

Common Council Proceedings
City of Portage

Regular Meeting
Council Chambers
City Municipal Building

June 09, 2016
7:00 p.m.

1. Call to Order

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

2. Roll Call

Present: Ald. Charles, Hahn, Hamburg, Havlovic, Klapper, Kutzke,
Maass, Monfort, Nachreiner

Also Present: Mayor Dodd, City Clerk Moe, City Administrator Murphy,
City Attorney Spankowski, Director of Public Works/Utilities Manager
Jahncke, Finance Director Mohr, Police Chief Manthey

Media Present: Jonathan Stefonek from Portage Daily Register, Bill Welsh
from Cable TV

3. Pledge of Allegiance

The Pledge of Allegiance was recited.

4. Approval of Agenda

No changes.

5. Minutes of Previous Meeting

Motion by Klapper, second by Charles to approve minutes of the May 26,
2016 Common Council meeting. Motion carried unanimously on call of
roll.

6. Consent Agenda

A. Reports of Sub-Committees, Boards, and Commissions

AdHoc Canal Committee meeting of May 25, 2016

Police and Fire Commission meeting of May 17, 2016

Finance/Administration Committee meeting of May 26, 2016

Historic Preservation Commission meeting of June 1, 2016

Municipal Services and Utilities Committee of June 2, 2016

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

B. License Applications

Operator license applications for license year ending June 30, 2016:
Kathryn L. Haug, Ryan A. Kern.

For license year July 1, 2016 – June 30, 2017: Kristy R. Alcorn, Nicole L. Bagley, Cheryl A. Barton, Nancy A. Bigford-Root, Donna J. Boehm, William C. Boehm, Steven J. Boelter, Nathan C. Booth, Jerry J. Braun, Thomas W. Brown, Brittany F. Byers, Rodney R. Curtis, Bethany J. Czerkas, James H. Davenport Jr., Sherryl E. Douglas, Rosann G. Endres, Eric J. Erickson, David W. Eulberg, Brooke A. Fahey, Kristi L. Fehrman, Elise R. Fenne, David W. Gilchrist, Ronald M. Gorsuch, Linda L. Heiskanen, William P. Hornat Sr., Ron A. Hull, Jay S. Jackson, W. Red J. Kastner, Kristal K. Kleiman, Daniel D. Koch, Scott T. Koch, Rachel A. Krizan, Jeanne C. Lauth, Dawn Litwiller, William R. Loberg, Eric S. Madsen, Ashley M. Manyen, Timothy J. Marchand, Alexandria M. McCann, Dency O. McFaul, Pamela S. Murphy, Dawn M. Nelson, Lisa M. Nelson, James K. Petzke, Cory J. Pohlkamp, Patricia L. Pohlkamp, Holly J. Potratz, Brandon T. Raimer, Brian L. Raimer, Kevin W. Randall, Diana L. Reichhoff, Rachel D. Schmidt, Trisia D. Schmidtke, Mark A. Schroeder, Wendy L. Seely, Jamie L. Staveness, Marlene J. Steele, Chadwick D. Stensrud, Rolanda J. Tadman, Mary F. Traino.

Taxi Cab Operator license applications for license year ending June 30, 2016 Nicole M. Bower and Scottie A. Grant.

Motion by Maass, second by Charles to approve the license applications as presented. Motion carried unanimously on call of roll.

7. Unfinished Business

Ordinances

Ordinance No. 15-007 relative to Miscellaneous Offenses (Regulation of Smoking, E-Cigarettes) Tabled 05/14/15 until such time the State Legislature takes action on the proposed legislation. No action taken.

8. New Business

A. Resolutions

1. Resolution No. 16-031 relative to Wisconsin Department of Natural Resources NR 208 – Compliance Maintenance Annual Report 2015 was read and adopted unanimously on motion by Klapper, second by Charles and call of roll.
2. Resolution No. 16-032 relative to Declaring Intent Regarding the City's Preference for the Intersection at USH 51 and DeWitt Street for the USH 51 Reconstruction Project, WISDOT Project ID: 6918-01-72 was read and adopted unanimously on motion by Klapper, second by Nachreiner and call of roll.

