SINGH that he should not be selling it. SINGH does not ring the sales of synthetic drugs through the cash register because he is selling it under the table. SINGH acknowledged that it is wrong and probably illegal to sell.

Detective Sgt. Haverley reports the following: On April 25, 2013, Detective Sgt. Haverley received a report from the Wisconsin State Crime Laboratory regarding the test results for the suspected synthetic cannabinoids that had been purchased and seized from the Market Basket store on June 20, 2012 and June 28, 2012 during the above-described investigation. The laboratory report, authored by Wisconsin State Crime Laboratory analyst Martin Koch, states that examinations of the substances submitted from the above-investigation identified the presence of AM-2201, JWH-210, UR-144 and XLR-11. According to Analyst Koch, AM-2201, JWH-210, UR-144 and XLR-11 are substantially similar in structure to JWH-018 which is controlled by Section 961.14(4)(tL) of the Wisconsin Uniform Controlled Substances Act.

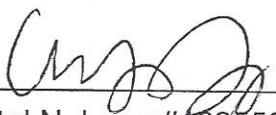
Your complainant believes the statement of CI-471 to be truthful and reliable in that such statements were corroborated by the personal observations of law enforcement officers. Your complainant believes the statements of the defendants to be truthful and reliable inasmuch as they are against the defendants' penal interests.

Based on the foregoing, the complainant believes this complaint to be true and correct.

  
\_\_\_\_\_  
Complainant

Subscribed and sworn to before me,  
and approved for filing on:

This 23<sup>rd</sup> day of May 2013.

  
\_\_\_\_\_  
Crystal N. Long #1025524  
Assistant District Attorney



Submitting Agency:

Sheriff Dennis E. Richards  
Attn: Lt. Roger Brandner  
Columbia County Sheriff's Office  
P.O. Box 132,  
711 E Cook Street  
Portage WI 53901

Date: April 12, 2013

Lab Case: M12-2986

Agency No.: 12-37977

Laboratory Analyst:

*Martin G. Koch*  
Martin G. Koch  
Controlled Substances Unit

*SRW*  
4-15-13

Case Name: Singh, Sharam (S) / Kaur, Kirpal (S)

I do hereby certify this document, consisting of 1 page(s), to be a true and correct report of the findings of the State Crime Laboratory on the items examined as shown by this report. This report contains the conclusions of the above signed analyst.

J.B. Van Hollen  
ATTORNEY GENERAL

*Sara Thomas*  
DESIGNEE

<u>Item</u>	<u>Description / Source</u>
A	A sealed plastic bag (2) containing a sealed plastic pouch containing 3.500 grams of plant material.
B	A sealed plastic bag (4) containing a sealed clear jar containing 5.484 grams of plant material.
C	A sealed plastic bag (5) containing a sealed plastic pouch containing 1.932 grams of plant material.

Examinations of the plant material from items A and C identified the presence of 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201).

Examinations of the plant material from item A also identified the presence 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210).

Examinations of the plant material from item B identified the presence of 1-pentyl-3-(2,2,3,3-tetramethylcyclopropoyl)indole (UR-144) and 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropoyl)indole (XLR-11).

In the opinion of this Controlled Substances Analyst, AM-2201, JWH-210, UR-144 and XLR-11 are substantially similar in structure to 1-pentyl-3-(1-naphthoyl)indole, also known as JWH-018, which is controlled by Section 961.14(4)(tL) of the Wisconsin Uniform Controlled Substances Act.

COPYING AND DISTRIBUTION OF THIS REPORT IS THE RESPONSIBILITY OF THE SUBMITTING AGENCY  
The laboratory reserves the right to choose the items which will be tested and the methods which will be used to test them.



**In the Matter of the Non-Renewal  
of the Class A Beer License of Pal  
and Simran, LLC**

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND RECOMMENDATION**

The above matter was heard by the City of Portage Legislative and Regulatory Committee (herein "Committee") on June 20, 2013, regarding the Class "A" Fermented Malt Beverage License for Pal and Simran, LLC (herein "Licensee"),

Based upon the evidence presented and arguments of Counsel, the Committee makes the following Findings of Fact, Conclusions of Law and Recommendation:

**Findings of Fact**

1. Licensee possesses a Class "A" Fermented Malt Beverage License.
2. Licensee applied for a renewal of its license for the license year of July 1, 2013 to June 30, 2014.
3. City Clerk Marie A. Moe notified Licensee of the City's intent not to renew Licensee's Class "A" Fermented Malt Beverage License and also notified Licensee for an opportunity to have a Hearing.
4. City of Portage's Code of Ordinances contains Sec. 14-60 regarding the non renewal of an Alcoholic Beverage License. Specifically Subsection (e)(2) sets forth a demerit point schedule for variance violations.
5. Based upon a Criminal Complaint filed on May 28, 2013 by the Columbia County District Attorney's office regarding the Registered Agent and another employee of the Licensee, the Chief of Police assessed demerit points against the Licensee based upon the alleged offenses in the Criminal Complaint.
6. The Committee determines that the following demerit points be assessed for the following offense:

Kirpal Kauer:

Employee selling/possessing controlled substance with intent to sell	75
Employee possessing controlled substance	35
Employee distributing a hazardous substance not for human consumption	37.50

Sharam Singh:

Owner/license holder selling/possessing controlled substance with intent to sell	150
Owner/license holder possessing controlled substance	35
Owner/license holder distributing a hazardous substance not for human consumption	75
Owner/license holder selling/possessing controlled substance with intent to sell-warning	0

7. The total demerit points established by the Committee equal 407.50.

**Conclusions of Law**

8. Based upon the evidence presented, it is determined that the events set forth in the Criminal Complaint occurring on June 20, 2012 and June 28, 2012 constitute grounds to proceed with a non renewal of the license upon review of the facts.
9. Based upon the provisions of City Ordinances 14-55(e) and 14-60(e)(4)(c) a non renewal of a license can occur.

