

City of Portage
Legislative & Regulatory Committee Meeting
Monday, June 1, 2015, 7:00 p.m.
City Municipal Building, 115 West Pleasant Street
Conference Room One
Agenda

Members: Rita A. Maass, Chairperson; Mike Charles, Mary E. Hamburg, Martin Havlovic, Jeffrey F. Monfort

1. Roll call
2. Approval of minutes from previous meeting
3. Discussion and possible recommendation for Taxi Cab License renewal for Richard Running (Running Inc. dba Portage Cab)
4. Discussion and possible recommendation on alcohol license application renewals (Class B Combination Licenses, Class B Fermented Malt Beverage Licenses, Class C Wine Licenses, Class A Combination Licenses, Class A Fermented Malt Beverage Licenses)
5. Discussion and possible recommendation on Operator License application for Garret D. Thiede
6. Discussion on residency rules
7. Adjournment

Rita A. Maass, Chairperson

**City of Portage
Legislative & Regulatory Committee Meeting
Monday, May 4, 2015, 7:00 p.m.
City Municipal Building, 115 West Pleasant Street
Conference Room One
Minutes**

Members Present: Rita A. Maass, Chairperson; Mike Charles, Mary E. Hamburg (arrived 7:02pm), Martin Havlovic, Jeffrey F. Monfort

Also present: City Clerk Moe, Administrator Murphy, Deputy Clerk Ness

Media Present: Craig Sauer from Daily Register and Bill Welsh from CATV

1. Roll call

The meeting was called to order by Chairperson Maass at 7:00 p.m.

Maass stated agenda item 8. Reminder of Alcohol of License Holder meeting is going to be moved after 6. Discussion and possible recommendation for Paula's Place LLC.

2. Election of Vice Chairperson

Chairperson Maass asked for nominations. Havlovic nominated Charles. Approved vote by roll call 4-0.

3. Approval of minutes from previous meeting

Motion by Charles, second by Monfort to approve minutes from the April 6, 2015 meeting. Motion passed 5-0 on call of roll.

4. Establish Regular Meeting day and time

Maass stated the regular meeting day and time will remain the same, the first Monday of the month at 7pm.

5. Discussion and possible recommendation on Class B Fermented Malt Beverage License application for Paula's Place LLC

Committee reviewed the application. Motion by Hamburg, second by Charles to recommend to council approval of Class B Fermented Malt Beverage License application for Paula's Place LLC. Motion carried unanimously on call of roll.

6. Discussion and possible recommendation on Class B Combination License application for Bradley John Pohlkamp, Pohlk's Pub

Committee reviewed the application. Clerk Moe stated after discussion with Mr. Pohlkamp the premise description will be updated to entire first floor and basements. Motion by Charles, second by Monfort to

recommend to council approval of Class B Combination License application for Bradley John Pohlkamp, Pohlk's Pub with updated premise description. Motion carried unanimously on call of roll.

7. Reminder of Alcohol License Holder meeting

Meeting is Thursday, May 14, 2015, 2-4pm, in the lower level of the Municipal Building. Maass reminded the members if they plan on attending to please let staff know so if a quorum is going to be present it can be properly noticed. Hamburg stated she plans on attending.

8. Discussion on ordinance regarding uncontrolled intersections

Maass asked Administrator Murphy to review the ordinance. Murphy stated the March Plan Commission approved a zoning amendment for 101 Hiawatha Ave but recommended conducting a traffic impact analysis (TIA) of the area as the change in use will be from a church to title company and is projected to change the traffic patterns in the area. Municipal Services & Utilities Committee will be reviewing 2016 projects at the 5/7/15 meeting, which the TIA is included. Murphy recommended the ordinance proceed but strike the proposed references to placement of Stop Signs on Hiawatha @ Winnebago and strike the proposed removal of Yield signs on Winnebago @ Hiawatha until the TIA is completed and recommendations are received. Motion by Charles, second by Hamburg to recommend to council approval of Ordinance regarding uncontrolled intersections. Motion carried unanimously on call of roll.

9. Adjournment

Motion by Charles, second by Monfort to adjourn. Motion carried unanimously at 7:20 p.m.

