

MINUTES OF SPECIAL VILLAGE OF RIB LAKE BOARD MEETING & HEARING
WEDNESDAY DECEMBER 4, 2019

President Schreiner called the meeting to order at 6:00 p.m. Roll call was taken with the following members present: President Schreiner, Trustees Tesch, Hanke, Buksa and Mann. Members absent: Trustees Van Hecker and Bullis.

Vistors present were Delores Safemaster, Michael Butson, Dawn Dachel, Earl Soderman, Robert Hanke, William Gray, Amos Balsis, Derek Beckstrand, Hal Swenson, Tammy Mann, Jeff and Julia Thums.

Moved by Trustee Mann, seconded by Trustee Tesch to adjourn from the regular meeting into the Public Hearing.

Public Hearing

President Schreiner stated that the purpose of the public hearing was to consider the suspention/revocation of the Class B Beer/Liquor License issued to Drink Slingers Tavern, LLC, whose president and agent is Michael A. Butson located at 832 McComb Avenue for the period beginning July 1, 2019 and ending June 30, 2020.

Introduction

Village Attorney Ruthann Koch explained that on the 27th day of November, 2019, a “Summons-Order to Show Cause” was served on Mr. Butson. Mr. Butson acknowledged receipt of the “Summons-Order to Show Cause”. The summons explained the basis of this hearing and included the complaint initiated by Village of Rib Lake resident Robert Hanke.

She went on to explain that the proceeding would be conducted under WI Statute 125.12. The process would be as follows: (1) Citizen Robert Hanke, as the petitioner, would present his complaint. (2) Any witness(es) would then be able to address the Board. (3) Mr. Butson would then have the opportunity to cross exam citizen Robert Hanke and any witnesses. (4) Mr. Butson would then have the opportunity to respond to the complaint. (5) Mr. Butson’s witness(es) would then be given the opportunity to address the Board. (6) Police Chief Beckstrand would then have the opportunity to cross examine Mr. Butson’s witness(es). (7) Following the public hearing, the Board would adjourn the public hearing, and convene into open session. At that time, the Board would deliberate and make a decision based on the evidence heard. (8) Mr. Butson may appeal the Board’s decision to the Taylor County Circuit court.

Parties Sworn In

Police Chief Derek Beckstrand, T.C. Officer Amos Balsis, Dept. of Revenue Special Agent William Gray, Robert Hanke, Michael Butson and Dawn Dachel were sworn in by Village Clerk Swenson.

Complainant Robert Hanke

Robert Hanke announced that his formal and sworn complaint against Drink Slingers Tavern is for violating statutes 125.12, running a place where their selling drugs, having been busted for having drugs in the place, habitually serving people who are known to be habitual drunks and allowing women to expose their breasts. He said he does not believe that this behavior belongs in our community and votes that the license be suspended.

The Village Board had no questions for Mr. Hanke

Cross Examination of Robert Hanke

Michael Butson had the opportunity to cross examine the witness. He did so through his spokesperson Dawn Dachel.

Dawn Dachel – Commented to Mr. Hanke that all that he described is hearsay and questioned him as to where his proof is. Mr. Hanke responded that he didn't know that he should bring witnesses with him, but he could at another time.

Witnesses

William Gray, Special Agent for Dept. of Revenue – Described the following list of 9 violations that were found at Drink Slingers Tavern at the time of a search in April of 2018.

1. 5 video gambling machines fineable by \$500 per machine.
2. Unlicensed bartender.
3. Sale of single cigarettes.
4. Presence of marijuana in upstairs residence.
5. Re-filling liquor bottles.
6. Selling marijuana disguised in cigarette packs.
7. Selling prescription pills from garage.
8. Illegal drug trafficking on licensed premises
9. Invoices that don't include entity and agent names on them.

Amos Balsis, T.C. Sheriffs Dept. – Reiterated some of what Agent Gray reported and described the large amounts of marijuana along with substantial amount of cash located in the upstairs apartment. He said the building owner Earl Soderman was arrested and charged and later found guilty. Dawn Dachel was also arrested. He agreed with Agent Gray that Butson was honest and cooperative.