**Recommendation**

The Committee recommends to the Common Council of the City of Portage that the Class "A" Fermented Malt Beverage License present existing until June 30, 2013 not be renewed.

Respectfully Submitted this 25<sup>th</sup> day of June, 2013.

  
Michael G. Oszman, Chairperson  
Legislative & Regulatory Committee

**City of Portage  
Legislative & Regulatory Committee Meeting  
Thursday, June 20, 2013, 6:00 p.m.  
City Municipal Building, 115 West Pleasant Street  
Council Chambers  
Minutes**

**Members present:** Michael G. Oszman, Chairperson; Kenneth A. Ebnetter, Carolyn Hamre, Martin Havlovic, Frank Miller

**Also present:** City Clerk Moe, Attorney Salna, City Attorney Spankowski, Police Chief Ken Manthey, Police Officer Klaude Thompson, Detective/Sergeant Michael Haverley, Attorney Paul Johnson, Court Reporter Lynn Schultz (Verbatim Reporting Ltd.), Bill Welsh from Cable TV, Shannon Green from Portage Daily Register

**1. Roll call**

The meeting was called to order at 6:00 pm by Chairperson Oszman.

**2. Hearing for Nonrenewal of Class "A" Fermented Malt Beverage License for Pal and Simran LLC, Sharam Singh, agent (403 DeWitt Street, Market Basket)**

The hearing was conducted with sworn testimony being taken.

**3. The Committee will convene into closed session pursuant to Wisconsin State Statutes 19.85(1)(b) to deliberate the nonrenewal of the Class "A" Fermented Malt Beverage License for Pal and Simran LLC, Sharam Singh, agent (403 DeWitt Street, Market Basket)**

Attorney Salna explained that the newspaper had concern with the closed session statutory reference. Attorney Salna explained that if the committee had concern they could hold the deliberations in open session; adjourn and post a meeting to deliberate at another time; or agree that the statutory reference may have a harmless error and go into closed session. The committee chose to deliberate in open session.

There was a short recess at 8:03 p.m. The committee reconvened at 8:10 p.m.

Sharam Singh joined the hearing at 8:15 p.m.

**4. Discussion and possible recommendation on nonrenewal of Class "A" Fermented Malt Beverage License for Pal and Simran LLC, Sharam Singh, agent (403 DeWitt Street, Market Basket)**

Motion by Miller, second by Hamre that the committee agrees that the events of June 20, 2012 and June 28, 2012 as stated in the four points

listed in Exhibit No. 1 did take place. Motion carried unanimously on call of roll.

Motion by Miller, second by Hamre that the points in Exhibit No. 4 are revised and entered into the record as presented:

Kirpal Kauer:

Employee selling/possessing controlled substance w/intent to sell	75
Employee possessing controlled substance	35
Employee distributing a hazardous substance not for human consumption	37.50

Sharam Singh

Owner/license holder selling/possessing controlled substance w/intent to sell	150
Owner/license holder possessing controlled substance	35
Owner/license holder distributing a hazardous substance not for not for human consumption	75
Owner/license holder selling/possessing controlled substance w/intent to sell-warning	0

Motion carried unanimously on call of roll.

Motion by Hamre, second by Miller to recommend to council nonrenewal of a Class "A" Fermented Malt Beverage License for Pal and Simran LLC, 403 DeWitt Street, Sharam Singh, Agent (Market Basket) based on the license holder exceeding 200 alcohol demerit points. Motion carried 4 to 1 on call of roll with Havlovic voting no. Havlovic explained that he understood the committee members' position, but it was his opinion that the nonrenewal was premature at this time. A report with the findings of fact, conclusions of law and recommendations concerning the license application is incorporated as part of the minutes. The licensee and complainant will be provided a copy of the report.

A transcript of hearing may be obtained through request directly through Verbatim Reporting Ltd. (800-255-7710)

**5. Adjournment**

Motion by Havlovic, second by Hamre to adjourn. Motion carried unanimously on call of roll at 9:03 p.m.

*Marie A. Moe*

Marie A. Moe, WCPC, MMC  
City Clerk

## RESOLUTION NO. 13-017

### PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS UNDER SECTION 66.0703 OF THE WISCONSIN STATUTES (AIRPORT ROAD, WEST SLIFER STREET, EASTRIDGE DRIVE AND EAST SLIFER STREET SIDEWALK IMPROVEMENT PROJECTS, AND SELECTIVE SIDEWALK IMPROVEMENTS )

**BE IT HEREBY RESOLVED** by the Common Council by the City of

Portage, Columbia County, Wisconsin:

1. That the Common Council of the City of Portage, Wisconsin, does hereby declare its intention to exercise its powers under Section 66.0703 of the Wisconsin Statutes to levy special assessments for installation of sidewalk, driveway approaches and appurtenant work upon the property by such installation;
  - New sidewalk on the east side of Airport Road from Henry Drive to Silver Lake Drive.
  - New sidewalk on the south side of West Slifer Street from Schultz Street to Collipp Street.
  - New sidewalk on the north side of Eastridge fronting the Pizza Ranch restaurant.
  - New sidewalk on the north side of East Slifer Street at the PCSD parking lot west of their administrative building.
  - Replacement of all or a portion of existing sidewalk at the following locations:
    - 630 W. Pleasant Street
    - 823 W. Conant Street
    - 124 Brady Street
    - 2300 Yellow Stone Avenue
    - 302 E. Cook Street
    - 314 W. Franklin Street
    - 914 W. Pleasant Street
    - 726 W. Pleasant Street
    - 730 W. Pleasant Street
2. That said public improvement shall include the installation of sidewalks.
3. The Common Council of the City of Portage, Columbia County, Wisconsin, determines that such improvements shall be made under the police power for the health, safety and public welfare and that the amount assessed against each parcel shall not exceed the actual cost of the project as prorated to each parcel.

4. The special assessments against any parcel for sidewalk installation and driveway costs totaling \$300.00 or less shall be paid in full within 60 days of being invoiced. Sidewalk installation costs exceeding \$300.00 that are not paid in full shall automatically be placed on the property tax bill with the principal being collected in five equal annual installments together with interest charged each year on the unpaid balance, plus interest, at the rate of five and seventy five percent (5.75%) per annum on the unpaid balance.
5. The City Engineer is hereby ordered to prepare a report concerning the following:
  - A. Preliminary plans and specifications for said improvements.
  - B. An estimate of the entire costs of the proposed improvements.
  - C. A schedule of the proposed assessments to be levied and a breakdown as to how said assessments affect each parcel in the area being assessed.
  - D. A statement that the property against which the assessments are proposed is benefited by the project.
6. Upon completion, a copy of such report shall be filed with the City Clerk for inspection by the general public.
7. Upon receiving such report, the City Clerk is directed to give notice of a public hearing on such reports, as specified in Section 66.0703(7) of the Wisconsin Statutes. A hearing shall be held at the Common Council Chamber in the City Municipal Building, Portage, Columbia County, Wisconsin, at a time set by the Clerk, in accordance with Section 66.0703(7) of the Wisconsin Statutes unless waived by all owners of benefited property.

**DATED** this 27<sup>th</sup> day of June, 2013.

---

W.F. "Bill" Tierney, Mayor

Attest:

---

Marie A. Moe, WCPC, MMC, City Clerk

Resolution recommended by:  
City Engineer



To whom it may concern:

I am sending notice of my resignation from the Portage Historic Preservation committee. As I have a number of other issues which are obstructing my ability to spend time with the preservation committee.

I wish all good things to the committee and for Historic Portage.

With My Best Regards, *Richard Beebe*  
*6/07/2013*

Common Council City Of Portage  
115 W. Pleasant Street  
Portage, WI 53901



Ladies and Gentlemen,

On July 12th and 13th, 2013, Portage will again be hosting the American Cancer Society Relay for Life Event. The event is held annually at the Portage High School Track. The event is a 24 hour fundraiser to help find a cure for this disease that touched so many of us. Our hope is that through our efforts we can continue to celebrate with those who have survived this disease, cherish the memories of those we have lost to cancer, and prevent another person from ever having to hear the words "you have cancer". As a committee, we are asking for a Noise Ordinance variation for this event, and we will also be having the lights on through out the night by the Tennis Courts, they will be on when it gets dark until it gets light out. We are hoping with the lights on that more people will stay for the event, and we hope to have more activities through out the night. Again this will be July 12th starting at 6 p.m., to 9 a.m July 13th. If you have any questions, please contact me at (608) 697-7186.

We invite all of you to come to this event.

Sincerely,

A handwritten signature in black ink that reads "Janet Grotzke". The signature is written in a cursive style.

Janet Grotzke  
Logistics Chair

OK CHIEF Ken Mantey 6-19-13

Janet Grotzke  
612 Adams St.  
Portage, WI 53901

# APPLICATION FOR TEMPORARY CLASS "B"/"CLASS B" RETAILER'S LICENSE

See Additional Information on reverse side. Contact the municipal clerk if you have questions.

FEE \$ 10.00

Application Date: 19 JUN 2013

Town  Village  City of PORTAGE County of COLUMBIA

The named organization applies for: (check appropriate box(es))

- A Temporary Class "B" license to sell fermented malt beverages at picnics or similar gatherings under s. 125.26(6), Wis. Stats.  
 A Temporary "Class B" license to sell wine at picnics or similar gatherings under s. 125.51(10), Wis. Stats.

at the premises described below during a special event beginning 7/20/13 and ending 7/20/13 and agrees to comply with all laws, resolutions, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages and/or wine if the license is granted.