Rebecca C. Ness
Deputy City Clerk

**City of Portage
Taxi Cab License Application**

Date: 5-29-15

Fee: \$25.00 First Cab
\$ 5.00 Each Additional Cab

I hereby apply for a license to operate a Taxi Cab from July 1, 2⁰¹⁵ to June 30, 2⁰¹⁶, subject to Portage Code of Ordinances Sec. 86-31 and limitations imposed therein:

Owner Name Richard Running Owner Address S5316 Sidie Hollow Rd Viroqua, WI 546
 Business Name Running Inc DBA Portage Cal Business Address 318 W Decker Street, Viroqua, WI
 Date of Birth 5-31-54 Number of Cars 14 E-mail richard@runninginc.net

Year	Make	Model	Vehicle ID Number	License Plate Number
2008	Ford	E-450-Starcraft	1FD4E45S78DB60123	251-PVX
2010	Ford	Crown Victoria	2FABP7CV0AX126453	566-SBH
2010	Ford	Crown Victoria	2FABP7CV2AX126454	567-SBH
2010	Ford	Crown Victoria	2FABP7CV4AX126455	568-SBH
2010	Ford	Crown Victoria	2FABP7CV6AX126456	569-SBH
2011	Ford	E-450-Starcraft	1FD4E4FL0BDB12356	82744
2011	Ford	E-450-Starcraft	1FD4E4FL6BDB12359	82745
2011	Dodge	Grand Caravan	2D4RN4DG2BR778867	82775
2010	Dodge	Braun Entervan	2D4RN4DEXAR255089	430-RZU
2010	Dodge	Braun Entervan	2D4RN4DE6AR255087	433-RZU
2010	Dodge	Braun Untervan	2D4RN4DE2AR255085	447-RZU
2010	Dodge	Braun Entervan	2D4RN4DE4AR255086	445-RZU
2010	Dodge	Braun Entervan	2D4RN4DE8AR255088	437-RZU
2010	Dodge	Braun Entervan	2D4RN4DE6AR255090	441-RZU

Name of Liability Insurance Company Republic Franklin Insurance Company

Amount of Insurance \$5,000,000.00 Number of Policy CPP 3881849

Please Attach Certificate of Insurance

Signature of Applicant

Date:

Department	Approved	Denied	Reason	Signature
City Clerk				
City Treasurer				
Police Chief				

May 29, 2015

To: Legislative and Regulatory Committee
From: Marie A. Moe, WCPC, MMC, City Clerk
Re: Committee Meeting of June 1, 2015

Below is some background information for use in preparation for the committee meeting.

Alcohol License renewals – changes from last year

The renewal applications had the following changes:

- Kwik Trip 683 (north) – updating premise description
Current: One-story frame construction with storage in coolers & back room
Proposed: One-story frame construction with storage in coolers & on sales floor
- Mathieus, Kevin Edward – updating premise description
Current: Brick building, office, sales area and storage rooms
Proposed: Brick building, showroom, 1 bathroom, 3 beer and liquor storage rooms, office.
- La Tolteca Fuentes Inc. – requesting changing premise description to include an outdoor seating area.
Current: Interior dining and bar of restaurant building.
Proposed: Bar area, dining room and outdoor seating area 21' x 36'.
- Crawford Oil Co. Inc. – Officers
Current: James H. Crawford, President; Jonathan J. Crawford, Vice President
New: Jonathan J. Crawford, President; James H. Crawford, Vice President
- Wilz Drug Inc. – change in officers
Lauren A. Jonas replaces Jane A. Stewart as Vice President and Treasurer
- Bellmore & Associates LLC – requesting changing premise description
Current: Main level of building including outside porch enclosed by railing, stored on main and lower level
Proposed: All of first floor at 301 DeWitt Street including deck up to and including railing, stored on main level and lower level
- 205 Vino, LLC – change in members; requesting changing premise description
Daniel Pionke and Tricia Pionke were removed as members of LLC
Current Premise: Main lounge and storage room
Proposed: Building located at 205 DeWitt Street, entire first floor, including storage and loft area (5598 square foot)

Le Croissant, LLC has not applied for renewal.

If you have any questions, please let me know.

Applicant Name: Garret D Thiede
First Middle Initial Last Maiden

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.

1. Have you ever been convicted for a violation of any federal laws, state laws, of Wisconsin, or any other state, as well as any county or municipal violations ? Yes No
 If YES, complete all information in the box below.

Date of Conviction	Location of Charge (City, County)	Type: Felony, Misdemeanor, Ordinance, Other	Penalty Imposed
Fall 2014	Columbia Co	Misdemeanor	Fine, suspension

2. Are there charges of any kind pending against you (either as an adult or juvenile)? Yes No
 If YES, complete all information in the box below.

