

6.
14
15
18.
94.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

3

File Number	Title	Status
-------------	-------	--------

2013-0112 Communication In Committee

Communication from Assistant City Attorney regarding non-payment of 2011 personal property taxes for 1119 S. 108 St., Corey J. Washington, dated February 18, 2013.

Introduced: 2/26/2013

Controlling Body: License & Health Committee

*New signed agreement dated 7-18-13
Can we PDF? please*

COMMITTEE RECOMMENDATION

place on file

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>8-6-13</u>			Barczak				<input checked="" type="checkbox"/>
			Czaplewski	<input checked="" type="checkbox"/>			
			Lajsic				
			May				
			Probst				
			Reinke				
			Roadt	<input checked="" type="checkbox"/>			
		<input checked="" type="checkbox"/>	Sengstock	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>		Vitale				
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>4</u>	<u>0</u>		<u>1</u>

SIGNATURE OF COMMITTEE MEMBER

[Handwritten Signature]

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

PLACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>AUG 06 2013</u>			Barczak				<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>		Czaplewski	<input checked="" type="checkbox"/>			
			Lajsic	<input checked="" type="checkbox"/>			
			May	<input checked="" type="checkbox"/>			
			Probst	<input checked="" type="checkbox"/>			
			Reinke	<input checked="" type="checkbox"/>			
			Roadt	<input checked="" type="checkbox"/>			
			Sengstock	<input checked="" type="checkbox"/>			
		<input checked="" type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>9</u>			<u>1</u>



July 12, 2013

CITY CLERK/TREASURER'S OFFICE

414/302-8200 or 414/302-8207 (Fax)

www.westalliswi.gov

Paul M. Ziebler

City Admin. Officer, Clerk/Treasurer

Monica Schultz

Assistant City Clerk

Rosemary West

Treasurer's Office Supervisor

Corey J. Washington
Alan Rodney Syndicate
d/b/a Alphonso's
1119 S. 108 St.
West Allis, WI 53227

Dear Mr. Washington:

Please note that your permit/license to operate Alphonso's is being withheld due to your failure to pay the Restaurant License fee owed to the West Allis Health Department and failure to honor the payment agreement for delinquent 2012 Personal Property Taxes signed March 4, 2013.

As a result of the above, the Chairman of the License & Health Committee orders that you appear at its meeting on Tuesday, July 23, 2013, at 6:00 P.M. in the Common Council Chambers, West Allis City Hall, 7525 W. Greenfield Ave.

Or you may contact the West Allis Health Department at 414-302-8600 regarding the Restaurant License fee and the City Attorney's Office at 414-302-8450 to arrange a payment agreement for the delinquent taxes if you are unable to pay the amount in full.

No appearance will be necessary if this is completed before July 19, 2013.

Sincerely,

Monica Schultz
/amn

Monica Schultz
Assistant City Clerk

/amn

cc: Alan Rodney Syndicate (home address)
City Attorney



CITY CLERK/TREASURER'S OFFICE

414/302-8200 or 414/302-8207 (Fax)

www.westalliswi.gov

Paul M. Ziehler

City Admin. Officer, Clerk/Treasurer

Monica Schultz

Assistant City Clerk

Rosemary West

Treasurer's Office Supervisor

February 19, 2013

Corey J. Washington
Alan Rodney Syndicate
d/b/a Alphonso's
1119 S. 108 St.
West Allis, WI 53227

Dear Mr. Washington:

The Chairman of the License & Health Committee orders that you appear at its meeting on Tuesday, February 26, 2013, at 6:00 P.M. in the Common Council Chambers, West Allis City Hall, 7525 W. Greenfield Ave. regarding failure to honor the payment agreement for delinquent 2011 personal property taxes.

Sincerely,

Monica Schultz
Assistant City Clerk

/amn

cc: Alan Rodney Syndicate (home address)

cc: Clk / Treas



COLD STONE
CREAMERY

RECEIVED

APR 04 2013

WEST ALLIS
CITY ATTORNEY

April 3, 2013

via: Fed Ex Overnight Mail

Ms. Jenna R. Merten
City of West Allis
City Hall
7525 West Greenfield Avenue
West Allis, WI 53214

*Kris,
Please update our files to reflect this & send a notice to Deana Tony
Please also notify other city depts of this.*

Re: 2012 Delinquent Personal Property Tax for the Property at 2935 S. 108 St.
West Allis, WI 53227

Dear Ms. Merten:

Cold Stone Creamery, Inc. is in receipt of the City of West Allis's Notice of Delinquent Personal Property Tax for the Cold Stone Creamery Store located at 2935 S. 108 St., West Allis, WI 53227. This request, issued on behalf of your office assumes that Cold Stone Creamery, Inc. and the Cold Stone Creamery located in West Allis are one in the same. Please be advised that the entity to which service was made, Cold Stone Creamery, Inc., is not interchangeable with the Cold Stone Creamery located in West Allis. Rather you have mistakenly served this Notice to the Franchisor's address.

