



DAILY NEWS

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YOUR CIVIC DUTY

Voting today

Wisconsin's partisan primary is today, with several state-wide and local races on the ballot. Polls are open until 8 p.m.

Panel endorses charter school

Proposal now goes to full School Board

By KRISTIN J. KUBISIAK
Daily News Staff

The idea of establishing a charter school in the West Bend School District will come before the entire School Board next month, following the recommendation made Monday by Board of Instruction committee members to advance the concept.

Information about the proposed charter school, Crossroads Academy, was presented to school board members Tim Stepanski, Dave Weigand and Kris Beaver during the committee meeting Monday evening.

"I think ultimately we have to, in today's budgets, at least look at other opportunities," Stepanski said. "I would like to see it go forward to the board for further discussion."

Bruce Dunford, West Bend resident and pastor of First Baptist Church, filed a petition to establish a charter school over the summer.

The purpose of starting a charter school, Dunford said, is to present the families of West Bend with a high quality, publicly funded alternative to the public school system.

Beaver, who chairs the committee, raised concerns about the financial risk to the district of establishing a charter that is a "non-instrumentality" school.

Non-instrumentality schools employ staff independently of the district and don't have access to grant funding to support the start-up. The district would then have to shift dollars away from its existing programs to get the charter

Please see **CHARTER/A7**

Townhomes project OK'd

Common Council approves plan for controversial apartment complex

By DAVE RANK
Daily News Staff

West Bend may face a lawsuit now that the Common Council affirmed that the controversial River Bluffs Townhomes development downtown can proceed.

It was a replay of the June 7-5-4 vote to accept the developer's agreement for the \$6.7 million project Monday night when the council decided not to rescind the previous vote.

Mayor Kristine Deiss cast the deciding vote again after the eight aldermen split their votes on the same fault line as occurred in June. Aldermen Steve Hutchins, Ed Duquaine, Allen Carter and Roger Kist

voted to rescind the developers agreement, while aldermen Tony Turner, Nick Dobberstein, Michael Schlotfeldt and Deb Anderson voted to keep the agreement in place.

During a public comment period Tuesday night, Whitefish Bay attorney Jason Baltz said he has been contacted by West Bend residents and businesses who are considering filing a lawsuit against the city if the River Bluffs project was allowed to continue.

If it came down to a choice between facing a lawsuit from the River Bluffs developer or "an angry mob of local citizens," Baltz suggested city officials might prefer to be on the side of the citizens rather than a Minnesota real estate company.

Real Estate Equities LLC of St. Paul, Minn., plans to build a \$6.7 million, 36-rental unit, nine-building townhouse apartment complex on a 2.52-acre parcel on Wisconsin Street, east of the Eisenbahn Trail. The site is in the city's Tax Incremental Financing District 5.

This past week, the city's Plan Commission approved Real Estate Equities' final site plan for River Bluffs, the commissioners stating the developer has met all city zoning and code requirements.

Most of the more than 110 people attending the Common Council meeting Tuesday opposed the project although several expressed support for it.

Real estate broker Gloria Dawn Strickland called River

Bluffs an opportunity for the city and "a beautiful project." She said, "I hope it's not stalled."

"I'm not afraid of this kind of development in downtown," said Kine Torinus.

Others disagreed. "I think it's a good project, but it doesn't belong where you're putting it," said Herb Tennes, downtown business owner and County Board chairman. He said a retail project belongs on the Wisconsin street site or at least a parking lot. "Where are we going to get parking downtown?" he asked. "It's been an age-old problem."

Others weren't so kind. Downtown businessman Mike Husar questioned the integrity of the developer. "I really don't think Real Estate Equities has really been forthright." He said the project was only upgraded after a citizen group he leads started asking questions.

Duquaine said that the city

Please see **TOWNHOMES/A7**



Andrew Link/Daily News Staff

An honor guard of area firefighters and police officers salutes for the National Anthem during a Sept. 11, 2001, tribute to fallen emergency crews in New York City at Slinger Super Speedway on Saturday.

