

City of Portage
Legislative & Regulatory Committee Meeting
(This meeting will constitute a meeting of the Municipal Services and
Utilities Committee as a quorum of members will be present; but no
business of that committee will be taken up.)
Thursday, March 21, 2013, 6:15 p.m.
City Municipal Building, 115 West Pleasant Street
Conference Room One
Agenda

Members: Michael G. Oszman, Chairperson; Carolyn Hamre, Martin Havlovic,
Rita A. Maass, Frank Miller

1. Roll call
2. Approval of minutes from previous meeting
3. Discussion and possible action on Class B Fermented Malt Beverage and Class C Wine License application for Norm E. Milz, 100 East Cook Street
4. Discussion and possible action on Operator License application for Nicole R. Krintz
5. Discussion and possible action on Temporary Class B License for Portage Area Chamber of Commerce for April 18, 2013
6. Discussion and possible action on suspension/revocation hearing for the Class B Combination License held by Valarie Gillingham
7. Adjournment

Michael G. Oszman, Chairperson

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning March ~~November~~ 1, 20 12 ~~13~~ ;
ending June ~~30~~ 30, 20 13

TO THE GOVERNING BODY of the: Portage
 Town of
 Village of
 City of

County of Columbia Aldermanic Dist. No. _____ (if required by ordinance)

Applicant's Wisconsin Seller's Permit Number: <u>036000125133104</u>	
Federal Employer Identification Number (FEIN): <u>5223275</u>	
LICENSE REQUESTED ▶	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$ <u>33.36</u>
<input checked="" type="checkbox"/> Class B beer	\$ <u>66.64</u>
<input checked="" type="checkbox"/> Class C wine	\$ <u>66.64</u>
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
Publication fee	\$ <u>25.00</u>
TOTAL FEE	\$ <u>158.28</u>

33.36
91.72

1. The named INDIVIDUAL PARTNERSHIP LIMITED LIABILITY COMPANY
 CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): ▶ NORM E MILLZ

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

Title	Name	Home Address	Post Office & Zip Code
President/Member			
Vice President/Member			
Secretary/Member			
Treasurer/Member			
Agent ▶			
Directors/Managers			

3. Trade Name ▶ NOVW'S PITSTOP Business Phone Number 608/745-0900
 4. Address of Premises ▶ 100 E COCK, PORTAGE, WIS Post Office & Zip Code ▶ 53901

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? Yes No
 6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
 7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? Yes No
 8. (a) Corporate/limited liability company applicants only: Insert state _____ and date _____ of registration.
 (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? Yes No
 (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? Yes No

(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) TOP FLOOR RESTAURANT 1100 SQ FEET
 10. Legal description (omit if street address is given above): BASEMENT OFFICE 900 SQ FEET
 11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No
 (b) If yes, under what name was license issued?
 12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] Yes No
 13. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown in Section 2, above? [phone (608) 266-2776] Yes No
 14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME

this 20th day of February, 2013

Maria A. Moe
(Clerk/Notary Public)

Norm E Millz
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)
Norm E Millz
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner)

My commission expires term of office (Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk: <u>02-20-13</u>	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
MILLZ		NORMAN		EUGENE	
Home Address (street/route)		Post Office	City	State	Zip Code
330 N WASHINGTON		WYOCENA	WYOCENA	WS	53969
Home Phone Number		Age	Date of Birth	Place of Birth	
608/429-1588		65	12/16/47	MONROE, WS	

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an **individual**.
- A member of a **partnership** which is making application for an alcohol beverage license.
- _____ of _____
(Officer/Director/Member/Manager/Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? LIFE 65 YRS
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
If yes, identify. _____
(Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
If yes, identify. _____
(Name of Wholesale Licensee or Permittee) (Address By City and County)
- Named individual must list in chronological order last two employers.

