



Common Council

Special Untelevised

Minutes

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

Tuesday, June 25, 2019

7:00 PM

De Pere City Hall Council Chambers

1. Agenda for Said Meeting: The Special Common Council meeting was called to order on June 25, 2019 at 7:00 PM at De Pere City Hall Council Chambers, 335 S. Broadway Street, De Pere, WI.

Attendee Name	Title	Status	Arrived
Michael J. Walsh	Mayor	Present	
James Boyd	Aldersperson	Present	
Dan Carpenter	Aldersperson	Present	
Scott Crevier	Aldersperson	Excused	
Jonathon Hansen	Aldersperson	Present	
Ryan Jennings	Aldersperson	Present	
Amy Chandik Kundinger	Aldersperson	Present	
Casey Nelson	Aldersperson	Present	
Dean Raasch	Aldersperson	Present	

2. Hearing to Consider the Renewal of the Following Licenses:

A. the Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor License issued to McLanes Bowl LLC, agent Bryan Kaster, for the premises known as Fox Y Moo - Bowling Alley/Front Bar, 132 S. Broadway Street, De Pere, WI.

B. the Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor License issued to McLanes Bowl LLC, agent Bryan Kaster, for the premises known as Fox Y Moo - Rear Dance Bar, 132 S. Broadway Street, De Pere, WI.

Mayor Walsh announced the hearing to consider the renewal of two Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor Licenses issued to McLanes Bowl LLC, Bryan Kaster, Agent for the premises known as 132 S. Broadway, De Pere, WI - Bowling Alley/Front Bar and Rear Dance Bar.

Attorney Bob Gagan acted as the Common Council's legal advisor for the hearing, as Assistant City Attorney Kristen Johnson brought the charges before the Council and acted in the role of prosecutor. Carrie S. Bohrer, Court Reporter, transcribed the hearing. Present at the hearing were Chief Derek Beiderwieden of the De Pere Police Department, licensee Bryan Kaster of McLanes Bowl LLC, and licensee's attorney, Michael McGuire.

De Pere Assistant City Attorney Kristen Johnson amended Section 17 of the complaint to reflect that Bryan Kaster was issued a citation for violating Wis. Stat. 125.07(1)(a). Section 18 of the complaint was also amended to reflect the correct date of June 16, 2019.

Attorney Johnson called Officer Jacob Eberhardt forward. Officer Eberhardt was sworn in by the City Clerk and provided testimony regarding the events of May 25, 2019. Officer Eberhardt also answered questions from licensee Bryan Kaster during cross examination.

Attorney Johnson called Officer Aaron Hanson forward and he was sworn in by the City Clerk. Officer Hansen provided testimony regarding the events of May 25, 2019 and also answered questions from licensee Bryan Kaster during cross examination.

Attorney Johnson called Sergeant Jacob Nowak forward and he was sworn in by the City Clerk. Sergeant Nowak provided testimony regarding the events of May 25, 2019 and also answered questions from licensee Bryan Kaster during cross examination.

Attorney Johnson called Officer Tyler Dawson forward and he was sworn in by the City Clerk. Officer Dawson provided testimony regarding the events of June 16, 2019 and also answered questions from licensee Bryan Kaster during cross examination.

Attorney Johnson called Officer Alicia Bagley forward and she was sworn in by the City Clerk. Officer Bagley provided testimony regarding the events of June 16, 2019. Attorney Johnson presented a video from Officer Bagley's body camera from that night; the video was not transcribed but will be added to the record. Officer Bagley also answered questions from licensee Bryan Kaster and Attorney McGuire during cross examination. She then answered questions from Attorney Johnson during re-cross.

Attorney Johnson called Chief of Police Derek Beiderwieden forward and he was sworn in by the City Clerk. Chief Beiderwieden provided testimony regarding the complaint he filed and the four counts outlined in the complaint. Officer Beiderwieden then answered questions from licensee Bryan Kaster and Attorney McGuire during cross examination. The City then rested its case.

Licensee Bryan Kaster called bar manager Chelsie Brakke forward. She was sworn in by the City Clerk and provided testimony regarding the events of May 25, 2019 and June 16, 2019. She also answered questions from Attorney Johnson during cross examination. The defendant then rested its case.

Attorney Johnson provided closing arguments for the City of De Pere; licensee Bryan Kaster and Attorney McGuire provided closing arguments for the defense.

3. Deliberations by the Council upon the conclusion of the above hearing.

Aldeperson Raasch moved, seconded by Alderperson Boyd to close the meeting at 8:15 PM. Upon vote, motion carried unanimously.

Aldeperson Hansen moved, seconded by Alderperson Jennings to open the meeting at 9:08 PM. Upon vote, motion carried unanimously.

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

Attorney Bob Gagan announced that findings of fact may be found in the testimony provided during the hearing and that conclusions of law can be found in the complaint filed by the Chief of Police.

Alderson Raasch moved, seconded by Alderson Carpenter to issue a 30 day suspension to the Class B licenses described as 132 S. Broadway - Bowling Alley/Front Bar, along with the following stipulations:

- that the licensee retain surveillance video for 30 days and provide that video upon request of the Police Department to confirm that employees are checking IDs;
- that IDs be checked at all doors to the exterior of the building;
- that an automatic review of the license be scheduled after six months;
- and that the licensee make arrangements for employees to go through training with the De Pere Police Department regarding alcohol compliance.

Upon vote, motion carried unanimously.

Alderson Hansen moved, seconded by Alderson Jennings to not renew the Class B licenses described as 132 S. Broadway - Rear Dance Bar.

Upon vote, motion carried 5-2 with Aldersons Carpenter and Raasch voting nay.

5. In the complete alternative to items #2, 3 and 4, action on the renewal of:

A. the Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor License issued to McLanes Bowl LLC, agent Bryan Kaster, for the premises known as Fox Y Moo - Bowling Alley/Front Bar, 132 S. Broadway Street, De Pere, WI.

B. the Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor License issued to McLanes Bowl LLC, agent Bryan Kaster, for the premises known as Fox Y Moo - Rear Dance Bar, 132 S. Broadway Street, De Pere, WI.

and scheduling a hearing to consider the suspension or revocation of said licenses.

No action taken on this item.

6. Adjournment.

Alderson Raasch moved, seconded by Alderson Boyd to adjourn the meeting at 9:12 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen, City Clerk