



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda - Final-revised Safety and Licensing Committee

Wednesday, December 13, 2023

5:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

2. Pledge of Allegiance

3. Roll call of membership

4. Approval of minutes from previous meeting

[23-1487](#) Safety & Licensing Committee Minutes from 10/25/2023 and 11/01/2023.

Attachments: [S&L Minutes 11-01-23.pdf](#)

[S&L Minutes 10-25-23.pdf](#)

5. **Public Hearing/Appealances**

6. **Action Items**

[23-1454](#) Proposed Revisions to Chapter 9 Article III of the Municipal Code related to Alcohol Licensing

Attachments: [2023 Chapter 9 Article III Updates - Alcohol Licensing-all.pdf](#)

[Memo- Chapter 9 Alcohol Lic. Updates.pdf](#)

[23-1439](#) Proposed Revisions to the Alcohol License Policy

Attachments: [ALCOHOL LICENSE POLICY 2023 Proposed edits-all.pdf](#)

[Memo- Alcohol Lic. Policy Updates.pdf](#)

[23-1455](#) Addition to Chapter 9 of the Municipal Code related to Fireworks Sales

Attachments: [Fireworks Sales- Chapter 9 Municipal Code Addition.pdf](#)

[Memo- Fireworks Sales Addition to Chapter 9.pdf](#)

- [23-1438](#) Police Department Towing Fee Schedule Change
- Attachments:** [2024 Provider Recommended Tow Service Fee Schedule .pdf](#)
[2024 Fee Schedule Recommendations Memo.pdf](#)
[2024 APD Recommended Fee Schedule.pdf](#)
[2024 APD Recommended Fee Schedule Clean Copy.pdf](#)
- [23-1435](#) Fire Department Intent to Apply - Cardiac Monitors
- Attachments:** [12-13-23 Intent To Apply-Cardiac Monitors.pdf](#)
- [23-1436](#) "Class B" Liquor (Wine Only) license application for McFleshman's Brewing Co., LLC d/b/a McFleshman's Brewing Co., Bobby Fleshman, Agent, located at 115 S State Street.
- Attachments:** [McFleshman's Brewing Application.pdf](#)
- [23-1506](#) Class "B" Beer & "Class B" Liquor License Change of Agent application for Lawrence University of Wisconsin d/b/a The Viking Room, New Agent, Brittany M. Bell, located at 615 E. College Ave.
- Attachments:** [The Viking Room Change of Agent.pdf](#)
- [23-1385](#) Cigarette and Tobacco Products Retail License application for Blessing Flower LLC d/b/a Kush Kafe, located at 219 E College Ave.
- Attachments:** [Blessing Flower LLC Cigarette Application.pdf](#)
- [23-1414](#) 2024 Secondhand Article, Secondhand Jewelry and Pawnbroker License renewal applications, contingent upon approval from all departments.
- Attachments:** [Secondhand Article License Renewals 2024.pdf](#)
- [23-1394](#) Pet Store application for Lucky Fish & Aquarium LLC, Keeteekune Thao, Applicant, located at 337 W Wisconsin Ave, contingent upon approval from the Inspections department.
- Attachments:** [Lucky Fish & Aquarium LLC Application.pdf](#)
- [23-1388](#) Taxicab Company License Application for Evergreen Campsites & Resort, Owner, Jim Button, W5449 Archer Lane Wild Rose, WI 54984.
- Attachments:** [Evergreen Campsites and Resort Renewal Application.pdf](#)
[Special Issuance - Taxicab Company License.pdf](#)

[23-1389](#) Taxicab Company License Application for L&M Carriage Service, Owner, Mike Gildernick, 3140 Mid Valley Rd De Pere, WI 54115.

Attachments: [L&M Carriage Application.pdf](#)

[Special Issuance - Taxicab Company License.pdf](#)

[23-1238](#) Temporary Class "B" Beer License application for Ice Dog Booster Club, Nicholas Laird, Person in Charge, located at Appleton Family Ice Center, 1717 E Witzke Blvd, on January 20th, February 16th, February 17th, March 13th, March 22nd, March 23rd, and March 29th 2024, contingent upon approval from the Health and Inspections Department.

Attachments: [Ice Dog Booster Club Temp B Application 2024 Games.pdf](#)

7. Information Items

[23-1365](#) Police Department Executive Assistant Over Hire Memo

Attachments: [Exec asst SL memo.pdf](#)

[23-1401](#)

Special Events

-Exposing Hidden Secrets, Jones Park, October 28th 2023.

-ADI, Light Up Appleton, Houdini Plaza, November 11th 2023.

-Festival Foods Turkey Trot, Approved Route, November 23rd 2023.

[23-1400](#)

Directors Report

1. City Clerk

- Local Candidate Filing Reminders

2. Fire Chief

3. Police Chief

8. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.



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100 North Appleton Street
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Meeting Agenda - Final Safety and Licensing Committee

Wednesday, November 1, 2023

5:45 PM

Council Chambers, 6th Floor

Special Meeting

1. Call meeting to order
2. Pledge of Allegiance
3. Roll call of membership
4. Approval of minutes from previous meeting
5. **Public Hearing/Appearances**
6. **Action Items**
 - [23-1187](#) Recommended Denial of an Operator License for Katie Baxley

Attachments: [Katie Baxley Denial Letter.pdf](#)
[Katie Baxley License Application.pdf](#)
[Katie Baxley PD Letter.pdf](#)

Legislative History

10/25/23	Safety and Licensing Committee	recommended for approval
10/25/23	Safety and Licensing Committee	reconsidered
		<i>Motion to Reconsider Application since applicant showed up.</i>
10/25/23	Safety and Licensing Committee	held
		<i>Katie Baxley, appeared late and addressed the committee.</i>
		<i>Chris Ferron, W5553 Harper Rd, Chilton, appeared and addressed the committee.</i>

7. **Information Items**

8. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.



City of Appleton

100 North Appleton Street
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Meeting Minutes - Final Safety and Licensing Committee

Wednesday, October 25, 2023

5:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

This meeting was called to order by Chair Croatt at 5:30 p.m.

2. Pledge of Allegiance

3. Roll call of membership

Present: 5 - Croatt, Schultz, Siebers, Van Zeeland and Wolff

4. Approval of minutes from previous meeting

[23-1194](#)

Safety & Licensing Committee Minutes from 09/27/2023

Attachments: [S&L Minutes 9-27-23.pdf](#)

**Siebers moved, seconded by Wolff, that the Minutes be approved. Roll Call.
Motion carried by the following vote:**

Aye: 5 - Croatt, Schultz, Siebers, Van Zeeland and Wolff

5. Public Hearing/Appearances

6. Action Items

[23-1187](#)

Recommended Denial of an Operator License for Katie Baxley

Attachments: [Katie Baxley Denial Letter.pdf](#)
[Katie Baxley License Application.pdf](#)
[Katie Baxley PD Letter.pdf](#)

**Schultz moved, seconded by Siebers, that the License Denial be
recommended for approval. Roll Call. Motion carried by the following vote:**

Aye: 5 - Croatt, Schultz, Siebers, Van Zeeland and Wolff

Motion to Reconsider Application since applicant showed up.

**Schultz moved, seconded by Van Zeeland, that the License Denial
recommendation be reconsidered. Roll Call. Motion carried by the following
vote:**

Aye: 5 - Croatt, Schultz, Siebers, Van Zeeland and Wolff

Katie Baxley, appeared late and addressed the committee.

Chris Ferron, W5553 Harper Rd, Chilton, appeared and addressed the committee.

Van Zeeland moved, seconded by Siebers, that the License Denial recommendation be held until the next scheduled Safety and Licensing Committee Meeting. Roll Call. Motion carried by the following vote:

Aye: 5 - Croatt, Schultz, Siebers, Van Zeeland and Wolff

[23-1318](#)

Class "B" Beer and "Class B" Liquor License application for KMG Capitol Centre, LLC Michael Gonnering, Agent, located at 725 W Capitol Drive, contingent on approval from all departments.

Attachments: [Capitol Centre.pdf](#)

The License application proceeds to Council on November 15th 2023.

Schultz moved, seconded by Wolff, that the License be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 5 - Croatt, Schultz, Siebers, Van Zeeland and Wolff

Balance of the action items on the agenda.

Siebers moved, Van Zeeland seconded, to approve the balance of the agenda. The motion carried by the following vote:

Aye: 5 - Croatt, Schultz, Siebers, Van Zeeland and Wolff

[23-1155](#)

Cigarette and Tobacco Products Retail License application for JSH Corporation d/b/a The Dispo, located at 2929 N Richmond St Suite 1.

Attachments: [The Dispo S&L.pdf](#)

This Report Action Item was recommended for approval.

[23-1222](#)

Temporary Class "B" Beer License application for St. Francis Xavier Booster Club, Robert Biebel, Person in Charge, located at Xavier High School, 1600 W Prospect Ave, on November 24th, 2023, contingent upon approval from the Health department.

Attachments: [St. Frances Xavier Basektball Tournament Temp B Application.pdf](#)

This Report Action Item was recommended for approval.

[23-1237](#)

Temporary Class "B" Beer License application for Ice Dog Booster Club, Nicholas Laird, Person in Charge, located at Appleton Family Ice Center, 1717 E Witzke Blvd, on November 3rd, and December 9th 2023, contingent upon approval from the Health Department.

Attachments: [Fox Cities Ice Dog Hockey Temp B Application 2023.pdf](#)

This Report Action Item was recommended for approval.

[23-1250](#)

Temporary Class "B" Beer License application for Appleton Downtown Inc, Jennifer Stephany, Person in Charge, Jones Park, November 4th 2023, for the Houdini 10K, contingent upon approval from the Health Department.

Attachments: [ADI Houdini 10K Temp B Application.pdf](#)

This Report Action Item was recommended for approval.

7. Information Items

[23-1239](#)

2024 Legal & Administrative Services (City Clerk) Budget

Attachments: [2024 Legal Services Budget.pdf](#)

[23-1265](#)

2024 Police Department Budget

Attachments: [2024 Police Budget Update - September.pdf](#)

[23-1235](#)

2024 Fire Department Budget

Attachments: [2024 Fire FINAL.pdf](#)

[2024 Fire Haz-Mat FINAL.pdf](#)

[23-1188](#)

Police Department Lieutenant Over Hire Memo

Attachments: [Lt Over Hire 2023.pdf](#)

[23-1234](#)

Director's Report

1. City Clerk
 - 2024 Spring Election Candidate Information
 - Staffing Update
 - Election Worker Recruitment
2. Police Chief
3. Fire Chief
 - Battalion Chief of EMS

[23-1189](#)

Special Events

- McFleshman's Brewing Co LLC, Fox Valley Lagerfest, State St from Lawrence to College Ave, October 7th 2023
- ADI, Ladies Night Out Shop, Sip & Stroll Wine Walk, Participating Downtown Businesses, October 5th 2023
- Genesis Club, Skeleton Skamper, Memorial Park, October 7th 2023
- ADI, Fall Craft Beer Walk, Participating Downtown Businesses, October 21st 2023
- Johnston Elementary School, Mustang Mile, Approved Route, October 14th 2023
- YMCA of the Fox Cities, Freaky 5k Run/Walk & Mini Monster Dash, Pierce Park, October 28th 2023
- Run Away Shoes, Houdini 10K, Approved Route, November 4th 2023
- Run Away Shoes, Santa Scamper, Approved Route, November 21st 2023

8. Adjournment

Van Zeeland moved, seconded by Wolff, that the meeting be adjourned at 6:07 p.m. Roll Call. Motion carried by the following vote:

Aye: 5 - Croatt, Schultz, Siebers, Van Zeeland and Wolff

ARTICLE III. ALCOHOLIC BEVERAGES*

DIVISION 1. GENERALLY

Sec. 9-51. Adoption of state law.

(a) The provisions of W.S.A. Chapter 125 relating to the sale of fermented malt beverages and intoxicating liquors, except W.S.A. §125.03, §125.04(11), §125.05, §125.10, §125.11, §125.14, §125.15, §125.56, §125.60, §125.61, §125.62, §125.66(3) and §125.69, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of the statutes, are hereby adopted and made a part of this article by reference. A violation of any such provision shall be a violation of this article. The City elects to operate under W.S.A. §125.51(3)(b).

(b) The forfeiture provisions of §125.07(4)(bs), exclusive of any operating privilege suspension, is hereby adopted and made a part of this section by reference. (Code 1965, §11.03(1); Ord 100-94, §1, 8-3-94)

Sec. 9-52. Operation of premises licensed for retail sales.

All ~~class A and B~~ retail alcohol licenses granted under this article shall be granted subject to the following conditions and all other conditions of this article, and subject to all other ordinances and regulations of the City applicable thereto:

- (1) Every applicant procuring a license thereby consents to the entry of police or other authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from the premises of all things and articles there in violation of City ordinances or state laws and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offense.
- (2) No retail licensee shall ~~employ~~ hire any persons under twenty-one (21) years of age to handle alcohol, except as modified by W.S.A. §125.07(4)(bm).
- (3) No gambling or games of chance shall be permitted upon the licensed premises. Dice, slot machines, or any other devices of chance are prohibited and shall not be kept upon the premises, except those permitted by law.
- (4) No premises for which a Class "B" Fermented Malt Beverage license, "Class B" Intoxicating Liquor license, or "Class C" Wine retail license has been issued shall be

permitted to remain open during the closing hours required by W.S.A. §125.32(3) or W.S.A. §125.68(4), and the premises shall be vacated during such hours.