Offense Date	Location of Case (City, County)	Court Date	Violation	Description of Charges	Status

READ CAREFULLY BEFORE SIGNING

The undersigned affirms 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 in connection with this application.

Applicant Signature *Scott Gray* Date 05/07/15

DEPARTMENT RECOMMENDATIONS

Department	Approved/Denied	Signature	Date
City Clerk	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	<i>Maria A. Moore</i>	05-29-15
City Treasurer	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	<i>Jan E Mohr</i>	5/29/15
Police Chief	<input type="checkbox"/> Approved <input checked="" type="checkbox"/> Denied	<i>Ken Matney</i>	5-29-15

If denied, explain reason _____

THERE IS A VALID + CURRENT WARRANT FOR MR. THIEVES
ARREST, BODY ONLY, FOR CONTEMPT OF COURT / FAILURE TO
APPEAR FOR CHILD SUPPORT.

Ken Matney - POLICE CHIEF

{ I DID CALL HIS CELL PHONE + LEFT A MESSAGE FOR HIM TO
GET OVER TO COURT ASAP + TAKE CARE OF THIS ISSUE. }



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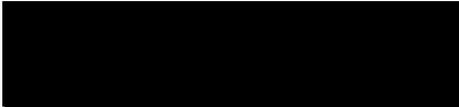
Wanted Person - Warrant

***** VERIFY WARRANT/WANTED STATUS IMMEDIATELY WITH ORI *****

Warrant Details

WARRANT TYPE: Civil Process - Non Criminal State Law
OFFENSE: 5015 Failure To Appear CONTEMPT
ORIGINAL OFFENSE: 3899 Family Offense
ENTERING AGENCY: W10110000 - Columbia County Sheriff

THIEDE, GARRET D



Alias Names/Fraudulent Data

FBI: 210855PC0 **SOCIAL SECURITY #:** [REDACTED]
STATE ID: W11147974

DRIVERS LICENSE #: T3002848239206, Wisconsin, 2019

REMARKS: CHILD SUPPORT COMMITMENT ORDER BODY ONLY VALID STATEWIDE

ALIAS NAMES/FRAUDULENT DATA:

Alias Names: Thiede, Garret Duane

WARRANT DETAILS:

System Ident #:	28838624		
Agency Case #:	1111FA155		
Entered By:	BREUNIGWM	Enter Date:	07/17/2015
Updated By:	BREUNIGWM	Update Date:	03/27/2018
Warrant Number:	150332	Warrant Date:	03/12/2015

YOUR REQUEST:

User ID:
Agency Information:
EDC Message Identifier:
Date & Time:
Operator Name:
Sec:



Sec. 2-142. - Residency required for service on boards or commissions.

No person not a resident of and not residing in the city shall be appointed in a voting capacity to any city board or commission, except as follows:

- (1) The library board, pursuant to state law, may have as members up to two persons who reside in towns adjacent to the city.
- (2) In recognition of the fact that city park and recreation programs affect citizens outside the city, the two citizen members of the park and recreation board shall not be subject to the residency requirement.
- (3) Except as provided in subsection (10), any board or committee member who moves from the city shall be immediately removed from such board or committee.
- (4) The representative of Portage schools for the cable TV commission shall not be subject to the residency requirement.
- (5) One of the citizen members of the board of airport commissioners shall not be subject to the residency requirement in recognition of the fact that the Portage Airport provides services to citizens outside the city. However, that nonresident member shall be a business person and have an economic tie to the airport.
- (6) When any person is appointed to act as a city official in an interim capacity and such position requires service on any board, such person shall not be subject to the residency requirement.
- (7) Two members of the historic preservation commission shall not be subject to the residency requirement.
- (8) One member of the tourism promotion committee, who represents the Wisconsin hotel and motel industry by being an owner or manager of a hotel or motel located in the City of Portage, shall not be subject to the residency requirement.
- (9) Any member of an ad hoc or advisory committee may reside outside of the city's corporate limits, but no committee may be comprised of a majority of members who reside outside the corporate limits.
- (10) In addition to the specific exceptions enumerated in subsections (1) through (9), and in recognition of the fact that citizens residing outside the city may have substantial economic ties to the city, any board, commission, or committee may have members residing outside the city's corporate limits, if any of the following apply, unless otherwise restricted pursuant to state law:
 - a. The citizen owns real property in the city as defined in Wis. Stats. Ch. 70.
 - b. The citizen's place of employment is within the city.
 - c. The citizen has an ownership interest in a business located in the city.In no case may any committee, board, or commission be comprised of a majority of members who reside outside the corporate limits.

