

City of Beaver Dam, Wisconsin
ADMINISTRATIVE COMMITTEE
Monday February 19, 2018
6:30 pm
MUNICIPAL BUILDING
COMMON COUNCIL CHAMBERS

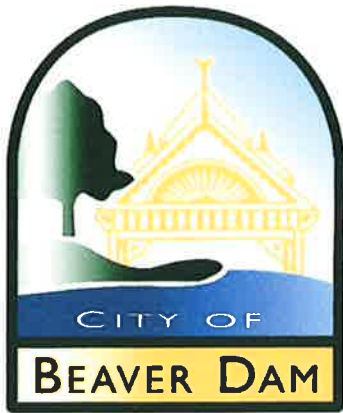
AGENDA:

1. Consider approval of the minutes from the January 5, 2018 Administrative Committee meeting.
2. Consider approval of a resolution granting beverage operator licenses.
3. Consider approval of a resolution granting a Class "A" License for the sale of Fermented Malt Beverages to D'Lux Nails (Diana Cristea-Rist) Agent for the premise located at 709 N. Spring St, Ste A.
4. Consider approval of a resolution approving the 2018 projects in the 2018-2022 Capital Improvements Plan and providing for funding of the 2018 projects.
5. Questions concerning invoices scheduled for Council approval.
6. Items for future agendas - for discussion only.

Posted: February 16, 2018
at 8:07 AM.

"A quorum of the Common Council may attend this meeting."

"Requests from persons with disabilities, who need assistance to participate in this meeting, or hearing, should contact the City Clerk's office at 887-4600, ext. 338, with as much advance notice as possible."



City of Beaver Dam
205 South Lincoln Avenue
Beaver Dam, Wisconsin 53916

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Memo

To: Administrative Committee, Mayor
From: John Somers, Director of Administration
Date: February 15, 2018
Re: D'Lux Nails Request for Class "A" License

The Committee will be considering a request from D'Lux nails to be granted a Class "A" license. This type of license would allow them to sell packaged beer for consumption off premise but would also allow them to provide free samples of wine or liquor in limited quantities.

I have attached the minutes from a past Administrative Committee meeting where the topic of issuing a liquor license to a salon was discussed. I have also included information from the League's Alcohol Licensing handbook which provides more information about the license being requested.

d. "Class A" cider licensees may sell cider, as defined in sec. 125.51(2)(e)1, for consumption off premise, and may not offer samples of intoxicating liquor. Sec. 125.51(2)(e). "Class A" cider licenses were created by 2015 Wis. Act 55.

e. "Class A" licensees may sell intoxicating liquor to consumers only in original packages or containers for off-premises consumption. Sec. 125.51(2). Although it is not authorized by the "Class A" license itself, "Class A" licensees may provide customers and visitors of legal drinking age no more than 2 free wine taste samples per person of not more than three fluid ounces each, for consumption on the premises between the hours of 11 A.M. and 7 P.M. Sec. 125.06(13). Between 11 A.M. and 7 P.M., "Class A" licensees can also provide persons of legal drinking age no more than one taste sample, not exceeding 0.5 fluid ounces of intoxicating liquor other than wine for consumption on the premise. 2015 Wis. Act 10, creating sec. 125.51(2)(am).

f. "Class B" licensees may sell intoxicating liquor to consumers by the glass for on-premises consumption. If the municipality enacts an ordinance under sec. 125.51(3)(b), sales may also be made for off-premises consumption in quantities not exceeding four liters at any one time. Wine may be sold for consumption off-premises in the original package or container in any quantity regardless of whether the municipality has adopted an ordinance for carryout liquor sales. Sec. 125.51(3)(b).

A "Class B" license issued to a person operating a hotel authorizes that person to furnish a registered guest who has attained the legal drinking age with a selection of intoxicating liquor in the guest's room which is not part of the "Class B" premises. Sec. 125.51(3)(bm).

