



MINUTES OF THE PROTECTION AND POLICY COMMITTEE

MONDAY, APRIL 12, 2021, 5:30 PM
Virtual Meeting. Public may join via Zoom.

A. ZOOM MEETING INFORMATION.

I. This item contains documents which provide call in information and instructions for the Zoom meeting.

B. ROLL CALL.

Present: John VanderLeest, Kathy Lefebvre, Craig Stevens, Excused: Mark Steuer

Also present: Deputy City Attorney Joanne Bungert, Lt. Steve Mahoney, Lt. Nate Allen, Alder Dorff, Alder Gerlach, Alder Brunette

C. APPROVAL OF THE AGENDA.

D. APPROVAL OF MINUTES.

I. Approval of the minutes from the March 22, 2021 Protection & Policy Committee Meeting.

E. REGULAR BUSINESS.

I. Consideration with possible action on an appeal by Dimas Rodriguez regarding the denial of his application to keep three pets (held from 2021-03-22).

Moved by Ald. Kathy Lefebvre, seconded by Ald. John VanderLeest to open the floor. Motion carried.

Yes- Craig Stevens, John VanderLeest, Kathy Lefebvre

Moved by Ald. John VanderLeest, seconded by Ald. Kathy Lefebvre to close the floor. Motion carried.

Yes- Craig Stevens, John VanderLeest, Kathy Lefebvre

Moved by Ald. Kathy Lefebvre, seconded by Ald. John VanderLeest to deny an appeal by Dimas Rodriguez regarding the denial of his application to keep three pets (held from 2021-03-22). Motion carried.

Yes- Craig Stevens, John VanderLeest, Kathy Lefebvre

2. Consideration with possible action on an application for an available "Class B" Combination License" by Lisa Berceau at 2056 Main St. with a licensed premises description as "bar with kitchen." (Previously licensed as Berceau's Last Stop until March 2021 when license was surrendered to the City).

Moved by Ald. John VanderLeest, seconded by Ald. Kathy Lefebvre to open the floor. Motion carried.

Yes- Craig Stevens, John VanderLeest, Kathy Lefebvre, No- None, Abstain- None

Moved by Ald. John VanderLeest, seconded by Ald. Kathy Lefebvre to close the floor. Motion carried.

Yes- Craig Stevens, John VanderLeest, Kathy Lefebvre, No- None, Abstain- None

Moved by Ald. Kathy Lefebvre, seconded by Ald. John VanderLeest to open the floor. Motion carried.

Yes- Craig Stevens, John VanderLeest, Kathy Lefebvre, No- None, Abstain- None

Moved by Ald. John VanderLeest, seconded by Ald. Kathy Lefebvre to close the floor. Motion carried.

Yes- Craig Stevens, John VanderLeest, Kathy Lefebvre, No- None, Abstain- None

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to approve an application for an available "Class B" Combination License" by Lisa Berceau at 2056 Main St. with a licensed premises description as "bar with kitchen," with the approval of the proper authorities. (Previously licensed as Berceau's Last Stop until March 2021 when license was surrendered to the City). Motion carried.

Yes- Craig Stevens, John VanderLeest, No- Kathy Lefebvre, Abstain- None

3. Consideration with possible action on an application for a "Class A" Liquor and Class "A" Beer at 1698 Main St. with a license premises description as "c-store" (Currently licensed as Main Street Mini Mart, LLC).

Moved by Ald. John VanderLeest, seconded by Ald. Kathy Lefebvre to hold an application for a "Class A" Liquor and Class "A" Beer at 1698 Main St. with a license premises description as "c-store" (Currently licensed as Main Street Mini Mart, LLC). Motion carried.
Yes- Craig Stevens, John VanderLeest, Kathy Lefebvre

F. INFORMATIONAL.

I. The Liquor Violation Report for April 12, 2021.

Moved by Ald. John VanderLeest, seconded by Ald. Kathy Lefebvre to receive and place on file the Liquor Violation Report for April 12, 2021. Motion carried.
Yes- Craig Stevens, John VanderLeest, Kathy Lefebvre

G. ADJOURNMENT.

Moved by Ald. Kathy Lefebvre, seconded by Ald. John VanderLeest to adjourn at 6:16 p.m. Motion carried.
Yes- Craig Stevens, John VanderLeest, Kathy Lefebvre

MINUTES WITH VERBATIM

- [Joanne] Lieutenant Allen, Lieutenant Mahoney, let me know when you hit record.
- [Mahoney] Yep, I just hit record so we're going.
- [Joanne] Okay, and we are recording in CivicClerk. Alder Stevens, you can start with opening the meeting.
- All right, I'm gonna open the meeting of The Protection and Policy Committee for Monday, April 12th, 2021. Roll call, Alder Lefebvre.
- Here.
- Alder VanderLeest.

