

City of Portage
Legislative & Regulatory Committee Meeting
Monday, December 7, 2015, 7:00 p.m.
City Municipal Building, 115 West Pleasant Street
Conference Room One
Agenda

Members: Rita A. Maass, Chairperson; Mike Charles, Mary E. Hamburg, Martin Havlovic, Jeffrey F. Monfort

1. Roll call
2. Approval of minutes from previous meeting.
3. Discussion and possible recommendation on status of DeWitts End LLC alcohol license
4. Discussion and possible recommendation on change of agent for Kwik Trip, Inc., Kwik Trip 653, 1223 East Wisconsin Street, Class "A" Fermented Malt Beverage and "Class A" Cider License – Michael J. Larkins
5. Discussion and possible recommendation on Class B Combination License application for Jack's Tap, LLC, 1207 Dunn Street, Tara Glendenning, agent
6. Discussion and possible recommendation on revisions to Class A alcohol license ordinance.
7. Discussion and possible recommendation for no parking area in the 100 block of West Franklin Street
8. Adjournment

Rita A. Maass, Chairperson

If you require special accommodations for a meeting, please contact the City Clerk's Office at 608-742-2176, no later than 48 hours prior to the meeting.

**City of Portage
Legislative & Regulatory Committee Meeting
Monday, November 2, 2015, 7:00 p.m.
City Municipal Building, 115 West Pleasant Street
Conference Room One
Minutes**

Members Present: Rita A. Maass, Chairperson; Mike Charles, Mary E. Hamburg, Martin Havlovic

Excused: Jeffrey F. Monfort

Also present: City Clerk Moe, Administrator Murphy, Deputy Clerk Ness, City Attorney Spankowski, Mayor Tierney, J. Daniel Daley, Alderperson Richard Lynn

Media Present: Craig Sauer from Daily Register

1. Roll call

The meeting was called to order by Chairperson Maass at 7:00 p.m.

2. Approval of minutes from previous meeting

Motion by Charles, second by Hamburg to approve minutes from October 5, 2015 meeting. Motion carried unanimously with call of roll.

3. Discussion and possible recommendation on revisions to Class A alcohol license ordinance

Administrator Murphy reviewed proposed revisions to the ordinance that had previously been presented. After reviewing the Janesville ordinance with City Attorney Spankowski determination was made it's not a good fit for Portage. Attorney Spankowski stated the ordinance is quite complex with rules and exceptions to the rules. Case law provides municipalities cannot deny free trade. Discussion ensued regarding looking at each application on an individual case and not having a number limit in the ordinance. Alderperson Lynn stated the number of liquor stores in Portage are most likely adequate but if a store came to town selling items which included liquor and it was determined the other items would be a benefit for Portage, then that application should definitely be reviewed. Maass stated the intention wasn't to require prospective businesses to go through the appeal process to change the ordinance each time there is a new application if in fact all the licenses are issued. She also reminded the committee if in fact there were more licenses added by a specific number or if no number at all, each application would be reviewed with the guidelines already put in place and not just granted automatically. J. Daley spoke in favor of the Janesville ordinance. Mayor Tierney stated if there is no number in the ordinance, the guidelines and the economy would determine what the city can properly support. Staff was requested to draft an ordinance with no number and having the guidelines used for determination.

4. Discussion and possible recommendation on revisions to Fire Prevention ordinance

Administrator Murphy reviewed the proposed ordinance and stated it had been reviewed by the Fire Chief. The ordinance was updated to include commercially manufactured portable fireplaces which have become very popular and to update language for current times. Motion by Havlovic second by Charles to recommend to Council Ordinance relative to Fire Prevention as presented. Discussion ensued regarding the provisions noted to allow burning with a burning permit and it was determined outdoor recreational also needs to be included in the provisions, and wood rubbish needs to have a comma in (a)(2) to match (a)(1). Motion and second withdrawn. Motion by Havlovic second by Charles to recommend to Council Ordinance relative to Fire Prevention with noted changes. Motion carried unanimously on call of roll.

5. Adjournment

Motion by Charles, second by Hamburg to adjourn. Motion carried unanimously on call of roll at 8:17 p.m.

