



License Committee

Regular Meeting

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

Agenda

Tuesday, February 5, 2019

7:00 PM

De Pere City Hall Riverview Room

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 **February 5, 2019** at **7:00 PM** in the **De Pere City Hall Riverview Room, 335 S. Broadway, De Pere, WI 54115**.

Call to Order

1. Roll Call
2. Approval of the Minutes of the January 15, 2019 License Committee Meeting.
3. Public Comment Period and other Announcements.
4. Operator License Applications.*
5. Application for a Class "B" Fermented Malt Beverage & "Class B" Intoxicating Liquor License for Poppy Avenue Clean Beauty Bar (DBA Poppy Avenue Clean Beauty Bar), 115 N Broadway, De Pere. Submitted by Poppy Avenue Clean Beauty Bar, Agent: Audra Balof, De Pere, WI.*
6. Request of the Chief of Police to conduct a pre-hearing on the Class "A" Fermented Malt Beverage License issued to Dolgencorp, LLC (DBA Dollar General), 805 Main Av.*
7. Adjournment.

Respectfully Submitted,

Shana Ledvina, Clerk - Treasurer

Any person wishing to attend this meeting who, because of disability, requires special accommodations should contact the Clerk-Treasurer'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
Isaac S. Alsaadi
Audra Balof
Kenneth N. Bedora
Christian E. Brewer
William J. Chizek

Heath H. Hermans
Patricia A. Isham
Ashley R. Josephson
Michael T. LaBouve
Kendra M. Leurquin
Anthony J. Marra
FayeAnne Matuszek
Gregory R. McElrone
Michael A. McMorrow
Kayla M. Niquette
Aaron R. Seidl
Elizabeth A. Thyges
Anthony Hawks
Dolgencorp, LLC



City of De Pere, Wisconsin

Request For License Committee Action

MEETING DATE: February 5, 2019

DEPARTMENT: City Clerk-Treasurer

FROM: Shana Ledvina

SUBJECT: Approval of the Minutes of the January 15, 2019 License Committee Meeting.

ATTACHMENTS:

- 1-15-19 License Committee Minutes (DOC)



License Committee

Regular Meeting

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

Draft Minutes

Tuesday, January 15, 2019

7:00 PM

De Pere City Hall Riverview Room

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

Attendee Name	Title	Status
James Boyd	Alderperson	Present
Dan Carpenter	Alderperson	Present
Jonathon Hansen	Alderperson	Present

2. Approval of the Minutes of the January 2, 2019 License Committee Meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Jonathon Hansen, Alderperson
AYES:	James Boyd, Dan Carpenter, Jonathon Hansen

3. Public Comment Period and other Announcements. None.

4. Operator License Applications.*

Previously Tabled Operator License Application #1 for Chelsie G. Brakke was presented. Alderperson Carpenter moved, seconded by Alderperson Hansen to open the meeting. Upon vote, motion carried unanimously. The applicant answered the Committee's questions. Alderperson Carpenter moved, seconded by Alderperson Hansen to close the meeting. Upon vote, motion carried unanimously. Alderperson Carpenter moved, seconded by Alderperson Hansen to approve the Operator License for Chelsie G. Brakke. Upon vote, motion carried unanimously.

Alderperson Carpenter moved, seconded by Alderperson Hansen to deny Previously Tabled Operator License #2 for Bobbie M. Sharkey for not filling out the application correctly and not appearing before the License Committee when requested. Upon vote, motion carried unanimously. Alderperson Carpenter moved, seconded by Alderperson Hansen to deny Previously Tabled Operator License #3 for Alicia M. Stiles as a habitual law offender and therefore does not meet the qualifications of the statute to hold a license and for not appearing before the License Committee when requested. Upon vote, motion carried unanimously.