- Here.

- Also myself, Craig Stevens. Also, we have three other alders, Alder Gerlach, Alder Dorff, Alder Brunette, joining us tonight. I will take a motion to approve the agenda.

- Motion to approve the agenda.

- Second.

- All in favor, right?

- Aye.

- I'll take a motion to approve the minutes.

- I'll make a motion to approve the minutes.

- Second.

- Okay, all in favor.

- Aye.

- Aye.

- If I'm going too fast, let me know.

- No.

- [Joanne] Yeah, one second, just catching up. All right, we are on to item number one

- Okay, regular business, consideration of possible action, the appeal of Dimas Rodriguez regarding the denial of his application to keep three pets. This was held from our 3-22 meeting, so yeah.

- [Joanne] Yes, I think the portion that was held over was, the committee wanted to review the letters from citizens and the additional packet information that was missing from the packet at the last meeting. So if the committee has had an opportunity to review, I'm not sure if at this point, you would like to open up the floor for further questions, discussions or if you had any more questions for Officer Meves who is on the line as well.

- I do see that the documentation was uploaded, so Alder Lefebvre.

- Yes, do we, maybe should I ask, is there anybody here who'd like to speak on it? And then I would make a motion to open the floor, if there is.

- Do I have a second?

- Second.

- Okay. All in favor?

- Aye.

- Aye.

- Aye, the floor is now open. Is Mr. Rodriguez here?

- I don't think so.

- I don't think he is.

- No.

- Well, this was brought back from last time because we didn't have the documentation from the neighbors explaining the situation over there. It looks like all of the documentation that did come over was against the approval of the additional animal. Is that correct Officer Meves?

- Yeah, were you guys able to reveal a lot of the, there's a lot of negative feedback which is why I made the decision to deny it. I thought if, based on these letters I could not safely approve of it. And I tried to appease the neighbors, the majority of the neighbors because they're the ones that have to deal with this, obviously, given the number of negative responses. I know there was one letter that was not in support or against, and then it happens to be a detective. There's also a retired patrol officer. He's the one that reported the complaint, . He lives in the neighborhood as well. There's many neighbors who have just kind of had it with it. And so based on that, I denied the permit based on the number of calls that we've had in non-compliance. We have not had anything since then, but based on that, that's why I could not comfortably approve of it. And it would be best for him to go before Protection and Policy and have it addressed here.

- Alder Lefebvre.

- Yes I had to leave the meeting early, but he had mentioned that the dog was not his, was it his daughter or something, brought a dog over. And that was the dog, wasn't a problem, is that true?

- There are multiple dogs. He had five dogs in his possession at one time there. All of which were chihuahua mixes. It sounds like there were multiple dogs that were there. He's claiming one of them was his daughter's. Whether that's the case, I'm not sure, I did not take that bite report.

- So how many, excuse me, how many dogs does he have now?

- He has three.

- Three, and those are his?

- To the best of my knowledge, yes. I don't know whether any of these other dogs come and go to the address regularly. The way our ordinance is written, is that any animal that you own, or that is in your possession, or that you harbor is your responsibility. That even goes for people who pet other people's animals.

- And he did mention that he had the fencing put in, the underground fencing?

- That, we can enforce that, so even if he does that, he mentioned that he had one electronic fencing collar. So he would have to take one collar off the dog put it on another dog. And there's nothing that we can do legally to enforce that. So if he chooses to not install the fence, there's nothing that we can do it's a legal issue.

- Yeah, so what is the recommendation, that he has to get rid of all the dogs?

- No, my recommendation at this point is that he's to have the city's limit, which is two. And I'm denying his permit based on the number of neighbor complaints. All the neighbors are in, all the neighbors are against him having more than two dogs except for one neighbor who I'm told reportedly has some issues himself with his own dogs running loose. So, yeah.