1. ORGANIZATION (check appropriate box)  Bona fide Club  Church  Lodge/Society  Veteran's Organization  Fair Association

(a) Name PORTAGE ROTARY CLUB

(b) Address P.O. BOX 818  
(Street)  Town  Village  City PORTAGE

(c) Date organized 1948

(d) If corporation, give date of incorporation N/A

(e) If the named organization is not required to hold a Wisconsin seller's permit pursuant to s. 77.54 (7m), Wis. Stats., check this box:

(f) Names and addresses of all officers:

President JOSH VEHRING  
 Vice President JENNA KRENZ  
 Secretary ROBIN KVALO  
 Treasurer KATHY MANTHEY

(g) Name and address of manager or person in charge of affair: ADDIE TAMBOLI  
PORTAGE, WI 53901

2. LOCATION OF PREMISES WHERE BEER AND/OR WINE WILL BE SOLD:

(a) Street number MARKET SQUARE PARKING LOT

(b) Lot \_\_\_\_\_ Block \_\_\_\_\_

(c) Do premises occupy all or part of building? \_\_\_\_\_

(d) If part of building, describe fully all premises covered under this application, which floor or floors, or room or rooms, license is to cover.

3. NAME OF EVENT

(a) List name of the event ROTARY CRAFT BEER & WINE EVENT

(b) Dates of event JULY 20, 2013

DECLARATION

The Officer(s) of the organization, individually and together, declare under penalties of law that the information provided in this application is true and correct to the best of their knowledge and belief.

Officer Josh Vehring 6-18-13  
(Signature/date)

Officer Jenna Krenz 2/11/2013  
(Signature/date)

Date Filed with Clerk 6/19/13

PORTAGE ROTARY CLUB  
(Name of Organization)

Officer Kathy Manthey  
(Signature/date)

Officer Robin Kvalo  
(Signature/date)

Date Reported to Council or Board \_\_\_\_\_

Date Granted by Council \_\_\_\_\_

License No. \_\_\_\_\_

3-C130618

Portage Rotary Brew & Wine Event  
Saturday July 20, 2013  
10am to 5pm  
Market Square Parking Lot

Event Description: The Brew & Wine Even will be held in conjunction with the Sand county Fine Arts Festival. Portage Rotary Club is hosting the event as a fundraiser for our scholarship program.

Event Activities: Customers will be able to purchase craft beer by the glass or by the pitcher. Wine will be sold by the glass. This year, 205 Vino will be assisting Portage Rotary with the wine service. In years past, we had a tasting glass. Ultimately, the tasting glass was not generating the needed income for the event.

Overall Event Grounds: The festival grounds will include the area designated in the attached map. Fencing will be created by securing snow fence to existing power poles and reinforcing with the rim/fence stands that were created in 2012 for this event. There will be one (1) entrance/exit for the festival grounds. This entrance/exit point will be staffed by Rotary volunteers from 11am to 5pm. No alcohol will be allowed to leave the festival grounds. The fence will be a single barrier fence pending the approval of the Common Council. Portage Rotary hereby requests a waiver of the double fence requirement.

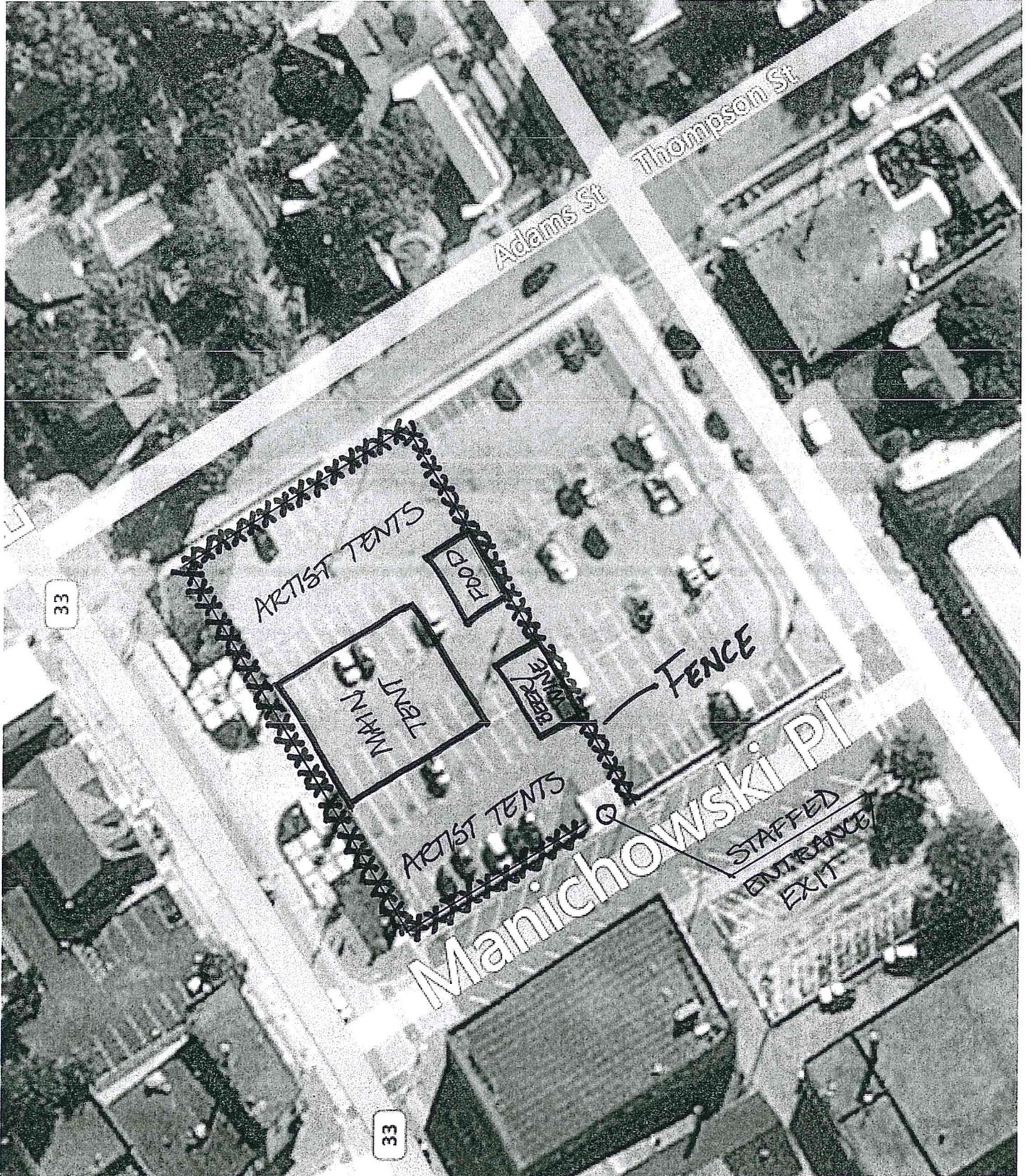
Beer/Wine Service Area: The area is noted on the attached map. There will be one (1) licensed bartender in the service area at all times.

