



License Committee

Regular Meeting

335 South Broadway
De Pere, WI 54115
<http://www.de-pere.org>

Agenda

Tuesday, September 15, 2020

7:00 PM

Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a meeting of the **License Committee** of the City of De Pere will be held on **September 15, 2020** at **7:00 PM**.

Due to the current public health emergency, the meeting will be held electronically and the public may attend this meeting electronically or telephonically by accessing either:

Computer/smart phone accessing <https://www.gotomeet.me/DePere>

OR

You can also dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

United States: [+1 \(312\) 757-3117](tel:+13127573117)

Access Code: 154-883-285

THIS MEETING WILL NOT BE HELD IN PERSON.

Call to Order

1. Roll Call
2. Approval of the minutes of the Sep. 1, 2020 License Committee meeting.
3. Operator License Applications.*
4. Application for Class "B" Fermented Malt Beverage License for De Pere Deacons Hockey Team, Inc. (DBA De Pere Deacons Hockey), 450 Ft. Howard Av. Submitted by De Pere Deacons Hockey Team, Inc: Agent David Lepp De Pere, WI.*
5. Discussion of delegating authority to city clerk to grant operator's licenses
6. Future agenda items.
7. Adjournment.

Respectfully Submitted,

Ann Ledvina Deputy Clerk Treasurer

Any person wishing to attend this meeting who, because of disability, requires special accommodations should contact the Clerk's office at 339-4050 by Noon, the previous day so that arrangements can be made.

***Items with an asterisk require City Council approval.**

Agenda Sent To:

Alderspersons

City Administrator
Mayor
Department Heads
TV, Newspapers & Radio Stations
Kress Family Library
De Pere Chamber of Commerce
David Lepp
Michele Byrnes
Miles Joski
Haley Schmidt
Zachary Shields
Jacqueline Spence



City of De Pere, Wisconsin

Request For License Committee Action

MEETING DATE: September 15, 2020

DEPARTMENT: City Clerk

FROM: Carey Danen

SUBJECT: Approval of the minutes of the Sep. 1, 2020 License Committee meeting.

ATTACHMENTS:

- 9-1-20 License Committee Minutes_Draft (DOC)



License Committee

Regular Meeting

335 South Broadway
De Pere, WI 54115
<http://www.de-pere.org>

Draft Minutes

Tuesday, September 1, 2020

7:00 PM

1. Call to Order. The meeting was called to order at 7:00 PM by Alderperson Dan Carpenter.

Attendee Name	Title	Status	Arrived
Dan Carpenter	Alderperson	Present	
Mike Eserkaln	Alderperson	Present	
Shana Defnet Ledvina	Alderperson	Present	

Also present: City Attorney Judy Schmidt-Lehman and City Clerk Carey Danen.

2. Approval of the minutes of the Aug. 18, 2020 License Committee meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Mike Eserkaln, Alderperson
AYES:	Dan Carpenter, Mike Eserkaln, Shana Ledvina

3. Operator License Applications.*

Alderperson Carpenter moved, seconded by Alderperson Ledvina to open the meeting. Upon vote, motion carried unanimously. New Operator Application #7 for Gary Boyer was presented, and the applicant answered questions from the License Committee. Alderperson Carpenter moved, seconded by Alderperson Ledvina to close the meeting. Upon vote, motion carried unanimously. Discussion followed. Alderperson Carpenter moved, seconded by Alderperson Ledvina to re-open the meeting. Upon vote, motion carried unanimously. Applicant # 7 agreed to obtain a letter of consent from his probation officer. Alderperson Carpenter moved, seconded by Alderperson Eserkaln to close the meeting. Upon vote, motion carried unanimously. Alderperson Carpenter moved, seconded by Alderperson Ledvina to approve New Operator applications #1-6 and 8. Upon vote, motion carried unanimously. Alderperson Carpenter moved, seconded by Alderperson Ledvina to approve New Operator application #7, contingent upon receipt of consent letter by the Clerk's office.

4. Request by Cheyenne M. Blackowl to appear before the License Committee regarding denial of her Operator License application.*

Alderperson Carpenter moved, seconded by Alderperson Eserkaln to open the meeting. Upon vote, motion carried unanimously. The applicant appeared to speak but then did not reply further. Alderperson Carpenter moved, seconded by Alderperson Eserkaln to close the meeting. Upon vote, motion carried unanimously. Alderperson Carpenter moved, seconded by Alderperson Eserkaln to refer this agenda item to the Common Council meeting in order to give the applicant an opportunity to attend because of technical difficulties. Upon vote, motion carried unanimously.

