



License Committee

335 South Broadway

De Pere, WI 54115

<http://www.de-pere.org>

Regular Meeting

Agenda

Tuesday, October 15, 2013

7:00 PM

Riverview Conference Room

Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a Regular Meeting of the **License Committee** of the City of De Pere will be held on **October 15, 2013 at 7:00 PM** in the **Riverview Conference Room, 335 South Broadway Street, De Pere, WI 54115.**

Call to Order

1. Roll Call
2. Approval of the Minutes of the October 1, 2013 License Committee Meeting.
3. Public comment period and other announcements.
4. Operator License Applications
5. Application for a Trade Name Change for Pomodoro Italian Restaurant (previously 101 Restaurant, Agent Greg De Cleene), 101 Fort Howard Ave., De Pere, WI. Submitted by De Cleene-Zellner LLC c/o Jay De Cleene, Agent: Greg De Cleene, 236 Crestview Lane, De Pere WI 54115.
6. Consideration of request to amend Chapter 7 De Pere Municipal Code to allow for display of wine for sale within grocery store
7. Adjournment.

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.

Mayor
Alderspersons
Department Heads
TV, Newspapers & Radio Stations
Kress Family Library
De Pere Chamber of Commerce
COLLINS, PATRICK M.
MARONEY, APRIL D.
MEERT, JOSHUA J.
WALENTOWSKI, PHILLIPS A.
WHETUNG, SHERRI A.
BRICKHAM, JOHN P.
DAHLE, DULCIE A.
MUELLER, AMY L.
NOEL, GREGORY W.
PASONO, ERIN E.
SULLIVAN, NICHOLAS P.
DE CLEENE, GREG
GAJESKI, KURT

City of De Pere, Wisconsin**Request For License Committee Action**

MEETING DATE: October 15, 2013

DEPARTMENT: City Clerk-Treasurer

FROM: Shana Defnet

SUBJECT: Approval of the Minutes of the October 1, 2013 License Committee Meeting.

ATTACHMENTS:

- 10-01-2013 Minutes License (PDF)



License Committee

335 South Broadway

De Pere, WI 54115

<http://www.de-pere.org>

Regular Meeting

Draft Minutes

Tuesday, October 1, 2013

7:00 PM

De Pere City Hall Riverview Room

Call to Order

The meeting was called to order at 7:00 PM by Kevin Bauer

Attendee Name	Present	Absent	Late	Arrived
James Boyd	☒	☐	☐	
Kevin Bauer	☒	☐	☐	
Bob Heuvelmans	☒	☐	☐	

2. Minutes Approval

1. Approval of the September 17, 2013 License Committee Meeting Minutes.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Bob Heuvelmans,
SECONDER: James Boyd,
AYES: James Boyd, Kevin Bauer, Bob Heuvelmans

3. Public comment period and other announcements.

None.

4. Operator License Applications

CITY OF DE PERE - OCTOBER 1, 2013				
ITEM#	NAME	ADDRESS	CITY	ST
PREVIOUSLY TABLED OPERATOR LICENSE APPLICATIONS				
1	COLLINS, PATRICK M.	106 N. MICHIGAN ST., APT.#3	DE PERE	WI
2	LAMAL, ZACHARY M.	1773 BRIARWOOD CT.	DE PERE	WI
3	LEBBY, ANDREA S.	302 GEORGE ST., APT. #4	DE PERE	WI
4	MARONEY, APRIL D.	1984 TERRY LN.	DE PERE	WI
OPERATOR LICENSE APPLICATIONS FOR THE 2012-2014 LICENSING PERIOD				
1	BIELSKI, ADAM M.	815 1/2 JAMES ST.	GREEN BAY	WI
2	CAMP, ASHLEY M.	257 EAST RIVER DR. APT. 11	DE PERE	WI
3	CASSITY, RHONDA L.	3035 S. WHISTLING WIND DR	DE PERE	WI
4	DURA, CHELSEA L.	113A N. BROADWAY ST.	DE PERE	WI
5	FOHN, JESSICA K.	100 GRANT ST.	DE PERE	WI
6	GILBERT, KYLE R.	819 4TH ST.	DE PERE	WI
7	JAEGER, LYDIA M.	1482 REDSTONE TR., #6	GREEN BAY	WI
8	MEERT, JOSHUA J.	2331 FARLIN AVE., #4	GREEN BAY	WI
9	SHEA, MEGAN M.	100 GRANT ST.	DE PERE	WI
10	WALENTOWSKI II, PHILLIP A	132 1/2 S. BROADWAY ST.	DE PERE	WI
11	WHETUNG, SHERRI A.	14232 MARIBEL RD.	MARIBEL	WI

Previously Tabled Operator License Application #1 for Patrick M. Collins was presented. Alderperson Bauer moved, seconded by Alderperson Heuvelmans to table the

application. Upon vote, motion carried unanimously.