- (5) Each premises shall be conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used. Effective July 1, 2017, taverns serving no food shall obtain a municipal health permit from the Health Department on an annual basis, pursuant to Sec. 9-190. ~~For the purposes of this section, taverns issued a license under this section are included in the definition of Food Establishment as defined in ATCP 75 Appendix and shall be subject to and comply with the applicable provisions of ATCP 75 Appendix, unless otherwise stated herein.~~ Additionally, the Board of Health may make additional reasonable rules for the sanitation of all places of business possessing licenses under this article. Such rules or regulations may be classified and made applicable according to the class of business conducted. All such rules and regulations shall have the same force as this article and infraction thereof may be punished as a violation of this article. (Ord 78-16, §1, 11-8-16; Ord 10-21, §1, 4-7-21)
- (6) A violation of this article by a duly authorized agent or employee of a licensee or permit holder shall constitute a violation by the licensee or permit holder.
- (7) Class "A" retail licensees shall not sell, dispense, give away or furnish, directly or indirectly, fermented malt beverages for consumption off the premises between 12 midnight and 8:00 a.m., Central Standard Time. "Class A" retail licensees shall not sell, dispense, give away or furnish, directly or indirectly, intoxicating liquors including wine for consumption off the premises between 9:01 p.m. and 8:00 a.m., Central Standard Time.
- (8) Class "B", "Class B" or "Class C" retail licensees shall not sell, dispense, give away or furnish directly or indirectly fermented malt beverages or intoxicating liquors for consumption off the premises between 12:01 a.m. and 8:00 a.m., Central Standard Time.
- (9) **Abandonment or non-use.** Any licensee granted or issued a license to sell alcohol beverages that abandons such business shall forfeit any right or preference the licensee may have to the holding or renewal of such license. Abandonment shall be sufficient grounds for

revocation or non-renewal of any alcohol beverage license. In this section “abandon” and “abandonment” shall mean a continuing refusal or failure of the licensee to use the license for the purpose or purposes for which the license was granted by the city council for a period of one (1) year. The Common Council may, for good cause shown, extend such period.

(10) A retail fermented malt beverage, intoxicating liquor, or wine class A, B or C license shall not be granted to any applicant whereby the applicant had been convicted of selling alcoholic beverages without the proper retail license within the last eighteen (18) months.

(Ord 10-07, §1, 2-13-07; Ord 71-09, §1, 6-9-09; Ord 161-10, §1, 11-23-10; Ord 187-10, §1, 12-7-10)

Sec. 9-53. Adoption of state law regarding sale of alcoholic beverages to intoxicated persons.

W.S.A. §125.07(2) regarding the sale of alcohol beverages to intoxicated persons in violation of this article is hereby adopted by reference and made an offense punishable as a violation of this Code.

(Code 1965, §11.03(9)(a)--(c), (g), (i), (j), (l)--(n); Ord 122-91, §1, 11-6-91; Ord 98-96, §1, 11-20-96)

Sec. 9-54. Demerit point system.

(a) There is hereby established a point system for the purpose of guiding the Safety and Licensing Committee in the suspension or revocation of alcoholic beverage licenses. The number of demerit points is assigned according to the type of violation. This system is intended to identify habitually troublesome liquor licensees who repeatedly violate state statutes and/or City of Appleton ordinances and to take consistent action against such licensees.

(b) There is hereby assigned the following demerit points for each type of violation:

<u>TYPES OF VIOLATIONS</u>	<u>DEMERIT POINTS (per violation)</u>
Refusal to cooperate with Fire Chief, Police Chief or designees	100
Exceeding posted occupancy capacity	80
Exceeding posted occupancy capacity by more than 30%	150
Sale to person under age 21	80
Person under age 21 on premises	80

Sale to intoxicated person	80
False statement on application	70
Operating while license is suspended	200
Unauthorized transfer/use of license	90
Conducting unlawful business	150
No licensed bartender on premises	40
Open after hours / failure to vacate	50
After hours carry-outs	50
Gambling / Gambling paraphernalia on premises	150
Nude or semi-nude entertainer / employee on premises	150

TYPES OF VIOLATIONS

DEMERIT POINTS

(per violation)

Failure to display license	25
Owner / Employee selling controlled substances	150
Illegal drug paraphernalia on premises	100
Other acts – failure to maintain order / disorderly conduct, noise complaints, etc.	45
<i>Penalty enhancer for severe offenses</i>	100

Enhanced penalty for conduct which

- (1) results in bodily harm to any individual;
- (2) creates a substantial risk of death or bodily harm;
- (3) involves the use of a firearm or other dangerous weapon; or
- (4) demonstrates an ongoing disregard for the requirements of state law or municipal ordinances

HEALTH CODE VIOLATIONS

DEMERIT POINTS

(per violation)

Non-critical violation	25
Critical violation	80

(c) **Calculating violations.** In determining the accumulated demerit points, the date of conviction shall be used as the basis for assigning demerit points per violation. Points shall be assigned only after conviction for violations.

(d) **Suspension and revocation of license.** The Police Department shall notify the Safety and Licensing Committee of any convictions which result in the assessment of demerit points against any licensee.

Following this notification, or the filing of a complaint pursuant to W.S.A. §125.12, the Committee shall hold a hearing if required by W.S.A. §125.12 or this section, and shall take the following action, after first determining the number of demerit points to be assessed against the licensee:

- (1) For demerit points totaling 25-149 within a 24-month period, a warning to the licensee of the consequences of additional violations. The licensee shall appear before the Safety and Licensing Committee and inform the Committee of the licensee's efforts to rectify the issues that caused the imposition of the demerit points.
- (2) For demerit points totaling 150-199 within a 24-month period, suspension of the license for a period of not less than ten (10) days nor more than ninety (90) days.
- (3) For demerit points totaling two hundred (200) or more within a 36-month period, revocation of the license. Whenever any license is 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 any other license shall be granted to the person whose license was revoked.

(e) **Scope.** Nothing in this section shall be construed to conflict with, abridge or modify, the rights or procedures established for revocation or suspension of licenses in W.S.A. §125.12. Notwithstanding the requirements of this section, the Safety and Licensing Committee may require the appearance before it of any licensee at any time.

(f) **Transfer/sale of licensed business.** Upon the transfer or sale of the licensed business, all accumulated demerit points shall be canceled unless any of the following apply:

- (1) The new licensee is related to the former licensee by blood, adoption or marriage;
- (2) The new licensee held a business interest in the previous licensed business, real estate or equipment
- (3) The former licensee or an individual related to the former licensee by blood, adoption or marriage retains an interest in the business, real estate or equipment used by the business;
- (4) The new licensee's acquisition of the business did not involve an arm's length transaction consisting of an open market sale in which the

owner is willing, but not obligated to sell, and the buyer is willing, but not obligated to buy.

If any of the above apply, the new licensee shall inherit the demerit points previously assessed and be subject to the penalties set forth in the code.

(Ord 29-97, §1, 4-2-97; Ord 56-98, §1, 5-20-98, Ord 126-03, §1, 7-22-03, Ord 108-04, §1, 8-10-04; Ord 72-09, §1, 6-9-09; Ord 9-22, §1, 1-19-22; Ord 10-22, §1, 1-19-22)
Editor's Note: Sec. 9-55 Quadricycles repealed via Ord 16-18, effective 2-13-18

Secs. 9-55 – 9-70. Reserved.

DIVISION 2. LICENSES

Sec. 9-71. Persons requiring license.

No person, except as provided by §9-51, shall distribute, vend, sell, offer or keep for sale at retail or wholesale, deal or traffic in, or for the purpose of evading any law or ordinance give away any intoxicating liquor or fermented malt beverage, or cause such acts to be done, without having procured a license or permit as provided in this article, nor without complying with all the provisions of this article and all statutes, ordinances and regulations of the state and City applicable thereto.

(Code 1965, §11.03(2)(a))

Cross reference(s)--Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 9-72. Separate license required for each place of sale.

A separate license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication with the place where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale.

(Code 1965, §11.03(2)(b))

Sec. 9-73. Issuance for residential premises.

No license shall be issued to any person for the purpose of possessing, selling or offering for sale any intoxicating liquor or fermented malt beverage in any dwelling house, flat or residential apartment.

(Code 1965, §11.03(2)(b))

Sec. 9-74. Application.

Application for license to sell or deal in fermented malt beverages or intoxicating liquors shall be made in writing on the forms prescribed by law, shall be sworn to by the applicant as provided in W.S.A. §887.01 through §887.04, and shall be filed with the City Clerk ~~pursuant to not later than April 15, per~~ W.S.A. §125.51(1)(c). Application for

an operator's license shall be made pursuant to W.S.A. §125.04.
(Code 1965, §11.03(5))

Sec. 9-75. Classes of licenses; fees.

(a) There shall be the following classes of licenses, which, when issued by the City Clerk under the authority of the Common Council, after payment of the fee, the amount of which is on file in the City Clerk's Office, shall permit the holder to sell, deal or traffic in intoxicating liquor or fermented malt beverages as provided in W.S.A. §125.25, §125.26, §125.27, §125.28 and §125.51.

- (1) Class "A" fermented malt beverage retail license.
- (2) Class "B" fermented malt beverage retail license.
- (3) "Class A" intoxicating liquor retail license.
- (4) "Class B" intoxicating liquor retail license.

a. If the City has granted or issued a number of licenses equal to or exceeding the quota established under W.S.A. §125.51, the City may still issue a license for any of the following:

1. A full service restaurant that has seating for three hundred (300) or more persons.
 - a. The principal business during all hours of operation must be that of a restaurant which serve meals that are primarily prepared individually and served to customers at their table by waitstaff.
 - b. At any given time, three hundred (300) or more persons must be able to be seated for meal service.
 - c. The seating area shall not include outdoor seating, any bar area or any area regularly used for entertainment.
 - d. The business shall only be held out and advertised to the public as a restaurant.
 - e. Any establishment representing itself as a full service restaurant

under this subsection shall maintain that status throughout the license period. If the establishment does not maintain its status, the license shall be revoked or not renewed. The burden is on the license holder to provide evidence that the principal business is a full service restaurant that has seating for three hundred (300) or more persons.

2. A hotel that has fifty (50) or more rooms of sleeping accommodations and that has either an attached restaurant with seating for one hundred fifty (150) or more persons or a banquet room in which banquets attended by four hundred (400) or more persons may be held.
 - a. At any given time, one hundred fifty (150) or more persons must be able to be seated for meal service in any attached restaurant.
 - b. The seating area for a restaurant shall not include outdoor seating, any bar area or any area regularly used for entertainment.
 - c. Any establishment representing itself under this subsection shall maintain that status throughout the license period. If the establishment does not maintain its status, the license shall be revoked or not renewed. The burden is on the license holder to provide evidence that the principal business is a hotel that has fifty (50) or more rooms of sleeping accommodations and that the hotel has either an attached restaurant with seating for one hundred fifty (150) or more persons or a banquet room in which banquets attended by four hundred (400) or more persons may be held.
3. An opera house or theater for the performance arts operated by a nonprofit organization as defined in W.S.A. §134.695(1)(am).

- a. The sale of intoxicating beverages shall only be for consumption on the premises and only in connection with ticketed performances.
 - b. Any establishment representing itself under this subsection shall maintain that status throughout the license period. If the establishment does not maintain its status, the license shall be revoked or not renewed. The burden is on the license holder to provide evidence that the principal business is an opera house or theater for the performance of arts operated by a nonprofit organization.
- (5) Reserve “Class B” intoxicating liquor retail license.
- a. The number of ~~R~~reserve “~~C~~lass B” intoxicating liquor licenses shall be determined pursuant to W.S.A. §125.51(4)(br).
 - b. A ~~R~~reserve “~~C~~lass B” license cannot be transferred to another place or premises.
- (6) “Class C” wine retail license.
- (7) Provisional retail license.
- a. A provisional retail license may be issued by the City Clerk to a person who has applied for a Class “A”, Class “B” or “Class C” license and authorizes only the activities that the type of retail license applied for authorizes.
 - b. A provisional license may not be issued to any person who has been denied a retail license.
 - c. The provisional license expires sixty (60) days after its issuance, when a license under subsection a. is issued to the applicant or upon written notice that the Common Council denied the applicant a license, whichever is sooner.
 - d. Persons are limited to one (1) provisional license for each type of license applied for by the holder per year.

- (8) Wholesaler’s fermented malt beverage license.
- (9) ~~Temporary Class “B” fermented malt beverage or Temporary “Class B” wine~~ ~~Permit~~ license. A single meeting license may be issued to eligible organizations pursuant to W.S.A. §125.26(6) for a fee of ten dollars (\$10.00). Said license may be issued by the City Clerk upon approval of the appropriate departments and the Safety and Licensing Committee, and after the application has been on file in the City Clerk’s office for ten (10) ~~business~~ days. ~~Any application requesting an open concept license must be approved by the Common Council.~~

(10) Wine/Beer Walks

- a. A “wine walk” or “beer walk” is a single-day event at which participants are served a glass of wine or beer at multiple locations (e.g., jewelry stores, art galleries, clothing boutiques, salons, furniture stores) during their shopping visits.
- b. A qualified organization as specified in ch. 181, Wis. Stats. may be issued a Temporary “Class B” (wine only) or Temporary Class “B” (beer) license to sponsor a wine/beer walk for a specific date and time.
- c. The license includes up to 20 Temporary “Class B” wine or Class “B” beer licenses issued to participating locations for the same date and time.
- d. No more than two (2) “wine walk” Temporary “Class B” licenses may be issued during a 12-month period.
- e. No person may serve wine after 9 p.m. on premises for which Temporary “Class B” licenses for a wine walk are issued.
- f. No person may serve beer after 12 midnight on premises for which Temporary Class “B” beer licenses are issued for a beer walk.