- Craig, I see someone else on I don't recognize, maybe there are some people, you can ask if there's anybody who wants to speak on this.

- Sure, hold on, Alder Dorff.

- Thanks for calling to me 'cause they do have to leave. And I didn't see the other letters. The letter that is attached, really officer Meves goes off into a lot of different directions. Seems pretty much based on hearsay about it's my understanding that this might've happened, and we don't like the tires in the yard and the garbage cans, et cetera. So I guess were the other letters at least a little more specific and more accurate, then this letter is one that I would just throw out, because it's based on hearsay and it talks about all kinds of other things they don't like but it really isn't talking about the dogs. But were the other letters, complaints more about the dogs?

- Yes, they were specifically about the neighbors who they themselves have been bit. Their children have been bit. They did not report any of this to police which is actually against state law. If you have knowledge of a dog bite, whether you're either the victim or an uninvolved party, and it need to be reported for health reasons. Damaged clothing, dogs running loose, being chased.

- Okay.

- All those letters should have been enclosed and everyone should have gotten copies of that.

- I bet that maybe, well was in the last meeting? Or I'm not on the committee, so maybe I don't get that, 'cause I'm not on the committee. So I only have to see the one that's attached.

- I can try to, I'm trying to do with this, with my mobile phone but let me see, Celestine Jeffrey she's emailed me all these things. So I'm gonna see if I can minimize my screen here and find it and read it to you.

- While she's doing that, who's Galaxy S20 FE?

- Would that be mine? Lisa Berceau.

- I don't think so.

- But is Lisa here to talk about this?

- [Meves] Okay, can you guys still hear me?

- Yes.

- [Meves] Okay, would you like me to read the letters?

- Yes.

- [Meves] Okay, so this one says, let me try to zoom in here. My understanding is that, these are scans so forgive me.

- This is the one we have. That's the one we have actually that starts with "My understanding is that".

- [Meves] Yes, people had, okay, so there's that one. It was to my knowledge that we weren't sure if everyone got documents, so I just, I wanted to-

- Okay.

- [Meves] See if, there's another one, "No way," did you get that one?

- No, only the one that's attached, only one is attached. And that's the one you started to read. That's the only one we all have.

- [Meves] Oh, that's unfortunate. Okay, so the next one is, "No way, I object to the resident at 155 Burgundy Court having three dogs. And I'll tell you why, these dogs, these are not responsible pet owners, their dogs, and I have seen four come out. Their front door are left unsupervised all the time. The first three months after they moved in my neighbor down the street was bitten. They roam all over the neighborhood in summer. Many times they have been to my front lawn, pooping away. I tell them to go home and they grouch at me. Other neighbors have called the police because the dogs are roaming all over their house twice, roaming all over their neighborhood. The police have been out to their house twice to talk to them, I believe there are two or three families living in the house, that's why they have so many dogs. Please, for the peace of this

neighborhood, limit the dogs to two, thank you." The next letter is, "We do not agree with the resident to allow them to keep three dogs on the property at 155 Burgundy, they do not have the proper, they do not have them properly trained as they frequently run loose in the neighboring area. This past fall, one of them bit me while I was walking on the road. They clearly cannot control that many animals nor do they care too, as I have never seen them on a leash. We strongly ask that this request is denied. Thank you for asking my neighbor's opinion." The next one is, "Understanding that there are four to five dogs in the household, not three. The dogs do not stay in the yard. They run all over the neighborhood and the neighborhood on," I gotta zoom in on this, it's handwritten. "On other sides of Deckner as well. They have been in our yard. Neighbors have told us that they have been bitten by the dogs. This neighbor seems to think the dogs never leave his side." The next one is, "I disapprove of them getting this. These dogs are mean, they have bitten my son two times and have been broken the skin. They've also attacked my neighbor while walking, also bleeding. The dogs are always running loose in our yards. I have to check, if they letting my dog out. I have invisible funds for my dog. They may see three dogs, but many times there are more. I've seen three to five running around after they bit my son. We went to talk to them, hard to understand, but was asking if their dogs have shots and are up to date and the lady didn't answer us and just cried. I said, no or I say, no. We have called the police many times on this matter." The next one is, "I am a neighbor in direct view of 155 Burgundy Court. I am aware of the many dogs that have been at this house for over a year, I believe that there are or have been at least five small dogs living in this house. I have seen them running outside and at large in the neighborhood. I have seen the dogs running loose as far as away as two blocks from their house, and the family doesn't seem to do anything to contain the animals. The dogs have not come onto my property as of yet, because of his dog size. I have talked to several neighbors and I'm aware of these dogs act as a pack. They have been involved in several incidences where the dogs surround and then bite a neighbor. It is hard to tell which pack of dogs is the aggressive one as they move, as they move as a team and then run off after biting. Again, the owners do not seem able to control or willing to take action to stop these dogs. I am aware that the police have been called to the house for other issues and have made arrest for drugs and warrants. I believe that they have been cited for animal violations. I do not think that keeping this amount of dogs is a good idea in this situation. The family has not demonstrated interest in controlling their dogs. Maybe if they only had two dogs, then they would be able to do a better job, but it is clear that more than that is not working." David Veneman signed that one.