Previously Tabled Operator License Application #2 for Zachary M. Lamal was presented. Alderperson Bauer moved, seconded by Alderperson Heuvelmans to open the meeting. Upon vote, motion carried unanimously. The applicant answered the Committee's questions. Alderperson Bauer moved, seconded by Alderperson Heuvelmans to close the meeting. Upon vote, motion carried unanimously. Alderperson Bauer moved, seconded by Alderperson Boyd to approve Applicant #2. Upon vote, motion carried unanimously.

Previously Tabled Operator License #3 for Andrea S. Lebbly was presented. Alderperson Bauer moved, seconded by Alderperson Heuvelmans to open the meeting. Upon vote, motion carried unanimously. The applicant answered the Committee's questions. Alderperson Bauer moved, seconded by Alderperson Heuvelmans to close the meeting. Upon vote, motion carried unanimously. Alderperson Boyd moved, seconded by Alderperson Heuvelmans to approve Applicant #3. Upon vote, motion carried unanimously.

Previously Tabled Operator License #4 for April D. Maroney was presented. Alderperson Heuvelmans moved, seconded by Alderperson Boyd to table the application. Upon vote, motion carried unanimously.

Operator License Application #8 for Joshua J. Meert was presented. Alderperson Heuvelmans moved, seconded by Alderperson Boyd to table the application. Upon vote, motion carried unanimously.

Operator License Application #10 for Phillip A. Walentowski II was presented. Alderperson Heuvelmans moved, seconded by Alderperson Boyd to table the application. Upon vote, motion carried unanimously.

Operator License #11 for Sherri A. Whetung was presented. Alderperson Heuvelmans moved, seconded by Alderperson Boyd to table the application. Upon vote, motion carried unanimously.

Alderperson Bauer moved, seconded by Alderperson Heuvelmans to approve Operator License Applications #1-7 & 9. Upon vote, motion carried unanimously.

5. Application for Temporary Class "B" Retailer's License

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd,
SECONDER:	Bob Heuvelmans,
AYES:	James Boyd, Kevin Bauer, Bob Heuvelmans

6. Adjournment.

Alderperson Bauer moved, seconded by Alderperson Heuvelmans to adjourn the meeting at 7:13 p.m. Upon vote, motion carried unanimously. The next License Committee Meeting is scheduled for October 15, 2013.

Respectfully submitted,

Shana Defnet
Clerk-Treasurer

City of De Pere, Wisconsin



Request For License Committee Action

MEETING DATE: October 15, 2013
DEPARTMENT: City Clerk-Treasurer
FROM: Shana Defnet
SUBJECT: Operator License Applications

ATTACHMENTS:

- 10-15-13 OPERATOR LICENSE LIST (PDF)

CITY OF DE PERE - OCTOBER 15, 2013					
ITEM#	NAME	ADDRESS	CITY	ST	ZIP
PREVIOUSLY TABLED OPERATOR LICENSE APPLICATIONS					
1	COLLINS, PATRICK M.	106 N. MICHIGAN ST., APT.#3	DE PERE	WI	54115
2	MARONEY, APRIL D.	1984 TERRY LN.	DE PERE	WI	54115
3	MEERT, JOSHUA J.	2331 FARLIN AVE., #4	GREEN BAY	WI	54302
4	WALENTOWSKI, PHILLIPS A.	132 1/2 S. BROADWAY ST.	DE PERE	WI	54115
5	WHETUNG, SHERRI A.	14232 MARIBEL RD.	MARIBEL	WI	54227
OPERATOR LICENSE APPLICATIONS FOR THE 2012-2014 LICENSING PERIOD					
1	BRICKHAM, JOHN P.	1219 SPENCE ST.	GREEN BAY	WI	54303
2	DAHLE, DULCIE A.	136 N. ASHLAND AVE.	GREEN BAY	WI	54303
3	MUELLER, AMY L.	1525 ROSALIE LN.	GREEN BAY	WI	54304
4	NOEL, GREGORY W.	995 ST. ANTHONY DR.	DE PERE	WI	54115
5	PASONO, ERIN E.	401 SCANDINAVIAN CT., #6	DENMARK	WI	54208
6	SULLIVAN, NICHOLAS P.	404 COOLIDGE ST.	GREEN BAY	WI	54301

City of De Pere, Wisconsin**Request For License Committee Action**

MEETING DATE: October 15, 2013

DEPARTMENT: City Clerk-Treasurer

FROM: Vicki Scray

SUBJECT: Application for a Trade Name Change for Pomodoro Italian Restaurant (previously 101 Restaurant, Agent Greg De Cleene), 101 Fort Howard Ave., De Pere, WI. Submitted by De Cleene-Zellner LLC c/o Jay De Cleene, Agent: Greg De Cleene, 236 Crestview Lane, De Pere WI 54115.