RESULT:	REFERRED TO COMMON COUNCIL MEETING [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Mike Eserkaln, Alderperson
AYES:	Dan Carpenter, Mike Eserkaln, Shana Ledvina

5. Request by Kelly L. Bloemer to appear before the License Committee regarding denial of her Operator License Application.*

Alderperson Carpenter moved, seconded by Alderperson Eserkaln to open the meeting. Upon vote, motion carried unanimously. The applicant answered Committee members' questions.

Alderperson Carpenter moved, seconded by Alderperson Ledvina to close the meeting. Upon vote, motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Shana Defnet Ledvina, Alderperson
AYES:	Dan Carpenter, Mike Eserkaln, Shana Ledvina

6. Future agenda items.

Alderperson Carpenter requested a status update regarding the potential ordinance change to delegate the authority to issue operator licenses to the Clerk's office. The Legal department is in the process of drafting the amendment, which should be available to present at the next meeting.

7. Adjournment.

Alderperson Carpenter moved, seconded by Alderperson Ledvina to adjourn the meeting at 7:20 PM. Upon vote, motion carried unanimously.

Respectfully submitted,
Carey Danen, City Clerk



City of De Pere, Wisconsin

Request For License Committee Action

MEETING DATE: September 15, 2020

DEPARTMENT: City Clerk

FROM: Ann Ledvina

SUBJECT: Operator License Applications.*

ATTACHMENTS:

- Operator List_9-15-20 (PDF)

CITY OF DE PERE
License Committee - September 15, 2020

New Operator License Applications	
1	BYRNES, MICHELE L.
2	JOSKI, MILES J.
3	SCHMIDT, HALEY N.
4	SHIELDS, ZACHARY J.
5	SPENCE, JACQUELINE M.
6	VICENZI, ANTHONY J.

Attachment: Operator List_9-15-20 (10006 : Operator License Applications.*)



City of De Pere, Wisconsin

Request For License Committee Action

MEETING DATE: September 15, 2020

DEPARTMENT: City Clerk

FROM: Ann Ledvina

SUBJECT: Application for Class "B" Fermented Malt Beverage License for De Pere Deacons Hockey Team, Inc. (DBA De Pere Deacons Hockey), 450 Ft. Howard Av. Submitted by De Pere Deacons Hockey Team, Inc: Agent David Lepp De Pere, WI.*

ATTACHMENTS:

- De Pere Deacons Hockey Team Class B request_9-15-20 (PDF)

Renewal Alcohol Beverage License Application

(Submit to municipal clerk. Read instructions on page 3.)

For the license period beginning: 12.01.20 ending: 05.01.21
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: ☐ Town of ☐ Village of ☒ City of } DePue

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

Check one: ☐ Individual ☐ Limited Liability Company
☐ Partnership ☒ Corporation/Nonprofit Organization

Complete A or B. All must complete C.

A. Individual or Partnership:

Full Name (Last) <u>LEPP</u>	(First) <u>DAVID</u>	(Middle Name) <u>G</u>	Home Address (Street, City or Post Office, & Zip Code)
Full Name (Last)	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Full Name (Last)	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

B. LLC or Corporation (and Agent):

Full Legal Name of Corporation / Nonprofit Organization / Limited Liability Company <u>DEPUER DRACONS HOCKEY TEAM, INC.</u>	Address of Corporation / Limited Liability Company (if different from licensed premises)
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All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent.

Agent Last Name <u>LEPP</u>	(First) <u>DAVID</u>	(Middle Name) <u>EDWARD</u>	Home Address (Street, City or Post Office, & Zip Code)
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All Officer(s) Director(s) of Corporation and Members / Managers of Limited Liability Company:

President / Member Last Name <u>LEPP</u>	(First) <u>DAVID</u>	(Middle Name) <u>EDWARD</u>	Home Address (Street, City or Post Office, & Zip Code)
Vice President / Member Last Name <u>NUTHALS</u>	(First) <u>GREG</u>	(Middle Name) <u>FRANCIS</u>	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

C. Business Information

- Trade Name DePue Deacons Hockey Team, Inc. Business Phone Number 920.660.0933
- Address of Premises 450 Ft. Howard Av Post Office & Zip Code DePue, WI 54304
- Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes ☐ No ☐
- 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.) 1st and 2nd Floors @ DePue Ice Arena

Applicant's Wisconsin Seller's Permit Number <u>EXEMPT</u>	
FEIN Number	
TYPE OF LICENSE REQUESTED	FEE
☐ Class A beer	\$
☒ Class B beer	\$
☐ Class C wine	\$
☐ Class A liquor	\$
☐ Class A liquor (cider only)	\$ N/A
☐ Class B liquor	\$
☐ Reserve Class B liquor	\$
☐ Class B (wine only) winery	\$
Publication fee	\$ <u>30.00</u>
TOTAL FEE	\$ <u>30.00</u>