- Is David Veneman a police officer?

- [Meves] He's a retired officer, yes.

- Okay, thank you.

- [Meves] And then the one that was, from detective Kingston says, we got a letter in the mail and he's the one that says he has no objections one way or the other. I'm trying to think if any of these other ones were signed. One of them was Doug and Cathy Hartman. One I cannot read the signature on, and the rest were anonymous.

- Thank you very much, I think this is a very good opinion on what's going on there, thank you.

- Thank you, officer Meves, that was way better than just the thing that we had, thank you.

- Right, yeah, so normally when we send out these neighborhood letters, those go back to the clerk's office and they're supposed to get you guys a copy of them, just so you have them to read over them. Some of them are handwritten, so I do apologize getting so close to the phone, they're kind of hard to read sometimes they're handwritten.

- But I didn't notice they're in there, but there's a lot of blank pages this time.

- Yeah, most of the letters that go out, we tell them to write their responses on the reverse side of the letter, or they can do a separate sheet of paper or they can type it or whatever works. Sometimes people wanna email them, then we print them. So the clerk's office just happened to scan the front and back, that's why you see that.

- Sure, thank you. So we'll do a little business. Anybody else would like to speak about this? If not, I'll make a motion to close the floor, or ask for a motion.

- Motion to close the floor.

- Second.

- All in favor, aye.

- Aye.

- Aye.

- Alders, any discussion, thoughts, comments? I would like to-

- I'll make a comment Alder Stevens. From the amount of complaints, it doesn't look real good for them as far as how they're handling the animals. And officer Meves is not behind issuing them a third dog permit, so that they'd have three dogs. So I think it kind of speaks for itself. Somebody else can chime in if they'd like but it sounds like there's been many, many complaints. And it doesn't get any better.

- I would agree. Alder Lefebvre.

- Yes, I wanted to know too. Well, I guess we don't know which dog or maybe it's more dogs biting. So the two would be allowed and right now, if there are more complaints after this, and there's problems with them going in and biting people, would you then recommend that all dogs be taken away?

- No, so this city has a two dog limit. If people want more than two dogs or three cats, we always say, "Hey, convince us, let us know why you feel that you should be exempt from the city's ordinance." And usually these are people that have good track records. They don't, they have control of their dogs and that's why we allow them to be exempt from the existing ordinance. Now, if they have two dogs and there's a repeated history of bites, if we have a dog that has bitten three or more times, myself from the health side, if these instances happen off property, that we then deemed the animal dangerous and explain to them that, "Hey, look your dog has a history of repeated incidences where it's bitten other people or other animals, kill them, we are therefore declaiming or declaring your dog dangerous and it's to be removed from the Green Bay city limits within five days." They have the option to appeal of it. We try not to do that unless there's a pretty significant history. So, I would say, let them have their two dogs, and if there's anything, where there's continued bites or violations, we take enforcement action for that. If there were to be bites or injuries that happen off property, we'd have to start looking at that to maybe possibly deeming a dog dangerous if they don't have control of it.

- Okay, so right now we're just, the request is to deny three dogs, that he can keep two for now.

- That's correct.

- Okay, thank you.

- So I think I will entertain a motion to what? Deny, the denial of the application?

- [Joanne] Yes, that would be the appropriate.

- Okay, I'll make the motion that we deny the permit to have three dogs.

- Do I have a second?

- Second.

- All in favor.