Restaurant on trial for cook's act

Lawsuit alleges Texas Roadhouse was negligent when hairs found in steak

By KRISTINE WALDEN
Daily News Staff

Opening arguments were made Monday in a civil suit against Texas Roadhouse in a jury trial expected to last seven days.

West Bend residents Kevin and Marcia Hansen are suing the chain restaurant after Kevin Hansen allegedly received a steak with hairs placed in it by the cook.

"Texas Roadhouse's slogan is 'legendary food, legendary service.' On Feb. 23, 2008, Kevin Hansen got neither of those," said attorney Ryan J. Hetzel.

Hetzel said the case was about corporate responsibility and whether the restaurant was being run in a safe and responsible manner.

He said managers at the West Bend restaurant "failed miserably in both regards."

A 26-year-old former Texas Roadhouse grill cook confessed to placing hair in Kevin Hansen's steak in February 2008 and was sentenced to three years of probation and one year in jail, six months up front and the remainder to be used at his agent's discretion.

Ryan Kropp was arrested after a Feb 23, 2008, incident when a manager of the restaurant asked Hansen how his steak was. He replied that it was a "little overdone," but since he was almost finished

Please see **COOK/A7**

A wound time hasn't healed

Nation pauses to remember the tragedy of Sept. 11, 2001

By STEVE SCHUSTER
Daily News Staff

Bagpipes and bugles played and bells tolled as U.S. flags flew throughout America in memory of the Sept. 11 attacks.

Washington County was no exception.

Area residents on Saturday remembered the 3,000 deaths at the World Trade Center twin towers in New York and the Pentagon in Arlington, Va., and those who died in a bravely foiled hijacking that ended in a crash in a Pennsylvania field. Area events also paid tribute to those who continue to keep our nation safe.

At Slinger Speedway, several Wisconsin law enforcement agencies and fire departments lined the race track with squad cars.

Participating police departments included the Milwaukee County Sheriff's and Washington County Sheriff's department along with police officers from West

Bend, Jackson, Slinger and Hartford.

The officers walked side by side with members of the St. Lawrence Fire Department, who were joined by the Slinger and Allenton fire departments.

The memorial service was "just the most beautiful thing I have ever seen," Kathy Fies, the event director, said. "I am still choked up."

The memorial service was followed by a tribute to those community members who had lost their lives. Balloons with handwritten notes were launched in a program called "Balloons to Heaven."

Among those attending this year's memorial events were Betsy and Ken Klumb, who lost their 13-year-old son, Parker, nearly three years ago. Parker Klumb was killed while riding his bike by an alcohol- and drug-impaired motorist, who is serving a 15-year prison sentence. A go-kart race was held in Parker Klumb's memory, with 70 to 100 community volunteers at the event.

"They are great in banding together and helping out," Betsy Klumb said. "I know I'm not alone."

"It gets better every year." "A few miles west on Highway 60 at the Sept. 11

"We will forever remember the circumstances. ... That day was a defining moment for that generation."

— The Rev. Jeffrey Schimp
Glacier Hills Bible Church

tribute in Hartford's Centennial Park, the Rev. Ben Stratton of the Hartford Assembly of God Church asked the poignant question, "Do you remember where you were?"

The pastor said he will never forget. He was at a local restaurant at a meeting with other pastors.

Several community leaders, including the Rev. Jeffrey Schimp of Glacier Hills Bible Church and a Hartford Police Department chaplain, the Hartford Chamber of Commerce and members of the VFW Hall Memorial Post No. 8834 were present at the memorial service.

"We will forever remember the circumstances," Stratton said. "Our world is changing."

That day was a defining moment for that generation."

The Hartford event also served as a tribute to the men and women who serve our country, including veterans and area fire and police personnel.

During the service, the Rev. Doug Livingston of Hartford's First Congregational Church, who is also a chaplain with the Hartford Police Department, led a group prayer.

"We thank You (God) for the Hartford Police and Fire departments and EMTs who continue to serve You and us. Watch over them while they are on duty," he said.