(10) Operator's license.

- a. An operator’s license shall be valid for a two- (2-) year period and shall expire on June 30.
- b. The Clerk shall issue an identification card for operator’s licenses. Lost or stolen licenses may be replaced for a fee, the amount of which is on file in the City Clerk’s Office.
- c. Each new applicant or each applicant who

failed to renew the license shall successfully complete an approved responsible beverage server/bartender's awareness program prior to the issuance of an operator's license, unless the applicant meets one of the requirements listed on W.S.A. §125.185(6).

(Ord 56-16, §1, 9-13-16; Ord 90-20, §1, 7-15-20)

(11) Provisional operator's license.

- a. A provisional operator's license may be issued by the City Clerk to a person who has applied for a beverage operator's license under subsection (10) above.
- b. A provisional license may not be issued to any person who has been denied an operator's license.
- c. The provisional license expires sixty (60) days after its issuance, when a license under subsection a. is issued to the applicant or upon written notice that the Common Council denied the applicant a license, whichever is sooner.
- d. Persons are limited to one (1) provisional license per year.

(12) Temporary operator licenses.

- a. A temporary operator's license may be issued only to operators employed by, or donating their services to, a qualified organization for an event/nonprofit corporations. This license may be issued by the City Clerk to a person who has applied for a temporary beverage operator's license, ~~and conforms to the requirements under subsection (10)(e) above.~~
- b. A temporary operator's license shall be valid for any period of one (1) day to fourteen (14) days and the period for which it is valid shall be stated on the license.
- c. No person may hold more than two (2) kinds of this license per year.

(13) Clubs as defined in W.S.A. §125.27.

(b) **Deposit of fee; refunds.** License fees required under this section shall be deposited with the Director of Finance at the time of application and shall be nonrefundable; except that, in the case of a Class "A"

fermented malt beverage, "Class A" liquor, and Class "B" fermented malt beverage, "Class B" liquor and "Class C" wine license applications, nonrefundable fees, the amount of which is on file in the office of the City Clerk, for processing and the applicable rate for publication of the application as provided in W.S.A. §125.04(3)(g) shall be ~~required deposited~~ at the time of application, the remainder of the applicable license fee to be ~~required deposited~~ no sooner than fifteen (15) days before issuance.

(c) All license fees for the sale of intoxicating liquor shall be deposited with the Director or Finance at least fifteen (15) days prior to the date the license is to be issued, except for those applicants seeking licenses effective July 1 of any year may make payment of such license fees in cash or by money order if such payment is made and received by the City Clerk's Office on or before June 30 or last business day, whichever is sooner, and such applicant pays a late renewal filing fee per day in an amount on file with the City Clerk for each day such license fee is not paid within said fifteen (15) days prior to issuance.

(d) **Proration of fee.** Licenses may be granted which shall expire on June 30 of each year upon payment of such proportion of the annual license fee as the number of months or fraction of a month remaining until June 30 of each year bears to twelve (12). This section only applies to licenses with an annual cost in excess of one hundred dollars (\$100.00).

(Code 1965, §11.02(1)(b)(11), 11.03(3); Ord 76-90, §1, 9-5-90; Ord 91-90, §1, 10-4-90; Ord 109-90, §1, 12-5-90; Ord 74-91, §1, 8-7-91; Ord 96-91, §1, 9-18-91; Ord 82-92, §§1, 2, 8-5-92; Ord 4-93, §1, 1-6-93; Ord 8-94, §1, 1-5-94; Ord 44-01, §1, 2-12-01; Ord 163-07, §1, 12-25-07; Ord 73-09, §1, 6-9-09; Ord 35-11, §1, 2-8-11; Ord 124-12, §1, 11-27-12)

Cross reference(s)--Citation for violation of certain ordinances, §1-17; ~~schedule of deposits for citation~~, §1-18.

Sec. 9-76. Restrictions on issuance.

(a) No license shall be granted to any person who does not meet the requirements of W.S.A. §125.04(5).

(b) No Class "B" retail license shall be granted for any premises where any other business is to be conducted in connection with the premises, except that such restriction shall not apply to a hotel, to a restaurant not a part of or located in any mercantile establishment, to a combination grocery store and tavern, to a novelty store and tavern, to a bowling alley or recreation premises, or to a bona fide club, society or lodge that has been in existence for not less than six (6) months prior to the date of filing application for such license.

(c) No ~~class A or B~~ retail alcohol license shall be

issued to any person acting as agent for or in the employ of another, except that for Celass "B"/"Class B" retail licenses this restriction shall not apply to a hotel nor to a restaurant not a part of or located in or upon the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for not less than six (6) months prior to the date of application. Such license for a hotel, restaurant, club, society or lodge may be taken in the name of an officer or manager, who shall be personally responsible for compliance with all of the terms and provisions of this article.

(d) W.S.A. §125.04(6), relating to the issuance of licenses to domestic or foreign corporations shall apply to the issuance of Celass "B" fermented malt beverage and "Celass B" intoxicating liquor retail licenses.

(e) No license shall be granted to any person under twenty-one (21) years of age, except as modified by W.S.A. §125.04(5)(d)2.

(f) No license shall be issued for operation on any premises upon which taxes or assessments or other financial claims of the City are delinquent or unpaid. It shall be the duty of the City Clerk to enforce this provision, in accordance with §9-23(b) of this code.

(g) No license shall be granted to or for any ~~premises, building, room or place~~ in the City wherein for a second time any of the provisions of this article or other provisions of any ordinance relating to the sale, manufacture or possession of fermented malt beverages or intoxicating liquors are violated and the violator convicted therefore, for a period of one (1) year from and after the date of such second violation.

(h) Each premises for which a Celass "B"/"Class B" retail license is granted shall be connected with City water and sewage facilities and shall be properly lighted and ventilated and supplied for each sex with separate sanitary toilet and lavatory facilities equipped with running water. (Code 1965, §11.03(4); Ord 73-91, §§1, 2, 8-7-91; Ord 74-09, §1, 6-9-09)

Sec. 9-77. Investigation of applicant for alcohol licenses~~class B license.~~

(a) *Generally.* The City Clerk shall notify a designee of the Chief of Police, Health Officer, Fire Chief, Director of Community Development, Inspection Supervisor and the Director of Finance of each application for a retail ~~alcohol~~class B license. These officers shall inspect or cause to be inspected each application for a retail ~~alcohol~~class B license and the premises, insofar as the application relates to their respective departments, together with such other investigation as shall be necessary to determine whether the applicant and the

premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall each furnish the City Clerk in writing the information derived from each investigation, accompanied by approval or disapproval as to whether a license should be granted or refused. The City Clerk shall submit this information to the Safety and Licensing Committee of the Common Council for a recommendation to the Common Council for approval or disapproval.

(b) *Renewals.*

(1) Renewal applications must be received 15 (fifteen) days prior to the third Wednesday in June in order to be considered a renewal. Applications for renewal will not be accepted after this date.

(2) No license shall be renewed without a reinspection of the premises and a report as originally required.

(3) Reinspection of the premises considers the application as it relates to their respective departments, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall each furnish the City Clerk in writing the information derived from each investigation, accompanied by a recommendation approval or disapproval as to whether a license should be granted or refused based upon the results of that investigation.

(4) Refusals to renew licenses shall comply with Wis. Stat. Ch. 125. In determining the suitability of an applicant, consideration shall be given to the financial responsibility of the applicant, the appropriateness of the location and premises proposed, and, generally, the applicant's fitness for the trust to be reposed.

(Code 1965, §11.03(6); Ord 32-92, §1, 3-18-92; Ord 4-93, §1, 1-6-93; Ord 173-93, §1, 10-19-93; Ord 176-93, §1, 10-19-93; Ord 121-96, §1, 12-18-96, Ord 108-04, §1, 8-10-04)

Sec. 9-78. Granting; term; transfer.

Opportunity shall be given by the Common Council to any person to be heard for or against the granting of any license under this division. Upon the approval of the application by the Common Council, the City Clerk shall, upon the filing by the applicant of a receipt showing the payment of the required license fee to the Director of Finance, issue a license to the applicant. Each license shall be numbered in the order in which it is issued and shall contain the date of issuance, the fee paid and the name of the licensee. All licenses shall remain in force through June 30 after the granting thereof, unless sooner revoked. No license shall be transferable either as to licensee or location, except as provided by W.S.A. §125.04(12), and

except that the Common Council may authorize a transfer of location if the licensed premises become unsuitable for occupancy.
(Code 1965, §11.03(7); Ord 4-93, §1, 1-6-93)

Sec. 9-79. Appeal of denial.

If the investigating authority denies an application for a license ~~or grant~~ under this division, the City Clerk shall forthwith notify the applicant ~~by certified mail~~ of the recommendation for denial and the reason therefor. The notice shall indicate that the applicant has the right to appeal the decision but must contact the City Clerk's Office within thirty (30) days of receipt of the letter to schedule the appeal before the Safety and Licensing Committee. The Safety and Licensing Committee shall hear any person for or against the granting of the license ~~or grant~~ and shall report its recommendation to the Common Council, which shall grant or deny the license ~~or grant~~.
(Ord 45-01, §1, 2-12-01, Ord 108-04, §1, 8-10-04; Ord 75-09, §1, 6-9-09; Ord 76-15, §1, 9-22-15)

Sec. 9-80. Posting; duplicates.

(a) Every license and permit issued under this division shall be posted while in force in a conspicuous place in the room or place where fermented malt beverages or intoxicating liquors are kept for sale. No person shall post such license or permit or be permitted to post such license or permit upon premises other than those mentioned in the application, knowingly deface or destroy such license or permit, or remove such license or permit without the consent of the licensee or permit holder.

(b) Whenever a license or permit is lost or destroyed without fault of the holder or his agent or employee, a duplicate in lieu thereof under the original application shall be issued by the City Clerk on satisfying himself as to the facts, upon the payment of a fee, the amount of which is on file in the office of the City Clerk.
(Code 1965, §11.03(8); Ord 9-94, §1, 1-5-94)

Sec. 9-81. Revocation.

Any license issued under this division for the sale of fermented malt beverages or intoxicating liquors may be revoked under §9-29, §9-54 or W.S.A. §125.12. No license fee shall be refunded where a license is revoked. Whenever any license is 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 any other license shall be granted to the person whose license was revoked.
(Code 1965, §11.03(10); Ord 76-09, §1, 6-9-09)

Sec. 9-82. Improper exhibitions.

(a) It shall be unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which:

- (1) Expose his/her genitals, pubic area, perineum, anus, anal cleft or cleavage, anal region or pubic hair region with less than a fully opaque covering; or
- (2) Expose any device, costume or covering which gives the appearance of or simulates genitals, pubic hair, perineum, anal region or pubic hair region; or
- (3) Exposes any portion of the female breast below a point immediately above the top of the areola thereof; or
- (4) Show the covered male genitals in a discernibly turgid state; or
- (5) To engage in or simulate sexual intercourse and/or sexual contact, including the touching of any portion of the female breast or the male and/or female genitals.

(b) For the purposes of this ordinance, the term "licensed premises" means any establishment licensed by the ~~C~~ommon ~~C~~ouncil of the City of Appleton to sell alcohol beverages pursuant to Ch. 125, Stats. The term "licensee" means the holder of a retail "Class A", ~~Class "A"~~, "Class B", Class "B", ~~Class "A"~~, "Class C" license granted by the Common Council of the City of Appleton pursuant to Ch. 125, Stats.

(c) The provisions of this ordinance do not apply to the following licensed premises: theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

(d) Any person, partnership or corporation who violates any of the provisions of this ordinance shall be subject to penalty as prescribed in §1-18 of this Municipal Code, in addition to liquor license suspension, revocation or renewal as provided by §9-29 of the Code and by §125.12, Wis. Stats. A separate offense shall be deemed committed on each day of which a violation occurs or

continues.

(e) If any section of this ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.

(Ord 95-95, §1. 9-20-95)

Secs. 9-83 - 9-100. Reserved.



LEGAL & ADMINISTRATIVE
SERVICES DEPARTMENT

Office of the City Clerk

Kami Lynch, Clerk

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6443

MEMORANDUM

To: Safety & Licensing Committee (Chris Croatt, Chairperson), Common Council

From: Kami Lynch, City Clerk *KL*

Date: December 6, 2023

Re: Updates to Chapter 9 Article III Alcoholic Beverages

There were three priorities in updating Chapter 9 of the municipal code as it relates to alcoholic beverage licensing and regulation; language/terminology clean-up, addition of relevant statutory references, and reviewing timing and analysis provisions related to applications- specifically for license renewals.