5. Application for a Temporary Premise Description Change for St. Norbert College.*

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Jonathon Hansen, Alderperson
AYES:	James Boyd, Dan Carpenter, Jonathon Hansen

6. Application for a Class "A" Fermented Malt Beverage & "Class A" Intoxicating Liquor License for Poppy Avenue Boutique LLC (DBA Poppy Avenue Boutique), 117 N Broadway, De Pere. Submitted by Poppy Avenue Boutique LLC, Agent: Audra Balof, De Pere, WI.*

Alderperson Boyd moved, seconded by Alderperson Carpenter to approve the license. City Attorney Judy Schmidt-Lehman explained that the application materials supplied by the applicant gives the appearance that the applicant only wants to obtain the license to

give samples, and not to use the license for the intended use, which is to sell alcohol in containers for consumption away from the premises. Alderperson Carpenter moved, seconded by Alderperson Boyd to open the meeting. Upon vote, motion carried unanimously. The applicants, Audra Balof and Christian Brewer, explained that they want to sell bottles of the product they are sampling and will have a small inventory in their gift section. Discussion followed. Alderperson Boyd moved, seconded by Alderperson Carpenter to close the meeting. Upon vote, motion carried unanimously. Upon vote on the motion to approve the license, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	James Boyd, Dan Carpenter, Jonathon Hansen

7. Application for a Class "B" Fermented Malt Beverage & "Class B" Intoxicating Liquor License for Poppy Avenue Clean Beauty Bar (DBA Poppy Avenue Clean Beauty Bar), 115 N Broadway, De Pere. Submitted by Poppy Avenue Clean Beauty Bar, Agent: Audra Balof, De Pere, WI.*

City Attorney Judy Schmidt-Lehman explained that the application and accompanying documents did not make clear which recreational use this license would apply under; she read the ordinance which defines a recreation premise as a premises in which an organized and regularly conducted recreational activity takes place and a recreational activity as an activity primarily offered and undertaken for the purpose of exercise, relaxation, culture or education, including practice or instruction in any such activity. Alderperson Carpenter moved, seconded by Alderperson Boyd to open the meeting. Upon vote, motion carried unanimously. Applicants Audra Balof and Christian Brewer came forward and explained their idea for a clean beauty bar. They explained that a lot of education of clean beauty will go into these products, they plan to have beauty advisors on staff educating on the products available in a relaxing atmosphere for women. They will hold daily classes on how to use skin care products and how to apply makeup products. Discussion followed. City Attorney Judy Schmidt-Lehman suggested that the Committee table the application to allow the applicant time to put together a better explanation of their business and the license use at the next meeting. Discussion followed. Alderperson Carpenter moved, seconded by Alderperson Boyd to close the meeting. Upon vote, motion carried unanimously. Alderperson Carpenter moved, seconded by Alderperson Hansen to rescind their motion to approve and instead table the application until the first meeting in February. Upon vote, motion carried unanimously.

RESULT:	TABLED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Jonathon Hansen, Alderperson
AYES:	James Boyd, Dan Carpenter, Jonathon Hansen

8. Adjournment. Alderperson Boyd moved, seconded by Alderperson Carpenter to adjourn the meeting at 7:24 p.m. Upon vote, motion carried unanimously.

Respectfully submitted,

Shana Ledvina, Clerk-Treasurer



City of De Pere, Wisconsin

Request For License Committee Action

MEETING DATE: February 5, 2019
DEPARTMENT: City Clerk-Treasurer
FROM: Shana Ledvina
SUBJECT: Operator License Applications.*

ATTACHMENTS:

- 2-5-19 (PDF)

CITY OF DE PERE
License Committee - February 5, 2019

New Operator License Applications	
1	ALSAADI, ISAAC S.
2	BALOF, AUDRA
3	BEDORA, KENNETH N.
4	BREWER, CHRISTIAN E.
5	CHIZEK, WILLIAM J.
6	HERMANS, HEATH H.
7	ISHAM, PATRICIA A.
8	JOSEPHSON, ASHLEY R.
9	LA BOUVE, MICHAEL T.
10	LEURQUIN, KENDRA M.
11	MARRA, ANTHONY J.
12	MATUSZEK, FAYE ANNE
13	MC ELRONE, GREGORY R.
14	MC MORROW, MICHAEL A.
15	NIQUETTE, KAYLA M.
16	SEIDL, AARON R.
17	THYES, ELIZABETH A.