Afterward, Schimp said it's important that the community show its concern for those who lost loved ones on Sept. 11. It's also vital to honor and support local police officers and firefighters.

"Those people are public servants," he said. "It's not always an easy calling."

At the memorial, Hartford Mayor Joe Dauterman said, "I am proud to be in the company of so many good Americans today."

Hartford Police Chief David Groves said, "It is an honor to remember all of those who have made the ulti-

Please see **9/11/A7**



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FROM THE FRONT

Cook: Restaurant on trial

with it, that it would be "OK," according to the criminal complaint. The manager insisted, however, that Hansen get a new steak. He then took it back to the kitchen and ordered the cook, Kropp, to prepare a new steak the way the was ordered, medium rare.

After the steak was cooked and plated, according to the complaint, another kitchen worker saw Kropp cut the middle of the steak open and place something in it, saying, "these are my pubic hairs."

The customer took the steak home, re-heated it the next day and discovered the hairs. He said he felt sickened and went to the doctor. He also called police.

When confronted, Kropp told authorities he was upset because he thought the customer just wanted free food, according to the complaint.

Kropp told police he had placed facial hairs in the food.

In his opening statement, Hetzel said the lack of responsibility began the day Kropp was hired and they neglected to contact any of his references, despite policy to do so. Further, he said, Kropp should have been subjected to regular reviews and there was only one written review which said he needed improvement.

In addition, before the incident with Hansen's steak, a waitress reported finding clumps of hair in a cheeseburger she ordered and in a beef medallion special when Kropp was working and nothing was done when she reported it to managers.

Hetzel said there were rumors that Kropp poured urine into a deep fryer and that the movie "Waiting" — depicting chain restaurant employees doing unsanitary things to food for customers they didn't like — was frequently joked about in the kitchen.

Hetzel claims Hansen underwent medical and psychological treatment after he found the clump of what he believed to be pubic hairs in his steak, and it has led to him taking medication for depression and anxiety and stress on his marriage.

Following the media coverage, Hetzel said Hansen was scorned and ridiculed at work and heckled in stores, which caused him not to go out for a while.

"(Four) and possibly five managers knew (what was) occurring before Hansen ate at the restaurant and none took any steps to try to protect the customers," Hetzel said. "We believe Texas Roadhouse was negligent in the manner of supervising Ryan Kropp."

He asked the jury to award an unspecified monetary settlement to Hansen.

Patrick Nolan, who is representing Texas Roadhouse, said Kropp was solely responsible for what happened.

"This case is about an unfortunate and awful incident, but we're looking at the plain singular misguid-

ed wrong actions (by Kropp), not Texas Roadhouse," Nolan said. "He is very secretive — two-faced, a wolf in sheep's clothing. He was very much to himself and very, very quiet."

He said while people working with Kropp may have known what was going on, it never made it up to the knowledge of management because Kropp was "intimidating and scary. People were afraid of him."

Nolan said managers knew Kropp as being a hard-worker and was a good broiler cook.

He asked jurors to consider the facts in the case, not their feelings.

"You may be disgusted by Ryan Kropp and be sympathetic to Hansen, but those are only feelings," he said.

He added that Hansen had other things going on in his life at the time of the incident — including marital issues, prescribed pain medications and financial difficulties — that contributed to his emotional state.

"His life wasn't normal and happy and all of a sudden this incident and his life spun out of control," he said.

After opening statements, former Texas Roadhouse waitress Brandy Brahe testified that Kropp called her vulgar names on a few occasions and one night she ordered a cheeseburger at the end of her shift when he was working.

"Upon taking a bite I noticed hair in the center," she said. "It appeared stuffed into the center (of the meat)."

Brahe said she showed the cheeseburger with hair she believed to be pubic hair sticking out of it to a manager.

"She told me it probably fell on the burger and said she didn't know what I was talking about when I said it was pubic hair. She told me to eat around it," Brahe said. "I felt like she brushed me off. ... I feel she didn't handle it properly."