1. The first initiative was to revise terminology to properly reflect license classification. License classification depends upon the placement of quotation marks in relation to the license type, e.g., Class “A” is a fermented malt beverage license for off-premises consumption, while “Class A” is an intoxicating liquor license for off-premises consumption. Areas where the quotations were missing have been updated. Some terminology was revised for consistency throughout Chapter 9. Article III such as fermented malt beverages instead of beer and the term alcohol license to encompass all license types instead of listing them.
2. The second revision incorporates changes that have been made to Chapter 125 of Wisconsin Statutes. The addition of wine and beer walks has now been incorporated into our Municipal Code as these activities are currently occurring within our city. The regulations surrounding wine and beer walks are consistent with the statutory regulations.
3. The third revision focuses on providing clarification and parameters on alcohol license renewals. The edits clarify the timely filing of a renewal application and outlines the review criteria and process for documenting license recommendations.

CITY OF APPLETON POLICY		TITLE: GENERAL POLICY STATEMENT ON ALCOHOL LICENSING	
ISSUE DATE: unknown	LAST UPDATE: June May 2021		<u>Proposed Update:</u> <u>November 2023</u>
POLICY SOURCE: Office of the City Clerk		TOTAL PAGES: 10	
Safety and Licensing Committee Approval Date: July 29, 2010 Update approved: Oct. 28, 2010 Update approved: Oct. 13, 2011 Update approved: April 9, 2015 Update approved: May 25, 2016 Update approved: June 21, 2017 Update approved: <u>June 9, 2021</u>		Council Approval Date: August 4, 2010 Update: November 3, 2010 Update: October 19, 2011 Update: April 22, 2015 Update: June 1, 2016 Update: June 14, 2017 Update: <u>June 16, 2021</u>	

I. PURPOSE

The City of Appleton believes the safety and welfare of its citizens and neighborhoods are of highest priority and the judicious dispensing of alcohol is in keeping with this belief. The possession of an alcohol-beer or liquor license in the city is a privilege and not a right; a privilege that must not be taken for granted but rather must be continually conditioned by the holder's adherence to applicable laws and regulations.

II. POLICY

All licenses granted and issued for the sale of alcohol/fermented or intoxicating liquors shall be carried out under the provisions of W.S.A. Chapter 125 and the City of Appleton Municipal Code, Chapter 9, Article III.

Safety and Licensing Committee shall consider the application at a public meeting at which interested parties may be given an opportunity to be heard, at the discretion of the chair. The Committee will, by a majority vote of those present, make a recommendation to the Common Council which shall consider the application at its next regularly scheduled meeting.

In performing its review and preparing its recommendation for approval or denial of a retail license, the Safety and Licensing Committee shall take into consideration the type of operation in relation to the following community matters/concerns for the public health, safety, and welfare of the community:

- Adverse impact on traffic;

- Adverse impact on the peace, quiet and cleanliness of the neighborhood where the establishment is located;
- Insufficient parking for patrons;
- Proximity to other licensed establishments, residential areas, schools, churches, or hospitals;
- Ability or inability of the police to provide law enforcement services to the new establishment and the impact of the new establishment on the ability of the police to provide law enforcement services to the balance of the community at all times.

Operator licenses should only be denied for failure to meet statutory qualifications.

III. DISCUSSION

Where required, no corporation, partnership or individual will be issued an alcohol license for the premises until a Special Use Permit application has been submitted. This would allow for the Community and Economic Development Department to review and determine ~~whether or not~~ whether the applicant must apply for and receive approval of a Special Use Permit pursuant to the current Zoning Code.

IV. DEFINITIONS

Abandonment or non-use – A continuing refusal or failure of the licensee to use the license for the purpose or purposes for which the license was issued by the city for a period of one (1) year. The Common Council may, for good cause shown, extend such period.

Class “A” License – A license to sell fermented malt beverages to consumers in original packages or containers for off-premises consumption.

“Class A” License - A license to sell intoxicating liquor to consumers only in original packages or containers for off-premises consumption.

“Class A” (Cider Only) License – A license to sell cider to consumers for off-premises consumption.

Class “B” License – A license to sell fermented malt beverages to consumers for on-premises or off-premises consumption.

“Class B” License – A license to sell intoxicating liquor to consumers by the glass for on-premises consumption.

“Class C” License – A license to sell wine by the glass or in an opened original container for consumption on the premises where sold.

Combination Retail License – A license that includes both the sale of fermented malt beverages and intoxicating liquor, or a license that includes both the sale of fermented malt

beverages and wine. Intoxicating liquor licenses may not be issued without an accompanying fermented malt beverage license (e.g. Class “A” Fermented Malt Beverage & “Class A” Intoxicating Liquor License, Class “B” Fermented Malt Beverage & “Class B” Intoxicating Liquor License).

Grant – (or granting) –The approval of a license application by the governing body.

Reserve “Class B” License – A license that is not granted or issued by a municipality on December 1, 1997. The license comes with a \$10,600 initial fee and is not transferable to another premises.

Quota – The number of licenses which a municipality may grant or issue.

Issuance – Completion of the licensing process by distributing the license to the licensee after department approvals are met and proof of payment of the license fee has been received by the appropriate municipal official.

Temporary Class “B” or Temporary “Class B” ~~li~~license – A license to sell fermented malt beverages or wine at a picnic or similar gathering of limited duration. Such license may be issued only to a bona fide club, state, local, or county fair associations, agricultural societies, churches, lodges or societies that have been in existence for at least six months prior to the date of application, posts of veterans organizations, or chambers of commerce or similar civic or trade organizations organized under Chapter 181, Wis. Stats.

Reserve “Class B” license – A liquor license 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 authorized to be issued shall be determined pursuant to Wis. Stat. 125.51(4)(br).

Provisional Retail license – A license issued to a person who has applied for a Class “A”, Class “B”, or “Class C” license for a period of 60 days or when the actual license is issued to the holder, whichever is sooner.

V. PROCEDURES

All new and renewal license applications shall be filed with the Office of the City Clerk on State of Wisconsin approved application forms. No other form will be accepted. A new application shall include respective ~~Supplemental~~~~Auxiliary~~ Questionnaire for each member of the legal entity, Schedule for Appointment of Agent, proof of responsible beverage server’s course (if applicable), ~~Federal TaxID Number~~~~copy of FEIN~~, copy of State Seller’s permit, and a copy of proof of control of the premises (i.e., lease or purchase agreement). A minimum \$50.00 processing fee and publication fee (\$60.00 – new application, \$20.00 – renewal application) must be paid prior to the processing of the license application. All remaining fees, including outstanding obligations to the city, must be paid or subject to an agreed-upon payment arrangement prior to the issuance of the license.

When the license application is filed for all applications for Class “A”, “Class A”, Class “B”, “Class B”, and “Class C” with the City Clerk, it shall be forwarded to the [following departments: Director of Community & Economic Development, the Inspections Supervisor, the Health Officer, the Police Chief, the Fire Chief, and the Finance Director](#) for information and review. The purpose of the review shall be to assemble information regarding applications for [alcohol licenses](#)~~beer and liquor licenses~~ which may be helpful to the Safety and Licensing Committee in its decision-making process.

When a provisional retail license is requested, the City Clerk shall inform the applicant that they must possess a Health license prior to operating this business. The City Clerk shall immediately notify the Health Department when such license has been issued.

Based upon the findings of the review, a written report by the staff member shall be submitted to the City Clerk who will present this information to the Safety and Licensing Committee. The Common Council shall not consider any application requiring staff review until it has been on file with the City Clerk for a minimum of fifteen (15) days.

The City Clerk will provide each applicant with a copy of all City policies and ordinances covering [alcohol](#)~~liquor and beer~~ licensing. In addition, the Clerk will inform the applicant that one or more meetings will be scheduled at which the applicant’s request will be discussed.

“Class B” License Quota

[Pursuant to Wis Stat. 125.51\(4\) there is a quota on the number of “Class B” and Reserve “Class B” alcohol licenses. All “Class B” licenses will be issued prior to the issuance of Reserve “Class B” licenses. When all Reserve “Class B” licenses are issued, applications will be processed on a first come first served basis. The first applicant to satisfy all of the conditions for issuance of the license will receive the license.](#)

[If an applicant applies for a Reserve “Class B” license that is not yet available, and one does not come available within the license year, the applicant will need to re-apply for the license for the next year in order to continue to be considered on a first come first served basis.](#)

Staff Inspection Procedures

All approving departments shall investigate and provide a written report to the City Clerk.

Police Department Investigation:

1. The character and reputation of the applicant including the applicant’s criminal record based upon a local and state check.

2. A financial background investigation of the corporation, partnership or individual.
3. If the owner is a corporation, a complete listing of all corporate officers and stock holders owning more than 10% of the shares.
4. A detailed summary of the nature of the proposed operation, to include special features or operating policies which may impact the demand for police services.
5. Whether the applicant currently has or previously had another [alcohol](#) ~~or C~~ [Class A, B](#) license in the city or in the State or is involved in multiple ownership circumstances.
6. The design, type and size of the proposed establishment and the operational details; number of floor personnel and door checkers; the groups to which the proposed establishment intends to cater; noise, crowd, parking lot control methods; outdoor facilities; and plans for live entertainment including decibel level and soundproofing measures.
7. The review of the operation should include if there is any agreed-to restriction that would enhance the application, i.e., a service bay only, beer only, the hours of operation, and the number of bar stools.

Fire Department Investigation:

1. Compliance with all State and Local Fire codes.
2. Proper posting of capacity sign in an approved location.
3. Fire inspection history with facility and/or owner.
4. Any other items of concern regarding fire prevention and/or suppression.

Health Department Inspection:

1. The proposed building's compliance with all health code provisions.
2. The condition of the building and equipment from a health-standard viewpoint.
3. Any previous problems from a Health Department standpoint with the proposed owner.
4. Other health matters of potential concern.

Community and Economic Development Department Investigation:

1. Ensure that all requirements of the Special Use Permit have been met. Review and determine whether ~~or not~~ the applicant must apply for and receive approval of a Special Use Permit pursuant to the current Zoning Ordinance.
2. Ensure the use of the building or property is allowed as a permitted use or special use in the Zoning District in which it is located.

3. ~~Such things as~~ Anticipated changes to traffic, parking and other related issues will be reviewed for their impact on the surrounding area.
4. Other planning and development factors.

Inspection Division Investigation:

1. Compliance with state building code and local building and zoning code requirements.
2. Any previous building code problems with the proposed owner.
3. Other items of concern from a building inspection standpoint.

License Renewals

1. License renewal paperwork will be sent to current license holders by February 15th of each year.
2. Class A and Class B combination license holders may receive a discount of \$100 on their renewal application if the completed application is received by March 15th.
3. Renewal applications must be received 15 days prior to the 3rd Wednesday in June in order to be considered a renewal application. After this date, no renewal applications will be accepted, and a new alcohol license application will need to be submitted.

Related Procedures for License Recommendations

1. The Police, Fire, and Health departments should make a minimum of one inspection during each license year. The most recent inspection shall be used to make recommendations on granting the renewal of the license.
2. The Inspection Division shall inspect the licensed premises ~~only~~ when a new application is received, a change of ownership is requested, when changes are being made to the premises, upon the request of ~~an~~ another City department, or when a complaint against the property is received. The most recent inspection shall be used to make recommendations on granting the renewal of the license.
3. With regard to the license renewal period, all compliance requirements shall be completed before issuance. All applicants who do not apply for renewal by ~~March~~ April 15th will not receive the reduced renewal fee.
4. Throughout the license year, the Police and Health Departments shall notify the ~~City Clerk~~ Safety and Licensing Committee of any convictions which result in the assessment of demerit points against any licensee. The City Clerk shall notify the Safety & Licensing Committee of the current and total demerit points assessed against any licensee.
 - a. Accumulation of demerit points may be grounds for recommending non-renewal, revocation, suspension, or denial of the transfer of the license.

b. If a complaint is filed initiating proceedings to revoke or suspend a license, a hearing shall be scheduled before the Safety and Licensing Committee. If a hearing takes place, the Safety and Licensing Committee shall comply with the requirements of Section 9-54 of the Municipal Code ~~and the suspension or revocation would take place the Friday following Council action~~. Prior to the hearing date, the City Attorney may work out a settlement agreement with the licensee in lieu of the hearing. Any settlement agreement shall comply with the requirements of Section 9-54 of the Municipal Code and must be approved by the Safety and Licensing Committee and the Common Council, and begin within a 13-day period of Council action.

c. If the license is suspended by the Common Council, the City Clerk will provide that licensee with a sign that must be posted in a conspicuous location on the premises. The sign shall be in substantially the following form:

The (type of license) for this establishment:
(establishment name,
agent and address)
is suspended from
(date and time approved by Safety and Licensing Committee and Common
Council) through
(date and time approved by Safety and Licensing Committee and Common
Council)
due to the establishments violation of State Statute(s) and/or the Appleton
City Ordinance(s) prohibiting (type of violation(s)).
By Order of the City of Appleton Safety and Licensing Committee and the
Appleton Common Council on
(date suspension is approved).