Cold Stone franchisees, through the execution of their franchise agreements, become independent owners and operators of their Cold Stone Creamery stores. As cited in your February 25th correspondence, the Notice of Delinquent Personal Property Tax revolves around the Cold Stone Creamery store located at: 2935 S. 108 St., West Allis, WI 53227. This location is operated by DeanaTony, Inc., an independent third party from Cold Stone Creamery, Inc., and/or any of its Affiliates and Subsidiaries and the responsible party for the delinquent property taxes.

Should you have any questions, please feel free to contact me at 480-362-4800. Thank you.

Sincerely,

Aaron Gagnon
Corporate Counsel

cc: Kim Lane, VP of Real Estate and Assistant General Counsel

480.362.4800 • f. 480.362.4812

9311 E. Via De Ventura, Scottsdale, AZ 85258

INTEROFFICE MEMORANDUM

TO: LICENSE AND HEALTH COMMITTEE
FROM: ASSISTANT CITY ATTORNEY JENNA MERTEN
SUBJECT: NON-PAYMENT OF PERSONAL PROPERTY TAXES – ALPHONSO'S
DATE: 2/18/2013

NON-PAYMENT OF PERSONAL PROPERTY TAXES

On August 22, 2012, Corey Washington, on behalf of Alphonso's, signed an agreement to pay its 2011 personal property taxes. While \$750.00 was received, the rest of the principal was not paid. Additionally, Alphonso's has not paid its 2012 personal property taxes.

In sum, as of February 18, 2013, Alphonso's owes approximately \$1,244.01 in unpaid taxes.

Thank you.

AGREEMENT

This **AGREEMENT** is made and effective as of the date signed below; by and amongst the City of West Allis, hereinafter referred to as "City," and Alan Rodney Syndicate, hereinafter referred to as "Alphonso's," by Corey Washington.

WHEREAS, on January 1, 2011, the City assessed and levied a 2011 personal property tax pursuant to Chapter 74 of the Wisconsin Statutes against Alphonso's in the amount of Eight Hundred Sixty-Two and 82/100 Dollars (\$862.82); and,

WHEREAS, interest of 1.5% per month accrues on the unpaid principal amount of the personal property tax;

WHEREAS, Alphonso's is delinquent in paying said personal property taxes in full, as of July 25, 2012; and,

WHEREAS, the City Clerk's Department will withhold the issuance of a 2012-2013 food-related license to Alphonso's until it has paid said delinquent personal property taxes in full; and,

WHEREAS, Alphonso's seeks to obtain a 2012-2013 food-related license as soon as possible so as to not interrupt its business operations for the current year;

NOW, THEREFORE, based upon the foregoing, the City and Alphonso's agree to the following:

Alphonso's agrees to pay the 2011 delinquent personal property taxes, hereinafter referred to as "taxes," on the following terms:

1. Alphonso's will pay Two Hundred Fifty and 00/100 Dollars (\$250.00) to the City of West Allis on or before August 15, 2012 for the delinquent taxes. The check should be made payable to the City of West Allis and directed to Assistant City Attorney Jenna Merten at City Hall.
2. Alphonso's will continue paying at a rate of Two Hundred Fifty and 00/100 Dollars (\$250.00) by the fifteenth of each month (September 2012 onward) until the balance of the taxes—principal and interest—is paid in full.

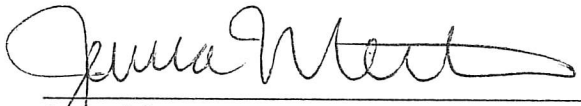
In the event that Alphonso's fails to adhere to the terms of this **AGREEMENT**, the City reserves its right to immediately revoke any and all licenses granted to Alphonso's without further notice, at which point Alphonso's would no longer be able to legally operate its business within the City of West Allis. In the event that the City takes action to revoke any licenses, Alphonso's maintains its right to appeal said revocation to the License and Health Committee of the City of West Allis.



Corey Washington
Alphonso's/Alan Rodney Syndicate

22 Aug 12

Date



Jenna Merten
Assistant City Attorney
City of West Allis

8/22/12

Date

AGREEMENT

This **AGREEMENT** is made and effective as of the date signed below; by and amongst the City of West Allis, hereinafter referred to as "City," and Alan Rodney Syndicate, hereinafter referred to as "Alphonso's," by agent Corey Washington.