A few months later when she found hair in a special she ordered, she went to a different manager.

"I told him I paid for the food and there's hair in it. He had a shocked look on his face and said he was going to do something about it," she said.

She said she didn't know if he talked to Kropp, but that a couple days later at a pre-opening discussion, the wait staff was told to remember their hair nets.

Nolan told her in her deposition that she said she didn't tell the manager she thought the hair was placed intentionally in her cheeseburger.

Brahe said she knows she wrote that, but she does remember telling the manager she thought it was intentional.

The trial will continue with testimony from other employees, Hansen's doctor and Kropp before going to the jury for deliberation next week.

9/11: Remembrance

mate sacrifice for us."

Firefighters then rang a bell as "the final alarm." It is a fire service tribute to those who have lost their lives in the line of duty, Hartford Fire Paul Stephans said later.

The service concluded with the singing of "America, the Beautiful," a 21-gun salute and bugles played by VFW members.

It was very meaningful, Hartford residents Don and Lois Ehley said.

Kathy and David Tarantino attended the

memorial with their dark, medium-sized dog, Marley, who was dressed in an American Flag bandana. The couple found the service moving, especially because their son Justin recently returned home from serving a year in Iraq with the Army National Guard.

"We are very relieved he is home safely," Kathy Tarantino said.

Hartford Common Council President Dennis Hegy said it was "great to see all of the support."

Townhomes: Council OKs controversial project

should not be afraid of a potential lawsuit by Real Estate Equities. "There comes a time when a city and its residents and its businesses have to take a stand and not be held hostage by a threat of a lawsuit."

Duquaine said he'd "rather stand in the corner of local citizens and business owners."

Hutchins said the council was "elected to represent your people. It's simple. If they say don't do it, you don't do it."

When asked by Turner if Real estate Equities would agree to an annual payment

to the city of \$60,000 in lieu of taxes, the company's president Keith Jans said yes.

That would match the expected tax increment city officials originally expected from River Bluffs when the West Bend Redevelopment Authority agreed to sell the TIF District land to Real Estate Equities back in February 2009. A recent rough estimate by city assessor Shannon Krause put the tax increment closer to \$40,000, which had been a concern for many aldermen.

"I have to follow the law on this," Schlotfeldt said. "This was zoned this way

(multiuse) in 1998." The property was marketed as multifamily, he said.

Andrew Schaefer, president of Real Estate Equities, said construction on River Bluffs would begin this fall with completion expected in 10 months.

All summer, River Bluffs has generated considerable opposition among local residents and businesses, who are saying it is not an appropriate development for that Wisconsin Street location.

Real Estate Equities plans to use federal tax credits offered through the Wisconsin Housing and

Economic Development Authority to raise capital for construction of the two-, three- and four-bedroom apartments in the project.

Real Estate Equities describes River Bluffs as affordable work force housing. Monthly rent for the units would range from \$650 to \$935. Because the project is using WHEDA tax credits, rental prices for the units will need to remain affordable for tenants with incomes around 50 percent to 60 percent of the median annual household income in Washington County, between \$19,500 to \$49,200.

OBITUARIES

Blandina M. 'Blondie' Loosen

Blandina M. "Blondie" Loosen (nee Eberhardy), 94, passed away on Sunday, Sept. 12, 2010.

Blondie was born on May 24, 1916, in the town of Marshfield to Peter and Anna (nee Schuster) Eberhardy. She married Joseph Loosen on Oct. 14, 1944, in Milwaukee. Blondie loved to bake, garden and spend time with her family, especially her grandchildren and great-grandchildren.

Blondie was devoted to her faith and was also a member of the Christian Mother Society.

Blondie is survived by her children, Anita (Dan-iel) Kosterman, Janet (David) Braun and Paul Loosen; grandchildren, Stefanie (Kurt) Kowaleski, Terri (Andrew) Balistreri and Kris Kosterman; and great-grandchildren, Ella and Livia Kowaleski. She is further survived by her sisters, Delorse Rogers and Sister

Mary Peter; brother, Lawrence (Lucille) Eberhardy; sister-in-law, Viola Loosen; and many other nieces, nephews, other relatives, and friends.

