

**CITY OF CEDARBURG  
COMMON COUNCIL  
November 14, 2017**

**CC20171114-1**

A special meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Tuesday, November 14, 2017, at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers. Mayor Kinzel called the meeting to order at 7:00 p.m.

ROLL CALL: Present - Common Council: Mayor Kip Kinzel, Council Members John Czarnecki, Jack Arnett, Dick Dieffenbach, Rick Verhaalen, Mitch Regenfuss, Patricia Thome and Mike O'Keefe

Also Present - Police Chief Thomas Frank, Police Officer Dustin Koehler, City Clerk Constance McHugh, City Attorney Michael Herbrand and Assistant City Attorney Johnathan Woodward on behalf of the Police Department, Attorney Aaron Graf on behalf of the Common Council, Attorney Tim Algiers on behalf of Steven and Diane Banas, Steven and Diane Banas; interested citizens and news media

**STATEMENT OF PUBLIC NOTICE**

At Mayor Kinzel's request, City Clerk McHugh verified that notice of this meeting was provided to the public by forwarding the agenda to the City's official newspaper, the *News Graphic*, to all news media and citizens who requested copies, and by posting in accordance with the Wisconsin Open Meetings law.

**HEARING ON COMPLAINT AGAINST CLASS "B" BEER AND "CLASS B" LIQUOR  
LICENSE OF STEVEN WALTER BANAS D/B/A AUGUST WEBER HAUS AT W63 N678  
WASHINGTON AVENUE**

A hearing was held regarding a complaint filed by Police Chief Frank against the Class "B" beer and "Class B" liquor License of Steven Walter Banas, d/b/a August Weber Haus at W63 N678 Washington Avenue. The hearing was reported by Bette Vande Boom, RPR, and the transcript will be filed with the City Clerk upon completion.

**CLOSED SESSION**

Motion made by Council Member O'Keefe, seconded by Council Member Czarnecki, to adjourn to closed session at 9:23 p.m. pursuant to State Statutes 19.85(1)(a) to deliberate concerning a case which is the subject of any judicial or quasi-judicial trial or hearing before the Common Council. Motion carried on a roll call vote with Council Members Czarnecki, Arnett, Dieffenbach, Verhaalen, Regenfuss, Thome and O'Keefe voting aye.

**RECONVENE TO OPEN SESSION**

Motion made by Council Member Dieffenbach, seconded by Council Member Thome, to reconvene to open session at 10:48 p.m. Motion carried on a roll call vote with Council Members Czarnecki, Arnett, Dieffenbach, Verhaalen, Regenfuss, Thome and O’Keefe voting aye.

**SET FORTH FINDINGS AND DECISION REGARDING COMPLAINT AGAINST CLASS “B” BEER AND “CLASS B” LIQUOR LICENSE OF STEVEN WALTER BANAS, D/B/A AUGUST WEBER HAUS AT W63 N678 WASHINGTON AVENUE**

Motion made by Council Member O’Keefe, seconded by Council Member Arnett, to revoke the Class “B” beer and “Class B” liquor license of Steven Walter Banas d/b/a August Weber Haus at W63 N678 Washington Avenue based on:

1. A failure to publish open hours per Ordinance 7-2-18(b)(1)(a)(iv) in that posting the current status of the business is not publishing open hours; and
2. A failure to be open for business in a manner that satisfies the stated intent of the Ordinance that “Class B” alcohol beverage licenses be held by active, going concerns that are open to the public for business on a regular basis.

Motion carried unanimously.

**ADJOURNMENT**

Motion made by Council Member Arnett, seconded by Council Member O’Keefe, to adjourn the meeting at 10:50 p.m. Motion carried unanimously.

Constance K. McHugh, MMC/WCPC  
City Clerk