



Common Council

Special Untelevised

335 South Broadway
De Pere, WI 54115
<http://www.de-pere.org>

Agenda

Tuesday, August 29, 2017

6:30 PM

De Pere City Hall Council Chambers

Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a meeting of the **Common Council** of the City of De Pere will be held on **August 29, 2017** at **6:30 PM** in the **De Pere City Hall Council Chambers, 335 S. Broadway Street, De Pere, WI 54115.**

Agenda for Said Meeting:

1. Roll Call
2. Hearing to consider the suspension or revocation of the Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor License issued to Shannon's Haystack LLC, Kevin Charles, Agent, for the premises known as Chatterhouse 2016, 615 Geirge St., De Pere, WI is scheduled for 6:30 p.m.
3. Hearing to consider the suspension or revocation of the Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor License issued to Dan Cer Inc., Marc Bilotti, Agent, for the premises known as Bilotti's Pizza Garden, 111-113 N. Broadway Street, De Pere, WI, is scheduled for 7:30 p.m.
4. Deliberations by the Council upon the conclusion of any of the above hearings.

PLEASE TAKE NOTICE THAT, pursuant to Wis. Stats. §19.85(1)(a), the Council may convene in closed session after the hearing is concluded to deliberate concerning the matter as a judicial or quasi-judicial trial or hearing before the body.

Please take further notice that the Council may then re-convene in open session to take action on matters discussed in closed session or for such other matters as are allowed by law.

5. Decision, if any, on any of the above hearings may be announced by the Council at the conclusion of its deliberations pertaining to that hearing.
6. Adjournment.

Lawrence M. Delo
City Administrator

Any person wishing to attend this meeting who, because of disability, requires special accommodations should contact the Clerk-Treasurer's office at 339-4050 by Noon, the previous day so that arrangements can be made.

Agenda Sent To:

Alderspersons
City Administrator
Mayor
Department Heads
TV, Newspapers & Radio Stations
Kress Family Library
De Pere Chamber of Commerce

Kevin Charles, Shannon's Haystack LLC, d/b/a Chatterhouse 216
Mark N. Bilotti, DAN CER INC, d/b/a Bilotti's Pizza Garden

City of De Pere, Wisconsin



Request For Common Council Action

MEETING DATE: August 29, 2017

DEPARTMENT: City Attorney

FROM: Judith Schmidt-Lehman

SUBJECT: Hearing to consider the suspension or revocation of the Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor License issued to Shannon's Haystack LLC, Kevin Charles, Agent, for the premises known as Chatterhouse 2016, 615 Geirge St., De Pere, WI is scheduled for 6:30 p.m.

ATTACHMENTS:

- License S&C-Chatterhouse 8-2017 (PDF)

STATE OF WISCONSIN

CITY OF DE PERE

CITY OF DE PERE,
a Municipal Corporation
By: Dale Haagen, Police Department Captain
325 South Broadway Street
De Pere, WI 54115,

Licensor

v.

SHANNON'S HAYSTACK LLC
d/b/a Chatterhouse 2016
c/o Kevin Charles, Agent
615 George Street
De Pere, WI 54115,

Licensee

In the Matter of the Suspension
or Revocation of the Class "B"
Fermented Malt Beverage and
"Class B" Intoxicating Liquor
License issued to Shannon's
Haystack LLC

SUMMONS

TO: Shannon's Haystack LLC
d/b/a Chatterhouse 2016
c/o Kevin Charles, Agent
1049 Pagels Place
De Pere, WI 54115

You are hereby notified that Dale Haagen, Captain for the City of De Pere Police Department, has filed a sworn Complaint against you with the Office of the City Clerk-Treasurer. The Complaint, which is attached, states the nature and basis of this action.