Blondie is preceded in death by her parents; husband, Joseph; grandchildren, Sandy and Debbie Kosterman and Michelle Hefter; siblings, Alfred Eberhardy, Adeline Schuler, Adolf Eberhardy, Theresa Kienast and Lorraine Simon.

A Mass of Christian burial for Blondie will be at 6 p.m. on Wednesday, Sept. 15, 2010, at St. Mary of the Hill Parish (St. Therese Chapel), 1515 Carmel Road, Hubertus, with the Rev. Fred Alexander presiding. Visitation will be at the church only from 4 p.m. until time of Mass. Interment to take place at St. Augustine Catholic Cemetery.

The Phillip Funeral Home of Slinger is assisting the family. www.phillipfuneralhome.com.

Vern A. Suhr, 69

Vern A. Suhr, 69, of West Bend, passed away peacefully with his loving family by his side on Saturday, Sept. 11, 2010, at St. Joseph's Hospital in West Bend.

Vern was born on Sept. 25, 1940, to the late Arnold and Esther (nee Matzner) Suhr in Gresham, Neb. He was raised on his family's rural farm and graduated from high school in Columbus, Neb. Shortly after high school, Vern enlisted in the U.S. Navy and was stationed at Great Lakes Naval Base in Illinois. While in the Navy, Vern enjoyed traveling to many different ports including Hawaii and Japan. Following his service in the Navy, Vern worked a variety of jobs before starting his own real estate and appraisal business called Suhr Realty Inc. and Accu-Pro Appraisals Inc. in Milwaukee.

On Feb. 11, 1976, Vern was united in marriage to Betty Strackbein Durian in Milwaukee. Together they enjoyed operating their family businesses, traveling and spending time raising emus on their hobby farm in West Bend. In his later years, Vern loved nothing more than being around his grandchildren. He was a longtime member of the Fredonia Lion's Club and was a member of the Wisconsin Emu Association, the Wisconsin Realtors Association and the Wisconsin Apartment Association.

Vern is survived by his loving wife of 34 years,

Betty; his four daughters, Kristin (Tony) Perkins of Northglenn, Colo., Lori (Dave) Crain of Belen, N.M., Cheri (Gary) Haire of Fort Worth, Texas, and Tami (Dean) Berglund of

Rio Rancho, N.M.; his three step-sons, Scott (Chris) Durian of Athelstane, Brian (Brenda) Durian of West Bend and Michael (Sherry) Durian of West Bend; and his 19 grandchildren, Anthony (Janessa), Leah, Joshua, Cederro, and Tawny Perkins, Aubri and Timothy Crain, Ryan and Shaylah Haire, Tyler and Tevin Berglund, Hunter, Peter, Nicholas, Daniel, Jacob, Brandon, and Cody Durian and Bailee Schmidt. He is further survived by his brother-in-law, Harvey (Fran) Strackbein; nieces, nephews, many other dear relatives and close friends.

Vern was preceded in death by his parents, Arnold and Esther Suhr; his stepson, Mark Durian; and his brother, Curtis.

A funeral service will be held on Thursday, Sept. 16, at 7 p.m. at the Myrhum-Patten Funeral Home in West Bend. The Rev. Luke Emrich of New Life Church will officiate. Visitation will be held on Thursday at the funeral home from 4 p.m. until the time of service. Burial will be on Friday, Sept. 17, at 11 a.m. at Wisconsin Memorial Park in Brookfield.

Online guest book and condolences may be found at www.myrhum-patten.com.

Dr. Richard H. Driessel, 94

Dr. Richard H. "Dick" Driessel, M.D., 94, of West Bend, passed away Friday, Sept. 10, 2010, at Cedar Bay West, West Bend.