Attachment: 2-5-19 (7855 : Operator License Applications.*)



City of De Pere, Wisconsin

Request For License Committee Action

MEETING DATE: February 5, 2019

DEPARTMENT: City Clerk-Treasurer

FROM: Shana Ledvina

SUBJECT: Application for a Class "B" Fermented Malt Beverage & "Class B" Intoxicating Liquor License for Poppy Avenue Clean Beauty Bar (DBA Poppy Avenue Clean Beauty Bar), 115 N Broadway, De Pere. Submitted by Poppy Avenue Clean Beauty Bar, Agent: Audra Balof, De Pere, WI.*

This item was tabled at the January 15, 2019 License Committee meeting.

ATTACHMENTS:

- Alder Boyd-License Committee -Rec Premises Clean Beauty Bar (PDF)
- Poppy Av Clean Beauty Bar_Class B_Application (PDF)
- Alder Boyd-License Committee -Rec Premises Class B Application (PDF)

MEMORANDUM

TO: Alderperson James Boyd, Chair
License Committee Members
Mayor Michael Walsh
Members of the Common Council

FROM: Judith Schmidt-Lehman, City Attorney

DATE: February 5, 2019 (meeting date)

RE: Poppy Avenue Clean Beauty Bar, LLC Application for Class B Combination License (on premise consumption) – Additional Materials

At the January 15, 2019 License Committee meeting, the above application was tabled to provide the applicant with the opportunity to provide the Committee (and Council) with additional materials to support their application for a Class B Combination License for Poppy Avenue Clean Beauty Bar as a “recreation premise” under §7-2 De Pere Municipal Code (DPMC). This memo is to provide the Committee (and Council) with an analysis of that additional material in light of §7-2 DPMC to provide guidance in your decision making.

On August 21, 2018, the Common Council adopted Ordinance 18-16, which amended city ordinances to define “recreation premises” for purposes of allowing the operation of a “recreation premises” in conjunction with a Class B license.¹

Under that ordinance, the following was added to §7-2 De Pere Municipal Code:

(h) *Recreation premise.* For purposes of Wis. Stats. §125.32(3m)(i), incorporated by reference under Sec. 7-1 of this Chapter, “recreation premises” means:

(1) a premises in which an organized and regularly conducted recreational activity takes place.

¹ It is important to remember that state law generally prohibits a Class B combination licensed premises from conducting any other business on the licensed premises. There are of course several exceptions to that prohibition in state law, including the exception for “recreation premises.”

Recreation Premises-Clean Beauty Bar
February 5, 2019
Page 1 of 3

(2) Recreational activity means an activity primarily offered and undertaken for the purpose of exercise, relaxation, culture or education, including practice or instruction in any such activity.

To qualify as a “recreation premises” under city ordinance, the applicant must provide sufficient information for the Committee and Council to determine:

- the premises is a place where organized “recreational activity” regularly takes place;
- the “recreational activity” is undertaken primarily for the purpose of exercise, relaxation, culture or education;
- the “recreational activity” can include practice or instruction in the organized activity.

Put another way, a premise can qualify as a “recreation premise” only if it regularly offers organized activity that its customers engage in primarily for exercise, relaxation, culture or education (or instruction in said activity). The act of consuming alcohol beverages itself cannot be deemed a “relaxing” activity for purposes of meeting definition of a recreation premises.

Although the ordinance does not define what constitutes “exercise, relaxation, culture or education,” the ordinance does require they consist of an activity. Since the ordinance does not provide specific definitions, common definitions and usage of the words are looked to in order to determine the meaning and intent of the language.

Miriam-Webster’s Collegiate Dictionary (10th Edition) provides the following definitions:

Exercise:

to train; the regular or repeated use of a faculty or bodily organ; bodily exertion for the sake of developing or maintaining physical fitness; something practiced or performed in order to develop, improve, or display a special skill.

Relaxation/Relax

the act of relaxing or state of being relaxed; a relaxing or recreative state of activity or pastime or diversion; to make less rigid or less tense; to relieve from tension; to make less severe or stringent –modify.