- Aye.

- Aye.

- A Little housekeeping. All items that are discussed here is a recommendation from this committee and it will go to the next Common Council for final approval. Did I say that right?

- That's correct.

- [Joanne] Yes, you did Alder.

- Okay Alder, thank you.

- [Joanne] All right so we are on-

- You didn't mention when the next meeting is Craig.

- Oh, when is the next meeting?

- [Joanne] April 20th.

- April 20th.

- [Joanne] 26th.

- The 20th, right? Did you say 26th?

- [Joanne] 26th, yeah. Two six.

- Okay, ready for the next one?

- Craig you didn't mention-

- The council meeting is the 20th. The next P&P meeting is the 26th, there's some confusion here.

- Thank you.

- Oh yeah, thought it was the 20th.

- Craig you didn't that it was unanimous vote to deny, did you mention that?

- Oh, yes a unanimous vote to deny, thank you.

- [Joanne] Thank you.

- You're welcome. Ready?

- [Joanne] All right, yep, we're on item two.

- Consideration with possible action on an application for the available "Class B" Combination License by Lisa, I'm gonna screw up her last name, but .

- Berceau.

- Berceau.

- Berceau, thank you. At 2056 Main Street with a licensed premise described as "bar with kitchen" previously licensed as Berceau's Last Stop until March, 2021, when the license was suspended, surrendered to the city.

- [Joanne] Yes, so law of department doesn't have any statutory factions to the applicant. However, the police department does have some concerns that they want to share with the committee for consideration or discussion. I'll refer to Lieutenant Mahoney or Lieutenant Allen.

- Police department.

- Hi, this is Lieutenant Mahoney. Here says Attorney Bungert said, there wasn't anything statutorily. I do know we have received multiple complaints on Berceau's. Some anonymous, some not anonymous. The old liquor, the old person that held the liquor license actually surrendered it back to the city instead of transferring it over. I received a phone call after Miss Berceau applied. It was a person very adamant that they did not want her to have the liquor license. They said there's drug usage going on, a health code violations, excessive drinking. The State of Wisconsin actually sent in their ATF, their alcohol tobacco compliance. At that time, they did seize bottles from Miss Berceau. I don't believe she was cited. But at that time she didn't have the license to be operating. She also didn't have the proper forms for some of the bottles of alcohol that she had on premise. And that was one of the complaints that she was buying the liquor not through distributor, which

is required by law. Since she filed for this application she was also arrested for an OWI offense, that's still pending in municipal court. So it hasn't been adjudicated. So overall there's nothing that says statutorily to deny it. It's just that we have severe reservations as the police department to grant this liquor license as we believe it might become a problem establishment for us.

- Okay, thank you, I see Lisa's, Alder Lefebvre.

- I was also gonna bring up as this was, license was sent back to the city. I was gonna also ask a hold on it to, I didn't have time, I have an issue that I'm dealing with here personally and I didn't have time to go through and find our map. And again, I have an issue where we're saturating certain areas with liquor establishments in that, so I was gonna also ask to hold it, to our next meeting so I can research how many places on Main Street are actually where you can purchase, consume alcohol. So, but from hearing some of this too, I have concerns then, with what I'm hearing from that Lieutenant Mahoney.

- Yes, Alder Lefebvre, this establishment, to give you, is almost right across the street from the Dunkin Donuts on Main Street, that little strip mall. There's also, I believe a coin-op laundry service in there. But just to give you some idea where it's at that is where this establishment is.

- I'll bring up, in our minutes when we go through on here, there's never any map showing. It would be good if there would be maps put in, showing exactly where these are located.

- I could ask the city clerk to do that. I know normally minutes they just put the agenda item that needs to be read.

- Yeah. They can't put a map in the actual agenda.

- [Joanne] Yep, we can, I can also discuss this with the clerk's office as they handle the agenda for Protection and Policy, so that could be a discussion with the clerk as far as the capabilities of being able to do that.

- Okay, thank you.

- Alder VanderLeest any questions?

- I'm gonna ask one question of Lisa.

- Okay hold on, we need to open the floor.

- Okay, motion to open the floor.

- Second.

- All in favor?

- Aye.

- Aye.

- Aye. The floor is open, go ahead Alder VanderLeest.

- Lisa I wanna ask you one question. Are you previous, are you, is your business operating right now?