Respectfully Submitted on behalf of Portage Rotary,



Addie A Tamboli

PORTAGE ROTARY BEER & WINE  
FESTIVAL GROUNDS  
MARICET SQUARE  
(NOT TO SCALE)



# CITY OF PORTAGE

115 West Pleasant Street  
Portage, Wisconsin 53901  
Telephone: (608) 742-2176 • Fax: (608) 742-8623



*"Where the North Begins"*

## Checklist for Temporary Class "B" Fermented Malt Beverage License and Temporary "Class B" Wine License

- Received a copy of the Ordinances dealing with Temporary Licenses.
- Filed completed application and paid applicable fees.
- Petition City Clerk if requesting waiver of the Ordinance.
- Contacted the Parks, Recreation and Forestry Manager regarding the event. If the license is for an event on non-city owned property and there is no request for city services, or if the license is for an indoor facility; it is not necessary to contact the Parks, Recreation and Forestry Manager.
- Contacted the Police Chief about the event.

Applicant Signature:

Date:

19 JUN 2013



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER LOCKTON COMPANIES, LLC - K CHICAGO 525 W. Monroe, Suite 600 CHICAGO, IL 60661 (312) 669-6900	CONTACT NAME: Lockton Companies, LLC	
	PHONE (A/C, No., Ext): 1-800-921-3172	FAX (A/C, No.): 1-312-681-6769
	E-MAIL: Rotary@lockton.com	
	ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: ACE American Insurance Company	NAIC # 22667
	INSURER B: ACE Property & Casualty Insurance Co	20699
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

INSURED  
All Active US Rotary Clubs & Districts  
Attn: Risk Management Division  
1560 Sherman Ave.  
Evanston, IL 60201-3698

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Liquor Liability <input type="checkbox"/> Included GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC		N	PMI G23861355 005	7/1/2013	7/1/2014	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ XXXXXXXX PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 10,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000 \$
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		N	PMI G23861355 005	7/1/2013	7/1/2014	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ XXXXXXXX BODILY INJURY (Per accident) \$ XXXXXXXX PROPERTY DAMAGE (Per accident) \$ XXXXXXXX \$ XXXXXXXX
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$		N	M00534092 005	7/1/2013	7/1/2014	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 10,000,000 \$ XXXXXXXX
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	NOT APPLICABLE			WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ XXXXXXXX E.L. DISEASE - EA EMPLOYEE \$ XXXXXXXX E.L. DISEASE - POLICY LIMIT \$ XXXXXXXX

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

The Certificate Holder is included as Additional Insured where required by written and signed contract or permit subject to the terms and conditions of the General Liability policy, but only to the extent bodily injury or property damage is caused in whole or in part by the acts or omissions of the insured.

## CERTIFICATE HOLDER

Portage Rotary Club  
P.O. Box 88  
Portage, WI 53901  
Sand County Art Festival  
July 20, 2013

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

## MEMORANDUM OF UNDERSTANDING

### To Secure, Administer and Allocate Monies Raised for Purposes of Constructing & Maintaining A Publicly Owned Skateboard Facility

(6/18/13-Final)

This Memorandum of Understanding (MOU) is made on this \_\_\_\_\_ day of May, 2013, by and between the CITY OF PORTAGE, a Wisconsin municipal corporation located in Columbia County, with its offices at City Hall, 115 W. Pleasant Street, Portage, WI 53901 (the "City"); Portage Kiwanis Club, a non-profit charitable, community service chapter organized under IRS Section 501(c)(3), with local offices located at 430 W. Wisconsin Street, Portage, WI 53901, (the "Kiwanis"), and the Portage Skateboard Park Association, a non-profit civic organization("Association"). Collectively these entities will be referred to as the "Parties".

The City owns Goodyear Park, located north of Rusch Elementary School, future site of the Splash Pad recreation facility, restrooms and park shelter building and has designated an area as the site for the Skateboard Park. The Kiwanis has authorized the Association to utilize their IRS Section 501(c)(3) status to allow the Association to use the Kiwanis as a depository for the Association's fund raising efforts to pay for the construction of the Skateboard Park. The Association has agreed to undertake a community fundraising effort, apply for grants, and assist with the design and planning for the construction of the Skateboard Park.