Rebecca C. Ness
Deputy City Clerk



November 13, 2015

Ms. Marie Moe, City Clerk
City of Portage
115 W. Pleasant
Portage, WI 53901-1742

RE: Change of Agent
Kwik Trip 653
1223 E. Wisconsin St.

Dear Marie:

Mike McConville has left the employment of Kwik Trip. Until a new manager is assigned, the assistant manager of the store, Michael Larkins, will oversee Kwik Trip 653. Therefore, we would like to appoint Mike Larkins as the agent of the store.

Enclosed please find completed appointment of agent and auxiliary questionnaire forms as well as a \$10.00 check for the administrative fee. I respectfully request that you include this item on the agenda of your City Council meeting for consideration.

If you require anything further from me, please don't hesitate to call me, I can be reached at (608) 793-6262. Thank you in advance for your assistance with this matter.

Yours truly,

A handwritten signature in black ink that appears to read "Deanna Hafner".

Deanna Hafner
Licensing Agent

Enclosures

SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by the officer(s) of the corporation/organization or members/managers of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town Village City of City of Portage County of Columbia

The undersigned duly authorized officer(s)/members/managers of Kwik Trip, Inc.
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as

Kwik Trip 653
(trade name)

located at 1223 E. Wisconsin Ave., Portage, WI 53901

appoints Michael J. Larkins
(name of appointed agent)

[Redacted]
(home address of appointed agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? Yes No All my life

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? _____

Place of residence last year [Redacted]

For: Kwik Trip, Inc.
(name of corporation/organization/limited liability company)

By: [Signature]
(signature of Officer/Member/Manager)

And: [Signature]
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, Michael J. Larkins, hereby accept this appointment as agent for the
(print/type agent's name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

[Signature] (signature of agent) _____ (date) Agent's age [Redacted]

[Redacted] (home address of agent) Date of birth [Redacted]

**APPROVAL OF AGENT BY MUNICIPAL AUTHORITY
(Clerk cannot sign on behalf of Municipal Official)**

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(date) (signature of proper local official) (town chair, village president, police chief)

**AUXILIARY QUESTIONNAIRE
ALCOHOL BEVERAGE LICENSE APPLICATION**

Submit to municipal clerk.

| | | | | | |
|---|--|--------------|---------------|----------------|----------|
| Individual's Full Name (please print) (last name) | | (first name) | | (middle name) | |
| Larkins | | Michael | | James | |
| [Redacted] | | Post Office | City | State | Zip Code |
| [Redacted] | | DeForest | | WI | 53532 |
| Home Phone Number | | Age | Date of Birth | Place of Birth | |
| [Redacted] | | [Redacted] | [Redacted] | Madison, WI | |

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.
- Agent** of **Kwik Trip, Inc.**
(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:

1. How long have you continuously resided in Wisconsin prior to this date? All my life
2. 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.)
3. 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.
4. 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)
5. Do you hold and/or are you an officer, director, stockholder, agent or employee 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)

6. Named individual must list in chronological order last two employers.

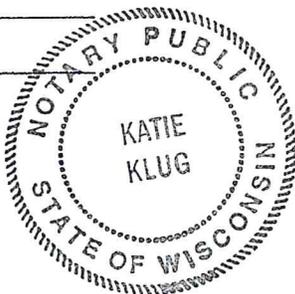
| | | | |
|--------------------|-------------------------------------|---------------|------|
| Employer's Name | Employer's Address | Employed From | To |
| Buffalo Wild Wings | 6227 McKee Rd, Ste F, Fitchburg, WI | 5/12 | 1/14 |
| Perkin's | 1410 Damon Rd, Madison, WI | 3/05 | 5/12 |

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

Notary Public this 17th day of November, 20 15
Kate Klug
(Clerk/Notary Public)

My commission expires 9-18-16



Michael J. Larkins
(Signature of Named Individual)
 Michael J. Larkins



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Wisconsin Department of Revenue

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning December 20 15 ;
ending June 30 20 16

