

**LICENSE REVIEW COMMITTEE
TUESDAY – FEBRUARY 9, 2016
MONONA CITY HALL
LARGE CONFERENCE ROOM
4:00 P.M.**

1. Call To Order
2. Roll Call
3. Approval of Minutes of January 12, 2016
4. Appearances
5. Unfinished Business
6. New Business
 - A. Consideration Of 2015/2016 “Class A” Liquor (Cider Only) Application For PDQ Food Stores, Inc., d/b/a PDQ Store #123, 105 East Broadway, Monona, Wisconsin, 53716.
 - B. Consideration Of 2015/2016 Class “A” Fermented Malt Beverage License Application For Shopko Holding Company LLC, d/b/a Shopko #32, 2101 West Broadway, Monona, Wisconsin, 53713.
 - C. Discussion Of Bourbon Street Grille Closure.
 - D. Adjournment.

NOTE: Upon reasonable notice, the City of Monona will accommodate the needs of disabled individuals through auxiliary aids or services. For additional information or to request this service, contact Joan Andrusz at (608) 222-2525 (not a TDD telephone number), FAX: (608) 222-9225, or through the City Police Department TDD telephone number 441-0399.

The public is notified that any final action taken at a previous meeting may be reconsidered pursuant to the City of Monona ordinances. A suspension of the rules may allow for final action to be taken on an item of New Business.

It is possible that members of and a possible quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information or speak about a subject, over which they have decision-making responsibility. Any governmental body at the above stated meeting will take no action other than the governmental body specifically referred to above in this notice. JA

LICENSE REVIEW COMMITTEE MINUTES

January 12, 2016

The regular meeting of the License Review Committee for the City of Monona was called to order by Acting Chair Wayne Kimmell at 4:08 p.m.

Present: Acting Chair Wayne Kimmell, John Klinzing, and Jim Pflasterer

Excused: Scott Warner

Absent: Chairman Doug Wood

Also Present: Detective Sergeant Ryan Losby, Madan Shrestha from Swad Indian Restaurant, Bill O'Connell from Licali's Lakeside Liquor, Jack Fadness from East Side Club, and City Clerk Joan Andrusz

ROLL CALL; APPROVAL OF MINUTES

A motion by Mr. Pflasterer, seconded by Mr. Klinzing to approve the minutes of December 8, 2015, was carried.

APPEARANCES

There were no Appearances.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

Mr. Shrestha provided information on his plan to add a 1,000 square foot room that seats 32 for private gatherings and meetings. The area would be closed during lunch service. A wall will be built across the back half of the unit next door and the new room has an exit to the outside. The Plan Commission has approved this, including parking requirements. Members asked questions. After discussion:

A motion by Mr. Klinzing, seconded by Mr. Pflasterer to approve the 2015/2016 "Class C" Wine and Class "B" Fermented Malt Beverage License Premises Extension Of Shrestha Family LLC Owned by Madan Shrestha, d/b/a Swad Indian Restaurant, 6007A Monona Drive, Owner/Agent Madan K. Shrestha, was carried.

Mr. O'Connell explained his plans for Licali's Market ownership contingent upon Committee approval. Mr. Klinzing asked specifically about front counter layout, outside lighting, and camera placement. Mr. O'Connell reported there will be a six inch rise behind the counter and things will be moved to allow more visibility. Permar Security will be hired to install a system to secure windows and doors. A minimum of a dozen cameras will be installed inside and outside along with additional outside lighting.

Mr. O'Connell will do what he can to improve safety. He would like to buy the property but owner Jerry Miller doesn't want to sell, so Mr. Miller is responsible for the exterior of the building. The business name may change in the future. Ann Ollie will continue to manage the store and some of the other staff

will remain. Detective Sergeant Losby described Tully's II parking concerns. It is up to Mr. O'Connell if he wants to update the "no parking" signs but if he doesn't mind Tully's II patrons parking in his lot, then it's not a problem. Mr. O'Connell stated that if it's after 9:00 p.m., it's not a problem. He will meet with Tully's II owners.

A motion by Mr. Pflasterer, seconded by Mr. Klinzing to approve the 2015/2016 "Class A" Liquor and Class "A" Fermented Malt Beverage License Applications For WDS, Inc., 704 Raymond Road, Waunakee, Wisconsin, 53597, d/b/a Licali's Lakeside Liquor, 6325 Monona Drive, Agent Bill W. O'Connell, was carried.