The Skateboard Park, approved in concept by the Portage Parks & Recreation Board, is a professionally designed and constructed recreational facility to be constructed in 3 phases for a total estimated costs of \$178,000 that will become property of the City. This MOU shall provide for the process in which the Skateboard Park shall be designed, approved, constructed, inspected and accepted by the City. Additionally, this MOU shall articulate the responsibilities and obligations of the Parties during the process of constructing the Skateboard Park.

#### **I. RESPONSIBILITIES OF THE CITY.**

- a. Cooperatively work with Kiwanis and the Association to assist with the design, procurement, scheduling of construction, inspection and maintenance of the Skateboard Park.
- b. Cooperatively work with the Kiwanis and the Association to prepare materials, schedule necessary approval reviews by the Parks & Recreation Board and Plan Commission in a timely fashion for the Skateboard Park.
- c. Upon securing necessary funding and approvals, develop and act as the advertising, contracting, letting, inspection and administrative authority during the construction of each phase of the Skateboard Park.
- d. Establish a designated fund to receive funds from Kiwanis for the exclusive intent to procure materials, components and equipment associated with the construction of the Skateboard Park and pay any associated payment requests pursuant to a

- contract let for the construction of the Skateboard Park. City shall make available for review a detailed accounting of transactions processed through the designated fund.
- e. Secure necessary approvals, permits, licenses and contracts necessary for the construction of the Skateboard Park.
  - f. Upon satisfactory inspection of the constructed Skateboard Park, accept the facility with the intent to maintain, clean, repair and establish and enforce necessary rules for the safe use of the Park by the general public.
  - g. Working with the Kiwanis and the Association, develop a project budget for the purchase and installation of the Skateboard Park. The City has allocated \$30,000 in the 2013 Capital Budget for Skateboard Park improvements. The Common Council may approve the release of these funds as a component of the overall project budget.
  - h. Working with the Kiwanis and the Association, with the approval of the Kiwanis, develop and install some type of permanent recognition for the Kiwanis' role as fundraising sponsor by way of permanent marker or similar recognition.

## **II. RESPONSIBILITIES OF THE KIWANIS.**

- a. Cooperatively work with City and the Association to establish secure account(s) under the Kiwanis 501(c)(3) designation to receive and secure all funds donated, obtained and otherwise received for the exclusive use by the City and the Association (less any administrative costs and fees incurred by the Kiwanis) for purchase, construction and inspection of the Skateboard Park until such time as this MOU expires or is terminated.
- b. In a timely fashion, process requests by the City for reimbursements, advances or other substantiated expenses associated with the purchase of material, equipment, construction, administration and inspection of the installation of the Skateboard Park.
- c. To the extent necessary, participate in planning and progress meetings related to the construction and operation of the Skateboard Park.
- d. Indemnify and hold harmless, the City and Association from any actions by the Kiwanis associated with the receipt, administration and disbursement of funds for the purchase and installation of the Skateboard Park.
- e. On a monthly basis or as otherwise agreed upon, make available for inspection by the City and general public, account balances, disbursements, or other transactions associated with the account designated to receive and secure funds received for the purchase and installation of the Skateboard Park.
- f. Upon completion of the Skateboard Park project or upon mutual agreement, transfer remaining surplus funds from fundraising (if any) to the City with the express use in the ongoing maintenance, replacement or expansion of the Skateboard Park.

## **III. RESPONSIBILITIES OF THE ASSOCIATION.**

- a. Cooperatively work with the City and the Kiwanis to assist with the design, procurement, construction, inspection and maintenance of the Skateboard Park.
- b. Cooperatively work with the City and the Kiwanis to prepare materials, schedule/attend necessary meetings for the review and approval of the design and installation of the Skateboard Park.
- c. Fully raise and/or secure donations of cash, materials or equipment necessary to fully purchase and install all phases of the Skateboard Park.
- d. Apply for grants, donations or other funding sources necessary to fully fund all phases of Skateboard Park construction; comply with all conditions and requirements necessary in the receipt and use of such funds and immediately convey custody of all donations to the Kiwanis.
- e. Cooperatively work with the City and Kiwanis to secure all necessary approvals, agreements, permits, and comply with requirements and conditions of the City and Kiwanis associated with the application, administration and processing of grants, funds, donations, approvals, installation and operation of the Skateboard Park.
- f. Indemnify and hold harmless, the City and Kiwanis from any actions by the Association related with the solicitation of donations, the application of or conditions and requirements for obtaining grant funding, receipt, administration and disbursement of funds for the purchase and installation of the Skateboard Park.

**RELATIONSHIP OF THE PARTIES.** This MOU is not intended to nor shall it be constructed to create a permanent joint venture, partnership, agency, or other legal relationship between the parties, but is intended solely to establish the roles and responsibilities of each Party during the fund raising, design, approval, construction and acceptance the Skateboard Park.

**AUTHORITY OF CITY AS ULTIMATE OWNER OF SKATEBOARD PARK.**

The City shall work cooperatively with the Kiwanis and Association but ultimately the City shall have the sole responsibility and authority to approve and schedule the construction of the Skateboard Park in a timely fashion after necessary funds and approvals have been secured. Additionally, the City shall have sole authority to determine the satisfactory completion and acceptance of the Skateboard Park and provide access by the public for use.