Sale of Fermented Malt Beverages in a Park by the City

The City cannot grant a license to sell fermented malt beverages to itself. However, pursuant to W.S.A. 125.06, the sale of fermented malt beverages can occur in a public park operated by a municipality without a license as long as the municipality authorizes the sale. The Parks and Recreation Committee has jurisdiction to consider whether the sale of fermented malt beverages shall be allowed in a park. The Committee will, by a majority vote of those present, make a recommendation to the Common Council. If the Common Council authorizes the sale of fermented malt beverages in any park the following will apply:

1. Any person serving fermented malt beverages shall obtain an operator's license.
2. The police department will periodically conduct inspections and Controlled Alcohol Transaction (CAT) checks at these locations.
3. The police department shall report any violations to the Park and Recreation Committee and the Safety and Licensing Committee.
4. Since technically a license cannot be obtained, demerit points cannot be assessed according to ordinance if a violation occurs at such a location. Therefore, demerit points shall be assessed to the location as if the location has a license in the same manner established in City Ordinance 9-54.
5. The Park and Recreation Committee shall suspend the authorization granted pursuant to W.S.A. 125.06 to sell fermented malt beverages in any public park for not less than 10 days or more than 90 days if the location accumulates demerit points totaling 150-199 within a 12-month period.
6. The Park and Recreation Committee shall revoke the authorization granted pursuant to W.S.A. 125.06 to sell fermented malt beverages in any public park for at least 12 months if the location accumulates demerit points totaling 200 or more within an 18-month period.

Abandonment or Non-use of Licenses

1. Any licensee issued a license to sell alcohol beverages that abandons such business shall forfeit any right or preference the licensee may have to the holding of or renewal of such license.
2. Abandonment shall be sufficient grounds for revocation or non-renewal of any alcohol beverage license.
3. ~~The Appleton Police Department shall investigate any establishment that appears to have abandoned its license and report its findings to the City Clerk in writing.~~ A license deemed abandoned, ~~-~~ will meet the definition of abandonment or non-use under Section 9-52(9) of the Appleton Municipal Code.
4. Upon ~~knowledge of abandonment or non-use of the alcohol license receipt of this notification,~~ the City Clerk will send a certified letter to the owner(s)

and/or Agent as indicated on the original application for the sale of alcohol. The date of [abandonment indicated in the](#) letter will be the defining date for determining a one-year period.

5. The license holder may request an extension of the one-year period. An extension may be granted for good cause. Any extension of the one-year period shall be reviewed by the Safety and Licensing Committee and Common Council prior to the expiration of the one-year deadline.
6. If after one year, the establishment is still deemed as abandoned or not used, a revocation or non-renewal hearing shall be held, unless the applicant chooses to not apply for renewal of said license.

Temporary Class “B” Beer, “Class B” Wine Licenses

Temporary Class “B” Beer and Temporary “Class B” Wine Licenses may be issued by the City Clerk after approval is granted by the Safety and Licensing Committee and all necessary department recommendations are satisfied.

All applications for Temporary Class “B” Beer Licenses must be on file in the Office of the City Clerk for at least ten (10) ~~business~~ days. All applications for Temporary “Class B” Wine licenses must be on file in the Office of the City Clerk for at least 15 ~~business~~ days.

Only two (2) Temporary “Class B” Wine licenses may be issued to a single organization within a one-year period.

Should the Safety and Licensing Committee deny any Temporary Class “B” Beer or “Class B” Wine License, such denial shall be considered as a recommendation to the Common Council. Said request is forwarded to the Common Council for action.

Sidewalk Café

An ~~Class B~~ [on-premises consumption alcohol](#) license holder may serve alcoholic beverages in the sidewalk café area, [also known as the amenity strip](#), as long as a Special Use Permit has been granted for the sidewalk café and the ~~Class B~~ license has been amended to include the parameters of the sidewalk café [through a premises amendment application](#). In addition, pursuant to Section 9-262 of the Municipal Code, the licensee must comply with all regulations pertaining to sidewalk cafes.



LEGAL & ADMINISTRATIVE
SERVICES DEPARTMENT

Office of the City Clerk

Kami Lynch, Clerk

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6443

MEMORANDUM

To: Safety & Licensing Committee (Chris Croatt, Chairperson), Common Council

From: Kami Lynch, City Clerk *KL*

Date: December 6, 2023

Re: Updates to the Alcohol License Policy

The Alcohol License Policy is a comprehensive document that consists of detailed information regarding license types and procedures for application and review of alcohol licenses. Revisions to the policy seek to update information with current practices/language and relevant state statutes. The two areas of the policy with substantial changes include the license renewal provisions and making changes to the abandonment/non-use section to enhance feasibility of tracking and notifying abandoned license holders.

The renewal provisions reflect the language in the proposed ordinance amendment and document the long-standing practice of offering discount rates for combination license holders if they file their renewal documents in a timely manner.

The requirements surrounding abandonment/non-use of licenses are revised to allow any department to provide notification of abandonment/non-use. Often, the inspections department is the first to be aware of such abandonment of an establishment. As the city approaches having all available Class B combination licenses issued, it's important to be diligent in the determination of abandonment or non-use of a license to prevent establishments from withholding licenses from businesses that are readily available to utilize the license.

Appleton Municipal Code

Chapter 09 Licenses, Permits

ARTICLE X. MISCELLANEOUS SALES

DIVISION 4. FIREWORKS SALES

Permit generally... 9-569

Sec. 9-569 License generally.

- (a) **License required.** No person shall engage in the business of selling fireworks without a license obtained from the City Clerk pursuant to §9-21 et seq., and payment of the fee, the amount of which is on file in the office of the City Clerk. The license shall in no way be construed to affect existing or future zoning or land use.
- (b) **Application.** Every person requiring a fireworks sales license shall make application in writing on a form prescribed by the City Clerk. The application shall contain the legal name of the company, street address and contact information. The specific location where the sales will occur and detailed types of merchandise must be provided.
- (c) **Fee; term; limitation on issuance.** The amount of the fee for such license shall be on file in the office of the City Clerk. The fee shall be submitted by applicant at the time of application. Licenses shall include two employees and shall be issued for a period of sixty (60) consecutive days and no sale may exceed sixty (60) days. No more than one (1) license per year may be issued to any applicant.

Cross reference(s)--Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 9-570. License investigation.

Upon receipt of an application for a license under this division, the Chief of Police, Fire Chief, Sealer of Weights and Measures and Community & Economic Development Director shall institute such investigation of the applicant as they deem necessary for the protection of the public good, including compliance with state and local health, safety, and zoning requirements, and the possession of any applicable special or temporary use permits. The City Clerk shall issue approved licenses in accordance with such findings after presentation by the applicant of a receipt of the Director of Finance showing payment of the required fee.

Sec. 9-571. Appeal of denial of license.

If the investigating authority denies an application for a license under this division, the City Clerk shall forthwith notify the applicant by certified mail return receipt requested of the denial and the reason, therefore. The notice shall indicate the date and time of the review of the denial by the Safety and Licensing Committee and the right of the applicant to appear before the committee. The Safety and Licensing Committee shall hear any person for or against granting the permit and shall report its recommendation to the Common Council, which shall grant or deny the license.



LEGAL & ADMINISTRATIVE
SERVICES DEPARTMENT

Office of the City Clerk

Kami Lynch, Clerk

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6443

MEMORANDUM

To: Safety & Licensing Committee (Chris Croatt, Chairperson), Common Council

From: Kami Lynch, City Clerk *KL*

Date: December 6, 2023

Re: Addition of Fireworks Sales to Chapter 9 of the Municipal Code

Historically the licensing of fireworks sales vendors has been an on-going practice. Upon review of Clerk's Office license fees this year it was realized that this licensing activity was not codified in our Municipal Code. This proposed ordinance addition seeks to codify the process that we currently follow for the licensing of fireworks sales vendors, including the fee adjustments that were approved earlier this summer.

CITY OF APPLETON
ROTATING CALL LIST FEE SCHEDULE*
Next-up Tow Service Fee Recommendations for 2024

<u>SERVICE PROVIDED</u>	<u>MAXIMUM FEE - REGULAR HOURS</u>	<u>MAXIMUM FEE - AFTER HOURS</u>
STANDARD TOW (or WINCH OUT) (wheel lift/flatbed)	\$165.00 D&D - \$175.00 A&W - \$175.00	\$175.00 D&D - \$185.00 A&W - \$200.00
PARTIAL TOW (at discretion of towing company)	\$50.00 D&D - \$80.00 – recommend listing as a service call.	\$60.00 D&D - \$90.00
<u>ADD ON/ADDITIONAL FEES</u>		
Administrative Fees, Mailing Fees, Etc. (if vehicle is not claimed after two days)	\$25.00 total D&D - \$40.00 A&W - \$50.00	--
Cleanup (prorated <u>after</u> first 30 minutes)	\$50.00/hour D&D - \$60.00 A&W - \$50.00 minimum, not pro-rated per hour.	\$50.00/hour A&W - \$100.00
Mileage for Out-of-City Trips	\$4.00/mile Nolte's - \$4.50/mile – recommend this be clarified as "Loaded / Towed mileage, One Way"	\$4.00/mile Nolte's - \$4.50/mile
Motorcycles	\$30.00 A&W - \$50.00 Nolte's – \$60.00	\$30.00 A&W - \$50.00 Nolte's – \$60.00
Snow Shoveling (prorated)	\$10.00 minimum/ \$60.00/hour	\$10.00 minimum/ \$60.00/hour
Use of Dolly	\$60.00 total D&D - \$80.00	\$60.00 total D&D - \$80.00
Standby Time (prorated)	\$70.00/hour Nolte's - \$90.00	\$70.00/hour Nolte's - \$90.00

Winching (prorated & only charged as add-on if vehicle is then towed)	\$60.00/hour D&D - \$80.00 A&W - \$60.00 minimum, not pro-rated per hour.	\$60.00/hour D&D - \$80.00 A&W - \$75.00 minimum, not pro-rated per hour.
<u>STORAGE FEES</u>		
After-Hours Release of Vehicle/Property (at discretion of towing company except pursuant to code)	--	\$50.00
Outside Storage (not prorated)	\$50.00/day	\$50.00/day
Inside Storage (not prorated and at owner request/as reasonably required)	\$55.00/day D&D - \$75.00	\$55.00/day D&D - \$75.00
Cover Vehicles (not prorated and at owner request/as reasonably required)	\$35.00 D&D - \$40.00	\$35.00 D&D - \$40.00
Gate Fee (if vehicle is not drivable)	\$20.00 A&W - \$50.00	\$20.00 A&W - \$50.00

*For additional information see the Municipal Code of the City of Appleton, Sec. 9-746 et. seq.

Sgt. John Ostermeier #9209

Operations Coordinator, Appleton Police Department

222 S. Walnut St.

Appleton, WI 54911

(920)832-5500 Main, (920)832-5836 Direct

John.ostermeier@appleton.org



Safety and Licensing Committee and Common Council,

Ordinance 9-746 allows a yearly review and adjustment of the tow fee schedule. This fee schedule applies to tow services who apply to be on the APD rotating call list. This list is commonly used for tows following OWI arrests, parking violations which pose a hazard, and crashes and disabled vehicles in which the owner does not have a preference or is unable to make the decision on who tows their vehicle. This list is used on average about four times per day, or an estimated 1,500 times per year.

We currently have six tow services on our rotating call list (Accel, A&W, Bob's, D&D, Femal's, and Nolte's). At the start of the year, we had eight, but two were removed at my request. The six remaining services are located in Appleton, and have proven to be reputable, professional, and reliable. During the year I had many interactions with them. A common theme I heard was how rising equipment and labor costs are impacting their businesses.

Attached are two documents. One is the recommended adjustments to the fee schedule submitted by the tow services. The second is the APD recommended fee schedule. This is based on my own recommendations, as well as averages and rounding to fee categories where at least two tow services made recommendations for changes.

I offered each of the six tow services the opportunity to make recommendations. Three out of the six responded with recommended changes. Each tow service is unique with individual business models. Some services are small with only a couple light duty trucks. Others are large, with specialized recovery equipment and light and heavy-duty services. They have dramatically different overheads and salary costs and offer different services. All are important, and each provides a unique recommendation for the fee schedule.

My recommendations are as follows:

- Winching is currently billed pro-rated at \$60.00 per hour. Winching of vehicles is a complex operation. It is dangerous and vehicles are easily damaged if it's not done correctly. I have found that pro-rated billing is difficult to validate for audit and compliance purposes. I would recommend winching be a flat fee, and only pro-rated if it exceeds one hour.
- Motorcycles – two tow services recommended an increased fee for motorcycles. I can attest that motorcycles are typically towed on a flatbed tow truck. They require specialized bracing and strapping. Moving a motorcycle onto a tow truck is physically difficult and dangerous. Motorcycles are prone to damage and repairs are costly. A request for an increased fee is understandable.

Thank you for taking the time to address this. Our next-up tow services provide a critical service to our community. They work with our officers daily to maintain roadway safety. Having a fair and updated fee schedule is important.