Culture

the act of developing the intellectual and moral faculties; enlightenment and excellence of taste acquired by intellectual and aesthetic training; acquaintance with and taste in fine art, humanities and broad aspects of science as distinguished from vocational and technical skills; the customary beliefs, social forms and material traits of a racial, religious or social group.

Education/Educate

to train by formal instruction and supervised practices, especially in a skill, trade or profession; to develop mentally, morally, or aesthetically especially by

Recreation Premises-Clean Beauty Bar
February 5, 2019
Page 2 of 3

instruction; to provide with information-inform; teach; the knowledge and development resulting from an educational process.

The supplemental information provided by the license applicant gives information concerning various activities to be offered at the premises, some of which could fall into the “exercise, relaxation, culture or education” categories. For example, facials, hand and neck massages, and manicures are all examples of activities that could be undertaken for purposes of relaxation. Similarly, yoga, belly dancing and barre are physical exercise activities and some make-up demonstrations may be educational. However, many of the aforementioned activities are found only in the introductory paragraph of the additional materials, and not in the “monthly descriptions” that follow. Whether those types of activities will be regularly conducted on the premises is not clear from the materials provided.

Under §7-2 DPMC, in order to qualify under the “recreational activity” exception, the applicant is required to show it offers a qualifying recreational activity regularly on the premises. If that showing is not made, the application does not meet the qualifications of the city’s ordinance and the application cannot be approved.

If you have any questions or concerns prior to the meeting, feel free to call me at 339-4042. Otherwise, I look forward to discussing this with you at the meeting on February 5, 2019.

J:\law\Memos\Alder Boyd-License Committee-Rec Premises Clean Beauty Bar2-5-19

Recreation Premises-Clean Beauty Bar
February 5, 2019
Page 3 of 3

Original Alcohol Beverage Retail License Application

Submit to municipal clerk.

For the license period beginning July 1 20 2018;
ending June 30 20 2019TO THE GOVERNING BODY of the: ☐ Town of
☐ Village of } De Pere
☒ City ofCounty of Brown 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):
- Poppy Avenue
-
- Clean Beauty Bar

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 (Last, First, M.I.) Home Address Post Office & Zip Code

President/Member member Balof, Audra, CVice President/Member member ~~Balof~~ Brewer, Christian, E

Secretary/Member _____

Treasurer/Member _____

Agent Audra Balof

Directors/Managers _____

3. Trade Name
- Poppy Avenue Clean Beauty Bar
- Business Phone Number
- 920-585-4500

4. Address of Premises
- 115 N Broadway De Pere, WI 54115
- Post Office & Zip Code _____

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 employee 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, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)
- Retail space of 1600 sqft + backroom

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?
- Saks Holdings, LLC

12. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277]
- ☒
- 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 signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees 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, or one member of a partnership applicant must sign; one corporate officer, one member/manager 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.

A. Balof
(Officer of Corporation / Member / Manager of Limited Liability Company / Partner / Individual)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>12-31-18</u>	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	



115 N Broadway
De Pere, WI 54115

January 9, 2019

Carey Danen
City of De Pere
335 S Broadway
De Pere, WI 54115

Dear Carey,

Thank you for all your help and guidance in obtaining a class B license for our new business, Poppy Avenue Clean Beauty Bar, located at 115 N Broadway in De Pere. Below is information regarding our request.

Our Story:

Poppy Avenue Boutique is a business built on grace and coffee...alot of coffee! The mother daughter duo Audra and Christian founded the idea of Poppy Avenue Boutique after experiencing some big life changes and moving cross country from Texas to Wisconsin in 2016. We prayed for guidance on what our next steps in life should look like and over the next nine months Poppy Avenue Boutique turned into not only a dream, but a reality. Two years later they1~ stand next door to a new sister store, Poppy Avenue Clean Beauty Bar, Wisconsin's first clean beauty and wine bar.