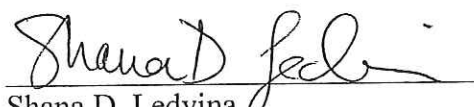
You are commanded to appear before the City of De Pere Common Council on Tuesday, **August 29, 2017 at 6:30 p.m.**, or as soon thereafter as the Common Council may hear this matter, at the City of De Pere Common Council Chambers, 2nd Floor, De Pere City Hall, 335 South Broadway Street, De Pere, WI 54115, to show cause why the Class "B" Fermented Malt

Attachment: License S&C-Chatterhouse 8-2017 (6160 : Hearing Shannon's Haystack (dba Chatterhouse 2016))

Beverage and "Class B" Intoxicating Liquor License issued to Shannon's Haystack LLC for the license year commencing July 1, 2017 should not be suspended or revoked under §7-13 De Pere Municipal Code and Wis. Stats. §125.12.

This Summons shall be personally served upon the Licensee as provided in Wisconsin Statutes Chapter 801.

Dated this 21st day of August, 2017.


Shana D. Ledvina
City Clerk-Treasurer
335 South Broadway Street
De Pere, WI 54115

H:\azills\Legal Documents\2017\Summons-Shannon's Haystack LLC (Chatterhouse)8-17-144-007-17.docx

Attachment: License S&C-Chatterhouse 8-2017 (6160 : Hearing Shannon's Haystack (dba Chatterhouse 2016))

STATE OF WISCONSIN

CITY OF DE PERE

CITY OF DE PERE,
a Municipal Corporation
By: Dale Haagen, Police Department Captain
335 South Broadway Street
De Pere, WI 54115,

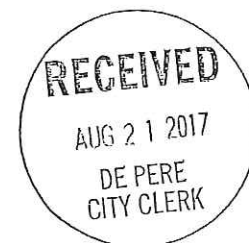
Licensor

v.

SHANNON'S HAYSTACK LLC
d/b/a Chatterhouse 2016
c/o Kevin Charles, Agent
1049 Pagels Place
De Pere, WI 54115,

Licensee

In the Matter of the Suspension
or Revocation of the Class "B"
Fermented Malt Beverage and
"Class B" Intoxicating Liquor
License issued to Shannon's
Haystack LLC,
c/o Kevin Charles, Agent



COMPLAINT

COMES NOW Dale Haagen, a Captain for the City of De Pere Police Department, pursuant to §7-13 De Pere Municipal Code and Wis. Stats. §125.12 who, upon oath, presents this Complaint regarding suspension or revocation of the Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor License issued to Shannon's Haystack LLC, c/o Kevin Charles, Agent as follows:

1. I am an adult resident of the City of De Pere and I have held the office of Captain since November 1, 1999.
2. A Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor License was issued to Shannon's Haystack LLC, c/o Kevin Charles, Agent ("Licensee") for the premises doing business as Chatterhouse 2016 ("Chatterhouse"), 614 George Street, De Pere, Wisconsin

Attachment: License S&C-Chatterhouse 8-2017 (6160 : Hearing Shannon's Haystack (dba Chatterhouse 2016))

for the license year commencing July 1, 2017. A copy of such license is attached and incorporated as Exhibit A.

3. At approximately 8:38 p.m. on March 15, 2017, the De Pere Police Department conducted a compliance check at Chatterhouse, which included the use of an 18 year old confidential informant (CI), sent in to the licensed establishment to attempt to purchase alcohol beverages.

4. An undercover De Pere police officer was in Chatterhouse at the same time as the CI in order to witness the transaction.

5. The CI ordered a Bud Light fermented malt beverage from the bartender, Stephanie S. Strege (Strege), and Strege served the CI a glass of Bud Light without questioning CI's age.

6. On April 26, 2017, Strege was found guilty by the De Pere/Ledgeview Joint Municipal Court of selling alcohol beverages to an underage person on March 15, 2017 in violation of Wis. Stats. §125.07(1)(a) and §7.125.07 De Pere Municipal Code (DPMC).

7. At approximately 8:24 p.m. on May 11, 2017, the De Pere Police Department conducted a compliance check at Chatterhouse, which again included the use of an underage CI sent in to attempt to purchase alcohol beverages.

8. An undercover De Pere Police Officer was also in Chatterhouse at the same time as the CI to witness the transaction.

9. The bartender, Diane M. Carmody (Carmody), did not question the CI's age, nor did she the CI to produce identification.