WHEREAS, on January 1, 2011, the City assessed and levied a 2011 personal property tax pursuant to Chapter 74 of the Wisconsin Statutes against Alphonso's in the amount of Eight Hundred Sixty-Two and 82/100 Dollars (\$862.82); and,

WHEREAS, interest of 1.5% per month accrues on the unpaid principal amount of the personal property tax; and,

WHEREAS, Alphonso's and the City entered into a payment agreement for the 2011 taxes, whereby Alphonso's was to pay Two Hundred Fifty and 00/100 Dollars (\$250.00) until the taxes were paid in full; and,

WHEREAS, Alphonso's made three payments, the last being November 1, 2012, then Alphonso's ceased making the agreed upon payments, leaving a remaining balance for 2011 of Two Hundred Thirty-Eight and 13/100 Dollars (\$238.13); and,

WHEREAS, on January 1, 2012, the City assessed and levied a 2012 personal property tax pursuant to Chapter 74 of the Wisconsin Statutes against Alphonso's in the amount of Nine Hundred Ninety-One and 01/100 Dollars (\$991.01); and,

WHEREAS, interest of 1.5% per month accrues on the unpaid principal amount of the personal property tax; and,

WHEREAS, Alphonso's is delinquent in paying said 2012 personal property taxes in full, as of February 26, 2013; and,

WHEREAS, the City Clerk's Department will withhold the issuance of a food-related license to Alphonso's until it has paid said delinquent personal property taxes in full; and,

WHEREAS, Alphonso's seeks to retain a food-related license so as to not interrupt its business operations for the current year;

NOW, THEREFORE, based upon the foregoing, the City and Alphonso's agree to the following:

Alphonso's agrees to pay the remainder of the 2011 and 2012 delinquent personal property taxes, hereinafter referred to as "taxes," on the following terms:

1. Alphonso's will pay Four Hundred and 00/100 Dollars (\$400.00) to the City of West Allis on or before March 1, 2013 for the delinquent taxes. The check should be made

payable to the City of West Allis and directed to Assistant City Attorney Jenna Merten at City Hall.

2. Alphonso's will continue paying at a rate of Two Hundred Fifty and 00/100 Dollars (\$250.00) by the fifteenth of each month (April 2013 onward) until the balance of the taxes—principal and interest—is paid in full.

In the event that Alphonso's fails to adhere to the terms of this **AGREEMENT**, the City reserves its right to immediately revoke any and all licenses granted to Alphonso's without further notice, at which point Alphonso's would no longer be able to legally operate its business within the City of West Allis. In the event that the City takes action to revoke any licenses, Alphonso's maintains its right to appeal said revocation to the License and Health Committee of the City of West Allis.



Corey Washington
Alphonso's/Alan Rodney Syndicate

4/MAR/13
Date



Jenna Merten
Assistant City Attorney
City of West Allis

3/4/13
Date

1119 S. 108th St.

COPY

AGREEMENT

This **AGREEMENT** is made and effective as of the date signed below; by and amongst the City of West Allis, hereinafter referred to as "City," and Alan Rodney Syndicate, hereinafter referred to as "Alphonso's," by agent Corey Washington.

WHEREAS, on January 1, 2012, the City assessed and levied a 2012 personal property tax pursuant to Chapter 74 of the Wisconsin Statutes against Alphonso's in the amount of Nine Hundred Ninety-One and 01/100 Dollars (\$991.01); and,

WHEREAS, interest of 1.5% per month accrues on the unpaid principal amount of the personal property tax; and,

WHEREAS, Alphonso's is delinquent in paying said 2012 personal property taxes in full, as of July 18, 2013; and,

WHEREAS, the City Clerk's Department will withhold the issuance of a food-related license to Alphonso's until it has paid said delinquent personal property taxes in full; and,

WHEREAS, Alphonso's seeks to retain a food-related license so as to not interrupt its business operations for the current year;

NOW, THEREFORE, based upon the foregoing, the City and Alphonso's agree to the following:

Alphonso's agrees to pay the remainder of the 2012 delinquent personal property taxes, hereinafter referred to as "taxes," on the following terms:

1. Alphonso's will pay Two Hundred and 00/100 Dollars (\$200.00) to the City of West Allis on or before September 1, 2013 for the delinquent taxes. The check should be made payable to the City of West Allis and directed to Assistant City Attorney Jenna Merten at City Hall.
2. Alphonso's will continue paying at a rate of Two Hundred and 00/100 Dollars (\$200.00) by the first of each month (October 2013 onward) until the balance of the taxes—principal and interest—is paid in full.

In the event that Alphonso's fails to adhere to the terms of this **AGREEMENT**, the City reserves its right to immediately revoke any and all licenses granted to Alphonso's without further notice, at which point Alphonso's would no longer be able to legally operate its business within the City of West Allis. In the event that the City takes action to revoke any licenses, Alphonso's maintains its right to appeal said revocation to the License and Health Committee of the City of West Allis.



Corey Washington
Alphonso's/Alan Rodney Syndicate

24 JUL 13
Date



Jenna Merten
Assistant City Attorney
City of West Allis

7/18/13
Date