Employer's Name <u>SEIS EMPLOYED</u>	Employer's Address <u>HWY 51 SPEEDWAY</u>	Employed From <u>10/5/04</u>	To <u>10/1/08</u>
Employer's Name <u>SEIS EMPLOYED</u>	Employer's Address <u>100 E CODE</u>	Employed From <u>10/8/08</u>	To <u>STILL</u>

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me

this 20th day of February, 20 12

Maria A. Moe
(Clerk/Notary Public)

Norm & Millz
(Signature of Named Individual)

My commission expires term of office



Printed on Recycled Paper

Applicant Name: Krintz Nicole R
Last First Middle Initial Maiden

1. How long have you continuously resided in the State of Wisconsin prior to the date of this application?
16 years

NOTE: If you need assistance in answering the questions below, please contact the Local Police Dept., the County Sheriff's department or the authority who made the arrest, issued the citation or the summons.

2. Have you ever been convicted of a felony (unless pardoned)? NO If YES, list violation, give conviction date and jurisdiction where convicted _____

3. Have you ever been arrested or convicted of violating any other laws of the United States, State, County, City, Village or Town, relating to the use or abuse (either as an adult or juvenile) of alcohol or controlled substances within the past 5 years? yes

If YES, describe the circumstances and give conviction date and jurisdiction where convicted

see attached sheet
Wisconsin Dells city ordinance possession of controlled substance - 2008/09

4. Are there charges of any kind pending against you (either as an adult or juvenile)? NO
If YES, describe the circumstances and give conviction date and jurisdiction where convicted _____

5. Name of the licensed establishment(s) where you will be working. The Blarney Stone

6. Have you previously held an Operator License in the State of Wisconsin? NO

If yes, list dates held and issuing jurisdiction

Date	Issuing Jurisdiction
_____	_____
_____	_____

7. Have you ever had an Operator License denied or revoked by the City of Portage? NO

If YES, explain when and why _____

8. Have you completed the training session on alcohol beverage regulations? yes

If YES, when and where 2/18/13 online; Learn2Serve

If No, are you currently registered to attend a training session? _____

If YES, you must attach a copy of the registration form.

*If you haven't held an Operator (Bartender) License or a Class A or Class B Alcohol License, or were not an alcohol agent for a corporation within the past two years of the application date, you **MUST** complete the Alcohol Awareness Course and submit a copy of the Certificate of Completion before the Operator License can be issued.*

READ CAREFULLY BEFORE SIGNING

The undersigned, being duly sworn on oath, deposes and says that he/she is the person named in the foregoing application, that the applicant has read and made a complete answer to each question, and the answers in each instance are true and correct.

The undersigned further understands that an incomplete, inaccurate or false answer constitutes sufficient reason for rejection, denial or revocation of the license.

The undersigned further understands that a full background investigation may be conducted by the Portage Police Department prior to consideration of this application.

The undersigned further understands that any license contrary to Chapter 125 of Wisconsin Statutes shall be void and under penalty of State law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Applicant Signature: Yecole Ky

Subscribed and sworn to before me this 20th day of February, 2013

Clerk/Notary Public Maria A Moe

DEPARTMENT RECOMMENDATIONS

Department	Approved	Denied	Signature/Date
City Clerk	X		<u>Maria A. Moe 02-20-13</u>
City Treasurer			
Police Chief		X	<u>Ken Mantley 2-27-13</u>

If denied, explain reason _____

TWO OR MORE CONVICTIONS IN THE PAST FIVE YEARS

- CONVICTED OVI/DWI (2ND OFFENSE) ON 3-05-10
- CONVICTED OF POSSESSION OF DRUG PARAPHERNALIA ON 3-05-10
- CONVICTED OF POSSESSION OF MARIJUANA BY WISCONSIN DELLS P.D. ON 8-08-11 (PAID FINE) OFFENSE DATE WAS 5-04-11

APPLICATION FOR TEMPORARY CLASS "B"/"CLASS B" RETAILER'S LICENSE

See Additional Information on reverse side. Contact the municipal clerk if you have questions.