3. Resolution No. 16-033 relative to Award of Contract 16-610W06, Water Department Maintenance Facility Project was read and adopted unanimously on motion by Charles, second by Klapper and call of roll.
 4. Resolution No. 16-034 relative to Final Resolution Authorizing Public Improvement and Levying Special Assessments Against Benefited Property in Portage, Wisconsin (2016 Alley Reconstruction) was read and adopted unanimously on motion by Klapper, second by Maass and call of roll.
- B. Consideration of recommendation for change of agent for Kwik Trip, Inc., Kwik Trip 653, 1223 East Wisconsin Street, Class "A" Fermented Malt Beverage License and "Class A" Cider License – Sara L. Warren
 Motion by Maass, second by Charles to approve the change of agent for Kwik Trip, Inc., Kwik Trip 653, 1223 East Wisconsin Street, Class "A" Fermented Malt Beverage and "Class A" Cider License to Sara L. Warren .Motion carried unanimously on call of roll.
- C. Consideration of recommendation for Taxi Cab License for Richard Running (Running Inc. dba Portage Cab)
 Motion by Maass, second by Hamburg to approve a Taxi Cab License for Richard Running (running Inc. dba Portage Cab). Motion carried unanimously on call of roll.
- D. Consideration of recommendation for alcohol license application renewals ("Class A" Combination Licenses, Class "A" Fermented Malt Beverage Licenses, "Class A" Cider Only Licenses, "Class B" Combination Licenses, Class "B" Fermented Malt Beverage Licenses, "Class C" Wine Licenses)
 Motion by Maass, second by Charles to grant alcohol license application renewals as follows:
Class "B" Combination Licenses
 4 R Future Inc., 322 West Wisconsin Street, Jeremy Rusch, Agent (Portage Theatres)
 Bellmore & Associates LLC, 301 DeWitt Street, Mark A. Bellmore, Agent (The Corner Pocket Sports Bar & Grill)
 Portage Elks Lodge No. 675 Benevolent and Protective Order of Elks of the United States of America, Inc., 201 West Conant Street, Gary Alberts, Agent (Portage Elks Lodge #675)
 Brothers-EJ LLC, 220 West Cook Street, Errol Lynn Kleist, Agent (Brothers)
 Cactus Club Bar & Grill LLC, 102 East Cook Street, Dean Jeffery Audiss, Agent (Cactus Club)
 Cleary Krech Post 1707 of Veterans of Foreign Wars of the United

States, 215 West Collins Street, Gordon Blackburn, Agent (Cleary
Krech VFW Post 1707)
Cottonwood Bar & Grill Inc., 312 DeWitt Street, Randal Leigh Heinzl,
Agent (Cottonwood Bar & Grill Inc.)
Douglas' Big Dog Saloon LLC, 218 West Cook Street, Bradley John
Douglas, Agent (Douglas' Big Dog Saloon)
House of Booze LLC, 220 West Wisconsin Street, Kevin M. Malone,
Agent (Blarney Stone)
Jack's Tap LLC, 1207 Dunn Street, Tara L. Glendenning, Agent
(Jack's Tap)
Knights of Columbus, 918 Silver Lake Drive, Darrell Parker, Agent
(Knights of Columbus)
Krueger, Jon, 223 Oneida Street, (The Friendly Tavern)
New Pinery Enterprises LLC, 1402 West Wisconsin Street, Lyman O.
Kaiser, Agent (Sarbacker's Bar)
Noll, William N., 412 East Wisconsin Street, (Tamarack Pizza)
NY Sushi Bar, Inc., 123 East Cook Street, Wen Jian Liu, Agent
(Portage Asian Cuisine)
Pohlkamp, Bradley, 316 DeWitt St., (Pohlk's Pub)
B & B Hitching Post LLC, 2503 West Wisconsin Street, Michael S.
Bergman, Agent (B & B Hitching Post)
Riley's Bar LLC, 1314 West Wisconsin Street, Lisa Thompson, Agent
(Riley's Bar LLC)
Shutova, LLC, 2900 New Pinery Road, Beadin Mehmedi, Agent
(Dino's Restaurant & Bar)
Tall Pauls LLC, 214 West Wisconsin Street, Paul David Salzwedel,
Agent (Tall Pauls)
TRT Corporation, 125 Wauona Trail, Patricia A. Madani, Agent (Trail's
Lounge Restaurant)
Vinayaka, Inc., 2701 South CX, Dawn Schneller, Agent (Best Western
Resort Hotel & Conference Center)
Class "B" Fermented Malt Beverage Licenses
Paula's Place LLC, 100 East Cook Street, Paula M. Amend, Agent,
(Paula's Place)
Pizza Hut of Southern Wisconsin, Inc., 401 East Wisconsin Street, Jon
W. Kreklow, Agent (Pizza Hut)
Class "C" Wine Licenses
Pizza Hut of Southern Wisconsin, Inc., 401 East Wisconsin Street, Jon
W. Kreklow, Agent (Pizza Hut)
Class "A" Combination Licenses
Crawford Oil Co. Inc., 2211 West Wisconsin Street, Steven D. Madsen,
Agent (Jim's BP)
Daley, James D., 1623 New Pinery Road, (Daley's Beverage Mart)
Mathieus, Kevin Edward, 211 East Wisconsin Street (Discount Liquor)
Pierce's Supermarket Inc., 2915 New Pinery Road, Angela K Pierce,
Agent (Pierce's Marketplace)

Wilz Drug, Inc., 140 East Cook Street, Larry R Wilz, Agent (Wilz Drug & Home Health)

Express Laundry, LLC, 2725 New Pinery Road, John D. Bennett, Agent (Mobil Travel Plaza)

Class "A" Fermented Malt Beverage and Class "A" Liquor (Cider Only) Licenses

Kwik Trip, Inc., 1223 East Wisconsin Street, Sarah Lynn Warren, Agent (Kwik Trip #653)

