

Special Meeting of the Common Council
City Hall, Viroqua, Wisconsin.
Thursday, January 8, 2004 6:30 PM

1. Roll call. Pledge of Allegiance.

Mayor Larry Fanta called the meeting to order at 6:30 PM. After recitation of the pledge, the Mayor took roll. All members were present (Ward and name): 1, David Tryggstad; 2 Steve Zastrow; 3, John Bjerke; 4, Vernie Smith; 5, Weston Mack; 6, Roger Hatlem; 7, Gail Frie; 8, Robert Suhr; 9, Terry Noble.

Also present in the room were members of the public, Police Chief Mark Rahr, Assistant Chief Daron Jefson, and a WVRQ radio reporter. Attorneys David Jenkins, George Hopkins and Gary Monson were also present, as was a court reporter and agents of Viroqua Gas and Food, Inc., Balbir Singh and Jaswinder Kaur.

2. Unless the person accused demands an open session, possible closed session under Wisconsin Statutes section 19.85(1)(b) "Considering dismissal, demotion, licensing or discipline of any...person licensed...or the investigation of charges against such person...and the taking of formal action on any such matter":

Consider and act upon complaint of alleged sale of alcohol beverages to an underage person by a licensee.

Note: This is an outline only. The complete record of Agenda 2 is the record made by the court reporter.

Attorney George Hopkins, representing Viroqua Gas and Food, Inc., demanded an open session.

Attorney David Jenkins stated that the City Clerk had issued Viroqua Gas and Food, Inc. a summons as to why its license should be revoked, and that he would be prosecuting the case. He indicated that Attorney Gary Monson would serve as legal advisor to the city. The council will sit as a court and make a decision.

Attorneys Hopkins and Monson made statements and rebutted the other's statements. Hopkins said the hearing was premature because of a pending case in circuit court on a Nov. 16 ticket. Monson said that the ticket is against an individual, and that this case is about the city's jurisdiction over the licensee.

Frie asked if council finds violation what the options are. The answer: city can suspend license for not less than 10 days nor more than 90 or revoke license.

Jenkins then presented his evidence. Balbur Singh (Viroqua Food and Gas agent) was found guilty in circuit court on Oct 6, 2003 of selling alcohol to an under aged person. On Nov. 16 Bradley Stuber (age 20) at request of Daron Jefson purchased beer from the establishment.

Attorney Hopkins replied to Jenkins's statement. We are not denying that the incidents took place. Purchaser falsely represented himself and looked to be of legal drinking age.

Witnesses were then called, sworn in, questioned and cross-examined. Jenkins called two witnesses: Daron Jefson, City of Viroqua's Assistant Police Chief; and Bradley Stuber, a Westby police officer who participated in the sting operation against Viroqua Food and Gas.

Hopkins called one witness, Jaswinder Kaur. These three witnesses were questioned and cross-examined by both Attorney Jenkins and Hopkins.

There was discussion and questions by Council members regarding facts of the case.

Mayor Fanta offered members of the public the opportunity to speak if they had something directly relating to the case. 3 members of the public spoke briefly. Mr Singh made a brief statement indicating that he tried to trust people in his dealings with the public.

3. *Possible closed session under Section 19.85 (1) (a) "Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that government body":*

Deliberation of the Council on the evidence presented under the complaint.

At 7:37 PM the Mayor read Agenda item 3 and a motion was made by Frie, seconded by Suhr to go into closed session in accordance with the agenda item. Roll call vote. All aye. Motion carried. The door was closed, with only the Mayor and Council members remaining in the room. The court reporter removed her equipment, left the documentary evidence with the Council and then left.

At 8:30 PM Attorney Monson was invited into the room to confer with the Council and he remained until the Council reconvened in open session.

At 8:49 PM a motion was made by Frie, seconded by Hatlem to return to open session. Roll call vote, all aye, motion carried.

4. *Open session to vote on any decision.*

Door was opened and members of the public returned to the room. The Mayor announced that in keeping with the agenda item there would be no public comment taken at this time. Zastrow read the following statement and motion:


This Council views that license holders selling alcoholic beverages to those under age to be a very serious matter, and because we found such a violation has occurred at Viroqua Gas and Food, we want to send a strong message that such underage sales will not be tolerated, and at this time I move that the Alcohol Beverage License issued to Viroqua Gas and Food, Inc. be suspended for a period of 10 (days) beginning 8:00 AM January 9, 2004 and ending 8:00 AM on January 19, 2004.

The motion was seconded by Mack. Roll call vote, all aye, with one abstention by Tryggstad. None opposed. Motion carried.

5. *Adjournment.*

At 8:51 PM there was a motion by Frie, seconded by Mack to adjourn. All aye, motion carried.

Minutes: by Vernie Smith

 1/17/2004