Thank you,

SGT John Ostermeier #9209

CITY OF APPLETON
ROTATING CALL LIST FEE SCHEDULE*
APD RECOMMENDED FEE SCHEDULE FOR 2024

<u>SERVICE PROVIDED</u>	<u>MAXIMUM FEE - REGULAR HOURS</u>	<u>MAXIMUM FEE - AFTER HOURS</u>
STANDARD TOW (or WINCH OUT) (wheel lift/flatbed)	\$165.00 \$170.00	\$175.00 \$180.00
PARTIAL TOW (at discretion of towing company)	\$50.00	\$60.00
<u>ADD ON/ADDITIONAL FEES</u>		
Administrative Fees, Mailing Fees, Etc. (if vehicle is not claimed after two days)	\$25.00 total \$30.00 total	--
Cleanup (The first 30 minutes is included with a standard tow or winch out. Prorated hourly rate starts after the first included 30 minutes.)	\$50.00/hour	\$50.00/hour
Mileage for Out-of-City Trips (Loaded mileage, one-way)	\$4.00/mile	\$4.00/mile
Motorcycles	\$30.00 \$40.00	\$30.00 \$40.00
Snow Shoveling (prorated)	\$10.00 minimum/ \$60.00/hour	\$10.00 minimum/ \$60.00/hour
Use of Dolly	\$60.00 total	\$60.00 total
Standby Time (prorated)	\$70.00/hour	\$70.00/hour
Winching (prorated & Minimum of one hour billed, with additional time billed at prorated hourly rate; only charged as add-on if vehicle is then towed)	\$60.00/hour \$60.00, and prorated at \$60.00/hour if over 60 minutes.	\$60.00/hour \$60.00, and prorated at \$60.00/hour if over 60 minutes.
<u>STORAGE FEES</u>		
After-Hours Release of Vehicle/Property (at discretion of towing company except pursuant to code)	--	\$50.00
Outside Storage (not prorated)	\$50.00/day	\$50.00/day
Inside Storage (not prorated and at owner request/as reasonably required)	\$55.00/day	\$55.00/day
Cover Vehicles (not prorated and at owner request/as reasonably required)	\$35.00	\$35.00
Gate Fee (if vehicle is not drivable)	\$20.00	\$20.00

*For additional information see the Municipal Code of the City of Appleton, Sec. 9-746 et. seq.

CITY OF APPLETON
ROTATING CALL LIST FEE SCHEDULE*
2024 Fee Schedule

<u>SERVICE PROVIDED</u>	<u>MAXIMUM FEE - REGULAR HOURS</u>	<u>MAXIMUM FEE - AFTER HOURS</u>
STANDARD TOW (or WINCH OUT) (wheel lift/flatbed)	\$170.00	\$180.00
PARTIAL TOW (at discretion of towing company)	\$50.00	\$60.00
<u>ADD ON/ADDITIONAL FEES</u>		
Administrative Fees, Mailing Fees, Etc. (if vehicle is not claimed after two days)	\$30.00 total	--
Cleanup <i>(The first 30 minutes is included with a standard tow or winch out. Prorated hourly rate starts after the first included 30 minutes.)</i>	\$50.00/hour	\$50.00/hour
Mileage for Out-of-City Trips <i>(Loaded mileage, one-way)</i>	\$4.00/mile	\$4.00/mile
Motorcycles	\$40.00	\$40.00
Snow Shoveling (prorated)	\$10.00 minimum/ \$60.00/hour	\$10.00 minimum/ \$60.00/hour
Use of Dolly	\$60.00 total	\$60.00 total
Standby Time (prorated)	\$70.00/hour	\$70.00/hour
Winching <i>(Minimum of one hour billed, with additional time billed at prorated hourly rate; only charged as addon if vehicle is then towed.)</i>	\$60.00/hour	\$60.00/hour
<u>STORAGE FEES</u>		
After-Hours Release of Vehicle/Property (at discretion of towing company except pursuant to code)	--	\$50.00
Outside Storage (not prorated)	\$50.00/day	\$50.00/day
Inside Storage (not prorated and at owner request/as reasonably required)	\$55.00/day	\$55.00/day
Cover Vehicles (not prorated and at owner request/as reasonably required)	\$35.00	\$35.00
Gate Fee (if vehicle is not drivable)	\$20.00	\$20.00

*For additional information see the Municipal Code of the City of Appleton, Sec. 9-746 et. seq.

GRANT TRACKING FORM



PART #1: Notification of Grant Funds

(email to tony.saucerman@appleton.org)

APPLICANT DEPARTMENT: Appleton Fire Department **DATE:** 12/13/2023

APPLICANT DEPARTMENT GRANT CONTACT NAME/TITLE: Jeremy Hansen/Fire Chief

COMMITTEE OF JURISDICTION: Safety & Licensing Committee

NAME OF GRANT/FUNDING SOURCE: Assistance to Firefighter's Grant Program/Department of Homeland Security

AMOUNT OF GRANT REQUEST: \$395,000 **LOCAL MATCH REQUIREMENT:** \$39,500

SOURCE OF MATCH: General Fund Non-General Fund Not Applicable

TIMEFRAME OF GRANT: 01/09/2024 through 10/12/2024

TYPE OF GRANT REQUEST: Monetary Other (explain under 'purpose of grant')

PURPOSE OF GRANT (summary): The Appleton Fire Department (AFD) is requesting grant funding to support the purchase of advanced life support (ALS) cardiac monitors. The AFD has a strong desire to provide the community an exceptional pre-hospital experience by upgrading our medical response capabilities from Emergency Medical Technician (EMT) to Paramedic.

How does the grant meet City/Department/Program goals? This project relates to the City's mission of being '...dedicated to meeting the needs of the community and enhancing its quality of life.' This project will assist with Goal # 1 that states 'Improve response times,' and Goal # 2 that states 'provide the community with exceptional pre-hospital experience.'

What are the personnel requirements (include both existing and new staff) of the grant? There are no personnel requirements other than training on the equipment.

DEPARTMENT HEAD SIGNATURE: 

PART #2: Request to Accept Grant Funds

(complete after notification of grant award; email to tony.saucerman@appleton.org)

AMOUNT OF GRANT AWARD: \$ _____ **FEDERAL/STATE ID #:** _____

LOCAL MATCH REQUIREMENT: \$ _____

Please describe the source of match, if applicable: _____

Please describe any major changes in proposed grant-funded activities: _____

PART	TO:	DATE:	TO:	DATE:	TO:	DATE:
#1: Request to Apply	Finance Dept		COJ – Info/Action		FAC – Info/Action	
#2: Request to Accept	Finance Dept		COJ – Action		FAC – Action	

COJ = Committee of Jurisdiction

FAC = Finance and Administration Committee

Form
AT-106

Original Alcohol Beverage
License Application

FOR CLERKS ONLY	
Municipality	CITY OF APPLETON
License Period	7/1/23 - 6/30/24

License(s) Requested

- Class "A" Beer \$ _____ "Class A" Liquor \$ _____
 Class "B" Beer \$ _____ "Class B" Liquor \$ _____
 "Class C" Wine \$ _____ "Class A" Liquor (Cider Only) \$ _____
 Reserve "Class B" Liquor \$ _____ ~~Class B (Wine Only) Winery \$ 500~~

Receipt 5885-03

License Fees	\$
Publication Fee	\$ 60
Background Check	\$ 21
Total Fees	\$

Part A: Premises/Business Information		
1. Legal Business Name (registered entity name or individual's name if sole proprietorship) McFleshman's Brewing Co., LLC		
2. Trade Name or DBA McFleshman's Brewing Co		
3. Premises Address 115 S State St. Appleton, Wi 54911		
4. County Outagamie	5. Municipality Appleton	6. Aldermanic District 9
7. Mailing Address (if different from premises address)		
8. FEIN [REDACTED]	9. Wisconsin Seller's Permit Number [REDACTED]	
10. Premises Phone (920) 903-8002	11. Premises Email alyse@mcfleshmans.com	
12. Entity Type (check one) <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation <input type="checkbox"/> Nonprofit Organization		
13. Premises Description - Describe the building or buildings where alcohol beverages are to be sold and stored. Describe 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 in this application. Attach additional sheets if necessary. 5400 sq ft building with 2 walk in cooler spaces and taproom, 900 sq ft beer garden		

Part B: Questions
1. Have the partners, agent, or sole proprietor satisfied the responsible beverage server training requirement for this license period? Submit a copy of Responsible Beverage Server Training Course Certificate..... <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Does the applicant business or its partners, officers, directors, managing members, or agent hold a direct or indirect interest in any alcohol beverage wholesaler or producer (e.g., brewer, brewpub, winery, distillery)?..... <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please explain using the space below. Attach additional sheets if necessary.

Part C: For Corporate/LLC Applicants Only

1. State of Registration Wisconsin	2. Date of Registration 04/20/16	
3. Is the applicant business owned by another corporation or LLC? If yes, please provide the name and FEIN of the parent company below, include parent company members in Part D, and attach Form AT-103 for all of the parent company's principal members, managers, officers, or directors <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Name of Parent Company	FEIN of Parent Company	
4. Does the parent company or any of its officers, directors, managing members, or agent hold any direct or indirect interest in any other alcohol beverage wholesaler or producer (e.g., brewer, brewpub, winery, distillery)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please explain using the space below. Attach additional sheets if necessary.		
N/A		
5. Agent's Last Name Fleshman	Agent's First Name Bobby	Phone [REDACTED]

Part D: Individual Information

A Supplemental Questionnaire, Form AT-103, must be completed and attached to this application for each person involved in the applicant business and any parent company as indicated in Part C. Persons in the applicant business include: sole proprietor, all officers, directors, and agent of a corporation or nonprofit organization, all partners of a partnership, and all managing members and agent of a limited liability company.

List the full name, title, and phone number for each person below. Attach additional sheets if necessary.

Last Name	First Name	Title	Phone
Fleshman	Bobby	Owner Operator	[REDACTED]
Fleshman	Allison	Owner	[REDACTED]

Part E: Attestation

Who must sign this application?
 • sole proprietor • one general partner of a partnership • one corporate officer • one managing member of an LLC

READ CAREFULLY BEFORE SIGNING: Under penalty of law, I have answered each of the above questions completely and truthfully. I agree that I am acting solely on behalf of the applicant business and not on behalf of any other individual or entity seeking the license. Further, I agree that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another individual or entity. I agree to operate this business according to the law, including but not limited to, purchasing alcohol beverages from state authorized wholesalers. I understand that lack of access to any portion of a licensed premises during inspection will be deemed a refusal to allow inspection. Such refusal is a misdemeanor and grounds for revocation of this license. I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Signature <i>Bobby Flesh</i>	Date 11/30/2023	
Name (Last, First, M.I.) Fleshman, Bobby L		
Title Owner Operator	Email [REDACTED]	Phone [REDACTED]

Part F: For Clerk Use Only

Date application was filed with clerk 11/30/2023	Date reported to governing body	Date provisional license issued (if applicable)
Date license granted	License number	Date license issued
Signature of Clerk/Deputy Clerk		



City of Appleton Alcohol License Questionnaire

1. Name of Applicant: Bobby Fleshman

2. Name of Business: McFleshman's Brewing Co., LLC
(Check Applicable Box(s) to identify primary business activity)

- Restaurant
- Tavern/Night Club/Wine Bar
- Microbrewery/Brewpub
- Painting/Craft Studio
- Other (describe) _____

3. Address of Business: 115 S. State St. Appleton, WI 54911

4. Have you or any member of your organization ever been convicted of a misdemeanor or ordinance violation? Yes _____ No

AND/OR been convicted of a felony? Yes _____ No

If yes to either question, please explain in detail below:

5. List all partners, shareholders or investors of your business. Include full name, middle initial and date of birth. Please use additional sheets if necessary.

<u>Bobby</u>	<u>L</u>	<u>Fleshman</u>	[REDACTED]
First name	M.I.	Last name	Date of Birth
<u>Allison</u>	<u>M</u>	<u>Fleshman</u>	[REDACTED]
First name	M.I.	Last name	Date of Birth
			/ /
First name	M.I.	Last name	Date of Birth
			/ /
First name	M.I.	Last name	Date of Birth

6. Name of person/corporation you are buying the premise and equipment from?

Name: N/A, own the premises, adding a license.

First name
Middle Initial
Last name

Address: _____

City State ZIP

7. What was the previous name and primary nature of the business operating at this location?

Name: McFleshman's Brewing Co.

(Check Applicable Box(s) to identify primary business activity)

- Restaurant
- Tavern/Night Club/Wine Bar
- Microbrewery/Brewpub
- Painting/Craft Studio
- Other (describe) _____

8. Was this premise licensed for alcohol sales/consumption during the past license year?

Yes X If yes, please contact the Community and Economic Development Department at 832-6468 about obtaining a copy of an existing Special Use Permit and related requirements that may run with property.

No _____ If no, please contact the Community and Economic Development Department at 832-6468 about obtaining a Special Use Permit. A Special Use Permit may be required for your business activity prior to the issuance of a Liquor License, pursuant to the City of Appleton Zoning Ordinance.

9. If alcohol sales were a previous use in this building, when did the operation cease?

N/A months ago.

10. Seating capacity: Inside 80 Outside Typically summer only, 100.

11. Operating hours (Inside the building): *M-F: 3p-10p, Sa: noon-10p, Su: noon-7
Operating hours (Outdoor seating areas): same as above
*hours typically decrease in winter

12. Employees/Staff
Number of floor personnel 1-4 Number of door checkers typically none unless depending on busy periods there's an event or crowd

13. In general, state the size and operational details of the proposed establishment:

- a. Gross floor building area of the premises to be licensed: 5400 square feet. total building, not just tap room.
- b. Gross outdoor seating areas of the premises to be licensed: 900 square feet.
- c. Below, identify the operational details of the proposed establishment:

active brewery with a public house taproom and German style Biergarten.