ATTACHMENTS:

- Name change (PDF)

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning October 16 20 13 ;
ending June 30 20 14TO THE GOVERNING BODY of the: ☐ Town of
☐ Village of } De Pere
☒ City of }County 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): ▶ _____

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>Greg DeClerc</u>	<u>236 Crestview Lane De Pere WI</u>	<u>54115</u>
Vice President/Member			
Secretary/Member	<u>Ann DeClerc</u>	<u>236 Crestview Lane De Pere WI</u>	<u>54115</u>
Treasurer/Member			
Agent ▶	<u>Greg DeClerc</u>	<u>236 Crestview Lane De Pere WI</u>	<u>54115</u>
Directors/Managers			

3. Trade Name ▶
- Pomodora Italian Restaurant and Pizzeria
- Business Phone Number _____
-
4. Address of Premises ▶
- 101 Fort Howard Ave
- Post Office & Zip Code ▶
- De Pere WI 54115

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, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)
- 1st Floor, 2nd Floor, patio, 3rd Floor, Basement.

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? 101 Restaurant

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

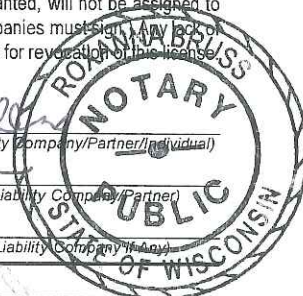
14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs?
- ☒
- Yes
- ☐
- No

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 27th day of September, 20 13[Signature]
(Clerk/Notary Public)My commission expires 2/26/2017[Signature]
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)[Signature]
(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	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

City of De Pere, Wisconsin**Request For License Committee Action**

MEETING DATE: October 15, 2013

DEPARTMENT: City Attorney

FROM: Judith Schmidt-Lehman

SUBJECT: Consideration of request to amend Chapter 7 De Pere Municipal Code to allow for display of wine for sale within grocery store

ATTACHMENTS:

- License Committee amend Class A memo to committee (RTF)
- License Committee request to amend Class A license restrictions (PDF)

Alderson Heuvelmans received the attached request from an area grocer for the city to consider allowing the display of wine (in addition to the current allowed beer displays) for sale within the grocery store. Currently, §7-11(a) De Pere Municipal Code has the following requirements for a Class “A” intoxicating liquor license (which includes wine but not beer):

(a) Except as provided herein, no "class A" intoxicating liquor license may be granted to any premises where any business other than the sale of alcohol beverages is conducted. This prohibition shall not apply to retail establishments which meet the following requirements:

- (1) Intoxicating liquor is displayed in a separate area of the establishment which is constructed with four solid walls and is capable of being locked and inaccessible to customers during those hours in which sales of intoxicating liquor are not permitted by law; and
- (2) The establishment has a 24-hour surveillance camera system for the entire establishment, including the area in which intoxicating liquor is displayed. Such recordings shall be kept for not less than 30 days and shall be made available to law enforcement at their request; and
- (3) Signage is installed both within the area in which intoxicating liquor is displayed and at points of sale within the establishment, that customers must be at least 21 years of age to purchase alcohol beverages.



Kurt Gajeski

1702 Lawrence Dr, De Pere, WI 54115
Phone: 920-964-3400 ext. 1423

► **Bob Huvelmans**

246 Twilight Dr, De Pere, WI 54115
Phone: [Type the recipient phone number]

Dear Bob,

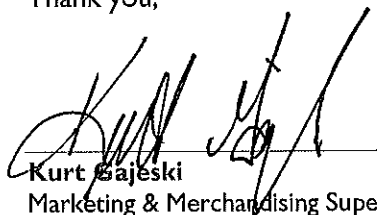
Per our phone conversation I am passing along some information regarding the other communities that we serve where the sale of beer and wine in the main sales floor is allowed rather than being restricted to the liquor department only. I feel that the city's ordinance has outlived its usefulness, I believe it was put in place to aid stand-alone liquor stores in the city and not allow large retailers to have an advantage over them, although I personally do not see that it is much of an advantage at all. Years ago that probably made sense when the city had 4 or 5 stand-alone liquor stores and Festival, Wal-Mart and Piggly Wiggly were not doing business in the city.

Changing this ordinance would allow grocery retailers to better participate in the current programs offered by beer and wine companies that offer food discounts with the purchase of their products.

Attached is a list of Festival stores that are currently allowed to have beer and wine on the main sales floor. It is worth noting that in these stores the sale of beer and wine is restricted to certain hours however it does need to be locked up or removed in the off sale hours, that is controlled at the front of the store.

Please feel free to share this information as necessary

Thank you,


Kurt Gajeski
Marketing & Merchandising Supervisor

Attachment: License Committee request to amend Class A license restrictions (1459 : Amending Class A restrictions)

GREEN BAY EAST - Village of Bellevue

SUAMICO- Town of Howard

SHEBOYGAN- City of Sheboygan

APPLETON DARBOY- Town of Buchanan

APPLETON NORTHLAND- City of Appleton

OSHKOSH- City of Oshkosh

FOND DU LAC- City of Fond du Lac