10. The CI then purchased a Bud Light fermented malt beverage from Carmody.

11. On June 28, 2017, Carmody was found guilty by the De Pere/Ledgeview Joint Municipal Court of selling alcohol beverages to an underage person on May 11, 2017 in violation of Wis. Stats. §125.07(1)(a) and §7.125.07 DPMC.

12. On June 25, 2017, at approximately 7:45 p.m., De Pere Police Officer R. Holcomb conducted a standard alcohol regulation compliance check at Chatterhouse. The purpose of standard compliance checks is to ensure that regulatory requirements on the operation of the licensed establishment are adhered to. Officer Holcomb spoke to Sonia A. Busch (Busch), the person in charge at Chatterhouse at this time, determined that there was no licensed operator on the Chatterhouse premises as required by Wis. Stats. §125.68(2) and §7.125.68 DPMC.

13. On August 9, 2017, Busch was found guilty by the De Pere/Ledgeview Joint Municipal Court of no licensed operator on premises, in violation of Wis. Stats. §125.68(2) and §7.125.68 DPMC.

14. All offenses and convictions listed in paragraphs 6, 11 and 13 constitute violations of Chapter 125 Wisconsin Statutes and Chapter 7 De Pere Municipal Code and may be considered for purposes of license suspension or revocation under Wis. Stats. §125.12 and §7.125.12 DPMC since they all occurred within a 12 month period. Further, all ordinances adopted by the City in Chapter 7 De Pere Municipal Code are adopted under the authority of Wis. Stats. §125.10.

15. The aforementioned allegations are true and to the best of my knowledge and belief.

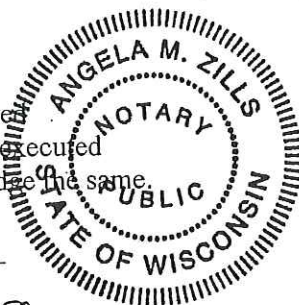
WHEREFORE, Dale Haagen, a Captain for the City of De Pere Police Department, hereby requests that upon filing of this Complaint, a Summons be issued directing Kevin Charles to appear before the Common Council on August 29, 2017 at 6:30 p.m. for a hearing under §7-13

De Pere Municipal Code and Wis. Stats. §125.12 for the Common Council to consider the suspension or revocation of the Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor License issued, together with such other relief as is allowed by law.

Dated this 21st day of August, 2017.

Dale C. Haagen
 Dale Haagen
 Captain, City of De Pere Police Department
 325 South Broadway Street
 De Pere, WI 54115

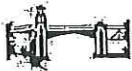
Personally came before me this 21st
 day of August, the above-named
 Dale Haagen known as the person who executed
 the foregoing instrument and acknowledged the same.



Angela M. Zills
 Notary Public Angela M. Zills
 My Commission Expires: 4/15/2018.

H:\azills\Legal Documents\2017\Complaint-Shannon's Haystack LLC (Chatterhouse)8-17-144-007-17.docx

Attachment: License S&C-Chatterhouse 8-2017 (6160 : Hearing Shannon's Haystack (dba Chatterhouse 2016))



No. 17-03R

Seller's Permit No. 456-1027496102-03

\$600.00

CLASS B RETAIL LICENSE

For the sale of

FERMENTED MALT BEVERAGES and INTOXICATING LIQUORS**COPY**

WHEREAS, the local governing body of the City of De Pere, County of Brown, Wisconsin, has, upon application duly made, granted and authorized the issuance of a Retail "Class B" License to SHANNONS HAYSTACK LLC KEVIN CHARLESto sell Fermented Malt Beverages as defined by pursuant to Section 125.26 of the Statutes of the State of Wisconsin and Local Ordinances and the said applicant has paid to the treasurer the sum of \$100.00 for such "Class B" Retailer's Fermented Malt Beverage license as required by local ordinances.