[NOTE: All "Class B" licensees (with the exception of those holding a "Class B" issued to a winery and discussed below) are required to have a Class "B" beer license as well.]

g. A "Class B" license issued to a winery : A "Class B" winery license authorizes the sale of wine to be consumed by the glass or in open containers on the premises and also authorizes the sale of wine in the original package or container to be consumed off the premises, but does not authorize the sale of fermented malt beverages or any intoxicating liquor other than wine. A "Class B" license issued to a winery does not count against a municipality's quota. A municipality cannot issue a "Class B" winery license unless the winery has been issued a permit by DOR under sec. 125.53. Sec. 125.51(3)(am).

h. Reserve "Class B" licenses authorize the same sales as non-reserve "Class B" licenses but carry an additional initial issuance fee (see II. F. 9. for discussion of Fees), and are not eligible for transfer to another premise. Reserve "Class B" licenses were created by the legislature at the request of the Tavern League which sought special legislation to protect existing licensees. The Tavern League claimed that existing licensees were suffering due to competition with the casinos and that it was necessary to limit the number of licenses to increase the value of existing licenses. Reserve "Class B" liquor licenses are those licenses available under the quota system existing before December 1, 1997, that were not granted or issued by the municipality as of December 1, 1997. The number of reserve "Class B" licenses available to a municipality is determined by engaging in a series of calculations described in Wis. Stat. sec. 125.51(4)(br)1. sec. 125.51(4)(a)4. See II. D. 1, Quotas.

i. Temporary "Class B" (picnic) wine licensees may sell wine at a picnic, meeting, or similar gathering of limited duration. Such licenses may be issued only to "bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least 6 months ... and to posts of veterans' organizations...." Sec. 125.51(10).

j. "Class C" wine licensees may sell wine by the glass or in an opened original container for consumption on the premises where sold. "Class C" wine licenses may be granted to an applicant only if: (1) the

City of Beaver Dam
Administrative Committee Minutes
October 3, 2016

Vice-Chairperson Davidson called the meeting to order at 7:00 p.m. Present were Hansen, Burnett, Litscher, Flaherty and Anderson. Also present for all or part of the meeting were Mayor Kennedy, City Attorney Schacht, Community Activities & Services Administrator Evonne Boettge, Police Chief Kreuziger, Fire Chief Mannel, Pete Frittitta, Rhonda Steiner, Carmen Winkleman & Dave Lancaster (R&R Insurance), Rag Singh (Malibou Tan) and Craig Warmbold (WBEV/WXRO). Neuert was absent and excused.

Motion by Burnett, second by Hansen to approve the minutes from the September 19, 2016 Administrative Committee meeting, carried by acclamation.

Pete Frittitta with R&R Insurance reviewed various fees and taxes associated with the Affordable Care Act stating that the insurer fee and the excise tax will have the greatest cost for the City based on the City's current fully insured health plan. Frittitta stated that based on their projections the City could see additional costs of as much as \$200,000 per year by 2021. Other R&R representatives explained how their firm could help the City mitigate these fees and taxes in the future if the City were to utilize their services.

Rag Singh asked the committee to reconsider their position relative to issuing a Class A license to beauty/tanning salons. Mr. Singh stated that he understands the license would allow him to sell packaged beer but that is not his intention and he only wants to be able to offer his patrons a glass of wine while they are getting a manicure, pedicure or some other service offered at his spa. Several committee members spoke in opposition to granting the license stating that this would set precedence making it difficult for the City to deny licenses to other types of businesses that don't traditionally sell alcohol. Several committee members also stated that there are several establishments in the community where people can buy alcohol and these licenses should only be issued to businesses that are trained and equipped to handle alcohol sales.

After presentation and discussion of same motion by Litscher, second by Flaherty to recommend approval of a resolution to appropriate a donation in the amount of \$1,295.00 to the Police Department from the Beaver Dam Community Hospitals Foundation, carried by acclamation.

Discussion relative to possible changes to section 62-11, Parades, in the Beaver Dam Municipal Code was tabled to a future meeting.

The committee received the proposed 2017 budget set budget review meeting for the Administrative Committee meeting on October 24, 2016 at 6:30 in the Council Chambers. The committee also set Monday October 31st at 6:30 pm as a tentative date and time for a second budget review meeting if necessary. The members of the operations committee will also be invited to these two meetings.

Director Somers stated that representatives from Richards Insurance will be at the next committee meeting to do a presentation for the committee.

Motion by Litscher, second by Hansen to adjourn at 7:54 pm, carried by acclamation.

Submitted by:
John Somers
Recording Secretary