(Code 1990, § 2-4-15; Ord. No. 08-017, 9-25-2008; Ord. No. 10-006, 4-20-2010; Ord. No. 10-013, 5-27-2010; Ord. No. 13-011, 9-12-2013; Ord. No. 14-005, 2-13-2014)

determination of incompetency of the person has already been made, or if a determination of limited incompetency has been made that does not include a specific finding that the subject is competent to exercise the right to vote, and a guardian has been appointed as a result of any such determination, then no determination of incapacity of understanding the objective of the elective process is required unless the guardianship is terminated or modified under s. 54.64.

History: 1973 c. 284; 1977 c. 26, 394; 1979 c. 110; 1991 a. 316; 2003 a. 121; 2005 a. 149, 387; 2007 a. 97; s. 35.17 correction in (1) (a).

Disenfranchisement of felons does not deny them equal protection. *Richardson v. Ramirez*, 418 U.S. 24.

6.05 Election day age determines elector's rights. Any person who will be 18 years old on or before election day is entitled to vote if the person complies with this chapter.

History: 1971 c. 336 s. 37; 1981 c. 390 s. 252; 1991 a. 316.

6.06 Information for uniformed service members. The board is the agency designated by this state under 42 USC 1973ff-1 to provide information regarding voter registration and absentee balloting procedures to absent members of the uniformed services and overseas voters with respect to elections for national office.

History: 2003 a. 265.

6.10 Elector residence. Residence as a qualification for voting shall be governed by the following standards:

- (1) The residence of a person is the place where the person's habitation is fixed, without any present intent to move, and to which, when absent, the person intends to return.
- (2) When a married person's family resides at one place and that person's business is conducted at another place, the former place establishes the residence. If the family place is temporary or for transient purposes, it is not the residence.
- (3) When an elector moves his or her residence from one ward or municipality to another ward or municipality within the state at least 28 days before the election, the elector may vote in and be considered a resident of the new ward or municipality where residing upon transferring registration under s. 6.40 (1) or upon registering at the proper polling place or other registration location in the new ward or municipality under s. 6.55 (2) or 6.86 (3) (a) 2. If the elector moves his or her residence later than 28 days before an election, the elector shall vote in the elector's former ward or municipality if otherwise qualified to vote there.
- (4) The residence of an unmarried person sleeping in one ward and boarding in another is the place where the person sleeps. The residence of an unmarried person in a transient vocation, a teacher or a student who boards at different places for part of the week, month, or year, if one of the places is the residence of the person's parents, is the place of the parents' residence unless through registration or similar act the person elects to establish a residence elsewhere. If the person has no parents and if the person has not registered elsewhere, the person's residence shall be at the place that the person considered his or her residence in preference to any other for at least 28 consecutive days before an election. If this place is within the municipality, the person is entitled to all the privileges and subject to all the duties of other citizens having their residence there, including voting.
- (5) A person shall not lose residence when the person leaves home and goes into another state or county, town, village or ward of this state for temporary purposes with an intent to return.
- (6) As prescribed by article III of the constitution, no person loses residence in this state while absent from this state on business for the United States or this state; and no

member of the armed forces of the United States gains a residence in this state because of being stationed within this state.

- (7) A guest at a national or a state soldiers' home in this state, a guest at a home for the aged supported by benevolence, or a patient of any county home or other charitable institution, resides in the municipality where the home is located and within the ward where the guest or patient sleeps, unless before becoming a guest or patient at the home the guest or patient elects to maintain his or her prior residence as his or her voting residence.

(7m)