5. Legal description (omit if street address is given on previous page): _____
6. a. Since filing of the last application, has the named licensee, any member of a partnership licensee, or any member, officer, director, manager or agent for either a limited liability company licensee, or nonprofit organization licensee been **convicted of any offenses** (excluding traffic offenses not related to alcohol) for violation of any federal laws, any Wisconsin laws, any laws of other states, or ordinances of any county or municipality? **If yes, complete page 3** ☐ Yes ☒ No
- b. Are **charges for any offenses** presently **pending** (excluding traffic offenses not related to alcohol) against the named licensee or any other persons affiliated with this license? **If yes, explain fully on page 3** ☐ Yes ☒ No
7. Except for questions 6a and 6b, have there been any changes in the answers to the questions as submitted by you on your last application for this license? **If yes, explain** ☐ Yes ☒ No
- _____
- _____
- _____
8. Was the profit or loss from the sale of alcohol beverages for the previous year reported on the Wisconsin Income or Franchise Tax return of the licensee? **If not, explain** ☒ Yes ☐ No
- _____
- _____
- _____
9. Does the applicant understand they must hold a Wisconsin Seller's Permit? **EXEMPT PER CARRIES** ☐ Yes ☐ No
[phone (608) 266-2776]
10. Does the applicant understand that alcohol beverage invoices must be kept at the licensed premises for 2 years from the date of invoice and made available for inspection by law enforcement? ☒ Yes ☐ No
11. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? ☐ Yes ☒ No
12. Does the applicant owe municipal property taxes, assessments, or other fees? ☐ Yes ☒ No
(Note: Renewal of licenses may be denied pursuant to a local ordinance, if the licensee owes municipal taxes, assessments or other fees).

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees 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. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

Contact Person's Name (Last, First, M.I.) LEPP, DAVID E.	Title / Member MEMBER	Date 8.25.2020
Signature <i>David E. Lepp</i>	Phone Number 920.660.0933	Email Address dlepp@new.rr.com

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council / board	Date license granted
License number issued	Date license issued	Signature of Clerk / Deputy Clerk

Instructions for Renewal Alcohol Beverage License Application

THIS RENEWAL FORM CANNOT BE USED IF:

1. There is a change in business entity (i.e., individual has changed to partnership or corporation/limited liability company; partnership changed to individual or corporation/limited liability company; corporation changed to individual, partnership or limited liability company) and if limited liability company has been dissolved.
2. Partners are added or dropped.
3. Application is made in a different municipality.

PARTNERSHIPS:

Indicate full name and home address of each partner. One partner must sign application. **Reminder:** If partners have been added or dropped since your last application, you must use Form AT-106 (Original Beverage License Application).

CORPORATIONS:

One officer must sign application. Be sure to answer Question No. 7 by indicating any change of officers, directors, and/or changes in home address. If there are any changes in officers and/or directors each must complete Form AT-103 (Auxiliary Questionnaire). If there has been a change in agent since your last approved agent, he/she must complete Forms AT-104 (Schedule for Appointment of Agent) **AND** AT-103 (Auxiliary Questionnaire) in addition to this (AT-115) form.

LIMITED LIABILITY COMPANY:

One member/manager must sign application. Follow procedure under Corporations for any change of members or agent.

NOTE: Use ink or typewriter when filling in applications. Be sure to answer all questions fully and accurately. 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.

DISCRIMINATION CLAUSE – (City of Milwaukee only)

The applicant shall not willfully refuse to provide those services offered under this license or refuse to employ or discharge any person otherwise qualified because of race, color, creed, sex, national origin or ancestry, the applicant shall not seek information as a condition of employment, or penalize any employee or discriminate in the selection of personnel for training or promotion solely on the basis of such information. The applicant also shall not discriminate against any member of the military service dressed in uniform by willfully refusing services offered under this license.

Complete, sign and return this form to the clerk.

If answer to Questions No. 6a and/or 6b on page 2 are "YES," outline details below:

CONVICTIONS

1. NAME NONE STATUTE NO./LOCAL ORDINANCE _____
 CHARGE _____ WHERE CONVICTED _____
 DATE _____ PENALTY _____ ☐ MISDEMEANOR ☐ FELONY
2. NAME _____ STATUTE NO./LOCAL ORDINANCE _____
 CHARGE _____ WHERE CONVICTED _____
 DATE _____ PENALTY _____ ☐ MISDEMEANOR ☐ FELONY
3. NAME _____ STATUTE NO./LOCAL ORDINANCE _____
 CHARGE _____ WHERE CONVICTED _____
 DATE _____ PENALTY _____ ☐ MISDEMEANOR ☐ FELONY