City Clerk Andrusz explained that the following item was placed on the Agenda because of the extent of the Board and personnel changes at East Side Club. Most staff has been dismissed, including the manager and some bartenders, and the entire Board membership has been replaced with new officers. Mr. Fadness explained these changes and that finances are being reviewed, locks have been changed and reinforced, and that the former manager wouldn't allow the Board to review the camera recordings. Liquor will be locked up and a new manager, whose duties include oversight of paid staff, supply ordering, and event management, will be hired.

Mr. Fadness reported Board member Nathan Baker is looking into music programs and making sure they close down on time. There are lawn sport leagues scheduled both inside and outside. Wiring is already in place and an installer has already been contacted about additional cameras outside at the Tiki Bar. Detective Sergeant Losby stated the biggest concern about the outside is the homeless population that congregates in the summer at the back of Olbrich Park just outside the East Side Club fence. Visible cameras will deter some of that. He also suggested improved lighting and security, especially of doorways. Mr. Fadness reported locking the stairway will be reviewed with the Fire Department.

A motion by Mr. Klinzing, seconded by Mr. Pflasterer to approve the 2015/2016 "Class B" Liquor and Class "B" Fermented Malt Beverage License New Board Membership And Change Of Agent For The East Side Club, Inc., d/b/a East Side Club, 3735 Monona Drive, Agent John M. Fadness, was carried.

City Clerk Andrusz described the work she and the City Attorney did on updating the Transient Merchant Ordinance to current language and practices and to include perimeters and fees for Mobile Food Establishments (food carts). Mr. Klinzing questioned whether the restrictions on signs should be included. City Clerk Andrusz responded that those are in the Ordinance pertaining to signs and wouldn't be included here. Mr. Kimmell expressed concern about seafood and steaks being sold out of trucks. City Clerk Andrusz responded this Ordinance would address that. The Farmer's Market was discussed; it is not affiliated with the City and there may be statutes with which they comply. Mr. Klinzing stated liability insurance should be required. City Clerk Andrusz will consult the City Attorney. NOTE: After consultation with the City Attorney the requirement for "Current proof of liability insurance in an amount no less than \$300,000 per incident" was added to the Ordinance and application and was approved by the City Council.

A motion by Mr. Pflasterer, seconded by Mr. Klinzing to approve the following, was carried:

- a. Ordinance 1-16-674 An Ordinance Amending Chapter 7-13 Of The Code Of Ordinances Concerning Transient Merchants.
- b. License Fee For Mobile Food Establishments.
- c. Application For Transient Merchant License – Mobile Food Establishment.

d. Amendments To Application For Transient Merchant License.

City Clerk Andrusz provided information on Recently Introduced Alcohol License Laws. If approved, the City would be able to purchase up to three reserve "Class B" liquor licenses from a municipality that is contiguous with, or within two miles of, the City. The fee of not less than \$10,000 may not be refunded. In addition, the City could designate a "premier economic development district" and issue up to two "Class B" liquor licenses for a non-refundable fee of not less than \$30,000. Also, the quota exception for a full-service restaurant would be based upon only inside, permanent seating of at least 300 persons. Outside seating is currently included in the capacity count.

ADJOURNMENT

A motion by Mr. Pflasterer, seconded by Mr. Kimmell to adjourn, was carried. (5:27 p.m.)

Joan Andrusz
City Clerk

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning ~~June 30~~ March 20 ~~15~~ 16 ;
ending July 1 20 16

TO THE GOVERNING BODY of the: Town of } Monona
 Village of }
 City of }
County of Dane Aldermanic Dist. No. _____ (if required by ordinance)

Applicant's Wisconsin Seller's Permit Number: <u>456-1020161146-03</u>	
Federal Employer Identification Number (FEIN): <u>20-3606109</u>	
LICENSE REQUESTED ▶	
TYPE	FEE
<input checked="" type="checkbox"/> Class A beer	\$ <u>500⁰⁰</u>
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
Publication fee	\$ <u>15</u>
TOTAL FEE	\$ <u>15</u>