**SEVERABILITY.** If any term or other provision of this MOU is determined to be invalid, illegal or incapable of being enforced by any rule or law, or public policy, all other conditions and provisions of this MOU shall nevertheless remain in full force and effect so long as the economic or legal substance of the transactions contemplated hereby is not affected in any manner materially adverse to any party. Upon such determination that any term or other provision is invalid, illegal or incapable of being enforced, the parties hereto shall negotiate in good faith to modify this MOU if necessary, so as to effect the original intent of the parties as closely as possible in an acceptable manner to the end that transactions contemplated hereby are fulfilled to the extent possible.

**TERM AND TERMINATION OF THIS MOU.**

This MOU shall terminate upon acceptance by the City of the final phase of the Skateboard Park construction or upon one of the following occurrences:

1. Prior to completion of the Skateboard Park upon mutual agreement of the Parties;
2. Upon dissolution, disbanding or other discontinuation of one of the Parties;
3. By the City if it can be demonstrated that one or more of the Parties is unable or unwilling to fulfill their obligations as listed in this MOU.
4. No later than December 1, 2016.

Within 30 days upon termination of this MOU any remaining funds held by the Kiwanis for the Skateboard Park shall be transferred to the City (after deducting any costs and fees due the Kiwanis).

Accepted and approved this \_\_\_\_ day of \_\_\_\_\_, 2013

**For the City:**

**For the Kiwanis:**

\_\_\_\_\_  
W.F. Bill Tierney, Mayor

\_\_\_\_\_  
Margaret Rudolph, President

\_\_\_\_\_  
Marie A. Moe, Clerk

\_\_\_\_\_  
Secretary: Bob Mendrala

**For the Association:**

\_\_\_\_\_  
Kyle Little, President

\_\_\_\_\_

Applicant Name: Gavinski Kimberly A. Same  
Last First Middle Initial Maiden

1. How long have you continuously resided in the State of Wisconsin prior to the date of this application?  
forever. 43 years.

**NOTE: If you need assistance in answering the questions below, please contact the Local Police Dept., the County Sheriff's department or the authority who made the arrest, issued the citation or the summons.**

2. Have you ever been convicted of a felony (unless pardoned)?  Yes  No Pending

If YES, list violation, give conviction date and jurisdiction where convicted.

Feb 10, 2013, Felony Narcotics chg. Col. County - Lodi, WI  
11125 Lakeview Dr, Sheryl Lyons, owner Transitional living

3. Have you ever been arrested or convicted of violating any other laws of the United States, State, County, City, Village or Town, relating to the use or abuse (either as an adult or juvenile) of alcohol or controlled substances within the past 5 years?  Yes  No

If YES, describe the circumstances and give conviction date and jurisdiction where convicted.

Driving while ~~convicted~~ under influence  
City of Portage Nov 2012

4. Are there charges of any kind pending against you (either as an adult or juvenile)?  Yes  No  
If YES, describe the circumstances and give conviction date and jurisdiction where convicted

Felony Narcotic Feb 10, 2013, Lodi, WI, Col. Cty.

5. Have you completed the Beverage Servers Training Course in the past two years?  Yes  No

6. Have you held an Operator License in the past two years?  Yes  No

If yes  
Municipality License issued by: City of Portage Date Issued: ~~0000~~ 12-2013

**New applicants must provide a copy of the Beverage Server Training completion certificate.**

7. Have you ever had an Operator License denied or revoked by the City of Portage?  Yes  No

If YES, explain when and why \_\_\_\_\_

8. Name of the licensed establishment(s) where you will be working. Full Throttle

**READ CAREFULLY BEFORE SIGNING**

The undersigned, being duly sworn on oath, deposes and says that he/she is the person named in the foregoing application, that the applicant has read and made a complete answer to each question, and the answers in each instance are true and correct.

**The undersigned further understands that an incomplete, inaccurate or false answer constitutes sufficient reason for rejection, denial or revocation of the license.**

The undersigned further understands that a full background investigation may be conducted by the Portage Police Department prior to consideration of this application.

The undersigned further understands that any license contrary to Chapter 125 of Wisconsin Statutes shall be void and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Applicant Signature: Kim Gavinski

Subscribed and sworn to before me this 16 day of May, 2013

Clerk/Notary Public Rebecca C. Ness

**DEPARTMENT RECOMMENDATIONS**

Department	Approved	Denied	Signature/Date
City Clerk			
City Treasurer			
Police Chief		X	<u>Ken Yantky 5-28-13</u>

If denied, explain reason \_\_\_\_\_

- MS. GAVINSKI WAS ARRESTED FOR OMK WHILE DRUGGED ON 11-07-12 AND WAS CONVICTED ON 3-12-13. (FINE OF \$731<sup>00</sup> WAS PAID ON 2-11-13)
- MS. GAVINSKI WAS ARRESTED FOR FELONY POSSESSION OF NARCOTIC DRUGS ON 2-10-13, HER NEXT COURT CASE IS 6-04-13. SEE CCAP ATTACHED
- MS. GAVINSKI WAS ARRESTED FOR OAR (DUE TO ALCOHOL/DRUG/REFUSAL) + FELONY BAILJUMPING ON 4-26-13. SHE WILL BE APPEARING IN COURT TOMORROW.  
UNDER WI STATE STATUTES 111.335 (1)(b) YOU CAN REFUSE TO LICENSE A PERSON WHO HAS PENDING CRIMINAL CHARGES IF THE CIRCUMSTANCES OF THE PARTICULAR LICENSE ACTIVITY ARE SUBSTANTIALLY RELATED. (DRUGS + ALCOHOL ARE SUBSTANTIALLY RELATED)



**Charge Detail**

**The Defendant was charged with the following offense:**

<b>Count No.</b>	<b>Statute Cite</b>	<b>Description</b>	<b>Severity</b>	<b>Offense Date</b>	<b>Plea</b>
1	961.41(3g)(am)	Possession of Narcotic Drugs	Felony I	02-10-2013	

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1 The designation listed in the Race field is subjective. It is provided to the court by the agency that filed the case.