FEE \$ 10.00

Application Date: 3-8-13

Town Village City of Portage County of Columbia

The named organization applies for: (check appropriate box(es).)

A Temporary Class "B" license to sell fermented malt beverages at picnics or similar gatherings under s. 125.26(6), Wis. Stats.

A Temporary "Class B" license to sell wine at picnics or similar gatherings under s. 125.51(10), Wis. Stats.

at the premises described below during a special event beginning 4/18/13 and ending 4/18/13 and agrees to comply with all laws, resolutions, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages and/or wine if the license is granted.

1. ORGANIZATION (check appropriate box) Bona fide Club Church Lodge/Society Veteran's Organization Fair Association

(a) Name Portage Area Chamber of Commerce

(b) Address 104 West Cook St, Ste A Portage WI 53901

(c) Date organized 1929 Town Village City

(d) If corporation, give date of incorporation 1929

(e) If the named organization is not required to hold a Wisconsin seller's permit pursuant to s. 77.54 (7m), Wis. Stats., check this box:

(f) Names and addresses of all officers:

President Charles Poches 305 East Slifer St, Portage WI

Vice President Andy Murphy 2219 West Wisconsin St, Portage WI

Secretary

Treasurer DeAnn Tollefson 2016 East Edgewater St, Portage WI

(g) Name and address of manager or person in charge of affair: Melody Pfutzenreuter 144 East Edgewater Street Portage WI 53901

2. LOCATION OF PREMISES WHERE BEER AND/OR WINE WILL BE SOLD: See Attached

(a) Street number

(b) Lot Block

(c) Do premises occupy all or part of building?

(d) If part of building, describe fully all premises covered under this application, which floor or floors, or room or rooms, license is to cover:

3. NAME OF EVENT

(a) List name of the event Portage Wine Walk

(b) Dates of event April 18, 2013

DECLARATION

The Officer(s) of the organization, individually and together, declare under penalties of law that the information provided in this application is true and correct to the best of their knowledge and belief.

Officer [Signature] (Signature/date)

Officer [Signature] (Signature/date)

Date Filed with Clerk 3/8/13

Date Granted by Council

Portage Area Chamber of Commerce (Name of Organization)

Officer DeAnn Tollefson (Signature/date)

Officer (Signature/date)

Date Reported to Council or Board

License No.

1-C130307

ADDITIONAL INFORMATION

May be Granted and Issued only to:

- (1) Bona fide clubs that have been in existence for at least 6 months prior to the date of application.
- (2) State, county, or local fair associations, or agricultural societies.
- (3) Church, lodge, or society that has been in existence for at least 6 months prior to the date of application.
- (4) Posts now or hereafter established of ex-servicemen's organizations.

Application:

- (1) Filing: In writing, for each event, on Form AT-315.
- (2) The local licensing authority may act on application or authorize an official or body of the municipality to issue the license. (ss. 125.26(1) and 125.51(1)(a), Wis. Stats.)
- (3) The written application shall be filed with the clerk of the municipality in which premises are located:

Class "B" (Beer):

- a. The governing body shall establish any waiting period before granting of a license for events lasting less than 4 days (s. 125.04(3)(f), Wis. Stats.)
- b. At least 15 days prior to the granting of the license for events lasting 4 or more days.

"Class B" (Wine):

The application shall be filed with the clerk of the local municipality in which the event will be held at least 15 days prior to the granting of the license.

- (4) Seller's Permit: Sec. 77.54 (7m), Wis. Stats., provides an exemption from Wisconsin sales and use taxes relating to certain sales by a nonprofit organization. Check the box if your organization qualifies for the exemption and therefore is not required to hold a seller's permit.
- (5) Publication: Not required.

Fee: Not to exceed \$10. (Exception: No additional fee may be charged if organization is applying for both a Temporary Class "B" and a Temporary "Class B" license for the same event.)