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

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

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): Jack's Tap LLC

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 | <u>President Jacquelynn McGowan</u> | [REDACTED] | [REDACTED] |
| Vice President/Member | <u>Tara Glendenning</u> | [REDACTED] | [REDACTED] |
| Secretary/Member | | | |
| Treasurer/Member | | | |
| Agent | <u>Tara Glendenning</u> | [REDACTED] | [REDACTED] |
| Directors/Managers | | | |

3. Trade Name Jack's Tap Business Phone Number 612-741-6642
4. Address of Premises 1207 Dunn St. Portage, WI 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 WI and date 11/12/15 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, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) Existing Bar, Kitchen, basement, office, outdoor patio

10. Legal description (omit if street address is given above): horseshoe area
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 they must hold a Wisconsin Seller's Permit? [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 18 day of November, 20 15

Rebecca C. Ness
(Clerk/Notary Public)

My commission expires Deputy Clerk

Tara Glendenning
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

(Officer of Corporation/Member/Manager of Limited Liability Company/Partner)

(Additional Partner(s)/Member/Manager of Limited Liability Company if any)

TO BE COMPLETED BY CLERK

| | | | |
|--|--------------------------------|---------------------------------|-----------------------------------|
| Date received and filed with municipal clerk <u>11-18-15</u> | Date reported to council/board | Date provisional license issued | Signature of Clerk / Deputy Clerk |
| Date license granted | Date license issued | License number issued | |

1-CIS1118 375.00pd.

| Applicant's WI Seller's Permit No. / FEIN Number: <u>456102838994002 / 47-5606033</u> | |
|---|------------------|
| LICENSE REQUESTED | |
| TYPE | FEE |
| <input type="checkbox"/> Class A beer | \$ |
| <input checked="" type="checkbox"/> Class B beer | \$ <u>58.31</u> |
| <input type="checkbox"/> Class C wine | \$ |
| <input type="checkbox"/> Class A liquor | \$ |
| <input type="checkbox"/> Class A liquor (cider only) | \$ N/A |
| <input checked="" type="checkbox"/> Class B liquor | \$ <u>291.69</u> |
| <input type="checkbox"/> Reserve Class B liquor | \$ |
| <input type="checkbox"/> Class B (wine only) winery | \$ |
| Publication fee | \$ <u>25.00</u> |
| TOTAL FEE | \$ <u>375.00</u> |

SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by the officer(s) of the corporation/organization or members/managers of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town Village of Portage County of Columbia
 City

The undersigned duly authorized officer(s)/members/managers of Jack's Tap LLC
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as Jack's Tap
(trade name)

located at 1207 Dunn St.

appoints Tara Glendenning
(name of appointed agent)



to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? Yes No
How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 6 years

Place of residence last year Same as above

For: Jack's Tap LLC
(name of corporation/organization/limited liability company)

By: [Signature]
(signature of Officer/Member/Manager)

And: _____
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, Tara Lynn Glendenning, hereby accept this appointment as agent for the
(print/type agent's name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

[Signature] 11.17.15

Agent's age [Redacted]



Date of birth 12.11.1985

**APPROVAL OF AGENT BY MUNICIPAL AUTHORITY
(Clerk cannot sign on behalf of Municipal Official)**

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on 12-02-15 by Ken Mantey Title POLICE CHIEF
(date) (signature of proper local official) (town chair, village president, police chief)

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

| | | | | | |
|---|------------|---------------|----------------|---------------|------------|
| Individual's Full Name (please print) (last name) | | (first name) | | (middle name) | |
| McGowan | | Jacquelynn | | S. | |
| Home Address (street/route) | | Post Office | City | State | Zip Code |
| [REDACTED] | | [REDACTED] | [REDACTED] | WI | [REDACTED] |
| Home Phone | Age | Date of Birth | Place of Birth | | |
| [REDACTED] | [REDACTED] | [REDACTED] | Portage | | |

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.
- Jacquelynn S. McGowan of Jack's Tap
(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? 6 mos
- 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)

6. Named individual must list in chronological order last two employers.

| | | | |
|---|--------------------|---------------|----|
| Employer's Name <u>Self Employed</u> | Employer's Address | Employed From | To |
| Employer's Name | Employer's Address | Employed From | To |

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 18th day of November, 2015

Kevin A. Moe
(Clerk/Notary Public)

Jacquelynn S. McGowan
(Signature of Named Individual)

My commission expires term of office



Printed on Recycled Paper

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

| | | | | |
|---|--|-----------------------------|------------------------------|--------------------------------------|
| Individual's Full Name (please print) (last name) Glendenning | | (first name) Tara | (middle name) Lynn | |
| Home Address (street/route) [REDACTED] | | Post Office [REDACTED] | City [REDACTED] | State WI |
| [REDACTED] | | Age [REDACTED] | Date of Birth [REDACTED] | Place of Birth Madison, WI |

11/18
T02

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.