2 Non-Court activities do not require personal court appearances. For questions regarding which court type activities require court appearances, please contact the Clerk of Circuit Court in the county where the case originated.

# Wisconsin Circuit Court Access (WCCA)

## State of Wisconsin vs. Kimberly A. Gavinski

### Columbia County Case Number 2013CF000059

#### Court Record Events

Date	Event	Court Official	Court Reporter
1 04-18-2013	Hearing	George, Daniel	Blair, Karen

**Additional Text:**

State appeared by Atty Kohlwey, Defendant appeared in person w/Atty Riek, requesting new return, NOTICE for Return Date 6/4/13 at 2:45 P.M. Br. 3, bond cont'd

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2 02-25-2013 Notice of motion and motion for discovery

**Additional Text:**

Petition For Leave to File Additional Motions filed by Atty Long

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3 02-21-2013	Hearing	Voigt, W. Andrew	Kurtz, Margie
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**Additional Text:**

State appeared by Atty Long, Defendant appeared in person, states she is represented by Atty Riek, Atty Riek not present, waives time limits to prelim, NOTICE for Pretrial w/Atty Long 4/3/13 at 2:10 P.M. and Return 4/18/13 at 2:45 P.M. Br. 1, Atty Riek to get notice

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4 02-19-2013 Motion

**Additional Text:**

for Preservation of Evidence and Demand for Discovery with Petition For Leave to File Additional Motions filed by Atty Riek

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5 02-19-2013 Public defender order appointing counsel

**Additional Text:**

Appointed Attorney Amanda Riek

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6 02-12-2013 Signature bond set

Event Party	Amount
Gavinski, Kimberly A.	\$ 1500.00

**Additional Text:**

with felony conds, absolute sobriety, not to possess any controlled substances without valid prescription.

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7 02-12-2013	Initial appearance	Voigt, W. Andrew	Kurtz, Margie
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**Additional Text:**

State of Wisconsin by ADA Long, Defendant with Attorney Holtz. \$1,500 recog. with felony conds, absolute sobriety, not to possess any controlled substances without valid prescription. Time limits not waived. NOTICE preliminary 2/21/13 at 9 a.m. br. 2

Court Record Events for 2013CF000059 in Columbia County

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8 02-12-2013 Complaint filed

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# Wisconsin Circuit Court Access (WCCA)

State of Wisconsin vs. Kimberly A. Gavinski

Columbia County Case Number 2013CF000241

<b>Filing Date</b>	<b>Case Type</b>	<b>Case Status</b>
05-28-2013	Criminal	Filed Only
<b>Defendant Date of Birth</b>	<b>Address</b>	
██████████	██	
<b>Branch Id</b>	<b>DA Case Number</b>	
2	2013CO001135	

## Charge(s)

Count No.	Statute	Description	Severity	Disposition
1	946.49(1)(b)	Bail Jumping-Felony	Felony H	
2	343.44(1)(b)	Operating While Revoked (Rev due to alc/contr subst/refusal)	Misd. U	

<b>Responsible Official</b>	<b>Prosecuting Agency</b>	<b>Prosecuting Attorney</b>	<b>Defense Attorney</b>
Voigt, W. Andrew	District Attorney	Long, Crystal	

## Defendant

<b>Defendant Name</b>	<b>Date of Birth</b>	<b>Sex</b>	<b>Race<sup>1</sup></b>
Gavinski, Kimberly A.	██████████	Female	Caucasian
<b>Address</b>			<b>Address Updated On</b>
██			██████████
<b>JUSTIS ID</b>	<b>Finger Print ID</b>		

## Future Court Activity

Date	Time	Location	Description	Type <sup>2</sup>	Court Official
05-29-2013	12:30 pm		Initial appearance	Court	Church, Charles

## Charge(s)/Sentence(s)

### Charge Detail

**The Defendant was charged with the following offense:**

Count No.	Statute Cite	Description	Severity	Offense Date	Plea
1	946.49(1)(b)	Bail Jumping-Felony	Felony H	04-26-2013	

**The Defendant was charged with the following offense:**

Count No.	Statute Cite	Description	Severity	Offense Date	Plea
2	343.44(1)(b)	Operating While Revoked (Rev due to alc/contr subst/refusal)	Misd. U	04-26-2013	

**Charge Modifier(s)**

**Statute Cite Description**

343.44(2)(ar)2 Penalty - Operating While Revoked (Misdemeanor)

1 The designation listed in the Race field is subjective. It is provided to the court by the agency that filed the case.

2 Non-Court activities do not require personal court appearances. For questions regarding which court type activities require court appearances, please contact the Clerk of Circuit Court in the county where the case originated.