AND WHEREAS, the local governing body has granted and authorized the issuance of a "Class B" Intoxicating Liquor License to said applicant to sell intoxicating liquor as defined in and pursuant to Section 125.51 (3) of the Statutes of the State of Wisconsin and local ordinances and the said applicant has paid to the treasurer the sum of \$500.00 for such "Class B" Intoxicating Liquor License as provided by local ordinances and has complied with all the requirements necessary for obtaining such licenses,

LICENSE IS HEREBY ISSUED to said applicant to sell, deal and traffic retail, Fermented Malt Beverages and Intoxicating Liquors at the following described premises: CHATTERHOUSE 2016, 614 GEORGE ST, DE PERE, WI 54115. BASEMENT, KITCHEN, BAR, SEATING AREA.

FOR THE PERIOD from JULY 1, 2017 THROUGH JUNE 30, 2018.

Given under my hand and the corporate seal of the City of De Pere, County of Brown, State of Wisconsin, this 30th day of May, 2017.

Shana D. Ledvina, Clerk-Treasurer

This License must be FRAMED and POSTED IN A CONSPICUOUS PLACE in the room where Fermented Malt Beverages and Intoxicating liquors are sold.

City of De Pere, Wisconsin



Request For Common Council Action

MEETING DATE: August 29, 2017

DEPARTMENT: City Attorney

FROM: Judith Schmidt-Lehman

SUBJECT: Hearing to consider the suspension or revocation of the Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor License issued to Dan Cer Inc., Marc Bilotti, Agent, for the premises known as Bilotti's Pizza Garden, 111-113 N. Broadway Street, De Pere, WI, is scheduled for 7:30 p.m.

ATTACHMENTS:

- License S & C - Bilottis 8-2017 (PDF)

STATE OF WISCONSIN

CITY OF DE PERE

CITY OF DE PERE,
 a Municipal Corporation
 By: Dale Haagen, Police Department Captain
 325 South Broadway Street
 De Pere, WI 54115,

Licensor

v.

In the Matter of the Suspension
 or Revocation of the Class "B"
 Fermented Malt Beverage and
 "Class B" Intoxicating Liquor
 License issued to Dan Cer Inc.

DAN CER INC.
 d/b/a Bilotti's Pizza Garden
 c/o Marc N. Bilotti, Agent
 111-113 North Broadway Street
 De Pere, WI 54115,

Licensee

SUMMONS

TO: Dan Cer Inc.
 d/b/a Bilotti's Pizza Garden
 c/o Marc N. Bilotti, Agent
 636 N. Adams Street
 De Pere, WI 54115

You are hereby notified that Dale Haagen, a Captain for the City of De Pere Police Department, has filed a sworn Complaint against you with the Office of the City Clerk-Treasurer. The Complaint, which is attached, states the nature and basis of this action.

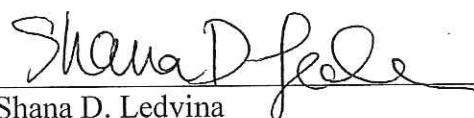
You are commanded to appear before the City of De Pere Common Council on Tuesday, **August 29, 2017, at 7:30 p.m.**, or as soon thereafter as the Common Council may hear this matter, at the City of De Pere Common Council Chambers, 2nd Floor, De Pere City Hall, 335 South Broadway Street, De Pere, WI 54115, to show cause why the Class "B" Fermented Malt

Attachment: License S & C - Bilottis 8-2017 (6161 : Hearing Dan Cer Inc. (dba Bilotti's))

Beverage and "Class B" Intoxicating Liquor License issued to Dan Cer Inc. for the license year commencing July 1, 2017 should not be suspended or revoked under §7-13 De Pere Municipal Code and Wis. Stats. §125.12.

This Summons shall be personally served upon the Licensee as provided in Wisconsin Statutes Chapter 801.

Dated this 21st day of August, 2017.


Shana D. Ledvina
City Clerk-Treasurer
335 South Broadway Street
De Pere, WI 54115

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Attachment: License S & C - Bilottis 8-2017 (6161 : Hearing Dan Cer Inc. (dba Bilotti's))

STATE OF WISCONSIN

CITY OF DE PERE

CITY OF DE PERE,
 a Municipal Corporation
 By: Dale Haagen, Police Department Captain
 335 South Broadway Street
 De Pere, WI 54115,

Licensor

v.