Kwik Trip, Inc., 2970 New Pinery Road, Nona May Hartman, Agent, (Kwik Trip #683)

Class "A" Fermented Malt Beverage Licenses

Crawford Oil Co. Inc., 1901 East Highway 33, Steven D. Madsen, Agent (Fort BP)

Pal and Simran LLC, 403 DeWitt Street, Sharam Singh, Agent, (Market Basket)

Motion by Hahn, second by Klapper to amend the motion to remove the Class "B" Combination License application for 4 R Future Inc., 322 West Wisconsin Street, Jeremy Rusch, Agent (Portage Theatres) to discuss separately for the proposed changes to the premises description. Motion carried 5 to 4 on call of roll with Havlovic, Klapper, Maass and Monfort voting no.

Ald. Hahn had concern with the change in the premises description for the Theaters which would permit alcohol in the auditoriums, and the potential accessibility by underage people to the alcohol.

Ald. Kutzke commented that he has had comments from constituents, but is aware that this is being allowed in other cities.

Jeremy Rusch, representing 4 R Future Inc., told the Council that much thought was given to the request to allow alcohol in the auditoriums and that it is permitted in other cities.

Motion by Maass, second by Charles to grant a "Class B" Combination License renewal to 4 R Future Inc., 322 West Wisconsin Street, Jeremy Rusch, agent with the recommended changes to the premise description. Motion carried 8 to 1 on call of roll with Hahn voting no.

The motion, as amended, carried 8 to 1 on call of roll with Hahn voting no.

- E. Consideration of recommendation for "Class B" Combination Licenses
1. LaTolteca AAC LLC, 2653 New Pinery Road, Alonso Aranda, agent
Motion by Maass, second by Charles to grant a "Class B" Combination License to LaTolteca AAC LLC, 2653 New Pinery

Road, Alonso Aranda, agent. Motion carried unanimously on call of roll.

2. Jeff Bender, 817 East Wisconsin Street
Motion by Maass, second by Charles to grant a "Class B" Combination License to Jeff Bender, 817 East Wisconsin Street.
Motion carried unanimously on call of roll.

F. Consideration of recommendation for claims

Motion by Nachreiner, second by Hahn to approve claims in the amount of \$1,099,780.96. Motion carried unanimously on call of roll.

G. Department Report – Municipal Court

Municipal Court Clerk Dawn Wilcox explained the history of the court. Changes to the collection process were explained. The City began using the State Debt Collection program, which has significantly increased collections. Court Clerk Wilcox has been invited to attend a question and answer session on the State Debt Collection program at the Judge's Conference. The City is involved with a pilot program with our software provider and Department of Transportation, which will result in citations being uploaded to Department of Transportation, replacing the manual entry.

H. City Administrator Report

City Administrator Murphy provided an update on the County building project progress. They plan to have the building enclosed this fall to continue with construction throughout the winter. Plans for renovations at the Courthouse are being reviewed.

The dredging project at the Canal has begun. Due to the debris and garbage in the Canal bed, different equipment is needed. This will result in a change order, with no additional cost to the City. The dredging is scheduled to be completed in a few weeks; and encapsulation will take place following the completion of the dredging.

I. Closed Session

Motion by Charles, second by Klapper to convene into closed session pursuant to Wisconsin State Statutes 19.85(1)(b) for the reconsideration of a "Class A" Combination License for Wal-Mart Stores East, LP, Todd O. Tollefson, agent, 2950 New Pinery Road. Motion carried 7 to 2 on call of roll at 7:50 p.m. with Hahn and Hamburg voting no.

J. Reconvene to Open Session for remainder of the meeting

Motion by Klapper, second by Monfort to reconvene to open session for remainder of the meeting. Motion carried unanimously on call of roll at 9:27 p.m.

K. Consideration and possible action on “Class A” Combination License for Wal-Mart Stores East, LP, Todd O. Tollefson, agent, 2950 New Pinery Road

Motion by Charles, second by Maass to grant a “Class A” Combination License to Wal-Mart Stores East LP, Todd O. Tollefson, agent, 2950 New Pinery Road with the following conditions: no more than 600 square foot display located in the back of the store in the grocery section as described in the application with security gates for non-sale hours; check out limited to four (4) registers; and security caps on the liquor and wine bottles. Motion by Nachreiner, second by Klapper to amend the motion to include the following additional conditions: employee alcohol sales training, programmable cash registers at the front of the store, security cameras and security personnel. The amendment carried 5 to 4 on call of roll with Hahn, Hamburg, Klapper and Monfort voting no. The motion, as amended, carried 5 to 4 on call of roll with Hahn, Hamburg, Klapper and Monfort voting no.

9. Adjournment

Motion by Charles, second by Hamburg to adjourn. Motion carried unanimously on call of roll at 9:49 p.m.

Marie A. Moe, WCPC, MMC
City Clerk

Date Approved: June 27, 2016