Robby Allen
Signature

11/30/23
Date

Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town
 Village of APPLETON County of OUTAGAMIE
 City

The undersigned duly authorized officer/member/manager of MCFLESHMAN'S BREWING CO., LLC
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as MCFLESHMAN'S BREWING CO.
(Trade Name)

located at 115 S. STATE ST. APPLETON, WI 54911

appoints BOBBY FLESHMAN
(Name of Appointed Agent)

421 N. LAWE ST., APPLETON, WI 54911
(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? Yes No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 9.5

Place of residence last year 421 N. LAWE ST., APPLETON, WI 54911

For: MCFLESHMAN'S BREWING CO., LLC
(Name of Corporation / Organization / Limited Liability Company)

By: Bobby Fleshman
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

ACCEPTANCE BY AGENT

I, BOBBY L. FLESHMAN, hereby accept this appointment as agent for the
(Print / Type Agent's Name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Bobby Fleshman 11/30/23 Agent's age
(Signature of Agent) (Date)

421 N. LAWE ST. APPLETON, WI 54911 Date of birth
(Home Address of Agent)

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)

Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town Village of APPLETON County of OUTAGAMIE
 City

The undersigned duly authorized officer/member/manager of LAWRENCE UNIVERSITY
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as THE VIKING ROOM
(Trade Name)

located at 615 EAST COLLEGE AVENUE; APPLETON, WI 54911

appoints BRITTANY M. BELL
(Name of Appointed Agent)
716 E. COLLEGE AVE APPLETON, WI 54911
(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? Yes No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 38 YEARS

Place of residence last year APPLETON, WISCONSIN

For: LAWRENCE UNIVERSITY
(Name of Corporation / Organization / Limited Liability Company)
By: Liamie Dalk
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

ACCEPTANCE BY AGENT

I, BRITTANY M. BELL, hereby accept this appointment as agent for the
(Print / Type Agent's Name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Bry Bell 12/7/23 Agent's age
(Signature of Agent) (Date)
716 E. COLLEGE AVE APPLETON, WI 54911 Date of birth
(Home Address of Agent)

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on by Title
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)

Alcohol Beverage License Application Supplemental Questionnaire

Date
12-11-23

This form must be submitted to the municipal clerk, and be accompanied by one or more of the following forms: AT-104, AT-106, AT-108, AT-115, or AT-200. One Form AT-103 must be completed by each person involved in the applicant business or parent company including:

- sole proprietor
- all partners of a partnership
- all officers, directors, and agent of a corporation or nonprofit organization
- managing members and agent of a limited liability company

Your alcohol beverage application or renewal is not complete until all required Supplemental Questionnaires are submitted.

Part A: Premises/Business Information	
1. Registered Entity Name (or individual name if sole proprietor) Lawrence University of Wisconsin	
2. Trade Name or DBA Viking Room	
3. Entity Type (check one) <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability Company <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Nonprofit Organization	

Part B: Individual Information				
1. Name (Last, First, M.I.) Bell, Brittany, M				
2. Relationship to Registered Entity (Title) Agent		3. Email [REDACTED]		4. Phone [REDACTED]
5. Home Address 716 E. College Avenue				
6. City Appleton		7. State WI	8. Zip Code 54911	9. Date of Birth [REDACTED]
10. Drivers License/State ID Number [REDACTED]			11. Drivers License/State ID State of Issuance Wisconsin	

Part C: Address History	
List in chronological order your last two residence addresses within the last 5 years.	
Previous Address 1 1016 Lee Avenue	
Previous City, State, Zip De Pere, WI 54115	Dates (MM/YYYY - MM/YYYY) 08/2016-11/2022
Previous Address 2	
Previous City, State, Zip	Dates (MM/YYYY - MM/YYYY)

Part D: Employment History	
List in chronological order your last two employers within the last 5 years.	
Employer's Name Lawrence University	
Employer's Address 711 E. Boldt Way	Dates Employed (MM/YYYY - MM/YYYY) 01/2019-12/2023 (current)
Employer's Name St Norbert College	
Employer's Address 100 Grant Street	Dates Employed (MM/YYYY - MM/YYYY) 07/2012 - 01/2019

Part E: Criminal History

1. Have you ever been convicted of any offenses (other than traffic offenses unrelated to alcohol beverages) for violation of any federal, Wisconsin, or another state's laws or of any county or municipal ordinances? Yes No
If yes to question 1, please list details of each conviction below. Attach additional sheets as needed.

Law/Ordinance Violated	Trial Date
Penalty Imposed	Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No
Law/Ordinance Violated	Trial Date
Penalty Imposed	Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No

2. Are charges for any offenses currently pending against you (other than traffic offenses unrelated to alcohol beverages) for violation of any federal, Wisconsin, or another state's laws or any county or municipal ordinances? Yes No
If yes to question 2, describe nature and status of pending charges using the space below. Attach additional sheets as needed.

Part F: Questions


1. Have you lived in any state other than Wisconsin as an adult? If yes, please list them in the space below. If no, continue to question 2. Yes No
Nebraska 2007-2009

2. How long have you continuously lived in Wisconsin prior to the date of application?	Years 14	Months 0
--	-------------	-------------

3. Do you hold a direct or indirect interest in any alcohol beverage wholesaler or producer (e.g. brewer, brewpub, winery, distillery)? If yes, please explain using the space below. Attach additional sheets as needed. Yes No

Part G: Attestation

READ CAREFULLY BEFORE SIGNING: I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Signature 	Date 12/11/23
---	------------------

Application for Cigarette and Tobacco Products Retail License

23-1385

MUNICIPAL USE ONLY

Submit to municipal clerk.

Applicant's Wisconsin 15-digit Sales Tax Account Number

← This must be issued in the same Legal Name of the licensee below.

License Number
Period Covered
Date of Issuance

Legal Name (corporation, limited liability company, partnership or sole proprietorship) <i>Blessing Flower LLC</i>			Federal Employer Identification No. (FEIN)		
Trade or Business Name (if different than Legal Name) <i>Kush Kafe</i>			Telephone Number <i>(7</i>		
Business Address (License Location) <i>219 E. College Ave</i>		Business Located In <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town		Business Telephone <i>() Same</i>	
Municipality <i>Appleton</i>	State <i>WI</i>	Zip Code <i>54911</i>	of: <i>Appleton</i>		County <i>outagamie</i>
Mailing Address (if different than Business Address) <i>Same</i>			Municipality <i>Appleton</i>		State <i>WI</i>
					Zip Code <i>54911</i>

Organization (check one)

- Sole Proprietor
- Wisconsin Corporation – Enter date incorporated: *1-1-2020*
- Partnership
- Out-of-State Corporation – Are you registered to do business in Wisconsin? Yes No
- Other (describe)

- Yes No 1. Does the applicant understand that they must purchase cigarettes and tobacco products only from distributors, jobbers, or subjobbers, who hold a permit with the Wisconsin Department of Revenue?
- Yes No 2. Does the applicant understand that they must obtain a Tobacco Products Distributor permit if purchasing untaxed tobacco products from an out-of-state company? (Tobacco Products Distributor permit is available from the Wisconsin Department of Revenue at 608-266-6701. See application form CTP-129, revenue.wi.gov/dor/forms/ctp-129.pdf.)
- Yes No 3. Does the applicant understand that they cannot purchase/exchange cigarettes or tobacco products from another retailer, including transferring existing stock to a new owner?
- Yes No 4. Does the applicant understand that they must provide employees with tobacco sales training approved by the Wisconsin Department of Health Services? (<https://witobaccocheck.org>)
- Yes No 5. Does the applicant understand that they may not sell, give or otherwise provide cigarettes/tobacco products and nicotine products to minors (including electronic cigarettes containing nicotine)?
- Yes No 6. Does the applicant understand that they may not sell single cigarettes?
- Yes No 7. Does the applicant understand that cigarette and tobacco products invoices must be kept on the licensed premises for two years from the date of the invoice and be available for inspection by the Wisconsin Department of Revenue/law enforcement and that failure to comply can result in criminal penalties, including loss of cigarettes/tobacco products?
- Yes No 8. Does the applicant understand that only cigarettes and roll-your-own (RYO) tobacco products listed on the Wisconsin Department of Justice's website labeled "Directory of Certified Tobacco Manufacturers and Brands" at www.doj.state.wi.us/dls/tobacco-directory may be sold in Wisconsin?

Cigarettes / Tobacco will be sold over counter through vending machine both

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 applicant. Applicant agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, cannot be assigned to another. 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. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

Benny W. Iwan - owner
(Officer of Corporation / Member / Manager of Limited Liability Company / Partner / Individual)

Applicable Laws and Rules

This document provides statements or interpretations of the following laws and regulations in effect as of September 19, 2019: Sections 134.65, 134.66, 139.321, 139.79, 139.76, 995.10, and 995.12, Wis. Stats.

Secondhand Jewelry Dealer

Company	Agent	Address
Avenue Jewelers	Jason Druxman	303 E College Ave
Expert Jewelry Repair	Randy Kester	636 W College Ave
Kay Jewelers	Dalton Booker	3845 E Calumet St
Krieger Jewelers	Jamie Boyce	934 W Northland Ave
Tennies Jewelry	Rebecca Juedes	208 E College Ave

Secondhand Article Dealers

Company	Agent	Address
Beatnik Bettys Resale Butik	Monica Austin	1707 S Peabody
Eroding Winds LLC	Adam Bartlett	229 E College Ave
GameStop #5520	Mark Robinson	3825 E Calumet St Suite 500
Heid Music	Todd Heid	308 E College Ave
Left Behind LLC	Michael Day	205 W Wisconsin Ave
Replay Toys	Chris Freimuth	104 E Wisconsin Ave
Richmond Resale	Dean Vandehoy	204 N Richmond St
T&S Sports dba Play It Again Sports	Michael Milloy	611 W Northland Ave
The Attique Resale	James Boylan	415 N Oneida St
Tiffani's Bridal	Tiffani Ebben	210 W Colleve Ave - Upper
Warehouse Office Products	Jeffrey Lemery	1825 N Richmond St

Pawnbroker

Company	Agent	Address
JGB LLC dba Mister Money	Gregory Baer	1933 B N Richmond St



"meeting community needs
.....enhancing quality of life"

23 - 1394

FEES ARE NON-REFUNDABLE		Date Rec'd <u>11/13/2023</u>
See SECTION 5 for Fee Schedule		
License Fee - Initial	\$ <u>90.00</u>	Acct. 11030.4309
License Fee - Renewal	\$ _____	Acct. 11030.4309
Investigation Fee	+ \$7.00	Acct. 100.2359
Total Amount Paid	\$ <u>97.00</u>	Receipt <u>088852</u>
License period July 1 to June 30		<u>5824-05</u>

APPLICATION for the Operation of a PET STORE/KENNEL

SECTION 1 - BUSINESS LOCATION - Answer all questions completely. Please PRINT clearly

NOTE: The location of a Kennel or Pet Store is subject to applicable zoning and other regulations.

Business Name Lucky Fish & Aquarium, LLC

Business Street Address 337 W WISCONSIN ave City Appleton State WI Zip 54911

Business Telephone Number 920-570-5753

SECTION 2 - APPLICANT INFORMATION

Name Keeteekune Thao

Home Street Address 1202 N DIVISION ST City Appleton State WI Zip 54911

Date of Birth 1/1/1988 Male Female Telephone Number -

SECTION 3 - SERVICES TO BE PROVIDED

Please check the type(s) of services your establishment will offer:

Live animals Pet Food (Fish)

Pet Accessories (Fish) Fish Other

SECTION 4 - PENALTY NOTICE

Having knowledge of all governmental laws, rules or regulations governing the keeping or protection of animals, I hereby certify that the information provided in this application is true and correct to the best of my knowledge and belief.

Signature of Applicant: [Signature]

SECTION 5 - FEE SCHEDULE

Pet Store License	Initial Fee - \$90.00	Renewal Fee - \$75.00
Kennel License	10 or less animals - \$55.00	25 or less animals - \$130.00
	50 or less animals - \$255.00	More than 50 animals - \$5.00 per animal with a minimum of \$280.00

FOR OFFICE USE ONLY

Dept.	Approve	Deny	By	Reason
Police	<input checked="" type="checkbox"/>		<u>Goodin, B</u>	<u>NOV 15 2023</u>
Fire	<input checked="" type="checkbox"/>		<u>Henson, D</u>	<u>NOV 14 2023</u>
City Sealer	<input checked="" type="checkbox"/>		<u>maggio, E</u>	<u>NOV 28 2023</u>
Inspection				
Community Development	<input checked="" type="checkbox"/>		<u>Haupt, D</u>	<u>NOV 15 2023</u>
S&L	Council		Date Issued	Exp. Date
Date sent for review <u>NOV 14 2023</u>			License Number	



Application for Taxicab/Limousine Company License CASH OR CHECK ONLY!

Original Application
 Renewal License
 # _____

FEES ARE NON-REFUNDABLE **NOV 03 2023**

Fee Per Each Individual Date Recv'd _____/_____/_____
 Vehicle (CLLTSE) \$30.00 Total \$ 37.00
 Investigation Fee Receipt #: 5807-03
 (CLLPF) \$7.00

LICENSE PERIOD IS FROM
 July 1st – June 30th

Note: please allow 3 weeks for application processing

SECTION 1 – APPLICANT INFORMATION Answer all questions completely. Please PRINT clearly.