- It is not, not since the license was surrendered, 'cause we don't have a license on premises.

- Okay.

- We, I have been working on the bar, doing improvements to it and cleaning it up and all that stuff since then, in hopes of opening it as soon as possible.

- Do you actually own the property, then ma'am?

- I do not, I rent it.

- Oh, you rent it, okay. I don't, I can't see a problem with that particular area of Main Street as far as, there's numerous taverns and bars along Main Street from one end, right to the other. I don't see any problem with operating there. If you can bring things up to compliance, that's all that we're really interested in you bringing up the compliance and following all the rules.

- Yeah, we do have the inspectors with everything during inspection found we have fixed and the inspectors are coming back tomorrow afternoon.

- Okay, I don't see any problem with, you're trying to get your business opening. Maybe you weren't familiar with all the rules and regulations as far as the-

- And I was not the, we were partners with the person and we had a disagreement with them. We bought them out and they were supposed to surrender the license to me so that I could apply for it at the same time and continue the business opened. And of course, obviously they surrendered it to the state. They actually came in when we went there and took the license from behind the bar. All those calls and any of that happened before they took the license. Well, all the calls, I'm sorry, I misspoke, all the calls happened after they took the license. And we honestly believe that it was them that did the calls because there were all . And as far as the ATF coming in, they told me that there was a limit of bottles that I could buy from the liquor store. I had no idea that you could not buy one. They are also the ones who took all of the paperwork off of the property. I had no idea that it had to be for two years. Trust me, I learned a lot in the last two weeks.

- Okay, that's all-

- Were you operating the business with your partner or was your partner doing it all?

- They were the liquor license, all I did was manage.

- So you were there?

- Yeah.

- Correct, you were there?

- Yes.

- I have a question, Lisa when was the last DWI?

- My one, I did just get one. Like I said, it's still going through the court systems. I have a lawyer who's pleading not guilty. The one before that was 1995.

- Well, if you wanna operate, why did you drive while you were drunk?

- It was actually me and my husband's anniversary. Not that that's an excuse, but that's the only reason we were out that night.

- Yeah, doesn't sound good.

- Miss Bungert.

- [Joanne] Yeah, I'm here.

- Regarding the current OWI charge we cannot take that into consideration because she has not been found guilty.

- [Joanne] Right. Correct, we cannot deny her based on that charge because she hasn't been convicted of it, correct.

- Correct okay, I just wanna make that clarification.

- [Joanne] Yeah.

- Any other questions for Lisa?

- No.

- Alder VanderLeest.

- Motion to close the floor.

- Second.

- All in favor.

- Aye.

- Aye.

- Aye, okay floor is now closed. Discussion-

- Okay, Lieutenant Mahoney, can you, you had reservations, right?

- Yes I did.

- Do you feel, I don't know how to say this. Yeah, this is hard because yeah you don't wanna take someone's livelihood away from them, a right to run a business. But yeah, when you have reservations, it's a hard, it's a hard decision to make. Is there anything you can help us with?

- Like I said, I'm just basing it on my experience as a law enforcement officer and dealing with the establishments. It's more of the totality. I never wanna take away someone's livelihood. I guess the question I would have Miss Berceau said she was a manager under the former owner, yet now she's claiming that she learned a lot over the past couple of weeks in terms of the liquor violations, where I would have expected if you're running or managing a liquor establishment before that, you should be very well versed in what the liquor laws are and what you can and can't do, especially if you have, wanting to take over a bar, run a bar, tavern yourself that-

- I believe-

- You should be very well versed in knowing instead of playing ignorance because the ignorance could come back where you are criminally or civilly liable for it.

- I believed was-

- Lisa, hold on.

- Okay.

- We have to reopen the floor for you to speak.

- I'll make a motion to reopen the floor.

- Second.

- All in favor?

- Aye.

- Go ahead Lisa.

- Sorry. I believed what the silent partners and the owner of the liquor license told me, because they had owned nine bars previously. So I believe that they were telling me everything I needed to know which they were not.

- Lisa are-

- They literally told me that I could buy bottles of booze from the liquor store.

- Okay, the nine other bars that they managed, are they, some of them in Green Bay, are they outside of Green Bay or other cities?

- He is down to only owning one bar.

- But what about the other, there were other ones before?

