



PROCEEDINGS OF THE BELOIT CITY COUNCIL

Special Meeting

100 State Street, Beloit WI 53511

City Hall Forum – 7:00 p.m.

Tuesday, August 23, 2016

Presiding: President David F. Luebke
Present: Regina Dunkin, Regina Hendrix, Kevin Leavy, Mark Preuschl, Marilyn Sloniker
Absent: Sheila De Forest
Advisory: Attorney Brooke Joos, appeared as independent counsel for the City Council

1. President Luebke called the meeting to order at 6:00 p.m.
2. City Attorney, Elizabeth Krueger, appearing on behalf of the City of Beloit, presented a recommendation from the Alcohol Beverage License Control Committee that the Alcohol Beverage License for Casey's Marketing Company, d/b/a Casey General Store #3316, 2350 Cranston Road, Emma Monheim, agent be suspended for 10 consecutive days.

Attorney David Moore, appearing on behalf of the respondent Casey's Marketing Company, admitted to the facts of the complaint. The parties were asked to argue their respective positions to the Council to determine the appropriate sanction.

Attorney Krueger recommended a 10-day suspension which was the recommendation of the ABLCC. She indicated that the 10-day suspension was consistent with the past practice of the city.

Attorney David Moore explained that he would not be arguing the facts of the complaint, but would rather explain the series of events that have led to these very frustrating and disappointing violations. Mr. Moore introduced with him the store agent, Emma Monheim and the store supervisor, Julie Colden. He explained that a change in personnel during this period complicated the situation. Casey's corporation is a Midwestern chain of stores with headquarters in Ankeny, Iowa, and they have made it clear that they take these violations very serious and in this case, have dismissed the employees who did not comply with the rules and policy within their organization. Mr. Moore handed out packets of material to the Councilors for reference and one of them included a 3-page letter that details the policy and procedures for the sale of alcohol within their company. He wanted to be clear that this letter which was given to Captain Dan Risse after the first violation was not a list of new compliance changes to be implemented as indicated in the minutes of the June committee meeting. Casey's has not implemented changes to their policy, however, they reiterated via this letter the training and expectations of all employees in the corporation. He reviewed that document with the Councilors. Mr. Moore also explained that Casey's has registers that allow for Driver's Licenses and ID's to be scanned for the DOB and when using an alternative ID, must enter a Date of Birth for age verification. In Casey's attempt to ensure that the policy is strictly enforced, they have a no-tolerance policy in that those who violate the expectations to scan anyone appearing under 40 and who sells alcohol to minors will be terminated. All employees were retrained after the first offense and asked to sign a form stating they understand the policy and consequences. The store supervisor is fairly certain that a false date was entered in this underage sale. She reiterated that all employees participate in the "bars program" that runs internal checks for the same purposes as well as being trained on how to refuse a sale if someone doesn't have an adequate ID. Clerks are also all required to take the safe server program as well. Councilors asked questions of Attorney Moore and the store supervisor.

3. Councilors Leavy and Dunkin made a motion to adjourn into closed session at 6:30pm pursuant to §19.85 (1)(a), Wis. Stats. for deliberations regarding the matter identified in #2 which was the subject of a quasi-judicial hearing. Motion carried 6-0. Councilors Dunkin and Sloniker made a motion to move out of closed session at 6:58pm. Motion carried. Councilors Leavy and Preuschl made a motion to move back into open session. Attorney Joos explained that the decision the council is making this evening is to be made based solely on the information presented by Attorney Krueger in the complaint and the

information provided by Attorney Moore. Council Leavy made a motion to suspend for 30 days because of the time frame that these violations occurred in and the fact that these matters are taken very seriously by the Council. Motion failed for lack of a second. Councilors Dunkin and Preuschl made a motion to suspend the license for the recommended 10 days to be effective immediately. Councilor Leavy explained that he will support the 10 day suspension but wants to be clear that he feels this is a severe violation and he hopes that they understand that as well. Motion Carried. File 8721

4. City Attorney, Elizabeth Krueger, appearing on behalf of the City of Beloit, presented a recommendation from the Alcohol Beverage License Control Committee that the Alcohol Beverage License for Pitcher's Mound LTD LLC, d/b/a Pitcher's Mound, 2745 Prairie Avenue, Robert L Lewis, Agent be revoked for abandonment and/or non-use. Attorney Krueger filed an Affidavit of Service with the Clerk indicating that Agent Robert Lewis was properly served with the Summons and Complaint. No one representing Pitcher's Mound appeared before the Council. Attorney Krueger requested that the Council consider the facts outlined in the complaint sufficient to revoke the license. Councilors Leavy and Sloniker made a motion to revoke the license as recommended. Motion carried. File 8721
5. Councilors Leavy and Dunkin made a motion to adjourn at 7:08 p.m. Motion carried.



Lorena Rae Stottler, City Clerk

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Date approved by City Council: September 6, 2016