Company Name
Evergreen Campsites & Resort

Business Address
W5449 Archer Lane City **Wild Rose** State **WI** Zip Code **54984**

Company Email Address [REQUIRED] _____ Company Phone Number [REQUIRED] _____

Business Owners Name
Jim Button Date of Birth _____ Gender _____

Business Owner Phone Number _____ Business Owner Email Address _____

Driver's License Number
b350-4556-4382-02 State Licensed **Wisconsin**

SECTION 2 - COMPANY HISTORY

Is the company currently licensed in any other municipality? YES NO

If Yes, what municipality? state and DSPS

Has the company ever been denied a license by any municipality? YES NO

If Yes, please explain: _____

Have any of the owners ever been convicted of a crime? YES NO

If Yes, please explain: _____

Describe the basic operations of the company:
Evergreen is a campground/resort located in Central Wisconsin

If the business is located in the City limits, Municipal Code requires that off-street parking is provided for. If applicable, what provisions have been made for off street parking?

SECTION 3 – VEHICLES TO BE OPERATED - Attach additional sheets if necessary

Vehicle Number	Capacity	Make/Model	DOT License Plate #
Chippy Train	20 people	custom	chip xps

SECTION 4 – INSURANCE NOTICE

Insurance Carrier
West Bend Insurance Agent Name
Melissa Pitzen

Insurance Agent Phone Number _____ Insurance Agent Email Address _____

Policy Number 7-1-2023 Policy Period 7-1-2024

I confirm that I have the authority to sign and certify the information contained herein as the permittee/licensee, or duly authorized representative of the entity obtaining this permit/license. I have reviewed and understand the insurance requirements of the City of Appleton. I hereby certify that I, or the company I represent, have insurance in the amounts required to obtain this permit/license, have named the City of Appleton as an additional insured for purposes of this permit/license and have provided the name of my insurance carrier, the policy number, and policy period above. Further, I agree to maintain appropriate insurance coverage for the duration of this permit/license and to indemnify, defend and hold harmless the City of Appleton and its officers, officials, employees and agents from and against any and all liability, loss, damage, expenses, costs, including attorney's fees arising out of the activities performed as described herein, caused in whole or in part by any negligent act or omission of the applicant, anyone directly or indirectly employed by any of them, which may arise from the use of city right-of-way or property under this permit or license.

I certify that this application, and all information and documentation provided therein, is true and accurate.

Applicant's Signature _____

LPB

FOR OFFICE USE ONLY

Department	Approve	Deny	Date of Recommendation	Staff Member	
Risk Management					
Police					
Fire					
Inspection					
Safety and Licensing					
Common Council					
COI on File? YES NO	Denial Reasoning		Date Issued	Expiration Date	License Number

Return to Office of the City Clerk: 100 N. Appleton St, Appleton WI 54911

Abby K. Shereda

From: Kami L. Lynch
Sent: Thursday, November 9, 2023 11:48 AM
To: Abby K. Shereda
Subject: FW: Taxi/Limo Licenses - Special Issuance

Abby,
These licenses are ready for issuance.
Please put this email in the license files and attach it to the Granicus files for the 12/13 S&L meeting.
Thank you!

Kami Lynch, WCMC
City Clerk

City of Appleton
100 N Appleton Street
Appleton, WI 54911



www.appleton.org

(920) 832-6443

From: Jake Woodford <Jake.Woodford@Appleton.org>
Sent: Thursday, November 9, 2023 11:43 AM
To: Kami L. Lynch <Kami.Lynch@Appleton.org>
Subject: Re: Taxi/Limo Licenses - Special Issuance

Thank you, Kami.

Please proceed with issuing the permits with my authorization.

Jake

From: Kami L. Lynch <Kami.Lynch@Appleton.org>
Sent: Thursday, November 9, 2023 10:39:10 AM
To: Jake Woodford <Jake.Woodford@Appleton.org>
Subject: Taxi/Limo Licenses - Special Issuance

Mayor Woodford,
All departments have signed off on the Taxicab/Limo Licenses for Evergreen Campsites & Resort (Train Rides) and L&M Carriage to provide rides within the City of Appleton, specifically for Saturday's Light Up Appleton Event.
Per our earlier discussion, please respond indicating your approval to issue these licenses as allowable by Section 9-25 of the Municipal Code. The special issuance will be reported out when the application is reviewed by the Safety & Licensing Committee on December 13th. The special issuance allows the license to be in effect through December 20th as this is when the license will be up for review/approval by the full Council. If approved, the license will be re-issued to go through June 30th of 2024.

Thank you!

Kami

**Kami Lynch, WCMC
City Clerk**

City of Appleton
100 N Appleton Street
Appleton, WI 54911

(920) 832-6443



www.appleton.org



Application for Taxicab/Limousine Company License CASH OR CHECK ONLY!

Original Application
 Renewal License
 # _____

FEES ARE NON-REFUNDABLE

Fee Per Each Individual Vehicle (CLLTSE) \$30.00
 Investigation Fee (CLLPF) \$7.00

Date Recv'd NOV 06 2023
 Total \$ 37.00
 Receipt #: 5807-07

LICENSE PERIOD IS FROM
July 1st – June 30th

Note: please allow 3 weeks for application processing

SECTION 1 – APPLICANT INFORMATION Answer all questions completely. Please PRINT clearly.

Company Name
L & M CARRIAGE SERVICE

Business Address
3140 Mid Valley Dr

City
De Pere

State
WI

Zip Code
54115'

Company Email Address [REQUIRED]
Deniselmqs@aol.com

Company Phone Number [REQUIRED]

Individual
 Partnership
 Corporation

Business Owners Name
Mike Gildernick

Date of Birth

Gender
m

Business Owner Phone Number

Business Owner Email Address

Driver's License Number
G436-5566-0026-04

State Licensed
WI

SECTION 2 - COMPANY HISTORY

Is the company currently licensed in any other municipality? YES NO

If Yes, what municipality? _____

Has the company ever been denied a license by any municipality? YES NO

If Yes, please explain: _____

Have any of the owners ever been convicted of a crime? YES NO

If Yes, please explain: _____

Describe the basic operations of the company:
Provide entertainment with horse/wagon rides

If the business is located in the City limits, Municipal Code requires that off-street parking is provided for. If applicable, what provisions have been made for off street parking?
NA

SECTION 3 – VEHICLES TO BE OPERATED - Attach additional sheets if necessary

Vehicle Number	Capacity	Make/Model	DOT License Plate #
Green Trolley Wagon	15-20	NA	NA

SECTION 4 – INSURANCE NOTICE

Insurance Carrier
West Bend Mutual

Insurance Agent Name
Betty Clow

Insurance Agent Phone Number

Insurance Agent Email Address

Policy Number
2128730 - on file with City of Appleton

Policy Period
9/4/2023 - 9/4/2024

<p>I confirm that I have the authority to sign and certify the information contained herein as the permittee/licensee, or duly authorized representative of the entity obtaining this permit/license. I have reviewed and understand the insurance requirements of the City of Appleton. I hereby certify that I, or the company I represent, have insurance in the amounts required to obtain this permit/license, have named the City of Appleton as an additional insured for purposes of this permit/license and have provided the name of my insurance carrier, the policy number, and policy period above. Further, I agree to maintain appropriate insurance coverage for the duration of this permit/license and to indemnify, defend and hold harmless the City of Appleton and its officers, officials, employees and agents from and against any and all liability, loss, damage, expenses, costs, including attorney's fees arising out of the activities performed as described herein, caused in whole or in part by any negligent act or omission of the applicant, anyone directly or indirectly employed by any of them, which may arise from the use of city right-of-way or property under this permit or license.</p> <p>I certify that this application, and all information and documentation provided therein, is true and accurate.</p>				
<p>Applicant's Signature <u>Mrs. Mike Schmitt</u></p>				
<p>FOR OFFICE USE ONLY</p>				
Department	Approve	Deny	Date of Recommendation	Staff Member
Risk Management				
Police				
Fire				
Inspection				
Safety and Licensing				
Common Council				
COI on File?	YES	NO	Denial Reasoning	Date Issued
				Expiration Date
				License Number

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Thank you!
Kami

Kami Lynch, WCMC
City Clerk

City of Appleton
100 N Appleton Street
Appleton, WI 54911

(920) 832-6443



www.appleton.org

23-1238



FEES ARE NON-REFUNDABLE	Date Rec'd <u>1/7/2023</u>
License Fee - \$10.00 per event	Acct Code: CLCSPB
Investigation Fee + 7.00	Acct Code: CLCPIF
Total Amount Paid <u>97.00</u>	Receipt <u>5741-01</u>

Application for Temporary Class "B" Beer or "Class B" Wine License

Application MUST be on file for 10 days prior to event, please allow 2-3 weeks for processing

The named organization applies for: (Please check one or both)

A temporary Class "B" license to sell FERMENTED MALT BEVERAGES at picnics or similar gathering under s. 125.26(6) Wis. Stats.

A temporary "Class B" license to sell WINE at picnics or similar gathering under s. 125.51(10) Wis. Stats. (Limit 2 licenses in a 12 month period)

SECTION 1 - ORGANIZATION INFORMATION - Answer all questions completely. Please PRINT clearly

Name of Organization (Bona fide club, lodge or society, veteran's organization or fair association) Ice Dog Booster Club Date Organized 01/01/2003

Address 1941 P.O. Box 54912 City Appleton State WI Zip 54911

Person in Charge of Event: Name: Last Laird First Nicholas M. I. B Date of Birth -

Address 2314 N. Appleton St. City Appleton State WI Zip 54911 Person in charge phone number -

President Last VanHouwelingen First Peter Middle Initial A Date of Birth - Male Female

Address - City - State - Zip -

Vice President Last Laird First Nick Middle Initial B Date of Birth - Male Female

Address 2314 N. Appleton St. City Appleton State WI Zip 54911

Secretary Last - First - Middle Initial - Date of Birth - Male Female

Address - City - State - Zip -

Treasurer Last - First - Middle Initial - Date of Birth - Male Female

Address - City - State - Zip -

SECTION 2 - EVENT INFORMATION SECTION

Date(s) of Event: Beginning 1/19/2024 Ending: 3/29/2024 Hours 7:00 AM/ PM 10:00 AM/ PM

Please describe the type of event you are going to have: Family Entertainment / Fox Cities Ice Dog Hockey Game (GLHL) Great Lakes Hockey League

Do you plan to serve food at this event? No Yes If yes, contact the Appleton Health Department. (920.832.6429)

Location where beer or wine will be sold or served: (AFIC) Appleton Family Ice Center - Concession stand at rear of Building

Address 1717 E Witzke Blvd City Appleton State WI Zip 54911

Describe actual location and dimensions of area to be licensed below: - **BE PRECISE!** SDX30 Designated Area in Northeast rear section of building, existing concession stand. Will minors be present? No Yes

If yes, how will you prevent minors from obtaining alcoholic beverages? Id checks, bracelets / stamp for age consumption

SECTION 3 - PENALTY SECTION

This application must be on file in the Office of the City Clerk for at least ten (10) business days prior to granting the license. If the event will last more than four (4) days, the application shall be filed 15 days prior to the granting of the license. This organization also agrees to comply with all laws, resolutions, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages if the license is granted. The officer(s) of the organization, individually and together, declare under penalties of law that the information provided in this application is true and correct to the best of their knowledge and belief.

Signature of Officer [Signature]

FOR OFFICE USE ONLY

Sent for review: OCT 17 2023

Dept.	Approve	Deny	By	Reason
Police	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Goodin, B</u>	<u>11-21-2023</u>
Fire	<input type="checkbox"/>	<input type="checkbox"/>		
Health	<input type="checkbox"/>	<input type="checkbox"/>		
Inspection	<input type="checkbox"/>	<input type="checkbox"/>		
S&L	Date Issued		Exp. Date	License Number



Nick L <nickl.apraz@gmail.com>

(no subject)

1 message

Nick L <nickl.apraz@gmail.com>

Tue, Oct 17, 2023 at 12:30 PM

To: Nick L <nickl.apraz@gmail.com>

- 10/28 @ Fondy
- 11/3 vs Fondy
- 11/11 @ West Bend
- 12/2 @ Marquette
- 12/8 @ Mosinee
- 12/9 vs Mosinee
- 1/5 @ Fondy
- 1/19 @ West Bend
- 1/20 vs Marquette
- 2/9 @ Eagle River
- 2/16 vs Portage Lake
- 2/17 vs Calumet
- 2/23 @ De Pere
- 3/8 @ Calumet
- 3/9 @ Portage Lake
- 3/15 vs Eagle River
- 3/16 @ Fondy
- 3/22 vs De Pere
- 3/23 vs West Bend
- 3/29 vs Fondy
- ~~3/30 vs West Bend~~ cancelled



POLICE DEPARTMENT

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To: Alderperson Croatt, Safety and Licensing Committee Chairperson
Alderperson Hartzheim, HR/IT Committee Chairperson

From: Chief Polly Olson

Date: November 8, 2023

Subject: Informational Item – S&L
Action Item – HR/IT

We have received written notice of Beth Jasiak retiring on January 2nd, 2024. Beth's position is the Executive Assistant to the Police Chief. She has been in this position for over 30 years. To adequately prepare her replacement to fill the duties required by this position, I am requesting to over hire. Ideally, I would like to have this person selected and prepared to start by December 18th, 2023.

The Executive Assistant to the Police Chief is a critical position in the table of organization. It is important this person is provided with proper training and can be comfortable with our day-to-day operations prior to Beth Jasiak's departure.

The funds for this over hire would be from salary savings due to a front desk vacancy. The estimate is \$2777 in 2023 and \$555.50 in 2024 = \$3332.50 total in budget impact.

Chief Polly Olson