PENDING CHARGE

1. NAME _____ STATUTE NO./LOCAL ORDINANCE _____
 PENDING CHARGE _____ DATE _____



City of De Pere, Wisconsin

Request For License Committee Action

MEETING DATE: September 15, 2020

DEPARTMENT: City Attorney

FROM: Kristen Johnson

SUBJECT: Discussion of delegating authority to city clerk to grant operator's licenses

ATTACHMENTS:

- Memo: License Committee Clerk's Authority to Issue Operator's Licenses (PDF)
- Ordinance Revisions (Redlined) (DOCX)

MEMORANDUM

TO: Alderperson Dan Carpenter, Chair
License Committee Members

FROM: Kristen Johnson, Assistant City Attorney

DATE: September 15, 2020

RE: Ordinance Revisions Delegating Authority to City Clerk to Issue Certain Licenses

The purpose of this memo is to provide the License Committee with information regarding the proposed ordinance revisions granting authority to the city clerk and deputy city clerk to issue certain liquor licenses.

Wis. Stats. § 125.26(6) and 125.185(1) allow a municipality to designate a municipal official authority to issue temporary retail class “B” licenses and provisional retail licenses. Our ordinances currently grant the city clerk and deputy city clerk authority to issue temporary class “B” licenses, provisional operator’s licenses, and provisional retail licenses. Recently, 2019 Wisconsin Act 166 amended sections of Wis. Stats. Ch. 125 to allow a municipality to delegate authority to a municipal official for the issuance of operator’s licenses, temporary operator’s licenses, and provisional operator’s licenses. The License Committee requested the Law Department draft ordinance revisions to allow the City Clerk and Deputy City Clerk the authority to issue these licenses. To accomplish this, DPMC Sections 7-2(e)(3), 7-2(e)(5), and 7-13(i) need amending.

The recommended revisions include a process to allow the determination of the city clerk or deputy city clerk to be reviewed by the License Committee. The draft ordinance also instructs provides that the Alcohol Beverage Licenses Enforcement Policy Guidelines shall be considered when granting any alcohol beverage license. Therefore, the clerk’s office would utilize the same guidelines as the License Committee and Council when making a determination on an application.

If you have any questions before the meeting, please do not hesitate to contact me directly.

KKJ

7-2(e)(3) *Temporary operator's licenses.* Pursuant to Wis. Stats. § 125.17, the city clerk and deputy city clerk are hereby delegated the authority to grant temporary operator's licenses. No temporary operator's license shall be issued to any person who does not possess all requirements specified for an operator's license at Wis. Stats. § 125.17.

7-2(e)(5) *Two-year operator's licenses.* Pursuant to Wis. Stats. § 125.17, the city clerk and deputy city clerk are hereby delegated the authority to grant operator's licenses. Operator's licenses shall be issued for two-year terms commencing July 1 of any even-numbered year and terminating June 30 of the next even-numbered year. The fee for such license shall be as determined by resolution of the common council. Licenses issued on or after July 1 of the second year of such licensing period shall also be issued for such fee as determined by common council.

7-13(i) *Decision to grant licenses.*

- (1) The city clerk and deputy city clerk are delegated the authority to grant the following licenses:
 - a. Temporary Class "B" licenses
 - b. Temporary operator's licenses
 - c. Provisional operator's licenses
 - d. Two-year operator's licenses
 - e. Provisional retail licenses

A determination of the city clerk or deputy city clerk to not issue a license under this section may be reviewed by the license committee. If the review is under Wis. Stats. Sec. 111.335(4) to allow the applicant to show evidence of rehabilitation and fitness to engage in the licensed activity, the license committee shall follow the process outlined in Sec. 111.335(4). The committee shall notify the applicant of its decision in writing and state the reasons for the decision as set forth in Wis. Stats. Sec. 125.12(3m). The decision of the license committee shall be final.

- (2) The common council shall have the authority to grant any liquor license not listed in section (1) above. Nothing in this section shall prohibit or alter the authority of the license committee to consider initial applications for liquor licenses and make recommendations thereon to the common council. Upon any such application, the license committee shall place the matter on the agenda and shall decide whether to recommend granting the license upon considering the effect of the proposed establishment on the public health, safety, repose or any other public interest rationally related to the issuance of the particular license. If the license committee determines to deny the granting of the license, it shall so recommend to the common council. If the common council approves of such recommendation, a formal notice will be sent to the licensee informing him or her of the decision not to issue the license and the reasons therefor.
- (3) The Alcohol Beverage Licenses Enforcement Policy Guidelines shall be considered when issuing any alcohol beverage license, including retail licenses and operator's licenses.



City of De Pere, Wisconsin

Request For License Committee Action

MEETING DATE: September 15, 2020

DEPARTMENT: City Clerk

FROM: Ann Ledvina

SUBJECT: Future agenda items.