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): ▶ Shopko Stores Operating Co., 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>See Attached Exhibit A</u>		
Vice President/Member			
Secretary/Member			
Treasurer/Member			
Agent ▶	<u>Jim Sarbacher - Store Manager</u>		
Directors/Managers	<u>Agent - Store Manager</u>		

3. Trade Name ▶ Shopko #32 Business Phone Number 608-222-6010
4. Address of Premises ▶ 2101 West Broadway Post Office & Zip Code ▶ Monona, WI 53713

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 Delaware and date 10/11/05 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.) Single Story; approximately 35,000 sq feet

10. Legal description (omit if street address is given above): _____
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 16 day of December, 20 15

[Signature]
(Clerk/Notary Public)
My commission expires 8-24-18

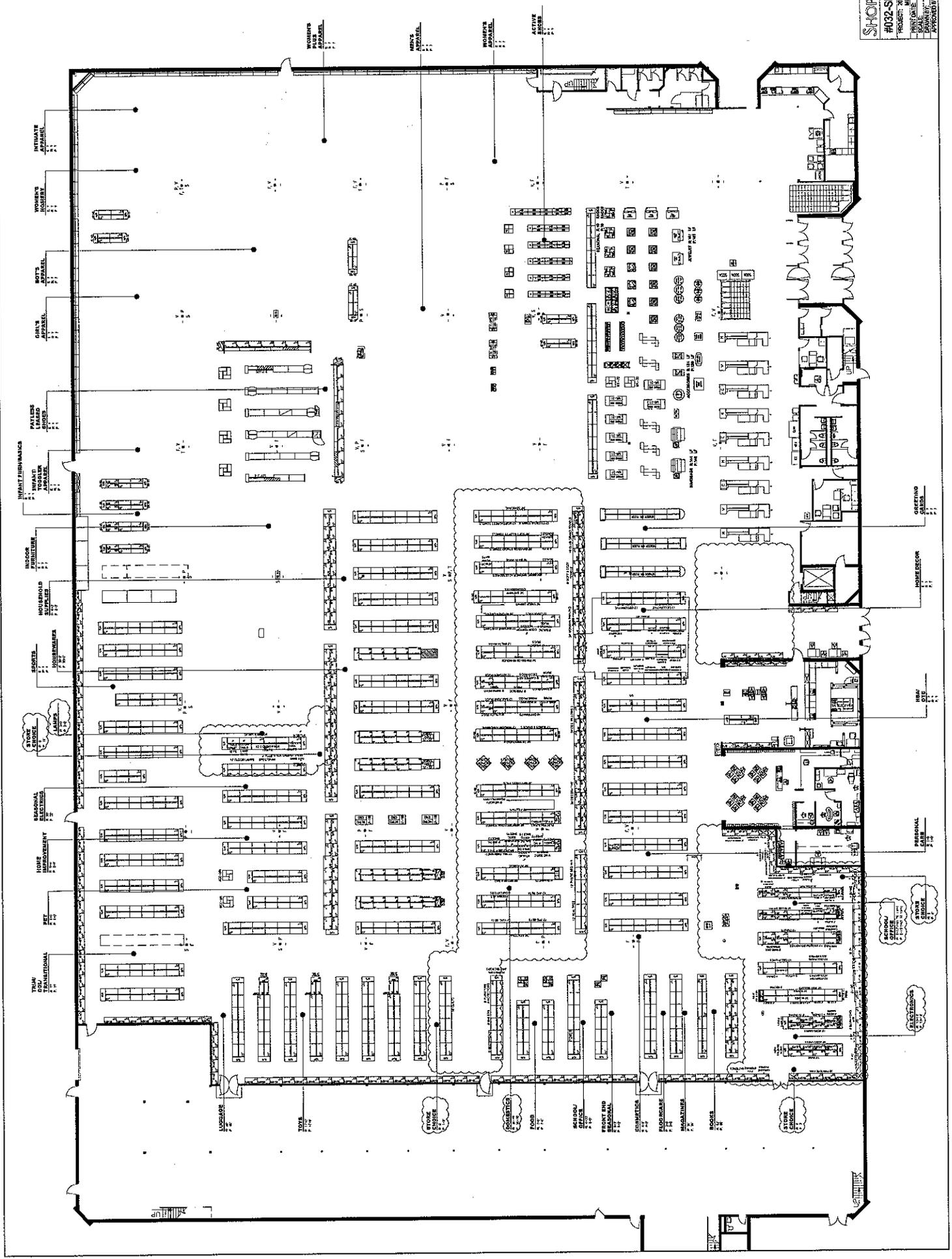
[Signature]
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