We are requesting a class B license for Poppy Avenue Clean Beauty Bar for the following reasons:

1. At our core and culture Poppy Avenue Clean Beauty Bar is a one stop shop for clean cosmetics and skin care, relaxation, education, and daily beauty activity.
2. Additionally, we plan to rent out our space for private classes, bridal parties, and special events. We want to to be able to offer a licensed bartender to legally serve and sell beer and wine. Not only would the ability to serve beer and wine greatly increase interest and attendance, it would also allow our business extra supplementary gross revenue to be able to thrive and grow for years to come.

3. Furthermore, if we are able to obtain a license we plan to present a small but delicious menu of wine and beer. By adding a variety of adult beverages it allows not only women to enjoy their experience in the beauty bar, but if their significant other tags along they will have a memorable experience as well. Besides the menu of wine and beer we will add a special weekend mimosa menu to lure shoppers back downtown. The result of offering these additional adult beverages on the weekend is to increase traffic flow not only for our businesses, but for our surrounding neighboring businesses and the entire downtown De Pere community.
4. Lastly, another advantage to acquiring a license is stimulating healthy economic growth by increasing job opportunities and extending staff hours. With this license we will be able to offer our neighborhood and city a vibrant and safe place to work and unwind.

We greatly appreciate your consideration,

Audra and Christian
920-585-4500
poppyavenuecleanbeautybar@gmail.com

SURRENDER OF LICENSE

Part I

Legal/Real Name of Current Licensee: SAKS Holdings LLC
 Premises Address: 115 N Broadway
 Trade Name: SAKS Holdings

This is to advise that the undersigned is surrendering the following license(s)

Combination "Class B" Beer & Liquor
 Class "B" Beer
 Class "A" Beer and/or "Class A" Liquor (circle which apply)
 Wholesale Beer
 "Class C" Wine

to: Poppy Avenue Clean Beauty Bar
Insert Legal/Real name of Proposed Licensee and Trade Name)

And understand that said license(s) will be cancelled upon the Common Council's granting of a license to the applicant named herein.

New Applicant

Audra Balof
 President, Member, Partner, Individual

A. Balof
 Secretary, Member, Partner

Current Licensee

[Signature]
 President, Member, Partner, Individual

[Signature]
 Secretary, Member, Partner

State of Wisconsin)
) ss.

County of Brown

On the 9th day of January, 2019, personally came before me
Andrew Krans, known to me to be the person(s) who
 executed the foregoing Surrender of License, and known to me to be the **Current Licensee** and
 acknowledged that s/he executed the foregoing document.

Carey E. Danen
 Notary Public

Brown County, Wisconsin

My Commission expires: 4-30-21

State of Wisconsin)
) ss.

County of Brown

On the 9th day of January, 2019, personally came before me
Audra Balof, known to be to be the person(s) who
 executed the foregoing Surrender of License, and known to me to be the **Proposed New Applicant** and
 acknowledged that s/he executed the foregoing document.

Carey E. Danen
 Notary Public
 Brown County, Wisconsin

My Commission expires: 4-30-21

**SURRENDER OF LICENSE
Part II**

January 9, 2019
Date

City of De Pere Clerk
335 S. Broadway St.
De Pere, WI 54115

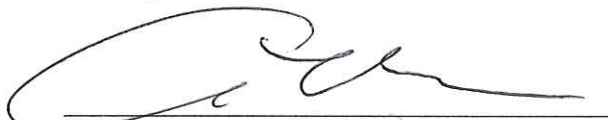
This is to notify you that I am the owner of the building located at

115 N Broadway, De Pere, Wisconsin.

I have entered into a lease for the above property effective January 1st, 2019 with
Poppy Av Clean Beauty Bar, (Strike sentence if not applicable).

Further, this letter is to document that said owner or tenant has control of the premises, and may apply for the necessary beer and/or liquor licenses for said location.

Sincerely,


Signature of owner of building

Printed name of owner: ANDREW T. KRAWS

Home address of owner: 941 LAUREL PLACE, De Pere, WI. 54115

Daytime phone number of owner: 920-371-5032

MEMORANDUM

TO: Alderperson James Boyd, Chair
License Committee Members

FROM: Judith Schmidt-Lehman, City Attorney *Judy*

DATE: January 15, 2019 (meeting date)

RE: Application of Poppy Avenue Boutique, LLC for Class B Combination License
(on premise consumption)

The premise described in the application for a “Class B” fermented malt beverage (“beer”) and “Class B” intoxicating liquor (“liquor”) license also houses a retail store known as “Poppy Avenue Clean Beauty Bar,” which is described in supplemental materials from the applicant as “...a one stop shop for clean cosmetics and skin care, relaxation, education, and daily beauty activity.”