In the Matter of the Suspension
 or Revocation of the Class "B"
 Fermented Malt Beverage and
 "Class B" Intoxicating Liquor
 License issued to Dan Cer Inc.,
 c/o Marc N. Bilotti, Agent

DAN CER INC.
 d/b/a Bilotti's Pizza Garden
 c/o Marc N. Bilotti, Agent
 111-113 North Broadway Street
 De Pere, WI 54115,

Licensee



COMPLAINT

COMES NOW Dale Haagen, Captain for the City of De Pere Police Department, pursuant to §7-13 De Pere Municipal Code and Wis. Stats. §125.12 who, upon oath, presents this Complaint regarding suspension or revocation of the Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor License issued to Dan Cer Inc., c/o Marc N. Bilotti, Agent as follows:

1. I am an adult resident of the City of De Pere and I have held the office of Captain since November 1, 1999.
2. A Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor License was issued to Dan Cer Inc., c/o Marc N. Bilotti, Agent ("Licensee") for the premises doing business as Bilotti's Pizza Garden (Bilotti's), 111-113 N. Broadway Street, De Pere, Wisconsin

Attachment: License S & C - Bilottis 8-2017 (6161 : Hearing Dan Cer Inc. (dba Bilotti's))

for the license year commencing July 1, 2017. A copy of such license is attached and incorporated as Exhibit A.

3. At approximately 6:54 p.m. on March 15, 2017, the De Pere Police Department conducted a compliance check at Bilotti's, which included the use of an 18 year old confidential informant (CI), sent in to the licensed establishment to attempt to purchase alcohol beverages.

4. An undercover De Pere police officer was in Bilotti's at the same time as the CI in order to witness the transaction.

5. The CI ordered a Bud Light fermented malt beverage from the bartender, Amy C. Pagenkopf (Pagenkopf). Pagenkopf requested to see identification from the CI. The CI produced a state issued Wisconsin Driver's License, showing CI's actual date of birth.

6. Pagenkopf examined the license, returned it to the CI, and served the CI a glass of Bud Light.

7. On April 26, 2017, Pagenkopf was found guilty by the De Pere/Ledgeview Joint Municipal Court of selling alcohol beverages to an underage person on March 15, 2017 in violation of Wis. Stats. §125.07(1)(a) and §7.125.07 De Pere Municipal Code (DPMC).

8. At approximately 6:43 p.m. on May 11, 2017, the De Pere Police Department conducted a compliance check at Bilotti's, which again included the use of an underage CI, sent in to attempt to purchase alcohol beverages.

9. An undercover De Pere Police Officer was also in Bilotti's at the same time as the CI to witness the transaction.

10. The bartender, Nicholas R. Smith (Smith) questioned the age of the CI; however, Smith did not ask the CI to produce identification.

11. The CI then purchased a Bud Light fermented malt beverage from Smith.

12. On June 28, 2017, Smith was found guilty by the De Pere/Ledgeview Joint Municipal Court of selling alcohol beverages to an underage person on May 11, 2017 in violation of Wis. Stats. §125.07(1)(a) and §7.125.07 DPMC.

13. On June 25, 2017, at approximately 8:20 p.m., De Pere Police Officer R. Holcomb conducted a standard alcohol regulation compliance check at Bilotti's. The purpose of standard compliance checks is to ensure that regulatory requirements on the operation of the licensed establishment are adhered to. Officer Holcomb spoke Paul G. Kielpikowski (Kielpikowski), the person in charge at Bilotti's at this time, determined that there was no licensed operator on the Bilotti's premises as required by Wis. Stats. §125.68(2) and §7.125.68 DPMC.

14. On August 9, 2017, Kielpikowski was found guilty by the De Pere/Ledgeview Joint Municipal Court of no licensed operator on premises, in violation of Wis. Stats. §125.68(2) and §7.125.68 DPMC.