- I do not know most of her partners actually bought her out.

- Lieutenant Mahoney, do you have any information on these former owners?

- I don't have any information, all I know is I was advised by the city clerk said the license was surrendered back to the city, which once again, through my experience that if someone is transferring or selling a bar, this was very unique for me. Then normally that's part of the selling that it is transferred over. I don't know all the details, the PD probably never will know. It just seems very odd that this was the way that happened. That's kind of some of my trepidation on. I don't wanna say it would be a bad establishment by any means, it's just a totality of the complaints. The state going in there the way the license was surrendered that we just have some severe reservations about this but it will be up to the council, or the committee, and then ultimately the council to make their decisions.

- Yeah, this was all-

- I have a question. I have a question for Lieutenant Mahoney. So if this, I don't know if you can answer this but I'm gonna put it out there. If this liquor license wasn't surrendered back to the city would we be doing anything with this establishment?

- Normally one, a new owner takes over we would go-

- No, I understand that, but you made comments that the state came in, cited them for bottle violations. Would we be doing anything with them, if it wasn't surrendered?

- If it wasn't surrendered I guess you would say it would be on our radar to make sure that they didn't have any more violations. I believe the state comes in and does a follow up to make sure that they have all their proper paperwork, that they are purchasing through a distributor and not through a liquor store. Yes, we would probably start investigating more the allegations if they continued or if it's just a disgruntled former owner or employer that's just trying to deny this. If we keep getting complaints we'd investigated it or is it someone that's just does not like Miss Berceau that's just calling and complaining during this time. But then we have no further complaints on it.

- So regarding further complaints, we won't know about that unless we give her the license?

- Correct, and I can tell you when it was open under the former liquor license holder, I don't remember then being a significant number of complaints of any at the establishment. I know every tavern occasionally gets a call here or there but it wasn't like this place was a place we were monitoring heavily at all.

- So it sounds like it's possibly a dismantle between two parties that's making it a headache now?

- Yes, it could be, I just wanted the committee aware of all the information that we had, so you guys can make your decision.

- Oh yes, definitely, definitely, thank you for that. Lisa.

- We opened on September 11th of last year and ran pretty much up until we had a disagreement with our former partners with no complaints, no problems, no cops showing up, nothing. It all started when we had the disagreement with them.

- Okay. Alders.

- Motion to close the floor.

- Second.

- Okay, all in favor.

- Aye.

- Aye.

- Aye, thank you Lisa.

- I'd like to make a motion, Craig.

- No I'd like to.

- I make a motion that we give Miss Berceau a chance to get her business up and get her license so she can comply with all the rules and let her move forward with her business on Main Street. I don't see any problem. I think she's gonna try to do a good job and, thank you. That my motion.

- Alder Lefebvre.

- Make a motion to hold this until I can do more research. When a license is surrendered in some of these areas, and I know Alder VanderLeest feels there's not too many, but in areas there's too many liquor establishments. And I think we have to look at that. Once it's surrendered, then I think we can maybe do something. It's up to the committee And then the council to decide if one area is over-saturated. Is that right Attorney Bungert?

- [Joanne] Yes, that's correct. Basis for denial or a reasonable basis for denial is proximity to other licensed establishment. So because this isn't available license it is within the council's discretion to not necessarily approve on the basis that close to other licensed establishments and potential for creating disturbance in the neighborhood or affecting or having an adverse impact on public health, welfare, peace and quiet and cleanliness and et cetera, so that is a consideration that can be reviewed.

- Okay, and I'm sorry that this is nothing against you Lisa anyway, I just feel that we're just, some areas were just becoming too many establishments. And I just want a good look at that. For, now we're talking about Main Street. The worst is University Avenue. But as long as the license was suspended, I was hoping that we could hold it till the next meeting. And I hope maybe I should ask Lisa, if that would be a big hardship.

- I want to make a comment. So I understand what you're trying to do Alder Lefebvre, but I don't think you're there yet. So I think it would be unfair to any Lisa or any business to hold this up because you're not the point of doing the bar research. Am I correct Joanne? I feel like you're putting, you're trying, you're doing one thing but you're trying to combine them together.

- I'm just asking that we hold it to our next meeting.

- I made a motion, Craig.

- Yeah, can I second that motion, Joanne?

- Yes, you can.

- [Joanne] You can.