Duration: The day, or consecutive days, that the specified event is in progress.

Restrictions:

- (1) License may not be issued to individuals.
- (2) Licenses to organizations, other than ex-servicemen's organizations, can be issued only for a picnic or similar gathering. They may not be issued for business or social meetings of the organization.
- (3) Licenses for club or organization meetings may be issued only to ex-servicemen's posts.
- (4) License may cover either a specified area or the entire picnic grounds.
- (5) License issued to a county or district fair must cover the entire fairground (ss. 125.26(6) and 125.51(10), Wis. Stats.)
- (6) No license to clubs having any indebtedness to any wholesaler for more than 15 days for beer (s. 125.33(7), Wis. Stats.) and 30 days for wine (s. 125.69(4)(b), Wis. Stats.)
- (7) Licensed operator(s) must be present at all times (ss. 125.26(6), 125.32(2) - Beer; 125.51(10), 125.68(2) - Wine; 125.17)
- (8) The licensed club, club members, or any other persons are not permitted to possess intoxicating liquor on licensed premises on the Temporary Class "B"/"Class B" licensed picnic area. (s. 125.32(6), Wis. Stats.)
- (9) Not more than 2 wine licenses may be issued to any club, county or local fair association, agricultural association, church, lodge, society or veterans' post in any 12 month period.
- (10) Licensed organizations must purchase their product from a licensed wholesaler.

NOTE: Most coolers presently on the market have a fermented malt beverage base allowing sale under a beer license, e.g. Bartles and James, Seagrams, etc.

Location of Premises

1. Portage Area Chamber of Commerce- 104 W. Cook St., Ste A
served on the first floor of the building
2. Fancy Pants/Smart Woman - 124 W. Cook St
served in retail areas on first level of the building, with a shared walk thru area
3. The Mercantile - 117 W. Cook St.
served in the retail areas on the first and balcony in back of the building
4. Antiques Mall of Portage - 128 W. Cook St.
served in the retail area on all floors of the building
5. Forever Yours Jewelry - 123 W. Cook St.
served in the front retail area of the building
6. Prairie Flower Beads - 210 W. Cook St.
served in retail area on the first level of the building
7. Galley Studio - 222 W. Cook St.
served in retail area on the first level of the building
8. Eye Deal Eyewear & Aspirations Salon - 215 & 213 W. Cook St.
served in the front retail area of the building, share a front entrance
9. Studio K Hair Design - 226 W. Wisconsin St.
served on the first level retail area of the building
10. VIBE Salon and Spa - 218 W. Wisconsin St.
served on the first level retail area of the building
11. Portage Furniture Store - 126 E. Cook St.
served in the retail areas on the first floor of the building
12. Portage Center for the Arts - 301 E. Cook St.
served in the gallery area of the building on first floor
13. The Welcome Home Sew n Vac - 118 E. Cook St.
served in the retail area on the first floor of the building

CITY OF PORTAGE

115 West Pleasant Street
Portage, Wisconsin 53901
Telephone: (608) 742-2176 • Fax: (608) 742-8623



"Where the North Begins"

Checklist for Temporary Class "B" Fermented Malt Beverage License and Temporary "Class B" Wine License

- X Received a copy of the Ordinances dealing with Temporary Licenses.
- X Filed completed application and paid applicable fees.
- X Petition City Clerk if requesting waiver of the Ordinance. *Inside buildings*
- X Contacted the Parks, Recreation and Forestry Manager regarding the event. If the license is for an event on non-city owned property and there is no request for city services, or if the license is for an indoor facility; it is not necessary to contact the Parks, Recreation and Forestry Manager. *Not needed*
- X Contacted the Police Chief about the event.

Applicant Signature:

Date:

Marianne Hanson
for the Portage Area
Chamber of Commerce

3-8-13

(Revised: 05/26/04)