15. All offenses and convictions listed in paragraphs 7, 12 and 14 constitute violations of Chapter 125 Wisconsin Statutes and Chapter 7 De Pere Municipal Code and may be considered for purposes of license suspension or revocation under Wis. Stats. §125.12 and §7.125.12 DPMC since they all occurred within a 12 month period. Further, all ordinances adopted by the City in Chapter 7 De Pere Municipal Code are adopted under the authority of Wis. Stats. §125.10.

16. The aforementioned allegations are true and to the best of my knowledge and belief.

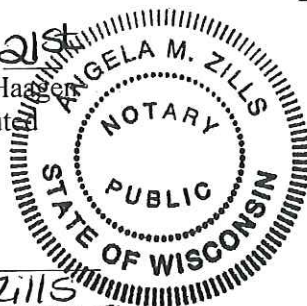
WHEREFORE, Dale Haagen, Captain for the City of De Pere Police Department, hereby requests that upon filing of this Complaint, a Summons be issued directing name of agent to

appear before the Common Council on August 29, 2017 at 7:30 p.m., or as soon thereafter as the Common Council may hear this matter, for a hearing under §7-13 De Pere Municipal Code and Wis. Stats. §125.12 for the Common Council to consider the suspension or revocation of the Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor License issued, together with such other relief as is allowed by law.

Dated this 21st day of August, 2017.

Dale C. Haagen
 Dale Haagen
 Captain, City of De Pere Police Department
 325 South Broadway Street
 De Pere, WI 54115

Personally came before me this 21st day of, the above-named Dale Haagen known as the person who executed the foregoing instrument and acknowledge the same.



Angela M. Zills

Notary Public Angela M. Zills

My Commission Expires: 4/15/2018.

H:\azills\Legal Documents\2018\Complaint-Dan Cer Inc.(Bilotti's)8-17-144-006-17.docx

Attachment: License S & C - Bilottis 8-2017 (6161 : Hearing Dan Cer Inc. (dba Bilotti's))

No. 17-06

Seller's Permit No. 456-0000308423-03

\$600.00

CLASS B RETAIL LICENSE

For the sale of

FERMENTED MALT BEVERAGES and INTOXICATING LIQUORS**COPY**

WHEREAS, the local governing body of the City of De Pere, County of Brown, Wisconsin, has, upon application duly made, granted and authorized the issuance of a Retail "Class B" License to DAN CER INC., Agent: MARC N. BILOTTI, to sell Fermented Malt Beverages as defined by pursuant to Section 125.26 of the Statutes of the State of Wisconsin and Local Ordinances and the said applicant has paid to the treasurer the sum of \$100.00 for such "Class B" Retailer's Fermented Malt Beverage license as required by local ordinances.

AND WHEREAS, the local governing body has granted and authorized the issuance of a "Class B" Intoxicating Liquor License to said applicant to sell intoxicating liquor as defined in and pursuant to Section 125.51 (3) of the Statutes of the State of Wisconsin and local ordinances and the said applicant has paid to the treasurer the sum of \$500.00 for such "Class B" Intoxicating Liquor License as provided by local ordinances and has complied with all the requirements necessary for obtaining such licenses,

LICENSE IS HEREBY ISSUED to said applicant to sell, deal and traffic retail, Fermented Malt Beverages and Intoxicating Liquors at the following described premises: BILOTTI'S PIZZA GARDEN, 111-113 N. BROADWAY, DE PERE, WI 54115. 2 STORY KITCHEN, 3 DINING ROOMS, BASEMENT.

FOR THE PERIOD from JULY 1, 2017 THROUGH JUNE 30, 2018.

Given under my hand and the corporate seal of the City of De Pere, County of Brown, State of Wisconsin, this 7th day of June, 2017.



Shana D. Ledvina, Clerk-Treasurer

This License must be FRAMED and POSTED IN A CONSPICUOUS PLACE in the room where Fermented Malt Beverages and Intoxicating liquors are sold.

EXHIBIT A