(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>1-8-16</u>	Date reported to council/board <u>CC-2-15-16</u>	Date provisional license issued	Signature of Clerk / Deputy Clerk <u>[Signature]</u>
Date license granted	Date license issued	License number issued	



Joan Andrusz

From: Walske, Jessica <Jessica.Walske@SHOPKO.COM>
Sent: Monday, January 11, 2016 3:56 PM
To: Joan Andrusz
Subject: RE: Fermented Malt Beverage license application

We will start selling beer once we have all employees done with their training for selling beer. All employees have to take a Shopko course before the store can start selling. If our license was to be approved in February, I would say we would be ready to sell by the end of March.

Jim Sarbacker is aware he will need to take this class and bring his certificate in to you.

We can have Jim attend the hearing at that time.

The beer will be sold on 2-3 pallets close to the checkouts.

I hope this helps. If you have any other questions or concerns, please feel free to let me know.

Jessica Walske
Shopko Stores Legal Licensing Coordinator
700 Pilgrim Way
Green Bay, WI 54307-9060
920.429.4166 (p) 920.429.7401 (f)



From: Joan Andrusz [<mailto:JAndrusz@ci.monona.wi.us>]
Sent: Friday, January 08, 2016 3:10 PM
To: Walske, Jessica
Subject: Fermented Malt Beverage license application

Hi Jessica,

I received your application for fermented malt beverage sales today and have a couple of questions/issues that need attention:

1. When do you plan to begin selling beer? I will pro-rate the license fee based upon the number of days of the license year you are selling beer.
2. Agent Jim Sarbacker will have to take an alcohol awareness class and provide proof of completion. If he has held an Operator license in a Wisconsin municipality within the last two years, a copy of that license will suffice.

3. I received this application too late for publication to get on the January License Review Committee agenda so you will be on the agenda for the February 9 meeting, 4:00 p.m. at City Hall. You should have a representative attend to answer any questions the Committee may have.
4. The premise description needs to detail where alcohol will be stored and sold. Could you be more specific about where the beer will be located on the sales floor and where inventory will be stored?

I think that covers my initial questions and concerns.

Thank you,

Joan Andrusz, WCMC

City Clerk

City of Monona

5211 Schluter Road

Monona, Wisconsin 53716

Population: 7,833

608-222-2525

Fax: 608-222-9225

jandrusz@ci.monona.wi.us



Sec. 7-2-17 Revocation and Suspension of Licenses; Non-Renewal.

(a) **Procedure.** Whenever the holder of any license under this Chapter violates any portion of this Chapter or Title 11, Chapter 4, of this Code of Ordinances, proceedings for the revocation, suspension or nonrenewal of such license may be instituted in the manner and under the procedure established by Sec. 125.12, Wis. Stats., and the provisions therein relating to granting a new license shall likewise be applicable. The Alcohol License Review Committee shall serve as the hearing agency for the Common Council in any such proceedings.

(b) This section was rescinded per Ordinance 6-10-615, adopted July 19, 2010.

*****(c) Cancellation or Forfeiture of License, Fees Not Refunded.** If a Class "A" or "B" license issued hereunder is not used within fifteen (15) days after its issuance, or if after its issuance its usage is discontinued for a period of fifteen (15) days or more, the license may be canceled by the Council. If any license issued under this Chapter is revoked for cause or is voluntarily surrendered, no refund shall be made of any part of the license fee.

(d) **Non-renewal of Licenses.** Before renewal of any license issued under this Chapter is refused, the licensee shall be given written notice of any charges or violations against him or her or the reasons proposed for non-renewal and a copy of any proposed motion for non-renewal and shall have an opportunity to be heard before the License Review Committee and the Common Council on such motion.

(e) **Effect of Revocation of License.** Whenever any license has been revoked, at least six (6) months from the time of such revocation shall elapse before another license shall be granted for the same premises and twelve (12) months shall elapse before another license shall be granted to the person whose license was revoked.