He was born May 24, 1916, in Barton to the late

Sylvester and Lauretta (nee Schmit) Driessel. Dick graduated from West Bend High School in the class of 1934. He went on to attend Marquette University School of Medicine, graduating in 1941. Dick was united in marriage to Margaret Otto on Sept. 19, 1939, in Dubuque, Iowa. He served his country honorably as a Major in the U.S. Army Air Corps from 1942 to 1946 in Africa and later aviation medicine.

Richard was a member of Luxembourg Society of Wisconsin, Luxembourg American Cultural Society, Washington County Historical Society, Barton Historical Society, West Bend Art Museum, Lac Lawrann Conser-vancy, Adrian Neubauer VFW Post No. 8658, and a supporter of the Kettle Moraine Symphony.

He is survived by his wife, Margaret Driessel of West Bend; his son, Kenneth R. Driessel, PhD, of Nevada, Iowa; two grandchildren, Dr. Duncan (Dr. Jennifer) Stearns and Debrah Stearns, PhD; two great-grandchildren, Aidan and Chloe Stearns; one sister, Harriet Driessel Anderson of Fort Atkinson; other relatives and friends.

Richard was preceded in death by his parents; a daughter, Nancy Driessel Stearns; one brother, Sylvester J. Driessel Jr.; and a sister, Kathleen Driessel Holl.

In honor of Richard's wishes a private family memorial service will be held. Inurnment will be in Holy Angels Cemetery.

Memorials to the charity of your choice are appreciated by the family.

Myrhum-Patten Funeral & Cremation Service, is assisting the family. Online guest book and condolences may be found at www.myrhum-patten.com.

Jacob R. 'Jack' Rothenbach

Jacob R. "Jack" Rothenbach, 91, of Slinger, died Sunday, Sept. 12, 2010, at his residence.

He was born March 26, 1919, in Ackerville to the late Jacob and Alma (nee Guth) Rothenbach and married Ruth Yorkson on May 20, 1941, in Neenah. Ruth preceded him in death in 1967. He then married Laura H. Schwamb on Oct. 15, 1976, at St. Peter's Catholic Church in Slinger.

Jack served in the U.S. Navy in the Pacific Theater during World War II from 1943 until 1945. He founded Rothenbach Funeral Home and Furniture Store in Slinger in 1941 and operated the business for over 40 years.

He was a member of the Slinger Advancement Assoc., the Slinger-Allenton Rotary Club, the Zunker-Held Post 3358 V.F.W., the Catholic Order of Foresters and the West Bend Lodge 1398 Loyal Order of the Moose.

Jack was survived by his wife, Laura; two children, Thomas (Lorraine) of Slinger and James (Patricia) of Cedarburg, nine grandchildren and 11 great-grandchildren. He is further survived by his daughter-in-law, Haydee Rothenbach of San Antonio, Texas; nieces, nephews and other relatives and friends.

He is preceded in death by his parents, Jacob and Alma; his wife, Ruth; his son, David; his brother, Howard; and his sister, Frieda.

Graveside services will be held Wednesday, Sept. 15, at 10 a.m. in Faith United Church of Christ Cemetery in Ackerville with the Rev. Richard Stoffel officiating. Memorials to the Visiting Nurses Association are appreciated.

The Schmidt Funeral Home of West Bend is serving the family. www.schmidfuneralhome.com.

DEATH NOTICE

Sarah A. Schmitt, 20, of Allenton, passed away on Sunday, Sept. 12, 2010, from injuries received in an automobile accident.

A Mass of Christian Burial will be held at 11 a.m. on Friday, Sept. 17, at Holy Trinity Catholic Church in Kewaskum and burial will follow in the parish cemetery. Visitation will be at the church on Thursday from 4 p.m. until 7 p.m., where a prayer service will be held at 7 p.m., and visitation will continue on Friday at the church from 10 a.m. until the time of Mass.

The Miller Funeral Home in Kewaskum is serving the family. Additional information and guest book may be found at www.millermartinfh.com. A complete obituary will be published in the Wednesday West Bend Daily News.