Cross Examination of Agent Gray and Officer Balsis

On behalf of Michael Butson, Dawn Dachel cross examined both Agent Gray and Officer Balsis questioning some of the statutes that were cited.

Michael Butson Summary

Michael Butson, licensee of Drink Slingers Tavern, provided the following testimony: Butson admitted not being around a lot of the time when this was all happening. He said he has been working to straighten everything out and have things back in order.

Cross Examination of Michael Butson

There was none.

Police Chief Summary

Chief Beckstrand had nothing further to add.

Wisconsin Statute 125.12(2) states that:

(2) Revocation or suspension of licenses by local authorities.

(ag) Complaint. Any resident of a municipality issuing licenses under this chapter may file a sworn written complaint with the clerk of the municipality alleging one or more of the following about a person holding a license issued under this chapter by the municipality:

1. The person has violated this chapter or municipal regulations adopted under s. 125.10.
2. The person keeps or maintains a disorderly or riotous, indecent or improper house.
3. The person has sold or given away alcohol beverages to known habitual drunkards.
4. The person does not possess the qualifications required under this chapter to hold the license.
5. The person has been convicted of manufacturing, distributing or delivering a controlled substance or controlled substance analog under s. 961.41 (1); of possessing, with intent to manufacture, distribute or deliver, a controlled substance or controlled substance analog under s. 961.41 (1m); or of possessing, with intent to manufacture, distribute or deliver, or of manufacturing, distributing or delivering a controlled substance or controlled substance analog under a substantially similar federal law or a substantially similar law of another state.

5m. The person has been convicted of possessing any of the materials listed in s. 961.65 with intent to manufacture methamphetamine under that subsection or under a federal law or a law of another state that is substantially similar to s. 961.65.

6. The person knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess, with the intent to manufacture, distribute or deliver, or to manufacture, distribute or deliver a controlled substance or controlled substance analog.

6m. The person knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess any of the materials listed in s. 961.65 with the intent to manufacture methamphetamine.

7. The person received the benefit from an act prohibited under s. 125.33 (11).

Adjourn to Board Meeting

Moved by Tesch, seconded by Mann to adjourn the public hearing to the Board meeting at approximately 7:45 p.m. All in favor. All Aye. Motion carried. **Hearing Adjourned to Board Meeting.**

Board Meeting

Suspension/Revocation of Class B Beer/Liquor License Issued to Drink Slingers Tavern, LLC Agent Michael Butson

After the testimony, board members discussed what to do as a response. Village attorney Ruthann Koch advised them that the penalty could be no less than 10 days suspension nor more than one year license revocation. Trustee Tesch said it's a small town and we don't want to close a business.

Resident Jeff Thums asked permission to speak. Moved by Buksa, seconded by Hanke to allow a public comment from Jeff Thums. Jeff spoke in support of the tavern remaining open. He agreed that we don't need to have a business closing in a small town.

President Schreiner said he was most bothered by Butson allowing the drug trafficking to take place. Tesch said there should be consequences. Trustee Mann questioned if everything was in order at the tavern now and Butson replied that it was.

Moved by Mann, seconded by Tesch to immediately suspend, for 10 days the Class B beer/liquor license issued to Drink Slingers Tavern, LLC Agent Michael Butson at 832 McComb Avenue because Agent Michael Butson is in noncompliance with WI State Statutes 125.12(2)(ag) in that he knowingly allowed another person, who is on the licensed premises, to manufacture or deliver, or possess, with the intent of

manufacturing or delivering, an illegal drug. Roll Call Vote: Van Hecker-absent, Tesch-Yes, Buksa-Yes, Bullis-absent, Hanke-yes, Mann-yes and Schreiner-no. Resulting in (4)Yes; (1)No; (2) Absent) **Motion carried.**

The suspension will take effect the day after receipt of the Clerk's letter by the agent confirming the 10 day suspension.

Moved by Tesch, seconded by Mann, to adjourn the meeting at approximately 8:15 p.m. Motion carried.

Dawn Swenson, Clerk