- I'll make, I will second that motion.

- Well then there's no reason for me to even continue with asking, because once you issue it then we cannot pull it unless there is some real violation. So we're missing the opportunity if we are looking at trying to control the amount of establishment selling liquor in certain areas. We're losing the opportunity, we have a good opportunity right now. It's only another two weeks to hold it.

- The thing is-

- And I apologize because, I'm sorry, I have a very personal situation here right now, That I'm trying to deal with. So I was not able to find the information that you would have liked for tonight.

- Alder VanderLeest.

- I just wanna make one comment. As far as trying to limit the number of buyers or that are serving liquor, I think the city has pretty much addressed that issue. Years ago on Broadway, they were pretty saturated. They had too many bars, they've removed some of those bars. And I think the city has a handle on that part. And I don't think we got to dig into that part. You're somebody that's trying to run a business trying to get a business up and going. And, this is a free market we're in here. And, COVID has been around. It's been pretty hard on a lot of them. And I take my hat off to somebody that wants to start a business and get things moving. And I say, let's give her the opportunity and as far as number of bars limited, that's another whole issue. The way with selling packaged goods at the gas stations, we opened that up that they can do that. They can sell at the gas stations and it's a free market. Cabs, they're not cooked, but you take vegetable foods and all the, they can say they all have packaged goods that they can sell, we can't limit it in the gas stations, they are in it as well, so as far as limiting, I don't see any need to be limiting. People can make up their own minds. And I say, let's move forward with this.

- Alder VanderLeest, you mentioned Broadway, yeah, right, where they all move to-

- It doesn't matter where they move.

- Then we ended up all kinds of on Washington Street-

- Alder Lefebvre, Alder VanderLeest.

- That's nothing.

- I understand where you're going Alder Lefebvre. But I think that needs to be a total separate agenda item where it can be really looked at, so.

- A study done.

- Yes a study, and you can bring that forward. So, we need to vote on this. So it was a motion to approve and now we need a vote.

- Alder Lefebvre, .

- Alder Lefebvre.

- Nay.

- No, Alder VanderLeest.

- Aye, I approve.

- Alder Stevens, yes, so that's two to one. So Lisa, we're recommending approval and this will go to the Common Council on the 20th which is next week.

- At least, I just want to say there's nothing against you. Okay?

- Okay.

- All right, thank you.

- Thank you.

- Attorney, you're ready?

- [Joanne] Yep, we are on to item number three.

- All right, consideration with possible action on an application for a "Class A" liquor and "Class A" beer at 1698 Main Street with a license premises description as "C-store" currently licensed as Main Street Mini Mart, LLC.

- Yes, staff recommendation is actually hold this, to hold this item to the next meeting on the 26th as apparently per the clerk's office this afternoon, they informed me that the bar plan, business plan is still pending approval. And so it just needs to be held for consideration until the next meeting.

- Motion to hold.

- Okay.

- Second.

- All in favor?

- Aye.

- Aye.

- Aye.

- since I see Miss Appleton is here. We have been trying to reach out to her to get the bar plan done. I noticed she responded last Friday afternoon. I don't know what the time was set up yet but I'll make sure our community, please reach out to you in the next day or two so we could get the plan done.

- Yes, I had tried to call numerous times, and the number that I had wouldn't let me leave a voicemail.

- Oh, okay, I know our officers received a message from you Friday afternoon. I will make sure that they reach out to you, like I said, in the next couple of days so we could get those on the, I believe it's April 26th agenda.

- Okay.

- Perfect, thank you.

- Yep.

- All right, thank you.

- [Joanne] All right, we are on to the liquor violation report.
- Police department.
- Happy to say we had no violations during this timeframe.
- Make a motion, or accept a motion place on file.
- Motion to receive and place on file.
- Second.
- Aye.
- Aye.
- Aye.
- Okay, adjournment.
- A motion to adjourn. I don't care, either one. It's going back and forth between us two.
- All in favor.
- Aye.

- Aye.

- Aye. All right, thank you everybody.

- Thank you, have a nice evening all, bye now.

- Lieutenant Mahoney, I just wanna thank you for all you've been helping me with and I think we'll talk soon on another issue.

- Okay, thank you.

- On Harold Street, you know that one.

- Yep, okay.

- Okay, all right.

- Bye now.

- Bye.