- (a) The residence of a person who is detained, or committed and institutionalized, under s. 51.20, 971.14, or 971.17 or ch. 980 shall be determined by applying the standards under sub. (1) to whichever of the following dates is applicable to the circumstances of the person:
1. For a person detained or committed under s. 51.20, the date that the person was detained under s. 51.20 (2) or, if the person was not detained under s. 51.20 (2), the date that the person was committed under s. 51.20 (13).
 2. For a person committed under s. 971.14 or 971.17, the date of the offense or alleged offense that resulted in the person's commitment.
 3. For a person detained or committed under ch. 980, the date that the person committed the sexually violent offense that resulted in the sentence, placement, or commitment that was in effect when the state filed a petition under s. 980.02 against the person.
- (b) That the person's habitation was fixed at the place established under par. (a) before he or she was detained or committed shall be considered prima facie evidence that the person intends to return to that place. The prima facie evidence of intent to return to the place determined under par. (a) may be rebutted by presenting information that indicates that the person is not likely to return to that place if the person's detention or commitment is terminated.
- (8) No person gains a residence in any ward or election district of this state while there for temporary purposes only.
- (9) No person loses the right to vote at the person's place of residence while receiving public assistance or unemployment insurance even if the legal settlement for assistance is elsewhere.
- (10) If a person moves to another state with an intent to make a permanent residence there, or, if while there the person exercises the right to vote as a citizen of that state by voting, the person loses Wisconsin residence.
- (11) Neither an intent to acquire a new residence without removal, nor a removal without intent, shall affect residence.
- (12) Student status shall not be a consideration in determining residence for the purpose of establishing voter eligibility.
- (13) A military elector under s. 6.22 (1) (b) who is the spouse or dependent of another military elector may elect to take as his or her residence either the individual's most recent residence in this state or the residence of the individual's spouse or the individual providing his or her support.

History: 1971 c. 304 s. 29 (2); 1975 c. 85, 94, 199; 1977 c. 26; 1979 c. 260; 1983 a. 192, 484; 1985 a. 304; 1987 a. 391; 1991 a. 316; 1997 a. 39; 2001 a. 16, 51; 2011 a. 23.

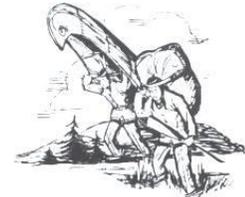
Voter residency and absentee voting is discussed. 60 Atty. Gen. 214.

Voting residency of family members of military personnel stationed in Wisconsin is discussed. 61 Atty. Gen. 269.

Upon marriage to a Wisconsin serviceman, a nonresident wife may take the Wisconsin voting residence of her husband. 61 Atty. Gen. 365.

CITY OF PORTAGE

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



"Where the North Begins"

MEMORANDUM

TO: Legislative & Regulatory Committee
From: Shawn Murphy
Re: Wisconsin Residency Requirements
Date: 5/29/2015

The Legislative & Regulatory Committee requested a review of state and local residency requirements and feasibility in establishing specific requirements for City of Portage elected officials. The definition of residency for a local elected official is governed by 62.09(2), Wis. Stats. which requires that a person holding elected office (specifically an alderperson) must be a U.S. Citizen, a qualified elector of the City and reside in the aldermanic district they represent. The requirements for a qualified elector have changed recently (almost annually) and are articulated under Section 6.10, Wis. Stats. a copy of which is attached. Section 2-142 of Portage ordinances summarizes specific residency requirements for membership of identified Boards, Commissions and Committees (attached). A regional survey did not reveal any communities that possessed residency requirements that were more restrictive than state statute.

It was also noted that several state and federal agencies have residency requirements to qualify for eligibility in obtaining service, licenses, permits, etc. that were not consistent. For example:

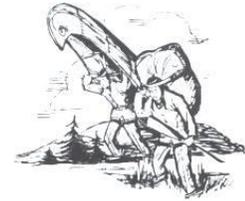
Wisconsin DNR residency requirement to obtain "Resident" licenses (Chap 29.001(69), Wis Stats): *"Resident means a person who has maintained his or her place of permanent abode in this state for a period of 30 days immediately preceding his or her application for an approval. Domiciliary intent is required to establish that a person is maintaining his or her place of permanent abode in this state. Mere ownership of property is not sufficient to establish domiciliary intent. Evidence of domiciliary intent includes, without limitation, the location where the person votes, pays personal income taxes or obtains a driver's license."*

For resident tuition at state universities, residency is governed by Chap. 36.27(2)(a) which generally defines a resident as one who has resided in the state at least 12 months prior to enrollment with exceptions for refugees, naturalized citizens, members of armed forces, minor students, etc.

Wisconsin Veteran's Administration requires a consecutive 12-month residency in Wisconsin upon enlistment for eligibility for VA Benefits and 5 years minimum home ownership for veteran's property tax credit eligibility.

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"Where the North Begins"

Chaps 767.05, 767.083 even define residency requirements for divorce in which to be eligible to file, persons must reside in the state for 6 months and the county in which the petition is filed for at least 30 days.

This partial summary reflects the diversity of residency requirements. Enforcement of local elected residency requirements resides in the state attorney general's office- and that authority is discretionary.

Attachments

Cc: M. Moe, City Clerk