As you are aware, State law¹ limits the types of businesses that can be operated in conjunction with a Class “B” beer license. A “Class B” Intoxicating Liquor license may only be issued in conjunction with a Class “B” Beer license.²

Exceptions to this rule are:

- hotel;
- restaurant;
- combination grocery store and tavern;
- combination sporting goods store and tavern;
- combination novelty store and tavern;
- bowling alley or recreation premises;
- club, society or lodge;
- movie theater; and
- painting studio

¹ Wis. Stats. §125.32(3m)(i)

² Wis. Stats. §125.51(3)(f)

In August, 2018, the Common Council adopted Ordinance 18-16, which amended city ordinances to define “recreation premises” for purposes of the above exceptions.

Under that ordinance, the following language was added to §7-2 De Pere Municipal Code:

(h) *Recreation premise.* For purposes of Wis. Stats. §125.32(3m)(i), incorporated by reference under Sec. 7-1 of this Chapter, “recreation premises” means:

- (1) a premises in which an organized and regularly conducted recreational activity takes place.
- (2) Recreational activity means an activity primarily offered and undertaken for the purpose of exercise, relaxation, culture or education, including practice or instruction in any such activity.

In order for the application to be considered meeting the qualifications of the city’s ordinance, the applicant must provide sufficient information for the Committee and Council to determine:

1. a “recreational activity” is being offered and undertaken on the premises; and
2. that “recreational activity” is undertaken primarily for the purpose of exercise, relaxation, culture or education; and
3. the “recreational activity” can include practice or instruction in the recreational activity.

After a careful review of the application materials, it is difficult to discern what recreational activity is slated to occur at or in the Beauty Bar. The information provided shows that the location retails beauty products and the experience would be ‘enjoyable’ and perhaps ‘memorable.’ However, the application does not identify activities to occur on the premises which are primarily offered and undertaken for exercise, relaxation, culture or education.

In order to qualify under the “recreational activity” exception to the ban on more than one business to exist on a Class B licensed premises, a showing that a qualifying recreational activity is to be regularly conducted on the premises is required. If that showing is not made, the application does not meet the qualifications of the city’s ordinance and the application cannot be approved.

If you have any questions or concerns prior to the meeting, feel free to call me at 339-4042. Otherwise, I look forward to discussing this with you at the meeting.



City of De Pere, Wisconsin

Request For License Committee Action

MEETING DATE: February 5, 2019

DEPARTMENT: Police

FROM: Derek Beiderwieden

SUBJECT: Request of the Chief of Police to conduct a pre-hearing on the Class "A" Fermented Malt Beverage License issued to Dolgencorp, LLC (DBA Dollar General), 805 Main Av.*

ATTACHMENTS:

- Dollar General pre-hearing request Jan 2019 (DOCX)

CITY OF DE PERE
POLICE DEPARTMENT

MEMORANDUM

To: License Committee

From: Derek A. Beiderwieden, Chief of Police

Date: January 21, 2019

Subject: Pre-Hearing Request for Dollar General

I am requesting a pre-hearing for violations observed by De Pere police officers on April 25, 2018 and January 16, 2019 by employees at the Dollar General 805 Main Ave. regarding no licensed operator on premises. The summaries are as follows:

On April 25, 2018 at 9:53am during a routine license compliance check of the premises police observed no licensed seller on premises even though alcohol was for sale. A citation was issued to the employee.

On January 16, 2019 at 1:15pm during a routine license compliance check of the premises police observed no licensed seller on premises even though alcohol was for sale. A citation was issued to the employee.

Please forward this request to the council and recommend a full hearing.

Attachment: Dollar General pre-hearing request Jan 2019 (7817 : Pre-Hearing Request Dollar General*)