Tara Glendenning of **Jack's Tap LLC**.

(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? 6 years
- 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.)
DUI - Maricopa County, AZ. status - CLOSED. (2010)
- 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)

6. Named individual must list in chronological order last two employers.

| | | | |
|---|---|------------------------------|----------------------|
| Employer's Name Corner Pocket | Employer's Address 301 DeWitt street | Employed From 2010 | To Present |
| Employer's Name Grayhawk GC. | Employer's Address 8620 E. Thompson Peak Scottsdale, AZ | Employed From 2007 | To 2010 |

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 18 day of November, 2015
Rebecca C. Ness
(Clerk/Notary Public)

Tara R. Orj
(Signature of Named Individual)

My commission expires Deputy Clerk



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ORDINANCE NO. 15-011

ORDINANCE RELATIVE TO BUSINESS LICENSES

Chapter 14, Article II Alcoholic Beverages

The following Sections are hereby repealed and recreated to read as follows:

Sec. 14-52. Classes of licenses.

- (a) *Retail "Class A" intoxicating liquor license.* ~~The number of these licenses shall be limited to six. If territory is annexed to the city, the number of these licenses shall be increased by the number of these licenses in the annexed territory.~~
- (b) *Retail "Class B" intoxicating liquor license.*
- (c) *Class "A" fermented malt beverage retailer's license.* ~~There shall be a limit of ten total licenses of this type issued, six of which shall be issued in conjunction with a retail "Class A" intoxicating liquor license and the remaining four of which shall be available for issue on a separate basis. If territory is annexed to the city, the number of these licenses shall be increased by the number of these licenses in the annexed territory.~~

Sec. 14-55. - Approval of application.

- (a) Each license application except for temporary Class B beer and wine licenses shall be forwarded to the legislative and regulatory committee for examination and recommendation to the common council for approval or rejection. In the case of temporary Class B beer and wine licenses, the city clerk shall have the authority to approve the license if no disqualifying information is provided by the chief of police. If such disqualifying information is provided by the chief of police and the license application is denied, that denied temporary Class B beer and wine license shall be referred to the legislative and regulatory committee for examination and recommendation to the common council for approval or rejection.
- (b) No license shall be granted for operation on any premises or with any equipment for which taxes, assessments, forfeitures or other financial claims of the city are delinquent and unpaid.
- (c) *Right to premises.* No applicant will be considered without having the right to possession of the premises described in the application for the license period, by lease or by deed.
- (d) No license shall be issued unless the premises conform to the sanitary, safety and health requirements of the state building code, and the regulations of the state board of health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex and must conform to all ordinances of the city. Licensed premises located outside shall have fencing, screening or other barrier pursuant to 14-59(3).
- (e) Consideration for the granting or denial of a license will be based on:
 - (1) The financial responsibility of the applicant;

- (2) The appropriateness of the location and the premises where the licensed business is to be conducted; and
- (3) Generally, the applicant's fitness for the trust to be reposed.
- (4) Providing false, incomplete or inaccurate information on license application form(s).
- (5) Evaluation of the application using the "Guidelines For Use In Granting & Denial of Class A Liquor Licenses" as approved by Legislative and Regulatory Committee.

All other sections shall remain as previously adopted. This Ordinance shall take effect upon passage and publication thereof.

Passed this _____th day of _____, 2015.

W.F. "Bill" Tierney, Mayor

Attest:

Marie A. Moe, WCPC, MMC, City Clerk

First and second readings:
Published:

Ordinance requested by:
Legislative and Regulatory Committee